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MINUTES OF THE
FOREVER WILD BOARD MEETING
State Capitol Auditorium
Montgomery, Alabama
February 6, 2014

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TRANSCRIPT OF PROCEEDINGS

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Proceedings taken before Tracye
Sadler Blackwell, Certified Court Reporter, ACCR
No. 294, and Commissioner for the State of Alabama
at Large, at the State Capitol Auditorium,
Montgomery, Alabama, on Thursday, February 6, 2014,
commencing at approximately 10:02 a.m.

* * * * *

1 **BOARD MEMBERS PRESENT:**

- 2 Mr. N. Gunter Guy, Jr., Commissioner
- Mr. Angus R. Cooper, III
- 3 Mr. James W. Porter, II
- Dr. Richard D. Holland
- 4 Mr. Raymond A. Keller
- Dr. John Valentine
- 5 Dr. Robert O. Lawton
- Dr. Gary Hepp
- 6 Mr. Frank "Butch" Ellis
- Mr. H.E. "Sonny" Cauthen
- 7 Mr. Leo Allen
- Dr. Michael Woods

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13 COMMISSIONER GUY: Thanks for everyone being
 14 here. And the first order of business
 15 is I will call the roll and make sure we
 16 have a quorum.

17 Is Mr. Pate here?

18 (No response.)

19 COMMISSIONER GUY: I don't think Mr. Pate is
 20 here yet.

21 Mr. Porter?

22 MR. PORTER: Here.

23 COMMISSIONER GUY: Dr. Holland?

1 DR. HOLLAND: Here.

2 COMMISSIONER GUY: Dr. Woods?

3 DR. WOODS: Here.

4 COMMISSIONER GUY: Dr. Hepp?

5 DR. HEPP: Here.

6 COMMISSIONER GUY: Dr. Valentine?

7 DR. VALENTINE: Here.

8 COMMISSIONER GUY: Mr. Cooper?

9 MR. COOPER: Here.

10 COMMISSIONER GUY: Mr. Cauthen?

11 MR. CAUTHEN: Here.

12 COMMISSIONER GUY: Mr. Allen?

13 MR. ALLEN: Here.

14 COMMISSIONER GUY: Mr. Ellis?

15 MR. ELLIS: Here.

16 COMMISSIONER GUY: Dr. Lawton?

17 DR. LAWTON: Here.

18 COMMISSIONER GUY: Mr. Keller?

19 MR. KELLER: Here.

20 COMMISSIONER GUY: Dr. Strickland?

21 (No response.)

22 COMMISSIONER GUY: Dr. Sims?

23 (No response.)

1 COMMISSIONER GUY: All right. We have a few
2 people missing, but we have a quorum and
3 we can conduct business today.

4 Again, I want to thank everyone for
5 being here. It's the first meeting of
6 the year. We ran into a little problem
7 in Tuscaloosa and didn't get us a
8 quorum; right, Sonny?

9 MR. CAUTHEN: That's right.

10 COMMISSIONER GUY: So we've got a pretty good
11 bit of business. So hopefully we'll try
12 to get through the agenda as quickly as
13 possible. We do have a lot of things on
14 the agenda.

15 I do want to recognize one of our
16 new board members, Dr. Michael Woods.
17 Dr. Woods, thank you for being with us.

18 Dr. Woods is a professor and
19 herbarium curator at Troy University.

20 Did I get that right?

21 DR. WOODS: Yes.

22 COMMISSIONER GUY: You will have to explain to
23 us what a herbarium curator is.

1 Also, Mr. Pate, who is not here, I
2 think is -- is Mr. Jackson here?

3 So Mr. Jackson is here, I think, to
4 represent his interest today. Mr. Pate
5 is a new state forester who took
6 Ms. Casey's place, and I'm sure he's got
7 other issues going on today. But he
8 will be attending at some of the
9 subsequent meetings. So we appreciate
10 you being here, Mr. Jackson.

11 I think -- I wanted to recognize a
12 couple of -- one special guest, I
13 think. Is it Mayor Bartholomew from
14 Opp, Alabama?

15 Mayor Bartholomew, glad to have you
16 with us.

17 If I've missed anybody else, any of
18 our distinguished elected officials,
19 please let me know. But with that, what
20 I'd like to do is go ahead and enter
21 into our public comment period unless
22 anybody else has anything they want to
23 bring up before then.

1 (No response.)

2 COMMISSIONER GUY: Okay. So at this time we
3 have a few people that have signed up to
4 speak. And, if you would, when I call
5 your name, the microphone is over here
6 to the left -- or our left, your right.
7 And so the first speaker is Mayor
8 Bartholomew from Opp, Alabama.

9 MR. BARTHOLOMEW: Good morning. Thank you for
10 having me here today. This is a -- was
11 introduced to us, to the city, as being
12 part of the city program, Forever Wild.
13 It's a great 400 acres of great green
14 project for the city of Opp. Anytime
15 you can get anything in the city that
16 has a green footprint it's very
17 important to the city. Firstly, it's
18 very important since we have Frank
19 Jackson State Park. It's very close in
20 proximity, within a few miles from the
21 park.

22 This would be a big asset for our
23 city. One of the assets would be that

1 we would have a natural area that we
2 could have guests come into our city.
3 We're a growing city like any other city
4 and struggling through times, and this
5 would be a great asset that we could
6 publish that we have this kind of
7 acreage within our city to be able to do
8 hiking and camping and have access to
9 this kind of land for our young people
10 and older people to be able to be part
11 of.

12 So as a representative of the city
13 of Opp, we really do encourage this
14 program for the city of Opp, and I want
15 to thank you for having me here today.

16 COMMISSIONER GUY: Mayor, let's see -- if you
17 don't mind. Does anybody have any
18 questions for the mayor about this tract
19 that he's speaking about?

20 I think this has been before us
21 before. Anybody have any questions?

22 (No response.)

23 COMMISSIONER GUY: Thank you, Mayor. Thank

1 you very much.

2 And Mr. Majors.

3 MR. MAJORS: Yeah. I've been before you
4 before.

5 COMMISSIONER GUY: We appreciate you being
6 back.

7 MR. MAJORS: We've had a change of
8 administration in Opp, and we appreciate
9 Mayor Bartholomew coming down here and
10 speaking on behalf of this tract.

11 I talked about this tract a good bit
12 before. There's not much more to tell
13 you other than I did put together a map
14 just showing you how close it is to the
15 downtown area. And it's actually -- you
16 know, not all the tract, but part of the
17 tract is in the city limits of Opp.

18 So we're back here again to tell you
19 that we'd love to see this be part of
20 Forever Wild. We like the proximity to
21 the state park and the fact that, if you
22 remember, the old town of Poley was
23 there which at one time had a sawmill on

1 this tract and was producing 75,000 feet
2 of lumber a day back in the -- back in
3 the early '30s.

4 So, you know, it's got a lot of
5 history there. There's the raised
6 railroad bed through there where you can
7 see the cypress swamps and see a lot of
8 different things through there. And you
9 can actually -- if you look on the map,
10 you can walk to downtown Opp from the
11 tract.

12 Any questions?

13 COMMISSIONER GUY: Any questions?

14 (No response.)

15 COMMISSIONER GUY: Thank you, sir. Thank you,
16 Mr. Majors. Appreciate it.

17 Stephan Tomlinson from Tuscumbia.

18 Mr. Tomlinson.

19 MR. TOMLINSON: Yes. Stephan Tomlinson. I am
20 a forest manager and consultant for
21 Natural Resources Group in Tuscumbia. I
22 was with y'all -- some of you last
23 December at the previous board meeting

1 and wanted to introduce myself again.

2 I think that we have a proposed swap
3 between a client of mine, Martin Timber
4 Company, and Forever Wild in Colbert
5 County. I think it will be discussed
6 later on in item seven. But I did want
7 to introduce myself to you and thank you
8 for the opportunity to be here.

9 COMMISSIONER GUY: Thank you, sir. Any
10 questions?

11 (No response.)

12 COMMISSIONER GUY: We'll take that up a little
13 bit later.

14 Mr. Yeager. Charles Yeager. Hey,
15 Charles. And then I see there's -- it
16 says the Shepherd family.

17 MR. YEAGER: That's correct.

18 COMMISSIONER GUY: Anybody else that wants to
19 speak ...

20 MR. YEAGER: Yes. Hello. My name is Charles
21 Yeager, and I am the manager of Forever
22 Wild's Turkey Creek Nature Preserve in
23 Pinson, Alabama.

1 Over the past five years the Turkey
2 Creek Nature Preserve has developed into
3 one of the most visited Forever Wild
4 tracts in the entire state. In fact,
5 many of you may be surprised to hear
6 that we estimate our annual attendance
7 figures to be well over a hundred
8 thousand.

9 However, Turkey Creek is a
10 relatively small nature preserve,
11 especially for its popularity. One of
12 the most common requests we receive from
13 the public is for the addition of more
14 hiking and biking trails. While the 4.5
15 miles of trails within the preserve are
16 very popular, space and topography limit
17 the possibilities for additional
18 trails.

19 Luckily, adjacent to the southern
20 border of the preserve is a 244-acre
21 tract of undeveloped land which is owned
22 by the Shepherd family who are willing
23 to sell. The acquisition of this land

1 sounds like the best way to address the
2 concerns of the visitors seeking more
3 space as well as a fantastic opportunity
4 to see a biologically and historically
5 important tract preserved for future
6 generations.

7 This week I submitted a letter to
8 State Lands to officially start the
9 nomination process for this 244-acre
10 tract which we are calling the Shepherd
11 Family tract. I have left a packet with
12 this letter and details concerning this
13 property for each of you.

14 Now, I do want to mention that this
15 was just submitted. So it was not
16 included in, I think, the packet that
17 State Lands gave you guys. So while I
18 am aware that this property has not yet
19 been scored, I am optimistically certain
20 that it should score very high.

21 Therefore, I wanted to take some time to
22 introduce you to this property and the
23 potential it holds.

1 The Shepherd Family tract is an
2 absolutely stunning property that
3 contains incredible sandstone rock
4 formations, mature hardwood forests
5 which contains some of the largest
6 persimmon and oak trees I've ever seen,
7 as well as stands of towering montanes
8 and longleaf pine.

9 In preparation for this nomination
10 and in an effort to better understand
11 the tract's recreational potential, I
12 have consulted with the Birmingham Urban
13 Mountain Pedalers who happen to be part
14 of the same organizations that worked
15 with State Lands to develop the highly
16 popular trails at Coldwater Mountain as
17 well as those at Oak Mountain State Park
18 and Tannehill.

19 Their initial investigation of this
20 property has led to a concept that
21 includes 11 miles of multi-use trails.
22 If these trails were to be developed,
23 they would provide the perfect

1 complement to those at Coldwater
2 Mountain and help support a statewide
3 network of biking trails that already
4 brings in visitors from all over the
5 country.

6 I believe that this is only the tip
7 of the iceberg when it comes to the
8 possibilities for this tract, and I hope
9 that when you see more information about
10 this tract next quarter you, too, will
11 see its potential and put serious
12 consideration into making it part of the
13 Turkey Creek Nature Preserve.

14 Today I have -- the Shepherd family
15 came out to support this nomination.
16 And I believe Gwendolyn Bradley here
17 would like to speak a little bit more
18 about it.

19 COMMISSIONER GUY: Ms. Bradley. Thank you.

20 MS. BRADLEY: Thank you very much and good
21 day, sirs.

22 I'm not quite as eloquent as he is,
23 but we did as a family want to thank you

1 for your efforts in the land that you
2 now conserve and to tell you that we
3 would be so very proud if you considered
4 our property, the Shepherd tract, to put
5 into your trust. The land itself is
6 still pristine greatly due to my
7 grandfather's efforts. I wanted to give
8 you a couple of stories from him.

9 In the '40s he needed to add on to
10 his land and he needed revenue. He
11 needed to harvest some trees. He had
12 perfect ability to get the bulldozers in
13 and use the equipment, but he brought in
14 the mules and he snaked those logs out
15 and he did not hurt that sandstone and
16 he didn't hurt any of the property
17 there. He was a conscientious steward
18 of the land before we spoke of those
19 things.

20 After his death, my grandmother, his
21 wife, Daisy Shepherd, never sold. She
22 lived a modest life on her hill. She
23 needed to improve her house. Many

1 people said clear-cut it; timber's
2 high. My father was one of those. My
3 mother called her siblings, cut the
4 checks. The timber was not sold. The
5 land was not pillaged. So my family
6 before me has continued their humble
7 stewardship of this land. We would just
8 be so proud if you could keep it
9 pristine for the people of your great
10 state to enjoy.

11 I live in Comer, Georgia. My land
12 adjoins the most -- the most visited
13 state park in Georgia, Watson Mill State
14 Park, and I see every day how that park
15 helps people in all walks of life enjoy
16 life. So I know the benefits that your
17 great state will enjoy if this land is
18 selected.

