



MINUTES

GEORGIA LAND CONSERVATION PROGRAM Called Council Meeting December 1, 2006 - 9:00 AM

Call To Order

After establishing the existence of a quorum, the meeting was called to order by Chairperson Abraham on Friday, December 1, 2006, at 9:11 a.m. in the Georgia State Financing and Investment Bid Conference Room in Atlanta, Georgia.

Present at the meeting were:

Council Members: Gena Abraham, Chairperson; Noel Holcomb, Brent Dykes, Ken Stewart, Stacy Patton, Chuck Leavell, John Bembry, and Wade Shealy

Staff: Greg Mason, GEFA; Curt Soper, GEFA; Debra Elovich, GBA; Alisa Pereira, GBA; Steve Friedman, DNR; Buford Sanders, GFC; Mike Gleaton, DCA; Beverly McElroy, GEFA; Jennifer Spivey, GEFA; Kristina Sorensen, DNR; and Kim Yawn, GEFA.

Approval of the Minutes

Chairperson Abraham presented minutes from the August 27 – 29, 2006, September 12, 2006 and October 16, 2006 for approval. Noel Holcomb made a motion seconded by Ken Stewart to approve the minutes as presented. The motion passed unanimously.

Grant and Loan Applications

Curt Soper stated that 21 applications were received and that each project had a site visit and then scored against the criteria. On September 12, 2006, Council members were presented applications. Council members requested additional information regarding dollar amount per acre if project is fee simple, dollar amount per acre for conservation easement, connectivity and adjacencies and urgency on purchasing project. Staff developed the additional information requested and discussed with each Council member individually.

Curt Soper presented the following applications:

Oconee County (LC2006-004) requests grant funds in the amount of \$467,112.50 with matching funds of \$1,069,037.50 for a total project cost of \$1,536,150. The project consists of 190 acre conservation easement designed to help preserve the rapidly disappearing agricultural heritage of Oconee County. Easement would prohibit development, fence streams from grazing, and preserve forested streams. High funding leverage with 70% of project funding coming from federal (Farm Bill), local (Oconee County), and private (bargain sale) sources. A motion was made by John Bembry and seconded by Chuck Leavell to approve \$467,113 in grant funds to Oconee County. The motion passed unanimously.

Bartow County (LC2006-015) requests grant funds in the amount of \$65,625 with matching funds in the amount of \$284,375 for a total project cost of \$350,000. The project is for a 100 acre agricultural preservation conservation easement. The easement will protect prime farmland and stream buffers along Sugar Hill Creek. Part of Bartow County's Greenspace Plan. The project is the 3rd highest funding leverage percentage among applications with local (Bartow County), federal (USDA Farm Bill); and landowner (bargain sale) funds. A motion was made by Chuck Leavell and seconded by Stacy Patton to approve \$66,000 in grant funds to Bartow County. The motion passed unanimously.

DeKalb County (LC2006-021) requests grant funds in the amount of \$75,000 with matching funds in the amount of \$765,000 for a total project cost of \$840,000. The project is for 140 acre acquisition of floodplain and wetlands along the South River. Primarily freshwater marsh and floodplain hardwood forest habitats. This is one of the largest patches of natural habitat remaining inside Atlanta's perimeter highway. Property is adjacent to the protected Constitution Lakes property owned by DeKalb County. The county plans to construct a multi-use trail through the property as part of the South River trail system. A motion was made by Ken Stewart and seconded by Brent Dykes to approve \$75,000 in grant funds to DeKalb County. The motion passed unanimously.

City of Tybee Island (LC2006-019) requests grant funds in the amount of \$380,000 with matching funds in the amount of \$13,000 for a total project cost of \$393,000. The project is for 13.7 acre acquisition on the north end of Tybee Island along the salt marshes adjacent to the Savannah River estuary. Primarily native salt marsh wetlands and maritime stand forest habitat. This project ranked forth highest in criteria score among applications. Project has outstanding scenic value. The property contains raised grade of old Tybee railroad which the city may develop into a walking or bike trail for public access. Council members requested Curt Soper to do further research on how much land is available to build on versus the salt marsh wetlands. There is not a King's grant on this property. There will not be any action on this project at this time. Curt Soper will do additional research on this project and present to the Council at a future date.

City of Statham (LC2006-001) requests grant funds in the amount of \$433,382 with matching funds of \$12,308 for a total project cost of \$445,690. The project is for a 20 acre acquisition that would protect the area around Statham Spring which has been a primary water supply for the City of Statham since the 1930's. The site contains primarily mature hardwood forest. Site is adjacent to existing recreation lands and could be connected via trails. If not protected via acquisition at this time, the property is likely to be sold for residential development. A motion was made by Noel Holcomb and seconded by Brent Dykes to approve \$135,000 in loan and \$299,000 in grant funds to the city of Statham. The motion passed unanimously.

