



MINUTES

GEORGIA LAND CONSERVATION COUNCIL Third Quarter Council Meeting September 11, 2007 - 9:00 AM

Call To Order

A quorum being present, the meeting was called to order.

Present at the meeting were:

Council Members: Gena Abraham, Chairperson, Noel Holcomb, John Bembry, Stacy Patton, Robert Farris, Wade Shealy, and Brent Dykes.

Staff: Chris Clark, GEFA; Curt Soper, GEFA; Steve Friedman, DNR; Jennifer Spivey, GEFA; Buford Sanders, GFC; Kristina Sorensen, DNR ; and Kim Yawn, GEFA.

Approval of the Minutes

Chairperson Abraham presented minutes from the June 7 and July 30, 2007 GLCP meeting for approval. John Bembry made a motion seconded by Noel Holcomb to approve the minutes as presented. The motion passed unanimously.

Expenditures to Date

Curt Soper stated that since program started in April 2005 when the Act was passed the Council has approved 34 projects for a protecting 37,000 acres. The funding breakdown is as follows: The first year there were \$20 million in DNR bond funds and \$18 million of that has been approved or endorsed by the Council for 15 projects and the additional \$2 million is committed to pending projects. There was \$25 million in private foundation funds and \$22.3 million has been committed to projects. Then there has been 2 years of \$5 million appropriations for local projects and of that \$10 million there has been \$3,100,460 approved by the Council for 9 projects. In the last legislative session \$42.3 million appropriated grant funds for projects of statewide significance and to date no projects have been brought to the Council for these funds. There were also the low interest loans funds that helped to kickoff the program which was \$55 million and to date \$2,171,500 has been approved for 5 projects. Also we have had 7 outright gifts of property to the State that have not required any use of funds. There was a map shown that displays the 34 projects and the geographic diversity.

Curt Soper stated that there are 4 projects that were submitted in 2006 in our original first year activity totaling \$4,079,531 but which still are not ready for Council action. These applicants may or may not complete the outstanding issues. We have received another 4 applications recently but these have not completed their due diligence. These 4 projects total \$1,503,000 in grant request. We expect to receive another half dozen applications in the next 60 days totaling around \$19 million. The total projects in the pipeline are \$24.6 million.

Brent Dykes asked is there a timeline that is given to the applicants that have projects that have been tabled or turned down to date. Curt stated that there is not anything in the rules and regulations that suggest a timeline but would like some direction from the Council on how they would like to handle that. Staff has been in touch with all of these applicants and a couple of them are working on the due diligence but a couple others have seemed to not be moving forward.

Wade Shealy asked regarding the map - we talked about 2 things, one being the size of tract and the second thing was the ability to link the projects to achieve connectivity. Curt Soper stated that there are larger projects that will be brought to the Council in December for consideration and as far as the connectivity, we are achieving this goal with most of our applications. Our scoring system awards an application extra points if the project is connected to or part of a larger conservation project.

Chairman Abraham stated that the State Properties Commission and DNR does look at connectivity on a regular basis and as far as the larger acreage projects are concerned, some will be brought to the Council in the near future.

John Bemby asked how much funding is available for local projects. Curt Soper stated that there is a little under \$7 million available. Chairperson Abraham stated that the Council will be discussing 4 projects today for a total of \$2.6 million today.

Land Conservation Project Reviews

Curt Soper presented the following projects to be considered for approval:

Glynn County request grant funds in the amount of \$750,000 and a loan in the amount of \$2,750,000 with matching funds of \$775,000 for a total project cost of \$4,275,000. The project is for acquisition of 21 acre North Marsh property for eventual addition to adjacent 250 acre Fort Federica National Monument. This site is a part of one of the earliest English settlements in Georgia, established in 1736. Property is about half upland and half marsh with King's Grant status. Property includes a large and undeveloped Native American shell midden dating to 1000 BC. Native vegetation includes salt marsh and maritime forest and provides habitat for priority species including wood storks, diamondback terrapins, bald eagles, and mock bishpweed. Protection of property will prevent large scale development and maintain scenic qualities and viewshed of the National Monument. St. Simons Land Trust will hold the property until the Park Service can acquire funds for purchase. Matching funds come from discounted sale by owner (\$500,000) and St. Simons Land Trust (\$275,000). Two appraisals have been completed with values placed at \$4 million and \$3.95 million. This is a fee title acquisition and not a conservation easement so all of the rights of the property will be acquired. The loan would be made to Glynn County and the fee title will be held by the St. Simons Land Trust during the period that the Park Service gets there funding together and then the property would basically be sold to the Park Service and the Land Trust would be made whole. One issue that needs to be brought up is that one of the rules and regulations requires that a deed restriction be placed on the property at the time of closing that will not allow the property to be developed and restricts its use to conservation. In this case, this will present two problems, the first is that the Park Service is not in the habit