19 The sandstone we call the cliffs. I
20 knew -- I knew as a child that the
21 Hole-in-the-Wall Gang had forts there.
22 I held the tail of my horse as we -- and
23 my horse pulled me over the top of the

1 ridge. It was too steep for me to sit
2 on him while he climbed up the ridge.
3 So my fondest, my greatest childhood
4 memories are there. I would love for
5 other children to find the memories that
6 I found there.

7 I would like to see you help the
8 family keep it pristine, keep it in
9 public use as the neighbors of the
10 Shepherds have always used it. The
11 town -- the townspeople in Pinson were
12 always there to use it while my
13 grandparents were the stewards of that
14 land. We've only now come to sell it
15 since no other family member lives
16 there. That's been recent.

17 My grandfather had a son who would
18 have kept farming and stewarding that
19 land. His direction was in his father's
20 footsteps. The other siblings went
21 different directions. And my Uncle John
22 Shepherd would have taken over that
23 farm, but we lost him in his prime of

1 life and that farmer didn't take over.

2 I plead with you to take over the
3 stewardship of this land, do a better
4 job than we can do. The family is
5 willing to work with you, fair market,
6 fair whatever. If you could consider
7 this land, the family would be forever
8 grateful, and I believe the citizenry of
9 your great state of Alabama would be
10 forever grateful. Thank you very much.

11 COMMISSIONER GUY: Does anybody have any
12 questions of Ms. Bradley or Mr. Yeager?

13 (No response.)

14 COMMISSIONER GUY: All right. Thank you,
15 sir. Appreciate it.

16 Is it Mr. Athey?

17 MR. ATHEY: It is.

18 COMMISSIONER GUY: Okay.

19 MR. ATHEY: I am Thomas Athey, and I've come
20 to advocate to y'all with regard to my
21 family farm. It's been in the family
22 for about 75 years. I had hoped to keep
23 it there forevermore, but with the

1 children and the situation, it appears
2 that that won't be the case.

3 It's a lovely place of about 600
4 acres. It is quite close to here. In
5 fact, it's about 13.6 miles west of
6 here. It's on the Lowndes
7 County/Montgomery County line. It's
8 about 200 acres of pasture and about 400
9 acres of timber. There's a good deal of
10 turkey and deer there that there's been
11 no hunting pressure on for a number of
12 years. It's a working farm.

13 Basically, if I can't keep it in the
14 family, I would like to see it continue
15 as it is in the same uses. I have about
16 three miles of navigable creek off the
17 Alabama River, Pintlala Creek, which
18 y'all may or may not be familiar with.
19 I could take time for the rest of the
20 day to describe it, but what I would
21 like to do is invite any or all of you
22 to come out and look at the farm and see
23 what you think of it and go forward from

1 there if there's an interest. I thank
2 you for your time.

3 COMMISSIONER GUY: Mr. Athey, before you sit
4 down, does anybody have a question?

5 What's been the current use of the
6 particular property right now?

7 MR. ATHEY: Well, it's a personal residence
8 and it's a farm. We grow a little hay.
9 It's about 200 acres of pasture. And
10 we've harvested the timber and replanted
11 it with the super trees. And that is
12 what its use is currently. You may --
13 if you're familiar with Old Selma Road,
14 I am just past the county line.

15 Yes, sir.

16 MR. CAUTHEN: The three miles of navigable
17 creek you say you have --

18 MR. ATHEY: Yes, sir. It's about --

19 MR. CAUTHEN: Well, is it Pintlala Creek? Is
20 that --

21 MR. ATHEY: It is Pintlala Creek, yes, sir.
22 And it -- as far as I'm aware, my place
23 is the last navigable place up Pintlala

1 Creek.

2 MR. CAUTHEN: Is Jake's still open?

3 MR. ATHEY: Sir?

4 MR. CAUTHEN: Is Jake's still open?

5 COMMISSIONER GUY: Jake's.

6 MR. ATHEY: I think they've reopened it within
7 the past two months, you know, but I can
8 only apologize for that.

9 COMMISSIONER GUY: I don't know if Mr. Cauthen
10 should have asked that question.

11 MR. ATHEY: I'm actually on the other side of
12 the blacktop there. You go on past
13 Long's Trailer Park, and I've got a farm
14 back off the end of that dirt road
15 there. My northern boundary is the
16 railroad track and it goes there
17 southward, you know.

18 COMMISSIONER GUY: Yes, sir. All right.
19 Thank you, Mr. Athey.

20 Anybody have any other questions?

21 (No response.)

22 COMMISSIONER GUY: Thank you, sir.

23 Mr. Barnhill -- Ms. Barnhill.

1 Excuse me. Ms. Barnhill, I apologize.

2 MS. BARNHILL: Good morning. I'll be short.

3 He doesn't like to speak in public, so I
4 get to do it.

5 We first came before you all in
6 September and met with you down in
7 Dothan and presented just shy of a
8 200-acre parcel on the Perdido River.
9 It is surrounded by Forever Wild
10 property and is something we've used for
11 recreation over the years. Beautiful
12 river there. Just felt like it was
13 something that we would love to see be
14 put in the Forever Wild Trust. It makes
15 sense. That's our opinion.

16 There was an appraisal done on the
17 property, our first appraisal in
18 December. And, really, we were kind of
19 passing through here today and found out
20 the meeting was going on and just wanted
21 to come back and say we're still
22 interested and hope you folks will see
23 that it might be something positive for

1 the rest of the land trust.

2 COMMISSIONER GUY: Thank you. Does anybody
3 have a question for Ms. Barnhill?

4 (No response.)

5 COMMISSIONER GUY: Thank you, ma'am.

6 MS. BARNHILL: Thank you for your time.

7 COMMISSIONER GUY: Appreciate it very much.

8 That's all the speakers that I have
9 been given a card for. So did we miss
10 anybody that had signed up?

11 (No response.)

12 COMMISSIONER GUY: So at this time, by
13 regulation, on motion we will go into
14 executive session. Appraisal values are
15 confidential during periods of
16 negotiation. Accordingly, in order to
17 discuss tract appraisal values, the
18 board will need to go into recess for
19 executive session. Is there a motion
20 for the board to now recess?

21 MR. ALLEN: Motion.

22 MR. CAUTHEN: Second.

23 COMMISSIONER GUY: All right. All in favor

1 say "aye."

2 (All board members present respond
3 "aye.")

4 COMMISSIONER GUY: All opposed?

5 (No response.)

6 COMMISSIONER GUY: We will take approximately
7 20 minutes, maybe a shorter time. So
8 we'll try to be as quick as possible for
9 those in the audience and return
10 somewhere between ten and 20 minutes and
11 resume our meeting. At this time let's
12 go into executive session.

13 **(Recess for executive session was**
14 **taken at approximately 10:23 a.m.**
15 **and the meeting was called back to**
16 **order at approximately 10:41 a.m.)**

17 COMMISSIONER GUY: All right. Thank you very
18 much. At this time we will resume our
19 meeting. And the first order of
20 business is -- I'm supposed to say what
21 time.

22 Have you got the time?

23 The first order of business is a

1 program status report from Mr. Chris
2 Smith.

3 MR. SMITH: Yes, sir. Thank you,
4 Commissioner.

5 The first item in the program status
6 report is an update of the financial
7 information. And this is located in
8 Tab 1 of your meeting package. You see
9 on the first page there's some
10 information about the balance as of
11 January 13th, 2014, a list of
12 nominations in various stages of closing
13 and negotiation, and then your current
14 available balance. And I'll run through
15 all that now.

16 Your current balance as of
17 January 13th, 2014, was \$21,833,000.
18 You currently have ten nominations that
19 are in some stage of closing, and they
20 are the Heron Bay nomination, which is a
21 582-acre tract down in Mobile County;
22 Weeks Bay Reserve-Swift Number 1
23 nomination, 63 acres in Baldwin County;

1 Weeks Bay Reserve-Swift Number 3
2 nomination, 40 acres in Baldwin County;
3 the Cahaba River-Shelby County Park
4 Addition, 460 acres in Shelby County;
5 the Sipsey River Swamp-2012 nomination,
6 633 acres in Tuscaloosa County; Sipsey
7 River Swamp-T.H. Robertson nomination,
8 1,889 acres in Tuscaloosa County; the
9 Riverton Community Hunting Area-Hog
10 Hollow nomination, 507 acres in Colbert
11 County; the Riverton Community Hunting
12 Area-RMK nomination, 20 acres in Colbert
13 County; the Sipsey River Swamp-Springer
14 nomination, 939 acres in Tuscaloosa
15 County; and the Walls of
16 Jericho-Hurricane Creek Addition, 277
17 acres in Jackson County.

18 Again, those are ten nominations
19 that are in some stage of the closing
20 process.

21 In addition to those ten
22 nominations, you have two nominations
23 that are in the negotiation phase of the

1 purchasing process, and they are the Big
2 Canoe Creek Preserve nomination, 381
3 acres in St. Clair County, and the
4 Dothan Trail Park nomination, 387 acres
5 in Houston County.

6 Considering all of the adjustments
7 associated with those 12 nominations,
8 your current available/unencumbered
9 balance is \$9,311,000.

10 On page 2 --

11 COMMISSIONER GUY: Can I ask a question?

12 MR. SMITH: Yes, sir.

13 COMMISSIONER GUY: The Dothan Trail Park, you
14 said it's under negotiation. What is it
15 that's still under negotiation?

16 MR. SMITH: The update on that is that all of
17 the four landowners that were associated
18 with that -- all of the four landowners
19 that were selling their property that
20 were associated with that nomination
21 have all accepted the offer, and we are
22 in the phase of getting the second or
23 confirming appraisal and the

1 Environmental Phase 1 Assessment done.
2 And I think all of that was ordered
3 right at the beginning of this year. So
4 it should -- we should be headed toward
5 the closing of those soon if all that
6 comes in line.

7 COMMISSIONER GUY: Thank you.

8 MR. SMITH: On page 2 --

9 MR. PORTER: Hey, Gunter, can I ask a
10 question?

11 COMMISSIONER GUY: Yes, Mr. Porter.

12 MR. PORTER: What triggers an Environmental
13 Phase 1 Assessment? Is it -- we don't
14 do them on every one, do we?

15 MR. SMITH: Yes, sir, we do. We do. And
16 basically when we -- that's kind of one
17 of the final -- once we go into the
18 ordering the second appraisal phase, we
19 get an environmental assessment done as
20 well.

21 MR. PORTER: So we do it on every tract?

22 MR. SMITH: On every tract.

23 MR. PORTER: Thank you.

1 MR. SMITH: Yes, sir.

2 On page 2 of Tab 1, you'll see a
3 list of all of the nominations that were
4 purchased in FY13 and the two that have
5 been closed in FY14. The two that have
6 closed in this fiscal year include the
7 Riverton Community Hunting Area-Ables
8 Road Addition, 160 acres in Colbert
9 County, and the Blue Springs State
10 Park-West Addition, 100 acres in Barbour
11 County.

12 And the final page in Tab 1, you'll
13 see an update of the Forever Wild
14 stewardship fund. The budget
15 authorization for FY14 is \$1 million,
16 and you will see that currently there
17 has been 141,000 spent toward various
18 maintenance and reforestation projects.

19 Just as a reminder, the only
20 spending that's done out of that fund is
21 the interest that's generated off of
22 that Forever Wild stewardship account.
23 And that is all spent towards

1 maintenance and stewardship on Forever
2 Wild properties.

3 And so that kind of completes an
4 update of the financial information. So
5 I'll move into the overview of appraised
6 nominations, Tab 2, unless somebody has
7 a question.

8 Tab 2, you see the overview of
9 appraised nominations. These are
10 nominations in which the board has
11 passed a motion to get a first appraisal
12 done. These include the Geneva State
13 Forest WMA Addition, 1,624 acres in
14 Covington County; the Weeks Bay
15 Reserve-Swift Number 2, 29 acres in
16 Baldwin County; the Ryan Creek, 460
17 acres in Cullman County.

18 I mention that because, you know,
19 this was on the list of getting a first
20 appraisal, but -- and we didn't know
21 this information before we sent your
22 meeting package out. But since we've
23 sent that information to you, we've

1 learned that that nomination is no
2 longer available. And that's the Ryan
3 Creek, 460 acres, in Cullman County.

4 The next nomination is Sipse
5 River-Pruett, 274 acres in Tuscaloosa
6 County, and the Perdido River
7 WMA-Barnhill Addition, 191 acres in
8 Baldwin County.

9 And I guess -- actually, I'll
10 mention as well that as of yesterday, I
11 think that we did close on two of the --
12 you know, I mentioned there's ten
13 nominations that are in some stage of
14 closing, and yesterday we did close on
15 two of those. And those are the Weeks
16 Bay Reserve-Swift Number 1 and Weeks Bay
17 Reserve-Swift Number 3 nominations.