Rockdale County (LC2006-002) requests loan funds in the amount of \$750,000 to purchase a 5 acre fee acquisition on Highway 138 where it crosses the South River. The total project cost is \$750,000. Property includes South River frontage and an auto salvage business. Phase I and II environmental hazards assessments have been completed. County proposes to remove old autos, carry out restoration, and create a trailhead for the 13-mile South River trail. There is connection to Panola Mountain State Park and part of the larger Arabia Mountain Heritage area. A motion was made by Stacy Patton and seconded by Ken Stewart to approve a \$750,000 loan for Rockdale County. The motion passed unanimously.

Chairperson Abraham stated that the Council approved \$885,000 in loans and \$907,113 in grant funds today.

Chairperson Abraham stated that the next projects being presented would not require Council action at this time. Curt Soper stated that the applicants would be contacted by staff to request additional information. Primarily need to receive an appraisal and a signed option agreement. Curt stated that future applicants would be required to have 2 appraisals by a certified MAI appraiser. Chairperson Abraham stated that her staff will start working to have an approved certified appraisers list for applicants to use as well as start tracking the cost per acre for each project on the state's BLLIP website. These projects (Rockdale County project #LC2006-023; Harris County project # LC2006-016; Bibb County project #LC2006-005; City of East Ellijay project #LC2006-024; Walker County project #LC2006-017; Baldwin County project #LC2006-003; City of Roberta project #LC2006-012; City of Chickamauga project #LC2006-018 and City of Kennesaw project #LC2006-010) will be presented to the Council at a future meeting for approval.

Curt Soper stated that for the final group of projects being presented it is recommended that the Council decline the application at this point. Chairperson Abraham stated that each application should be presented individually and the Council should take action on each project.

City of Kennesaw (LC2006-011) This proposal would acquire a conservation easement over 4 acres of the tract and set it aside as greenspace in a subdivision. Public access would be allowed via trails. This project only scored 38.2 primarily reason for decline. A motion was made by John Bembry and seconded by Noel Holcomb to decline the City of Kennesaw project for the amount of \$119,008. The motion passed unanimously.

Carroll County (LC2006-022) The request is to provide fund a transfer of development rights (TDR) program. Legal staff has advised that the Council's funds cannot be provided to a TDR bank but can only be used to purchase a conservation easement or fee title property. A motion was made by Chuck Leavell and seconded by John Bembry to decline the Carroll County project for the amount of \$250,000. The motion passed unanimously.

City of Buford (LC2006-014) This project is only 4 acres in the highly developed Buford Highway corridor. This project only scored 23.5 points and does not have high natural habitat value. A motion was made by Ken Stewart and seconded by John Bembry to decline the City of Buford project for the amount of \$225,000. The motion passed unanimously.

Polk County (LC2006-020) This project is already owned by Polk County and protected. It was determined by legal counsel that this project was not eligible since the County already owns the land. A motion was made by Stacy Patton and seconded by Noel Holcomb to decline the Polk County project for \$1,600,000. The motion passed unanimously.

Monroe County (LC2006-025) This project is already owned by Monroe County and therefore also does not qualify for funding. A motion was made by John Bembry and seconded by Wade Shealy to decline the Monroe County project for \$500,000. The motion passed unanimously.

Director's Report

Curt Soper introduced Kristina Sorensen with the Department of Natural Resources, new staff person who will be visiting sites submitted for funding and doing the project criteria scoring. She will also be reviewing applications under the new tax credit program.

Curt Soper introduced Rand Wentworth who is the National Director of the Land Trust Alliance. Mr. Wentworth gave an update on three issues happening nationally 1) Recent census over the past 5 years showing that land trust have protected 13 million acres for a total of 37 million acres, 2) The congressional legislation that was passed and signed into law last summer needs to be made permanent (currently only good for 2006 and 2007) and 3) The importance of maintaining a high quality of work being conducted by the land trust community thus preserving public trust. The LTA is currently looking at having one national training appraisal program. This year the Land Trust Alliance is rolling out a "National University of Conservation" that each non profit land trust group can go through.

Curt Soper stated that he has been making presentations at conferences and/or workshops, will be attending a seminar in January on the tax incentives for land conservation, and is also working on an 18 month Marketing and Outreach Plan that will be presented at the first Council meeting in 2007.