of taking a title for property that has restrictions on it and secondly the value will be diminished such that the Land Trust will not be able to recover its full purchase price. There is a waiver procedure under which Glynn County would petition the GLCP, and Council would have to be comfortable with the fact that the National Park Service would be a good owner from a conservation standpoint. There would be a MOU or a temporary deed restriction in place during the time the Land Trust holds the property, so that if it did not go to the Park Service there would be a limit on how the property was used. A motion was made by Noel Holcomb and seconded by Stacy Patton to approve a \$750,000 grant along with a \$2,750,000 loan to Glynn County. The motion passed unanimously.

Bartow County requests grant funds in the amount of \$500,000 with matching funds in the amount \$1,037,500 for a total project cost of \$1,537,500. The project is for a acquisition of 125 conservation easement on Valley View Farm and historic site. Historical values include 1840's antebellum home, gardens, and outbuildings. Currently a working farm with row crops and cattle/calf operation. Property includes significant Etowah River frontage and is located in a rapidly developing area of Bartow County. Property includes an additional 145 acres which could be protected as Phase II in the future. Matching funds committed from federal Farm Bill grant (\$603,000), Bartow County (\$43,000), and a discounted sale of the easement by the landowner (\$391,500). We have received letters of support from numerous historical preservation groups. MAI appraisal places value of unencumbered property at \$1.95 million (\$15,000/acre) and the easement value at \$1.59 million (\$12,300/acre). Noel Holcomb asked what the percentage is. Curt stated that it was about 75% of value. The property would still be allowed to use the farming and building but does not allow any additional future development. John Bemby asked if they are following a conservation plan. Curt Soper stated that this was not the case at this time. A motion was made by Noel Holcomb and seconded by Robert Farris not to approve a grant in the amount of \$500,000 to Bartow County. The motion passed unanimously.

Oconee County requests grant funds in the amount of \$1,250,000 with matching funds of \$283,800 for a total project cost of \$1,553,800. The project is for a conservation easement acquisition totaling 153 acres of forest land, Rose Creek frontage, a historic cemetery, and springs. Protection of this property would also help preserve the adjacent historic Elder Covered Bridge and Mill which date back to the early 20th century. This project is located in a rapidly developing area not far from Athens, Georgia. Matching funds come from a donated easement from Jean Vaughn on 15 acres (145,800), landowner sale of the easement at a discounted rate (\$100,000), and landowner and County payment of some due diligence costs (\$38,000). Oconee County will provide additional in-kind support. Letters of support received from local legislator and neighbors who may also donate property interest in future planned phases of this project. An MAI appraisal places the value of the unencumbered properties at \$2.29 million (\$15,000/acre) and the value of the easements at \$1.48 million (\$9,700/acre). Chairman Abraham asked Curt to discuss what the County is putting into the project. Curt stated that the County has pledged in kind support for management of the property, maintenance of trails but not a cash match. There would be some public access. A motion was made by John Bemby and seconded by Noel Holcomb not to approve a grant in the amount \$1,250,000 to Oconee County. The motion passed unanimously.

Walton County requests grant funds in the amount of \$120,000 with matching funds in the amount of \$1,160,000 for a total project cost of \$1,280,000. The project is for acquisition of 2 conservation easements totaling 160 acres on a working cattle ranch and farm. Protection of this property would preserve a key tract near Lake Varner within the Cornish Creek

Watershed which serves as the primary drinking water source for Walton and Newton Counties. Property also contains a small pond with wading bird habitat as well as the gravesite of Susannah Huff, surviving widow of a revolutionary war veteran, dated 1843. This project is located in rapidly developing area abutting Social Circle, Georgia. Matching funds come from federal Farm Bill grant (\$125,000), a donated easement on 110 acres (\$880,000) and a discounted sale of an easement by the landowners on 50 acres (\$155,000). MAI appraisal places value of unencumbered property at \$2.08 million (\$13,000/acre) and the easement value at \$1.28 million (\$8,000/acre). A motion was made by Brent Dykes and seconded by John Bemby to approve a grant in the amount of \$120,000. The motion passed unanimously.