18 So that's it on Tab 2, you know, the
19 overview of appraised values. If
20 anybody has any questions, I'll be happy
21 to answer them. Otherwise, I'll move
22 into the grant update.

23 COMMISSIONER GUY: Please, sir.

1 MR. SMITH: All right. Just for the benefit
2 of the new board members and, also, for
3 the audience, I thought I'd mention that
4 the State Lands Division routinely
5 evaluates nominations that come in to
6 see if that nomination fits the criteria
7 of different federal land acquisition
8 grant programs. So at each meeting at
9 this time, you know, we update the board
10 of any new proposals that were submitted
11 or any proposals that have been funded.

12 And it just so happens that since
13 our last meeting I'm able to report some
14 good news, that the National Coastal
15 Wetlands Grant Program proposal that was
16 submitted last June -- this proposal was
17 written by our Natural Heritage section
18 staff within the State Lands Division.
19 We've received word that that proposal
20 has been awarded and will result in the
21 amount of \$464,000 in support of the
22 Lillian Swamp nomination. And that's a
23 nomination that consists of 694 acres

1 down in Baldwin County adjacent to other
2 Forever Wild Land Trust holdings.

3 An update on a previously awarded
4 National Coastal Wetlands Grant. Back
5 in 2011 we were awarded -- we submitted
6 a proposal associated with the
7 Portersville Bay and Heron Bay
8 nominations. In 2012 we received word
9 that that proposal was awarded. And
10 we've had -- we've closed on the
11 Portersville Bay property, but we're
12 having title issues with the Heron Bay.

13 And so we haven't seeked
14 reimbursement because of the issue we're
15 having with the Heron Bay nomination in
16 closing, but we've been working with the
17 U.S. Fish and Wildlife Service over the
18 last year or so trying to resolve the
19 title issue. We haven't come to a
20 resolution yet, but the U.S. Fish and
21 Wildlife Service did give us permission
22 to go ahead and seek the reimbursement
23 for the Portersville Bay purchase. So

1 soon we will be getting 75 percent
2 roughly -- or 72 percent of the purchase
3 price of that nomination will come back
4 into the Forever Wild Land Trust Fund.

5 And, lastly, on the grant update --
6 and I guess it's kind of fitting to talk
7 about the closing of the Swift Number 1
8 and Swift Number 3 Weeks Bay Reserve
9 nominations because both of those were
10 associated with a National Oceanic
11 Atmospheric Administration grant that
12 the staff at the Weeks Bay Reserve had
13 gotten that is in the amount of
14 \$150,000. And so \$75,000 of that
15 150,000 will go toward each of those two
16 purchases.

17 And we will continue kind of
18 entering the phase of evaluating
19 nominations and seeing if any of the
20 current nominations will fit the
21 criteria of any of these federal
22 programs and -- because generally in the
23 summer and then next fall is when we

1 submit proposals. So we will continue
2 to evaluate that. That's all I have on
3 the grants.

4 COMMISSIONER GUY: Any questions for Mr. Smith
5 about any of those issues that he's just
6 discussed?

7 (No response.)

8 COMMISSIONER GUY: All right. Thank you,
9 Chris.

10 At this time we're at the part of
11 the program where we have discussion by
12 board members of anything on your mind,
13 whether it be a request for a first
14 nomination or request for purchase or
15 any other question you might have of
16 staff or anything else. So do I have
17 any -- anybody -- let me recognize
18 Dr. Valentine first.

19 DR. VALENTINE: I would like to move for the
20 Perdido River WMA to have a second
21 appraisal with -- I don't know that I
22 ever get the words exactly right -- with
23 an intent to purchase.

1 COMMISSIONER GUY: All right. So we have a
2 motion for a second appraisal and
3 purchase of the Perdido River WMA.

4 MR. ALLEN: I'll second.

5 COMMISSIONER GUY: All right. There's a
6 second. Any discussion on the motion?

7 (No response.)

8 COMMISSIONER GUY: All in favor say "aye."

9 (All board members present respond
10 "aye.")

11 COMMISSIONER GUY: All opposed?

12 (No response.)

13 COMMISSIONER GUY: Motion carries.

14 Mr. Cauthen, I saw your hand.

15 MR. CAUTHEN: Yes, sir. And thank you for
16 recognizing me.

17 I would like to make a motion that
18 we do a first appraisal on the
19 Virden-Pritchett tract in Covington
20 County. It appears to me that it's
21 rather unique, and it's got some support
22 from the city down there, as we've
23 heard. And the site of the former town

1 of Poley is important to me because I've
2 got a first cousin named Poley.

3 COMMISSIONER GUY: So there's a motion for a
4 first appraisal on the Virden-Pritchett
5 tract. Do I have a second?

6 MR. ELLIS: Yeah, I'll second that.

7 DR. HOLLAND: Second.

8 COMMISSIONER GUY: Let me see who's -- okay.
9 Mr. Ellis.

10 A motion and a second. Any
11 discussion on the motion?

12 (No response.)

13 COMMISSIONER GUY: All in favor of the motion
14 say "aye."

15 (All board members present respond
16 "aye.")

17 COMMISSIONER GUY: All opposed?

18 (No response.)

19 COMMISSIONER GUY: Motion carries.

20 MR. COOPER: I would like to make a motion
21 that we get a first appraisal on the
22 Lillian Swamp tract.

23 COMMISSIONER GUY: Okay. Motion for a first

1 appraisal on Lillian Swamp.

2 MR. PORTER: I'll second.

3 COMMISSIONER GUY: All right. Was that

4 Mr. Porter?

5 MR. PORTER: Yes, Sir.

6 COMMISSIONER GUY: Okay. There's a motion and
7 a second. Any discussion on the motion?

8 (No response.)

9 COMMISSIONER GUY: All in favor say "aye."

10 (All board members present respond
11 "aye.")

12 COMMISSIONER GUY: All opposed?

13 (No response.)

14 COMMISSIONER GUY: Motion carries.

15 Any other discussion?

16 MR. COOPER: Yes. I'd like to make a motion
17 that we get a second appraisal and
18 option to purchase for the Sipse River
19 tract.

20 COMMISSIONER GUY: Okay.

21 MR. CAUTHEN: I second that.

22 COMMISSIONER GUY: All right. Second by
23 Mr. Cauthen. Any discussion on the

1 motion?

2 MS. POWELL: It's hard to hear out here. I
3 just want to be sure it was a second
4 appraisal and proceed with purchase.

5 COMMISSIONER GUY: That's what it was.

6 MS. POWELL: Okay. I'm sorry. It's just --

7 COMMISSIONER GUY: No problem.

8 So a motion and a second for second
9 appraisal and purchase on Sipsey
10 River-Pruett tract, I believe, is
11 actually the way it's described;
12 correct?

13 MR. COOPER: That's right.

14 COMMISSIONER GUY: Any discussion on that
15 motion?

16 (No response.)

17 COMMISSIONER GUY: All in favor of the motion
18 say "aye."

19 (All board members present respond
20 "aye.")

21 COMMISSIONER GUY: All opposed?

22 (No response.)

23 COMMISSIONER GUY: Motion carries.

1 Any other discussion? Any other
2 business that y'all want to take care of
3 right now?

4 DR. LAWTON: Yes. I'd like to move that we
5 proceed with second appraisal and
6 purchase of the Geneva State Forest
7 Addition.

8 COMMISSIONER GUY: Okay. Dr. Lawton moved for
9 a second and purchase on Geneva State
10 Forest WMA Addition.

11 MR. COOPER: Second.

12 MR. PORTER: I'll second.

13 COMMISSIONER GUY: All right. It sounds like
14 I got both maybe Mr. Cooper and
15 Mr. Porter. I guess it -- was it
16 Mr. Porter?

17 Whoever it was, I'll just --

18 MR. PORTER: Yes.

19 COMMISSIONER GUY: -- call on Mr. Cooper since
20 I heard him quicker as a second.

21 All right. Any discussion on the
22 motion?

23 (No response.)

1 COMMISSIONER GUY: All in favor of the motion
2 say "aye."

3 (All board members present respond
4 "aye.")

5 COMMISSIONER GUY: All opposed?

6 (No response.)

7 COMMISSIONER GUY: Motion carries.

8 Any other discussion?

9 DR. LAWTON: Yeah. I'd like to move that we
10 proceed with first appraisal on the
11 Little Coon Creek Addition of the
12 Skyline Wildlife Management Area.

13 COMMISSIONER GUY: Okay. Say that again,
14 Dr. Lawton.

15 DR. LAWTON: Move for first appraisal on
16 Skyline Wildlife Management Area, the
17 Little Coon Creek Addition, 1100 acres
18 in Jackson County.

19 MR. PORTER: I'll second it.

20 COMMISSIONER GUY: Second by Mr. Porter.

21 MR. PORTER: Yes, sir.

22 COMMISSIONER GUY: All right. So the motion
23 and a second. Any discussion on the

1 motion?

2 (No response.)

3 COMMISSIONER GUY: All in favor say "aye."

4 (All board members present respond
5 "aye.")

6 COMMISSIONER GUY: All opposed?

7 (No response.)

8 COMMISSIONER GUY: Motion carries.

9 All right. Any other discussion?

10 (No response.)

11 COMMISSIONER GUY: All right. Hearing no
12 other discussion on that part of the
13 agenda, we'll move into the
14 miscellaneous reports section. And
15 there are a number of these items. And
16 so we'll go through them as quickly as
17 we possibly can, but I just want to make
18 sure we get everybody informed about
19 them.

20 So, Chris, I think you start out
21 with, first, our annual report.

22 MR. SMITH: Yes, sir. We had a few
23 supplemental items to provide we didn't

1 have ready when we sent out your meeting
2 package.

3 In a manilla folder in front of you,
4 you should have found the supplemental
5 information. And one of those items in
6 that folder is the FY13 Forever Wild
7 Land Trust annual report. On behalf of
8 the board, we prepared and submitted
9 that report to the Governor, Lieutenant
10 Governor, Speaker of the House, and the
11 legislature. That report is required by
12 the amendment to cover any of the
13 expenditures and actions of the previous
14 year as well as plans for the upcoming
15 fiscal year. And so that report is
16 there for you to see that we have
17 reported on the nine acquisitions and
18 the financial information and everything
19 of FY13 on there. And it's been, I
20 think, by ...

21 Also -- yes. I'm sorry. And we
22 will post that on the Website as well as
23 providing it to the legislature and the

1 Governor, Lieutenant Governor, and
2 Speaker. That will be on the
3 Alabamaforeverwild.com Website.

4 COMMISSIONER GUY: Just to remind everybody,
5 that's for -- it's for '12-13; right?

6 MR. SMITH: It would be October 1, 2012, to
7 September 30th, 2013. So FY13 fiscal
8 year, yes, sir.

9 COMMISSIONER GUY: All right. Thank you.

10 Any questions for Mr. Smith about
11 the annual report?

12 (No response.)

13 COMMISSIONER GUY: All right. Thank you,
14 Chris. Go ahead.

15 MR. SMITH: The next item is tract management
16 plans. We've got five acquisitions that
17 need to have management plans approved.
18 Four of those five are adjacent to
19 already existing Forever Wild Land Trust
20 holdings.

21 Yes. I'm sorry. And all of those
22 items are found -- all of these
23 miscellaneous items are in Tab 3. The

1 tract management plans are in Tab 3-A.

2 COMMISSIONER GUY: And let me say again, I
3 really appreciate the staff doing the
4 tabs. I think everybody can tell it's
5 much easier to get to where you're
6 speaking. So I know it's a lot of hard
7 work on that. So please stress to the
8 staff our gratefulness for that.

9 MR. CAUTHEN: I'll second that.

10 MR. SMITH: So in Tab 3-A you see a cover memo
11 mentioning the tract management plans
12 that we need to get approval on. Like I
13 said, there's five tracts that we need
14 to move forward with. Four of those
15 five are adjacent to existing Forever
16 Wild holdings, and so I'll kind of run
17 through those first.

18 The first one is the Jacobs Mountain
19 tract. It's in Jackson County. It has
20 become an addition to Skyline -- the
21 James D. Martin-Skyline Wildlife
22 Management Area. And we recommend or
23 are asking that that tract management

1 plan be just included in the other Walls
2 of Jericho/Henshaw Cove management plans
3 that have already been approved. All of
4 those kind of serve the same
5 WMA/recreation area/nature preserve
6 purpose. And so we're recommending that
7 the Jacobs Mountain tract just be folded
8 into the Walls of Jericho management
9 plan.

10 COMMISSIONER GUY: Can I ask as just a point
11 of order right here?

12 MR. SMITH: Yes, sir.

13 COMMISSIONER GUY: I know you're going to need
14 a motion. Why don't you go through
15 them, and could we -- can we do the
16 motion for all of them unless we want to
17 separate them out at one time?