Department of Natural Resources (DNR) project/acquisitions

Steve Freidman presented the following projects:

Crockford Pigeon Mountain WMA – Walker County: For more than ten years, DNR has been in negotiations to acquire the brow and ridge to protect this undeveloped southwestern area of the Mountain, and to address transportation and access issues into the WMA. In June 2006, the Department of Transportation (DOT) agreed to acquire 1,727 acres from Mr. Yancey to restore the streams and wetlands for mitigation credits. DOT agreed on October 11, 2006 to sell DNR 490 acres for \$1,000,000.

Acquisition of this land will secure public access to the WMA from Lookout Mountain. Pigeon Mountain, within the Ridge and Valley physiographic province, contains many unique geologic features and rare animals and plants such as the Pigeon Mountain salamander, green salamander, gray bats, poppies, bluebells, and snowwreath. This area is very important for outdoor recreation pursuits including hunting, hiking and caving, especially because of its close proximity to Chattanooga, Atlanta, Rome and Dalton. Protection of this entire property will provide opportunities to protect and enhance habitat for many species and will help protect Allen and Hog Jowl Creeks. DOT will enter into an agreement with DNR to manage the land they will retain as part of the existing WMA.

A motion was made by Stacy Patton and seconded by Chuck Leavell to endorse the Crockford Pigeon Mountain project. The motion passes unanimously.

Sapelo Island Hog Hammock – McIntosh County: This conservation easement is donated. The easement assures the property will not be sub-divided and reduces the number of houses on the tract to one. It also eliminates any commercial use of the property, will assure no exotic plants can be planted, requires the septic system be of a high environmental standard, and restricts the use of water on the tract.

The Sapelo Island Heritage Authority had a right of first refusal on the tract. However, the original owners wanted to trade this tract with the current buyers for another tract within Hog Hammock. This agreement meets the wishes of the family who is an original Sapelo Island family, while limiting the development that can take place on the property. The Authority retained a right-of-first refusal on the property.

A motion was made by Chuck Leavell and seconded by Ken Stewart to endorse the Sapelo Island Hog Hammock project. The motion passes unanimously.

Emerging Issues

Becky Kelley, director of the Parks, Recreation and Historic Sites Division of the DNR presented an update on the Outdoor Recreation Plan in Georgia. Ms. Kelley stated that currently her staff is working to develop a Georgia Statewide Comprehensive Outdoor Recreation Plan (SCORP) that will set policy through the year 2013. Outdoor Recreation is any active or passive recreational pursuit conducted outdoor. It includes resource-based (camping, fishing, boating, wildlife watching, etc.) and user-oriented outdoor recreation (tennis, baseball, basketball, soccer, etc.). The SCORP should be signed by the Governor in September 2007.

Steve Friedman stated that the State Conservation Tax Credit program is for the donation of land or a conservation easement that meets conservation purposes as defined under the Land Conservation Program. In order to qualify the land must be permanently protected and held by a government body or qualified Land Trust. To remain qualified, the Land Trust must annually monitor and send a report into the Department. Donations made beginning January 1, 2006 are eligible and the Department has received 2 applications. Under this program DNR is charged with certifying if the donation meets the conservation purposes and Department of Revenue is charged with assessing the value of the donation. The law allows the donor to take up to 25 percent of the donated value with a cap of \$250,000 for an individual and \$500,000 for a corporation. The DNR has approved the rules for the program but DOR will be developing their own rules.

There are some changes that are being recommended: currently the value of a donation is determined by the local tax assessor and it is recommended that it be changed to be established by an appraisal that meets the requirements of the IRS. Currently the program will not allow for a bargain sale or donations to the federal government and it is recommended that both of these should also qualify.

Hans Newhaser stated that the new Federal Tax Incentive raises the deduction a donor can take for donating a conservation easement from 30% of their adjusted gross income in any year to 50%. It also allows qualifying farmers and ranchers to deduct up to 100% of their income and extends the carry-forward period for a donor to take tax deductions from 5 to 15 years. This tax incentive is only good for 2006 and 2007. There are some significant differences in the Georgia State Conservation Tax credit and the Federal Tax Incentive and Hans provided a table outlining these differences.

New Business

Greg Mason stated that under the State Tax donation GEFA has received for \$120,284 for 2004 and \$191,311 for 2005.

Next Meeting

The next Council meeting is scheduled for December 18 and 19, 2006 at the Jones Research Center in Newton, Georgia.

Adjournment

A motion was made by Ken Stewart and seconded by Noel Holcomb to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 10:53 a.m.

Kimberly L. Yawn, Executive Assistant

Gregory R. Mason, Interim Executive Director