Update on previously Approved Projects

Curt Soper stated that this is in the Council packet at each meeting, a lot of work still happens after the Council approves and this tracks each project and lets staff and Council members know where each project stands.

Due Diligence Requirements and Costs Policies

Chairperson Abraham stated that we have developed changes to the due diligence requirements and costs associated with land conservation projects. Curt Soper stated that staff has made some minor modifications to our application to simplify some of the financial information and will be posting this on the website soon. Also, we got feedback from conservation partners that thought it would make sense to have published deadlines to help applicants get the work done, even though applications can still be submitted at anytime. Curt Soper stated that there are three changes to the due diligence requirements. The first has to do with the Surveys; currently we require a current survey even if the conservation easement is donated. We have discovered that some of the kinds of property that landowners are approaching us about donating conservation easements to the state on could require a very high survey cost. The nature of the possible amendment would be in the case of a donated easement we would be willing to consider a legal description or a plat instead of a current survey. This is certainly not something that a landowner typically needs to do to place an easement on the land. Chairperson Abraham stated that she is not ready for the Council to vote on this item yet. She needs to discuss further with the Attorney General's office. Currently the AG's office said that we do not have to have a recent survey we can use a legal description. That is a lot better for the donor but if there is ever a problem in the future and the state had to defend that easement it is much better to have a survey that outlines a piece of property. The State Properties Commission needs to make a policy call as to if we can do this or not. If the policy is approved today it would have to be without this section and have more time to figure out how this would work.

The second change is on Phase I Environmental Assessment this is something that we require whether it is donated or not to make sure the property is clean of any hazardous waste issues. Currently the policy is worded that even for a donation fee title or conservation easement this cost is paid by the donor. The suggested change would be to take that out the requirement for this cost to be paid by the donor and for the Council to be able to pay the cost if it chooses to.

The last change is with the cost associated with monitoring and enforcement of conservation easements. Typically these costs are paid for by the grantor of an easement in the form of a donation to pay for the annual monitoring cost. We would like to add the following sentence:

“For projects where the State is holding a donated conservation easement, the State will use its resources to monitor and defend the easement.” Staff will continue to ask for a contribution from the landowner but also have the flexibility to not absolutely require them to do the contribution.

Chairperson Abraham stated that the Council will only be voting on changes to the Phase I Environmental Assessment and the Conservation Easement Monitoring and Enforcement Cost. Robert Farris made a motion seconded by Noel Holcomb to approve the new language for Phase I Environmental Assessment and the Conservation Easement Monitoring and Enforcement Cost. The motion passed unanimously.

Marketing Presentation

Curt stated that marketing has been a priority for the Council and that staff has been working with the Georgia Technology Authority to develop a video for the program (Council members reviewed the video). Staff has also worked with the State Properties Commission to develop a new updated website that they will host. GEFA has also hired a communications director, Shane Hix who will be able to provide assistance as well. Additionally, I Squared Communications has just been awarded a contract to provide marketing services for the GLCP. Chairperson Abraham thanked the Council members for their assistance with the marketing portion.

Action Item Agenda

Curt stated that the action item agenda was more for informational purposes. Curt thanked Council members that have assisted in speaking on behalf of the program. Curt stated that the committee that assisted in drafting GLCP policies is going to become a conservation easement steering committee that will focus on reviewing terms and strategies for potential state held easements.

Emerging Issues

There were no new emerging issues presented.

New Business

Chairperson Abraham stated that GEFA would be the lead agency to carry the tax credit amendment bill during the 2008 legislative session.

Adjournment

A motion was made by Robert Farris seconded by Brent Dykes to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 10:48 a.m.

Kim Yawn, Executive Assistant

Chris Clark, Executive Director