18 MR. SMITH: I think we can do a motion for all
19 of them. I was just going to cover all
20 of them and then --

21 COMMISSIONER GUY: Let's just -- before I
22 ask -- I'll give everybody an
23 opportunity to ask questions. But just

1 go through the rest of the plans as you
2 need to, and then we'll have a
3 discussion at the end.

4 MR. SMITH: Yes, sir.

5 The next one is the Tom Ray swap.
6 That's located in Lauderdale County and
7 is an addition to the Freedom
8 Hills-Lauderdale WMA. And, again, we
9 just recommend that that Forever Wild
10 tract is folded into the
11 already-approved Freedom Hills WMA
12 management plan.

13 The third one is the DeSoto State
14 Park-River City Addition. It's located
15 in DeKalb County. And this one serves
16 DeSoto State Park and also serves a
17 previously purchased Forever Wild tract
18 called the Knotty Pine tract. So our
19 recommendation is just to fold the
20 DeSoto State Park-River City Addition
21 into the Knotty Pine management plan.

22 The fourth one is the Cathedral
23 Caverns Cedar Winds tract. This one

1 also serves a state park -- serves the
2 Cathedral Caverns State Park, and it is
3 an addition to the Cathedral
4 Caverns-Kirkland purchase which has an
5 approved management plan. So our
6 recommendation is to just fold this
7 Cathedral Caverns Cedar Winds tract into
8 that already-approved Cathedral
9 Caverns-Kirkland.

10 So all four of those serve
11 already-approved existing management
12 plans. So our recommendation is to fold
13 them into those existing management
14 plans.

15 The fifth one, the Live Oak Landing
16 Forever Wild purchase, we have drafted a
17 new management plan for that one, and
18 that is included in your package. Even
19 though that does -- that tract is
20 located to adjacent Forever Wild
21 holdings down in the Mobile-Tensaw
22 Delta, you may recall that that purchase
23 was made kind of as a complex of

1 different Baldwin County Coastal Impact
2 Assessment Program funds, State Coastal
3 Impact Assessment Program funds. And so
4 the intention there was to have -- you
5 know, have that improved boat landing
6 and, you know, more of a recreation area
7 and nature preserve area as opposed to
8 wildlife management area. So we drafted
9 a new management plan for your
10 consideration there in your package.

11 So that covers those. I'll be happy
12 to entertain any questions.

13 COMMISSIONER GUY: On the Live Oak Landing
14 tract plan --

15 MR. SMITH: Yes, sir.

16 COMMISSIONER GUY: -- was that discussed with
17 the Baldwin County folks, or did you
18 talk to them about that at all?

19 MR. SMITH: We've had discussions with them
20 over this past year about the plans.
21 There hasn't been anything concrete
22 about the trails and the different
23 things that's been discussed this whole

1 time. So we haven't identified like
2 specific things in the management plan.
3 But, yes, we've had some discussions
4 with Baldwin County about the future
5 overall plans of all of those
6 properties.

7 COMMISSIONER GUY: Okay. Just continue to
8 have that discussion with them so we can
9 coordinate that, please.

10 MR. SMITH: Yes, sir.

11 DR. LAWTON: Chris, I noticed that in our
12 supplemental materials there is a Live
13 Oak Landing Pasture Lease Request.

14 MR. SMITH: Yes, sir.

15 DR. LAWTON: Is that compatible with this
16 plan?

17 MR. SMITH: We can discuss -- I mean, it's a
18 separate, I guess, request or item, but
19 it is associated with that Live Oak
20 Landing. And I guess we --

21 COMMISSIONER GUY: We've got that down further
22 on the list, Dr. Lawton.

23 DR. LAWTON: Okay. Well, if we're not to

1 it --

2 COMMISSIONER GUY: It's really unconnected,
3 but, you know, it's a good point. I
4 guess it would depend maybe on what we
5 do there. We could -- if we could -- we
6 could take that up now if it's
7 important. I mean, we -- you know, if
8 you'd like to hear about that now, we
9 can take that up now.

10 DR. LAWTON: It's important, but we can touch
11 on it later. That's fine, yes.

12 MS. POWELL: Commissioner, I would suggest
13 that, along that line, looking at the
14 management plan and approval of that
15 plan and addressing whether this request
16 we have received -- later if the request
17 we have received would be consistent
18 with the management plan for the tract
19 is one additional question that might be
20 asked in relation to that point.

21 COMMISSIONER GUY: Right. And there's a few
22 issues on that, Dr. Lawton, that I was
23 going to bring up when we got there.

1 But if you want to, we can go ahead with
2 this and --

3 DR. LAWTON: Yes, let's go ahead.

4 COMMISSIONER GUY: All right. Any other
5 questions?

6 Good question, Dr. Lawton. I
7 appreciate you bringing that up.

8 (No response.)

9 COMMISSIONER GUY: So we need a motion, then?

10 MR. SMITH: Yes, sir.

11 COMMISSIONER GUY: All right. I need a -- we
12 can either make a motion separately, or
13 we can just make a motion for all five
14 plans to be adopted at once.

15 MR. ALLEN: I make a motion to accept all
16 plans and adopt them at once.

17 COMMISSIONER GUY: A motion. Do we have a
18 second?

19 DR. LAWTON: Second.

20 COMMISSIONER GUY: All right. Appreciate it.
21 Who's the second?

22 DR. LAWTON: Me, Bob Lawton.

23 COMMISSIONER GUY: Okay. Dr. Lawton. All

1 right. Appreciate it.

2 All right. There's a motion and a
3 second. Any discussion?

4 (No response.)

5 COMMISSIONER GUY: All in favor of the motion
6 say "aye."

7 (All board members present respond
8 "aye.")

9 COMMISSIONER GUY: All opposed?

10 (No response.)

11 COMMISSIONER GUY: All right. Those are
12 passed.

13 All right. So if you would -- I
14 know, Chris, you're also -- you're going
15 to talk about the Portersville Bay --

16 MR. SMITH: I'm just now getting started on
17 several of these next items.

18 COMMISSIONER GUY: Okay.

19 MR. SMITH: And we've got some other folks
20 here to help answer questions.

21 But the next item is located in
22 Tab 3-B, and it's associated with -- and
23 some of these -- some of you board

1 members may recall. We talked about all
2 of these management plans and several of
3 these items we're getting ready to cover
4 at the December meeting, but we weren't
5 able to act on them because of not
6 having a quorum. But we went ahead and
7 did discuss them. So some of them will
8 be the same information, but, now, we do
9 have a few new items also associated
10 with what was discussed in December, one
11 of which is the Portersville Bay Tract
12 Oyster Culture Lease Request.

13 In your package you'll see that we
14 received -- or you received a letter
15 from a Mr. Travis Stringfellow posing
16 the question would there be interest in
17 leasing the water bottoms south of this
18 Portersville Bay Forever Wild
19 nomination. A couple of items to
20 mention.

21 I think Mr. Stringfellow is here
22 today as well as director of Marine
23 Resources, Chris Blankenship. At the

1 December meeting there were several
2 questions, and we asked Chris to come
3 here so that he could talk a little bit
4 about how this is done and that kind of
5 stuff.

6 But a couple of things I will
7 mention that we did not discuss in
8 December, one of which is that this
9 Portersville Bay, you may recall, I just
10 mentioned awhile ago it was associated
11 with a National Coastal Wetlands Grant,
12 and until that grant is closed, any --
13 you know, we won't be able to move on
14 any kind of lease or anything like that
15 associated with that because of the
16 confinement of some of the grant
17 language. But I just thought I would
18 mention that. I failed to mention that
19 during the December meeting. So I just
20 wanted to mention that.

21 COMMISSIONER GUY: I know Chris is going to
22 talk about it. And obviously a number
23 of you weren't there because we didn't

1 make a quorum that day, but it really
2 was just generally discussed. I know
3 Sonny and some others were there who
4 might recall, but -- so we brought Chris
5 Blankenship back, our Marine Resources
6 director, who's been involved in
7 discussions with Mr. Stringfellow and
8 Mr. Nelson. Chris Nelson is also here.

9 And I think what would be best is --
10 we've got them here to answer some
11 questions, but maybe, Chris, you
12 could -- just remember that a number of
13 people have not heard anything about
14 this. This will be the first time. So,
15 if you would --

16 MR. BLANKENSHIP: Sure. I'll try and give a
17 quick overview of oyster leases and how
18 this works in the coastal areas for some
19 of you that may not be familiar.

20 Individuals or entities that own
21 property adjacent to the water, they
22 have certain rights, and one of those is
23 the riparian rights or the rights to

1 gather and plant oysters under the
2 statute within 18 -- essentially within
3 1800 feet of the shoreline. These areas
4 in Portersville Bay, those areas in
5 Heron Bay and Grand Bay, some of the
6 areas along the coast that have current
7 leases where individuals have leased
8 that right from -- one is the Regions
9 Bank Trust, Tensaw Land & Timber, and
10 some other just individuals that own the
11 property plant and gather oysters in
12 front of their properties. And then
13 they file those leases or the deeds with
14 the Marine Resources Division, and then
15 we keep track of all of that. And then
16 our officers enforce keeping people that
17 aren't on the lease off of those -- off
18 of those areas.

19 The areas are -- these leases are on
20 the bottom. So it's shell or oysters
21 that are put on the bottom. It's not up
22 in the water column or any -- generally
23 there's no structures that are placed.

1 Oysters are put on the bottom and then
2 people come out and harvest those.

3 The ones that have these leases in
4 front of their properties have piers
5 that they may access the oysters that
6 way. But this particular tract and
7 other ones in Portersville Bay, they
8 come to those by boat from Coden or
9 Bayou La Batre to come out and harvest
10 the oysters and then take those back.
11 They're not necessarily accessed
12 across -- across the property. So
13 there's no real development or anything
14 that happens on the land. All of this
15 is on the water bottoms adjacent to
16 those properties.

17 The area in Portersville Bay, this
18 tract was leased previously. The
19 riparian rights were leased by a man
20 named Paul Ford back in the '90s and
21 early 2000s and so -- when it was owned
22 by the previous property owner. And I
23 think that looking at Mr. Stringfellow,

1 his request was to take over that --
2 those water bottoms and do the same
3 activity that had previously been done
4 there.

5 COMMISSIONER GUY: Can you remind the board --
6 or, Chris, can you remind the board when
7 we acquired the property? Do you have
8 that readily --

9 MR. SMITH: We acquired it in 2012, January of
10 2012.

11 COMMISSIONER GUY: Okay.

12 MR. CAUTHEN: Who from?

13 MR. SMITH: I believe the family's name was
14 Dezauche.

15 COMMISSIONER GUY: All right.

16 DR. LAWTON: I've got a question.

17 COMMISSIONER GUY: Okay.

18 DR. LAWTON: If there was a prior lease for
19 oyster cultivation there, what happened
20 to those oyster beds?

21 MR. BLANKENSHIP: The oysters in Portersville
22 Bay, like most of our oyster reefs, were
23 affected by the oyster drill -- it's a

1 predator for the oysters -- in late
2 2000. So it -- the oyster drill
3 decimated or ate most of the oysters
4 that were on this lease. And so there
5 is some shell there, but there's not
6 any, as far as I know, appreciable
7 amounts of harvestable oysters
8 currently. And Mr. Ford, I guess, did
9 not renew that lease back in the 2000s
10 sometime, the last that we have on
11 record.

12 COMMISSIONER GUY: Dr. Lawton, I've got a
13 question. I know Mr. Stringfellow and
14 Mr. Nelson are here, too, and we asked
15 them to come. And if you would rather
16 hear before more questions, we could
17 just ask them to stand up and talk about
18 this briefly. I know you've got
19 something in your packet. Would you
20 like to do that, Mr. Stringfellow?

21 MR. STRINGFELLOW: Good morning. If I get
22 tongue-tied, this is my first time
23 speaking in public.

1 What we're doing -- what we're
2 trying to do is we're trying to get
3 those leases to get oysters growing back
4 down there to have some oyster reefs.
5 You asked the question what happened to
6 the other oysters. Like Chris explained
7 to you, the drills got to them, but a
8 lot of it is -- an oyster reef -- if you
9 do not work an oyster reef and keep it
10 going, it's going to die like anything
11 else.

12 And this reef is -- it's covered
13 with mud -- most of it -- now. So we're
14 going to have to go out there and spend
15 money to put barge loads of shells or
16 broken concrete or whatever -- now, I'm
17 talking about little small pieces of
18 concrete, not concrete -- little pieces
19 of concrete out there on the reef to
20 cover the bottom so that the oyster
21 cultch can catch to it, produce,
22 reproduce, and make oysters out there.

23 So what we're looking at, we're

1 looking at 280 acres, but it's not a
2 usable 280 acres because you've got to
3 come -- we're estimating about a hundred
4 feet off of the coast to where it will
5 be workable water. And that's what
6 we're trying to do as far as getting the
7 oyster growing.

8 Because before the whole Gulf
9 Coast -- we have been just annihilated
10 since Katrina. We've had Katrina.
11 We've had the oil spill. It's one thing
12 after the other. Used to we'd get
13 oysters from Texas all the way to
14 Apalachicola, all the way up to
15 Maryland, and we'd buy them by the
16 18-wheeler loads and process them.
17 Before we would get 40, 50,000 pounds a
18 day. Now we're begging to get 40,000
19 pounds in two weeks.

20 So what we're trying to do is we're
21 trying to follow our buddies over in
22 Louisiana where Louisiana has taken and
23 just leased all their property out to

1 property owners. And so what we're
2 trying to do, we're trying to get our
3 water bottoms leased out so we can start
4 growing our own oysters like Louisiana
5 is doing. Because Louisiana has got a
6 ton -- well, they did have a ton, but
7 now they have a few. But if it wouldn't
8 have been for the owners and it wouldn't
9 have been for the state leasing that
10 property out, we would have been out a
11 long time ago.

12 MR. NELSON: All that is very accurate, and I
13 just -- was just going to say my company
14 is Bon Secour Fisheries, Chris Nelson.
15 We're -- I'm fourth generation in the
16 business. Travis has been in the
17 industry for quite a while as well.

18 Traditionally, our company -- in
19 fact, my great-grandfather started
20 growing oysters similarly to what we're
21 proposing to do on this leased bottom.
22 And it would be to stabilize the bottom
23 with some sort of cultch material, allow

1 for a natural set of oysters to occur on
2 that cultch material and then go back
3 and begin to harvest it. This process
4 takes two-and-a-half to three years
5 really to get a crop of oysters in, in
6 general. I don't know about this area.
7 We may get it quicker. It may take
8 longer even.

9 But it doesn't -- the harvesting
10 process does not impinge on the
11 ecosystem services that the reef
12 provides continuously. Once you have
13 oysters growing on that reef, you don't
14 harvest all of them like a row crop.
15 You don't go in and pick them all up and
16 then have to go back and replant the
17 whole thing.

18 The idea is to get a growing reef
19 there and then you have some natural
20 mortality occur. And that shell that is
21 provided by the natural mortality of the
22 growing oysters is new cultch material
23 for the larval oysters to settle on

1 and -- whenever they settle, primarily
2 in the spring but also in the fall. So
3 once you get sort of a critical mass of
4 material on the bottom, you can have a
5 continuous harvest from that and still
6 have a thriving and vital reef there.

7 And so we're -- as Travis described,
8 we're under a lot of pressure right now
9 in other parts of the coast, along the
10 Gulf Coast particularly where we like to
11 get our oysters, to get enough oysters
12 to keep our processing plants going and
13 keep product into the marketplace. And
14 so we're looking closer to home to try
15 to accomplish that. And we're not
16 coming to you because you're Forever
17 Wild. We're coming to you all because
18 you happen to be the landowner of this
19 particularly good -- potentially good
20 piece of farmable -- oyster-farmable
21 bottom. Thank you.

22 COMMISSIONER GUY: Would y'all mind just
23 holding it right there. And I know

1 Dr. Valentine had his hand up first.

2 I'm sure we've got some questions.

3 DR. VALENTINE: This question may really go to

4 Chris, but --

5 MS. POWELL: We have a bunch of Chrises.

6 DR. VALENTINE: Chris Blankenship.

7 As you know, I've been pretty
8 supportive of lower Alabama getting the
9 oyster aquaculture off the ground
10 because I believe the fishermen need to
11 be able to feed their families. And my
12 only concern is given the volume of
13 cultch I just heard -- and maybe this is
14 taken care of by the distance that you
15 have from the shoreline -- is trying to
16 avoid whatever seagrass habitats that
17 are out there who benefit from shrimp
18 and all the rest, from them surviving.
19 And if you could do this, you could get
20 a win/win. You could improve water
21 clarity by doing this and at the same
22 time improve habitat for the rest of the
23 fishermen.

1 So that's probably more comment than
2 question, but I'm hoping that that's
3 been factored into where you would place
4 the cultch. And that's my only issue.

5 MR. CAUTHEN: I've got one, Gunter.

6 COMMISSIONER GUY: Do you need to address
7 that, or is that --

8 MR. BLANKENSHIP: There is a -- in the permit
9 that allows this to go on there's a
10 provision that you can't do this over
11 submerged aquatic vegetation. And so
12 those areas are protected. They would
13 not be allowed to plant cultch material
14 over those grass beds now.

15 COMMISSIONER GUY: Mr. Cauthen.

16 MR. CAUTHEN: Is it anything -- can oysters be
17 fed, and if they can be fed, what do you
18 feed them with?

19 MR. BLANKENSHIP: They filter -- they
20 filter-feed from the water.

21 MR. CAUTHEN: I understand that. But you put
22 something in there?

23 MR. BLANKENSHIP: We would not in the open

1 waters of Portersville Bay. You
2 probably can in a closed system like
3 you'll see sometimes with oyster
4 aquaculture work that's done to seed
5 oysters. But primarily even those, they
6 just continue to pump water through
7 there, and then the oysters filter what
8 they need out of the water.

9 COMMISSIONER GUY: All right. So, Travis or
10 Chris, I have a couple of questions.

11 MR. STRINGFELLOW: Yes, sir.

12 COMMISSIONER GUY: And I know y'all have
13 talked to Chris Smith and Chris
14 Blankenship quite a bit, but let me --
15 so I was looking at the documentation
16 here, and there's a pretty substantial
17 investment that you have to make.

18 MR. STRINGFELLOW: Yes, sir.

19 COMMISSIONER GUY: All right. And so without
20 getting into the weeds, so to speak,
21 what would in your estimation be the
22 minimum number of years on a lease that
23 you would need, you know --

1 MR. STRINGFELLOW: If we did this and you
2 okayed it and authorized it, the minimum
3 lease that I myself would be willing to
4 sign would be 20 years. I don't know
5 about you, Chris. I'm thinking 20
6 years. Because with that type of money
7 we're going to be putting in there,
8 we've got to be able to recoup our
9 money.

10 COMMISSIONER GUY: And I want you to
11 understand why I'm asking. I'm very
12 supportive too.

13 MR. STRINGFELLOW: Yes, sir.

14 COMMISSIONER GUY: But there are -- and I'm
15 going to -- you know, there's a couple
16 of things I want to let the board know.

17 We need -- there's still some issues
18 we need to weed our way through, get our
19 way through. Y'all probably had some of
20 them discussed with you, you know, legal
21 requirements. I think this is maybe one
22 of the first times we've done this,
23 Ms. Powell; right?

1 MS. POWELL: Yes.

2 COMMISSIONER GUY: Something like this.

3 So I'm just trying to get some idea
4 from you first. And so you're saying
5 you would need at a minimum 20 years in
6 order -- in your mind?

7 MR. STRINGFELLOW: Yes, sir.

8 COMMISSIONER GUY: Do you guys recognize or do
9 you understand that there's a
10 possibility, too, that we have to get
11 appraisals and that it might be open for
12 others to bid on that as well?

13 MR. NELSON: And what I was going to say is I
14 understand that the length of the lease
15 would probably depend on that as well.
16 And so we might -- you know, depending
17 on what your needs are as well, we might
18 be willing to look at, you know, seeing
19 if the culture activity there is
20 feasible. You know, it might could be
21 done over a shorter period of time.

22 But Travis is right. Typically
23 leases in other parts of the country for

1 bottom leases are more long-term because
2 of the investment that you then can't
3 typically go back and take out. It's
4 hard to go back and get that cultch
5 material after you've placed it on the
6 bottom.

7 COMMISSIONER GUY: And I think -- and I just
8 want y'all to understand where we are --

9 And I think you do because I know
10 you two guys well enough. I know Chris
11 really well.

12 -- as to what -- some of our
13 obstacles we've got to get through, I
14 think, as a board. So you've answered
15 those questions.

16 And then you understand right now
17 that there's a grant-issue problem that
18 would hold us up no matter what we do
19 today; right?

20 MR. NELSON: How long before that is resolved?

21 COMMISSIONER GUY: I was going to ask Chris
22 just to explain to the board a little
23 bit more about that grant issue.

1 MR. SMITH: We are currently in -- I mean,
2 we've had an extension on that grant to
3 try to work through the title issues of
4 that Heron Bay nomination. Currently
5 that grant period ends December 31st of
6 this year, of 2014, so -- and I'm --
7 just based on what we've seen so far, it
8 would probably take us most of that time
9 to try to resolve these issues we're
10 having with that other nomination.

11 COMMISSIONER GUY: Okay. So we really
12 couldn't act on it until we got that
13 resolved; is that right, Chris?

14 MR. SMITH: That's correct, yes, sir.

15 COMMISSIONER GUY: Okay. And now I've got one
16 more question, and then I'm going to
17 keep my -- Mr. Blankenship.

18 Chris, could you just tell me on
19 management issues -- so let's just say
20 we did this. Who is responsible or who
21 would normally be responsible -- you
22 said something earlier. Our guys try to
23 patrol that for the landowner, but, I

1 mean, obviously we can't guarantee --
2 you know, I would assume that somebody
3 couldn't come in there and, you know,
4 take oysters off your lease unless we
5 knew about it.

6 MR. BLANKENSHIP: And it would be a violation
7 if somebody does not -- does not have
8 the permission of the riparian right
9 owner or the lessee to harvest oysters
10 from that reef. And we've done this,
11 you know, in the past. We still do it
12 on certain areas that are under lease
13 now.

14 The landowner or the lessee provides
15 us a list of the names of the people
16 that are allowed to harvest there.
17 They're required to keep the perimeter
18 of these areas, these leases, marked so
19 that our officers can identify what is
20 under lease. And then if we see -- if
21 they have people that are harvesting
22 oysters there that are not -- don't have
23 permission, then that's a violation and

1 they're ticketed. And we would do the
2 same with this lease or any other lease
3 that comes up.

4 COMMISSIONER GUY: Okay. And then my last
5 question: Do either one of you have a
6 lease on any other property currently?

7 MR. NELSON: No, sir.

8 MR. STRINGFELLOW: No, sir.

9 COMMISSIONER GUY: All right. That's all the
10 questions I have. Thank you.

11 Mr. Cauthen.

12 MR. CAUTHEN: Doesn't the lessee have some
13 responsibility about protecting his own
14 interests out there, in other words, sit
15 there with a high-powered rifle and --

16 MR. BLANKENSHIP: Well, it is in the statute
17 that the Marine Resources Division is
18 responsible for -- as long as the lessee
19 or the landowner abides by those
20 parameters that are in the statute with
21 marking it and providing us information,
22 we are obligated under the statute to
23 patrol that.

1 COMMISSIONER GUY: Mr. Ellis.

2 MR. ELLIS: I'm assuming -- and you don't need
3 to respond to this if it's accurate --
4 that this in no way interferes with me
5 as a member of the public fishing over
6 the top of it for speckled trout or
7 whatever I might be looking for; that's
8 okay?

9 MR. BLANKENSHIP: That's correct.

10 MR. ELLIS: All right. The other question
11 that we were talking about is -- and I
12 think you broached the subject. I would
13 assume that this probably, it being a
14 state entity, would have to be subject
15 to competitive bidding. Is that -- has
16 anybody looked at that in advance?

17 COMMISSIONER GUY: Do you want to address it,
18 Ms. Powell?

19 That was one of the -- there's a
20 couple of issues that I think Chris and
21 Travis are aware of that we need to
22 probably get some of our staff to work
23 through.

1 MS. POWELL: I'll give you a brief thumbnail.

2 There is a state statute called the
3 Land Sales and Leasing Act that applies
4 to all state agencies. And if an agency
5 is to dispose of -- whether by sale or
6 by lease, basically transfer an interest
7 in land that they own to a private
8 individual, if the value of that
9 transaction -- and, for example, if you
10 have a lease, the value of the lease
11 over the -- whatever the period is --
12 reaches an amount under that statute of
13 \$20,000, which would generally be looked
14 at -- if you think you're getting close
15 to that, you would have to get an
16 appraisal to be comfortable whether you
17 were bumping up and hitting that or
18 not.

19 If you hit that 20,000-dollar
20 threshold, the Land Sales and Leasing
21 Act sets out both a public notice --
22 publication of notice in certain
23 newspapers requirement and then

1 thereafter a bid process, a bid
2 opening -- sealed bid opening and then
3 the appraisal would set the floor. That
4 statute is designed to be sure the
5 public has notice of opportunities when
6 a state agency is disposing of land and
7 also to be sure that the state is
8 getting fair market value, also, as much
9 as they can, through the bid process.

10 If it's under 20,000, however, you
11 would -- and we would be very careful in
12 evaluating that -- you may not have a
13 legal requirement to bid it out, but you
14 may from a policy standpoint decide that
15 you wanted to do that. That's pop quiz
16 for --

17 COMMISSIONER GUY: So what I was going to
18 suggest to the board is because of the
19 grant issue that currently exists, as I
20 understand it -- Chris, you correct me
21 if I'm wrong -- we couldn't have a
22 motion to actually proceed with the
23 appraisal and the leasing of this right

1 now anyway.

2 What I was thinking is -- if the
3 board thought appropriately the same, is
4 that I just wanted everybody to hear
5 what the proposal was. And if
6 everybody, you know, thought that it was
7 a good idea and they would be interested
8 very much in seeing this possibly moving
9 forward, then we could just let the
10 staff go ahead and maneuver through the
11 grant issue. We need to work a little
12 bit with our legal staff to figure out
13 about a lease, you know, get with
14 Chris -- the two Chrises maybe and talk
15 about management. And then there's some
16 precedent issues that we just need to
17 think about because to my knowledge --
18 and some of the members of this board
19 that have been on here longer -- we've
20 never done anything like this to my
21 knowledge. So there is some precedent
22 issues.

23 I, like Dr. Valentine, would love to

1 see this happen. I think it's good for
2 the coast. It's good for people in the
3 oyster industry and all of those things
4 good, but at the same time I'd like for
5 the board to be as informed as possible
6 before they make a decision on this.

7 So that was where -- that was where
8 my particular head was. And given the
9 fact that this grant issue is presently
10 an obstacle, Travis and Chris, I mean, I
11 think that we could continue to work
12 with you through the details until we
13 can figure out what we need to do.

14 Is that right? Am I still right
15 about the grant issue? We couldn't move
16 forward today if we wanted to; correct?

17 MR. SMITH: That's correct, yes. We would
18 need to close that out before --

19 COMMISSIONER GUY: Well, I don't know if we
20 really need a motion, but if everybody
21 is -- I'm sorry. Yes, Chris,
22 Mr. Nelson.

23 MR. NELSON: Yes, sir. Thank you.

1 I guess what I would be really
2 appreciative of is just a sense of the
3 group whether or not there is any
4 general opposition to pursuing this.
5 And as far as the precedential aspect of
6 it, you're exactly right. However, as
7 you all acquire more and more coastal
8 land -- Alabama's coastline is only
9 about this long -- and given the market
10 situation and the availability of
11 oysters in the oyster business, I think
12 if it's not Travis and me coming to you,
13 there are going to be others asking you
14 to do this. So just, you know, for all
15 those reasons it would be good to know
16 if you're generally -- I'm getting the
17 sense that you're generally inclined to
18 do this if it's possible, legally and
19 otherwise.

20 COMMISSIONER GUY: Yes. And let me just say
21 that it's not just oyster aquaculture.
22 We've got to be -- you know, there's
23 other properties that -- I mean, it's

1 not like I'm -- so I'm very -- I'm in
2 favor of it. You know, we could have a
3 motion just to proceed with further --
4 if anybody wants to have a motion like
5 that.

6 MR. CAUTHEN: I want to make a motion.

7 COMMISSIONER GUY: Okay. Mr. Cauthen.

8 MR. CAUTHEN: I want to make a motion that we
9 proceed with every -- every part of
10 this, but the part that I'm going to be
11 most interested to see is how you
12 structure a lease on something like
13 this. Because if, you know -- and
14 certainly if it's not going to exceed
15 \$20,000, then let's just pull all this
16 staff off and move on to something else
17 because -- so, Patti, we're going to
18 ring another bell, I feel sure. But I
19 don't see any reason for us not to
20 proceed with this. So I make that
21 motion.

22 COMMISSIONER GUY: So your motion is just to
23 proceed -- let staff proceed with all

1 the issues and --

2 MR. CAUTHEN: Yes, sir.

3 COMMISSIONER GUY: All right. Any second to
4 that?

5 MR. KELLER: Second.

6 MR. COOPER: Second.

7 MR. CAUTHEN: We can always stop.

8 COMMISSIONER GUY: All right. So there's a
9 motion and a second on just proceeding,
10 not actually to do --

11 MS. POWELL: Just general instruction for the
12 staff to continue with discussions and
13 try to narrow down the remaining issues
14 that the board would need to make
15 decisions on and present at the next
16 meeting.

17 COMMISSIONER GUY: All right. Mr. Porter.

18 MR. PORTER: Mr. Chairman, wouldn't it be
19 better to have something in the nature
20 of just -- that the board has a
21 consensus that they want this to
22 continue to be explored and see if it
23 can be done?

1 COMMISSIONER GUY: And that's kind of where I
2 was going to begin with, but, I mean,
3 whether it's a motion -- well, Patti,
4 does it matter?

5 MS. POWELL: Commissioner, honestly, I don't
6 think -- I don't see anything that
7 you're asking us to do or seem
8 interested in the staff doing to require
9 a motion. We would not take the step of
10 actually entering into a lease or
11 proceeding with expenses to this board
12 without coming back. And we'll be back
13 in, I think, June and we can talk more
14 then.

15 COMMISSIONER GUY: Well, so let's just do
16 this. My feeling is that there's a
17 consensus that we would like to see this
18 proceed by the staff to further explore
19 all the issues that we have out there.
20 So unless I hear differently, then we'll
21 just -- we'll let you do that.

22 MS. POWELL: And I would ask the board as
23 you -- the board members, as you

1 continue to think about this, if you
2 have additional questions that are
3 specific you would like the staff to
4 follow up on, please just let us know if
5 there's anything other than what's been
6 discussed.

7 COMMISSIONER GUY: And Mr. Cauthen will
8 withdraw his motion; is that right?

9 MR. CAUTHEN: No. But I'll let it die for
10 lack of a second.

11 COMMISSIONER GUY: It actually got a second.
12 It got a second.

13 MR. CAUTHEN: All right. I'll withdraw it.

14 COMMISSIONER GUY: Thank you very much.

15 So I want you gentlemen to know -- I
16 think you've heard that we are very
17 interested in this, and not just for our
18 sake but for your sake we need to make
19 sure that the staff -- and they've been
20 working on it, I know, already. And I
21 think you hear that we really want to
22 try to find a "yes." We just need to
23 get a little more information. We need

1 to get through this grant issue and then
2 understand, I think, critically about
3 appraisal, lease information that this
4 board needs to understand so that we can
5 actually make a decision. Is that
6 fair?

7 MR. NELSON: Yes, sir. Thank you for your
8 time.

9 MR. STRINGFELLOW: Yes, sir.

10 COMMISSIONER GUY: And if you'll just continue
11 to work with the staff, Travis and
12 Chris, I would appreciate it.

13 MR. STRINGFELLOW: All right. We appreciate
14 your time. Thank you for hearing us
15 out. And if you have any questions,
16 just call us and feel free to ask.

17 COMMISSIONER GUY: And thank you very much for
18 coming up today. I very much appreciate
19 it.

20 MR. ELLIS: Gunter?

21 COMMISSIONER GUY: Yes, sir.

22 MR. ELLIS: One quick thing. As part of that
23 study, I would be -- several of us would

1 be interested in what benefits other
2 than the \$20,000 or \$200,000 would
3 result to the ecosystem down there.
4 That seems like it would be a critical
5 factor more than the money. Is this
6 good or bad for that environment?

7 MR. STRINGFELLOW: You want me to answer?

8 Well, what you're going to be doing
9 is you're taking a flat bottom right
10 now, 280 acres, that is nothing there.
11 There's nothing there. You go out there
12 on your boat. You can sit there all day
13 long and not even catch a rock because
14 there's nothing there.

15 We're going to go in. We're going
16 to put this cultch material in. We're
17 going to make a thriving oyster reef.

18 MR. ELLIS: Have fish above it?

19 MR. STRINGFELLOW: Sir?

20 MR. ELLIS: Have fish above it?

21 MR. STRINGFELLOW: I didn't hear you.

22 MR. ELLIS: Have fish running above it?

23 MR. STRINGFELLOW: Oh, there's going to be --

1 yeah. It's proven fact. I mean, like a
2 friend of -- a guy that we do business
3 with, Steve Crockett at Point aux Pins
4 Oysters, he started the farm-raising in
5 the baskets. You go out there anytime
6 you want to and buy oysters from Steve
7 and he's got to shake the crabs out of
8 them because it's a habitat for them.
9 And around every oyster reef people
10 go -- in Portersville there's only one
11 little oyster reef that Chris and them
12 made about four or five years ago.
13 That's the only place you go catch a
14 fish because it's the oyster reef.

15 So we're going to take a mile and a
16 half of coastline that is nothing there
17 and a mudflat that's nothing there and
18 we're going to turn it into a fishing
19 haven. So if you guys do this, then you
20 come down. Me and you will jump on a
21 boat and we'll go catch some fish.

22 MS. POWELL: Mr. Ellis, though, but we will --
23 we'll ask Chris Blankenship, director of

1 our Marine Resources Division, to
2 provide some informational material and
3 include that for the next meeting.

4 COMMISSIONER GUY: Dr. Valentine.

5 DR. VALENTINE: I would add one more thing,
6 and that is, if this is designed
7 properly, you could help manage the
8 Forever Wild property that's owned
9 because the reef would serve like a
10 breakwater and erosion from the big
11 storms would not reach the marshes that
12 we purchased. So I think there's
13 another win for Forever Wild in this.

14 COMMISSIONER GUY: The next meeting, I think,
15 is in June; right, Patti?

16 So we'll try to have as many of
17 these issues ironed out for you guys and
18 get another report back to the board.
19 And I appreciate your time.

20 MR. STRINGFELLOW: All right. Thank you.

21 MR. NELSON: Thank you.

22 COMMISSIONER GUY: All right. That was a good
23 discussion and we needed that.

1 And, Chris and Drew, I think y'all
2 have a report on some timber issues --
3 land swap. Excuse me.

4 MR. SMITH: Yes, sir. In Tab 3-C you'll see a
5 proposal that was submitted by Stephan
6 Tomlinson representing Martin Timber
7 Company. And this has been a proposal
8 that has been in discussion for the last
9 several months about swapping some
10 Martin Timber Company land with some
11 Forever Wild property up in the Riverton
12 Community Hunting Area. And I think
13 that Mr. Tomlinson was at the December
14 meeting and answered some questions the
15 board had.

16 Drew Nix with the Wildlife and
17 Freshwater Fisheries Division is here to
18 answer any questions and talk about it.
19 I think the main interest from Wildlife
20 and Freshwater Fisheries' position is
21 this swap allows some access to some
22 parts of the WMA that we currently don't
23 have, shores up some management issues

1 and that kind of thing.

2 COMMISSIONER GUY: And for those that were at
3 the December meeting, you might remember
4 this is the one that had the issue about
5 the site prep; correct?

6 MR. SMITH: That is correct.

7 COMMISSIONER GUY: All right. So, Drew, do
8 you want to speak to it or -- because
9 there's a lot of people that weren't
10 here.

11 Does anybody have any questions?
12 Because at that time didn't somebody
13 stand up for the Wildlife and Freshwater
14 Fisheries Division and say they were
15 interested in --

16 MS. POWELL: I think maybe if you would just
17 give an overview, Drew, of the proposal
18 and the discussions from the last
19 meeting for the -- and state the
20 overview of this proposal is where I was
21 going.

22 MR. NIX: Would it possibly be better for
23 Mr. Tomlinson to make the whole proposal

1 to the whole --

2 COMMISSIONER GUY: Well, we don't really --
3 well, I'll ask the board what they
4 want. But, really, I think there just
5 needs to be an understanding about what
6 Wildlife and Freshwater Fisheries would
7 like to do as far as this swap was
8 concerned because there are a number of
9 people that weren't there in December.
10 So I just --

11 MR. NIX: Wildlife and Freshwater Fisheries is
12 in favor of this swap. Like Chris said,
13 it gets us some access issues off the
14 eastern side of the Freedom Hills
15 Management Area, in the Mount Mills
16 area. It also provides a tract that
17 might add to the Cherokee Physically
18 Disabled Hunting Area off of Highway 72,
19 and we're in support of the swap.

20 COMMISSIONER GUY: All right. Does anybody
21 have any -- so this would take a
22 motion -- let me just go ahead and
23 mention that -- to make this swap;

1 correct, Chris?

2 MR. SMITH: Yes, sir. It would take a motion
3 to -- and basically the motion would be
4 to maybe get a first appraisal on our
5 portion to Mr. Tomlinson and Martin
6 Timber Company, and they would handle
7 appraising their portion of the proposed
8 swap acreage. And then we would bring
9 that information back to the board for
10 their --

11 COMMISSIONER GUY: So all we can do is have a
12 motion to get the appraisals to see if
13 we could do the swap; is that correct,
14 Patti?

15 MS. POWELL: I believe that's a necessary next
16 step on this. And, also, if anybody has
17 any questions on the maps that were
18 included to see the acreage, we can have
19 Drew address those.

20 COMMISSIONER GUY: Can we --

21 MS. POWELL: But, yes, I believe the first
22 step would be -- we have to be careful
23 on the swap that we are equal value.

1 COMMISSIONER GUY: Can we just -- can we make
2 a motion that if the appraisals come
3 back where they are equal that you go
4 ahead and do it or does it need to come
5 back here is what I'm trying to figure
6 out. I'm trying to figure out how we do
7 this for a swap.

8 MS. POWELL: Yeah. And it's been a while
9 since we've actually had this scenario.
10 But I'll look down for a nod from David
11 Dean, from our legal counsel.

12 David, if you could just look up
13 here. You don't have to stand up here.
14 But I believe if we were to receive a
15 motion to proceed with obtaining the
16 appraisals and then proceed with the
17 swap, assuming that those values were --
18 the acreage associated with the swap
19 produced equal value under those
20 appraisals. Would that be correct?

21 MR. DEAN: Yes.

22 COMMISSIONER GUY: Or would you rather just do
23 it in parts, do the appraisal first and

1 then come back and do the actual swap?

2 MR. DEAN: The only issue, Commissioner Guy,
3 is that we have to be careful, you know,
4 just as far as them lining up right, and
5 within that whole thing, you know, there
6 might have to be adjustments here and
7 there to be sure that the values equal.

8 MS. POWELL: But I believe because we would
9 not be -- it would not be a transfer of
10 funds. What we're seeking through the
11 appraisals is to be sure that the values
12 associated with the swapped acreage
13 would be the same. So, therefore, it's
14 really not an expenditure. It's moving
15 forward with the swap and that closing.
16 I think we could -- if that was the
17 board's desire to do it all in one
18 motion and at one time as opposed to
19 doing the appraisal work, reporting back
20 in June and making another motion, that
21 we could.

22 COMMISSIONER GUY: Does it have to be exactly
23 equal, or is there some --

1 MR. DEAN: As long as it's --

2 COMMISSIONER GUY: Within ten percent?

3 MR. DEAN: Well, if we end up having to pay
4 money, then --

5 COMMISSIONER GUY: Then we would have to come
6 back.

7 MR. DEAN: -- that's okay, but you would have
8 to authorize that.

9 COMMISSIONER GUY: Okay. So really --

10 MR. DEAN: But if the other party had to pay
11 money, that creates a legal issue.

12 COMMISSIONER GUY: Okay. So it sounds like we
13 just need to go ahead as far as a motion
14 with just letting -- if the board wants
15 to, with the appraisals first because
16 you've got to come back possibly.

17 MS. POWELL: I think that that would be a fine
18 step and it would allow us to come back
19 before the board and clarify any
20 additional questions if there are any.

21 COMMISSIONER GUY: Well, that was my
22 question. Does anybody -- Dr. Holland,
23 have you got --

1 DR. HOLLAND: No. I make a motion for that,
2 that first step to get an appraisal.

3 COMMISSIONER GUY: All right. Dr. Holland
4 makes a motion for us -- a motion to
5 proceed with the proposed land swap
6 subject to -- well, really the
7 appraisals for the land swap. The
8 motion is to go ahead with the
9 appraisals for the proposed land swap.

10 MS. POWELL: Commissioner, I'm sorry. Could I
11 have just one second?

12 COMMISSIONER GUY: Sure.

13 MS. POWELL: Commissioner and Board, I
14 apologize. I didn't mean to -- when we
15 were up there talking about -- what I
16 was trying to do to be sure that in
17 meeting all these legalistic things that
18 I didn't ignore a practicality that was
19 an issue that needed to be brought
20 before the board as to timing on the
21 ground. There does not appear to be an
22 issue with what has been motioned here
23 with proceeding now just with the

1 appraisals.

2 COMMISSIONER GUY: And I know that, you know,
3 you were there in December and we
4 couldn't move on this, but I just want
5 to make sure we get it right. And I
6 think -- I was just talking to
7 Mr. Cooper. I think in the past we've
8 done it this way. And then when it
9 comes back to the board, if there's
10 differences we've got to work out or
11 issues with a different price or
12 different appraisal, then the board has
13 to make that decision; correct?

14 MS. POWELL: Yes. And, now, the only reason I
15 took a moment, again, is to be sure I
16 was not creating a practical problem,
17 which we are not by proceeding with --

18 COMMISSIONER GUY: Well, Dr. Holland's motion
19 is to proceed with these appraisals
20 toward the swap, and we'll just have to
21 bring it back after we do the
22 appraisals. Is there a second to the
23 motion?

1 MR. PORTER: Second.

2 COMMISSIONER GUY: All right. Heard a
3 second.

4 All in favor of the motion say
5 "aye."

6 (All board members present respond
7 "aye.")

8 COMMISSIONER GUY: All opposed?

9 (No response.)

10 COMMISSIONER GUY: All right. So we'll
11 proceed with that ASAP.

12 All right, Mr. Smith. What's next?

13 MR. SMITH: The next item is located in
14 Tab 3-D. We also included in that
15 supplemental information folder a couple
16 more maps. We noticed that when we sent
17 the package information out to you that
18 that copy of our maps didn't really show
19 up real well. Plus, we kind of made
20 some improvements to it so you could see
21 a little bit more about what we're
22 talking about.

23 We had received a request from a

1 landowner or a representative of a
2 landowner down in Baldwin County that
3 owns some property adjacent to the
4 Forever Wild Clearwater tract, and they
5 have submitted a request to see if the
6 board would be interested in selling an
7 easement or actually -- they would like
8 to actually purchase an easement to
9 access their property.

10 You can see these maps I'm talking
11 about, the map in your package and the
12 better map in the supplemental folder.
13 There's a road that comes into the
14 wildlife management area, and that is a
15 gravel road. And then you'll see a
16 little mark that goes off to the
17 southwest, and that is a road that you
18 travel through -- that leaves the actual
19 main entrance into the WMA and goes to
20 their property.

21 In our conversations with this
22 landowner or his representatives --
23 actually, the representative that I've

1 been talking with is a fellow by the
2 name of Clint Flowers. He is here at
3 the meeting today if there's any
4 questions that come up as we discuss
5 this topic.

6 But as I explained to them, we
7 routinely issue annual renewable permits
8 to cross. We also have temporary
9 permits to cross. And so he's aware of
10 these other things that we typically do
11 or have done in the past, but he was
12 interested in seeking, you know, the
13 possibility of actually purchasing a
14 deeded easement.

15 And then so I -- this would require
16 for him -- for the landowner at their
17 expense to get an appraisal done to
18 appraise the footprint of this easement
19 area. So they haven't done anything
20 like that because they want to make sure
21 that this was, you know, something that
22 we have the option of doing an annual
23 renewal or something like that or

1 whatever the board would like to do.

2 COMMISSIONER GUY: And just so I'm clear, if
3 the board was interested in pursuing
4 this, we would still have to go forward
5 with the appraisal and get legal to --

6 MR. SMITH: We would not -- we would go
7 forward with the appraisal at the
8 landowner's expense. And you may recall
9 that this -- this was done with a tract
10 in the Yates WMA maybe about two years
11 ago. So this is basically a similar
12 process where we will get an appraisal.
13 We would order it at the landowner's
14 expense and then come back, present that
15 information to the board. You know, if
16 you wanted to proceed, the landowner
17 would then have to pay that amount to
18 then have this easement.

19 COMMISSIONER GUY: So the -- and I know
20 Mr. Flowers is here.

21 Is Mr. Flowers here?

22 MR. SMITH: Yes, sir. Mr. Clint Flowers is
23 here.

1 COMMISSIONER GUY: So the owner currently
2 is -- just for the board, is having to
3 traverse a private road through Forever
4 Wild property in order to get to his
5 property?

6 MR. SMITH: That is correct. Currently -- on
7 the maps that we have currently, the
8 road that's highlighted -- the portion
9 that's highlighted is the portion that's
10 inside the Clearwater Forever Wild Land
11 Trust property, which is also part of
12 the Upper Delta WMA. So, yes, they come
13 in on Forever Wild -- the road is on --
14 it's not a public road.

15 COMMISSIONER GUY: Well, I see the public
16 road, it looks like, on this map, and it
17 looks like you turn off that road before
18 you get to the Forever Wild. Is that
19 public road there before it actually
20 goes onto the trust land there, or is
21 that private too?

22 MR. SMITH: I think it's public up to where it
23 enters our property, the Forever Wild

1 Land Trust property.

2 DR. LAWTON: Chris, I've got a question.

3 Exactly where is the road?

4 The two maps have differing

5 information on where the road --

6 MR. SMITH: One is the topographic map. The

7 road is the black highlighted area.

8 DR. LAWTON: Yes. And then it continues on

9 through more of our property?

10 MR. SMITH: Correct. That road -- the part

11 that's highlighted in black would be the

12 part that this landowner is interested

13 in purchasing an easement to access.

14 The road continues on --

15 DR. LAWTON: The road as it exists doesn't go

16 through his property at all?

17 MR. SMITH: That's correct. The road does

18 continue on all the way to the river

19 through the Clearwater tract.

20 COMMISSIONER GUY: I just want to be clear.

21 So, Mr. Flowers, you might -- so from

22 that public road, which I assume on this

23 map is the one I'm looking at --

1 MR. FLOWERS: If you've got the Google
2 photograph, I highlighted the easement
3 road in blue. That's basically --

4 MR. CAUTHEN: We're looking at a plat map --

5 COMMISSIONER GUY: The Google -- do we have a
6 Google?

7 MR. CAUTHEN: -- out of a plat book. That's
8 what we're looking at.

9 MS. POWELL: Give us one second. We're going
10 to get oriented on the same map so that
11 everybody -- hold on one second.

12 (Brief pause.)

13 MS. POWELL: Okay. And I'm going to hold up
14 for another second until I kind of get a
15 nod from the board that everybody has
16 found this map and is ready for us --

17 COMMISSIONER GUY: There's not a Google map in
18 here. That's what I'm saying. So we
19 don't have a Google map.

20 MS. POWELL: You do not -- he brought one with
21 him, but y'all do not have a copy of
22 that. We're trying to work off a map
23 that everybody has.

1 COMMISSIONER GUY: All right. Go ahead.

2 MR. FLOWERS: Basically the red line on this
3 map reflects the same road. Where the
4 red line begins is where the public road
5 ends. As I understand it, that's where
6 the Forever Wild gate is.

7 One thing that wasn't pointed out is
8 this road is the access road and has
9 always been the access road before
10 Forever Wild existed in this area. They
11 just want to get it on paper. And it's
12 approximately 2800 feet, a little over
13 half a mile. They're basically just --
14 in my opinion, just want to turn a
15 prescriptive easement into a deeded
16 easement. And they're willing to do it
17 at their expense. They're just looking
18 for approval to proceed.

19 COMMISSIONER GUY: So currently we have not
20 kept the owner off the property or any
21 lessees off the property?

22 MR. FLOWERS: That's correct.

23 COMMISSIONER GUY: I know that there was a

1 legal issue with this earlier, about a
2 year or so ago, that I dealt with with
3 some lessee on the property.

4 MR. FLOWERS: Right.

5 COMMISSIONER GUY: Are they still -- do they
6 still lease the property?

7 MR. FLOWERS: Yeah. That wasn't about
8 ingress/egress as much as it was about
9 just quiet use of the property like with
10 the gun range being right behind their
11 hunting lease.

12 COMMISSIONER GUY: Correct. Yes.

13 MR. FLOWERS: That's not really related to
14 this at all. This is just something we
15 would like to do.

16 COMMISSIONER GUY: All right. Yes, sir,
17 Mr. Porter.

18 MR. PORTER: Going back to that shooting range
19 business. Did the lessees sue us for
20 nuisance or something like that because
21 of the --

22 MR. FLOWERS: No. They were just making a --
23 I don't even know that I'd call it a

1 complaint, but just making the board
2 aware of it. And the property was then
3 nominated for purchase. I came up then
4 and spoke to the nomination, but it
5 didn't proceed. I don't know why, but
6 it didn't. But that was really the end
7 of it.

8 MR. PORTER: I've got another question.

9 COMMISSIONER GUY: Yes, sir, Mr. Porter.

10 MR. PORTER: Just so I understand, looking at
11 this map, the red portion of the road
12 that pre-existed that you colored red is
13 already a road that's maintained by
14 Forever Wild?

15 MR. FLOWERS: As I understand it. You know,
16 usually these roads in my experience
17 will be joint maintenance based on --
18 you know, if my client logged over it,
19 they would be responsible to maintain
20 it. But they haven't. So that's been a
21 non-issue.

22 MR. PORTER: So you -- I believe you said
23 something to the effect that they had a

1 right of way by prescription you felt?

2 MR. FLOWERS: In my opinion, yes, sir.

3 MR. PORTER: Yeah. But the portion that jags
4 off to the southwest, that would be --
5 is that a present road now for ingress
6 and egress?

7 MR. FLOWERS: That's the road that they use
8 for main access. There is another road
9 that comes in the northwest corner
10 behind the gun range. It appears to
11 be -- primarily have been used as a
12 logging road because there's a cypress
13 and tupelo gum pond in the middle of the
14 property that kind of hinders you from
15 hauling through the middle of the
16 property.

17 MR. PORTER: So if we do what you want us to
18 do, then this road would -- it would no
19 longer belong to Forever Wild. It would
20 be y'all's property and y'all would
21 maintain it?

22 MR. FLOWERS: No, sir. They would just have a
23 deeded right to use it.

1 MR. PORTER: So this is just a deeded right of
2 way?

3 MR. FLOWERS: Correct. They would basically
4 pay you for it without taking title to
5 it based on y'all's required procedure.

6 COMMISSIONER GUY: And, Mr. Porter, I just --
7 just because you -- you remembered
8 this. What we did, the road that went
9 behind the range, there was a concern by
10 the lessee that they might get shot.

11 MR. PORTER: Okay.

12 COMMISSIONER GUY: So since they had this
13 other access to their property that they
14 didn't have to go behind the range, we
15 closed that off and locked the gate.
16 And we felt that was the most
17 appropriate thing to do given the
18 concerns they had about somebody going
19 behind the range and maybe accidentally
20 getting shot. We didn't think that
21 would happen, but we did that.

22 So this is the other means that they
23 can enter the property, but they still

1 have to go down this road -- is what
2 you're saying -- to get to that
3 entrance?

4 MR. FLOWERS: Just before you get to the gun
5 range, you turn left, go a couple of
6 hundred feet into the corner.

7 COMMISSIONER GUY: That's right.

8 DR. WOODS: One more question here.

9 COMMISSIONER GUY: Dr. Woods.

10 DR. WOODS: Will the gate still be closed at
11 the entrance to the Forever Wild land?

12 MR. FLOWERS: To my knowledge there's no
13 request to do otherwise. They just --
14 you know, they just want to have a
15 deeded right to use that road. And, you
16 know, if something were to change -- not
17 in the near future, but long-term --
18 they just want to do this to the benefit
19 of the property. They don't want to
20 change anything else.

21 COMMISSIONER GUY: Mr. Cauthen.

22 MR. CAUTHEN: Where was the range?

23 COMMISSIONER GUY: The range is over here

1 actually. It doesn't show up on the
2 map, but they were having -- they were
3 going around -- I'm just showing you.
4 But on the map, they were going -- there
5 was a road over here, and they were
6 going around. The range is right next
7 to the Tensaw Partners property here. I
8 don't know what direction that is. And
9 then they were going around and entering
10 on the back side. And we closed that
11 off. But the range was set up by
12 Wildlife and Freshwater Fisheries on
13 that property.

14 MR. CAUTHEN: On the --

15 COMMISSIONER GUY: On the Forever Wild
16 property.

17 MR. CAUTHEN: On our property, yeah.

18 COMMISSIONER GUY: Yeah. They had two ways of
19 getting in the property, and they were
20 using the -- they were going around the
21 range because it was easier access or it
22 was less intrusive to the hunting area.

23 MR. FLOWERS: Well, and there's a wet flat in

1 the middle of the property and a gum
2 pond basically.

3 COMMISSIONER GUY: So let me just ask
4 Mr. Smith. This is just for
5 clarification now. So if we proceeded
6 with this, tell me again how this would
7 proceed. What would we need to do?

8 MR. SMITH: We would order an appraisal at the
9 landowner's expense, and then what we
10 did when we did this with the Yates
11 property is we brought that back to the
12 board for their final approval and then
13 executed the easement.

14 COMMISSIONER GUY: So all you need now is a
15 motion for an appraisal and then come
16 back after the appraisal is obtained to
17 make that -- for the board to make the
18 determination of whether to proceed?

19 MR. SMITH: That's correct. What we'll do
20 when we come back is we'll have the
21 actual easement document for the board
22 to review to make sure that they're okay
23 with the language. And that's what we

1 did with the Yates tract. And then
2 after that -- after the board approved
3 it, there were some adjustments to the
4 language, which we will just follow the
5 same adjustments that the board approved
6 then and bring that back to the board.

7 COMMISSIONER GUY: So what we -- if the board
8 is interested, what we would be doing at
9 this time is just asking for an -- a
10 motion for an appraisal?

11 MR. KELLER: I make that motion.

12 COMMISSIONER GUY: Okay. Mr. Keller, a motion
13 for an appraisal.

14 MR. ALLEN: Question.

15 COMMISSIONER GUY: Yes, sir. Question.

16 MR. ALLEN: What width are we talking about?

17 MR. SMITH: That road is -- it's your
18 typical -- it's not like a two-lane
19 road. It's your typical road that goes
20 through the woods. It's gravel just
21 like -- you know, typical of maybe a
22 county dirt road would be -- it's
23 probably roughly 20 to 25-foot wide.

1 MR. CAUTHEN: Is that all they're going to
2 want, 20 feet, 25 feet?

3 MR. FLOWERS: I can't answer that for them,
4 but in my experience, depending on
5 whether we're -- I would assume that
6 they would like the right to bring power
7 into the corner as well, which would be
8 to y'all's benefit ultimately. If that
9 is the case, again, my experience is
10 with these easements we do no less than
11 35 feet, no more than 60, unless there's
12 something that comes up to change that.
13 So I think 35 to 60-foot wide would be
14 the range. I don't know why we would
15 need a 60-foot easement, but I'm just
16 giving you a real high end. I think
17 we're probably looking at 35.

18 One thing to note -- and I e-mailed
19 this copy in. But when you do see this,
20 this area -- these plantations coming
21 in, most of these here were recently
22 clear-cut. Just something to make a
23 note of. I don't know how it would

1 apply to you guys, in fact, for this,
2 but they have all been liquidated. To
3 have it surveyed and marked, it wouldn't
4 interfere with any of that.

5 COMMISSIONER GUY: Ms. Powell.

6 MS. POWELL: Commissioner, if there is not
7 opposition to us continuing discussions,
8 I think -- because if we are talking
9 more than access and we are talking
10 broader -- well, potentially. We're not
11 sure yet -- not sure of the breadth of
12 this and power and everything. I
13 would -- as long as there's no
14 opposition, I would ask simply that the
15 board let us continue with discussions
16 and clarify a few things I, frankly,
17 just wasn't fully aware of.

18 COMMISSIONER GUY: Yeah. I think,
19 Mr. Flowers, since you brought that up
20 about additional -- more than just what
21 the road entails, if your client -- I'm
22 not sure if it's a client, again. But
23 if your client has -- he needs to make a

1 specific request so the board can then
2 act on the specific request as opposed
3 to just -- you know, not knowing exactly
4 how much of right-of-way easement you're
5 looking for, so ...

6 Mr. Porter.

7 MR. PORTER: Yeah. The question I had is the
8 property that this goes through, is that
9 a wildlife management area? Is that
10 where active hunting is going on?

11 MR. FLOWERS: That's a safety zone right
12 there. At least that's how it's
13 classified. That is part of the Upper
14 Delta Wildlife Management Area. And as
15 I understand it, there's no hunting
16 allowed in the safety zone.

17 MR. PORTER: Well, I'm just saying that you
18 would have a potential of disturbing
19 hunters and whatnot going through there
20 anytime day or night, too, something we
21 need to look at.

22 MR. FLOWERS: They've been using -- they
23 already are and have been using that

1 road, like I said, since before the
2 management area was in place. Nothing
3 would change with that.

4 In fact, on the aspect of utilities,
5 the specific request is for ingress and
6 egress. My comments about utilities are
7 somewhat of a sidebar, but --

8 COMMISSIONER GUY: Well, we need to know.

9 I mean, I just -- I think that's what
10 Ms. Powell is saying is we're going --
11 we need to let the staff -- unless
12 there's an objection, I think we need to
13 let the staff get some more particulars
14 so that we can really act on --

15 MS. POWELL: I don't think anybody is just,
16 for whatever reason, absolutely opposed
17 to it under any condition. It just
18 sounds -- it sounds like there's
19 willingness to discuss it. My concern
20 is not just even taking a carbon copy of
21 what might have been done on the last
22 one, but understanding what the specific
23 request is here, any -- because once we

1 know that specific request, if there are
2 any limitations or restrictions we think
3 would need to be included in the
4 language. And so I would -- you know, I
5 would say -- I would -- I'd prefer to
6 just continue discussions and come back
7 with a more specific request.

8 Again, the appraisal would not be at
9 our expense. It would be at the owner's
10 expense. But, again, I'll go whatever
11 direction the board wants. But it
12 sounds like we may need a few more
13 details and confirmation from the owners
14 as to precisely what they're asking for.

15 COMMISSIONER GUY: Mr. Cauthen.

16 MR. CAUTHEN: I think the one thing that we
17 need to really be cognizant of is what
18 kind of neighbor are we creating with
19 this right of way. If we sell it, then
20 what's going to be the next step? And I
21 just think we really ought to take that
22 into high consideration. I'm not asking
23 you what it is, because once we sell it,

1 you can do anything you want to with it.

2 COMMISSIONER GUY: So unless there is an
3 objection, I think we could just proceed
4 as Ms. Powell requested, which is to --
5 we'll work with Mr. Flowers and get the
6 specific request and let the staff look
7 at the particulars and then we can come
8 back in June and act on it. Is there
9 any objection to that?

10 MR. FLOWERS: If I could make one more
11 comment.

12 COMMISSIONER GUY: Mr. Porter.

13 MR. PORTER: And I'm concerned about the legal
14 liability issues of -- particularly if
15 we're hunting through there and, also,
16 the maintenance and upkeep and
17 obligations of that road. So just if
18 y'all would take that into
19 consideration, I would appreciate it.

20 MR. FLOWERS: I think that can be defined
21 fairly easily. But one thing I wanted
22 to make clear is there is no alternative
23 access beyond this. You enter into the

1 major flood plain issue when you go
2 south and west of the property as far as
3 coming in through another landowner.

4 COMMISSIONER GUY: We understand, Mr. Flowers,
5 but let us -- you know, as a board we
6 have a fiduciary duty to do certain
7 things.

8 MR. FLOWERS: Right.

9 COMMISSIONER GUY: So just let our staff work
10 with you, and I think we can get to a
11 point where we can all be satisfied
12 hopefully.

13 MR. FLOWERS: Thanks for your time.

14 COMMISSIONER GUY: All right. Chris, a report
15 on the Big Canoe Creek restrictive
16 covenant issue.

17 MR. SMITH: Yes, sir. This item is not in
18 your packet, but it's just -- we wanted
19 to include this as a topic today because
20 this is one of the nominations the board
21 had, you know, motioned to proceed with
22 purchase. And as we're going through
23 that process, the landowner has provided

1 us with a restrictive covenant document
2 that was not provided to us before.

3 Generally when, you know, we're
4 initiating getting deeds and other
5 information to move forward with
6 appraisals, we request any information
7 about easements or timber reservations
8 or anything that might impact the value
9 of a piece of property. This was not
10 provided to us when that original
11 request was made.

12 And so as we were going through the
13 negotiation phase on the board's behalf,
14 this document came to light. David Dean
15 with the Department's legal section is
16 reviewing that document. And we just
17 wanted to bring that up because this was
18 motioned a couple of meetings ago to
19 proceed, and we just wanted to let the
20 board know that we are proceeding, but
21 this might take a little bit longer than
22 we thought originally.

23 I would like to mention, though, one

1 thing to the board, that you may recall
2 this is a nomination that for probably
3 two years straight there was -- Friends
4 of Big Canoe Creek would come to the
5 board meetings and talk about this
6 nomination. And the representative that
7 would come and speak to the board wanted
8 me to make sure to mention to the board
9 that he was not aware of this, you know,
10 when he -- and certainly wishes he would
11 have been so that we wouldn't be running
12 into this stumbling block right now.
13 But, anyway, just wanted to update the
14 board on that.

15 COMMISSIONER GUY: No action required for
16 that?

17 MR. SMITH: No action required, no, sir.

18 COMMISSIONER GUY: Any questions?

19 (No response.)

20 COMMISSIONER GUY: All right. Proceed with
21 the next one, please, sir.

22 MR. SMITH: The next item, in your
23 supplemental information folder that we

1 provided you'll see a map -- you'll see
2 a map that's got a heading on it Live
3 Oak Landing Pasture Lease Request. This
4 is a -- there's a landowner that, I
5 guess, for many, many years -- this
6 fellow told me that he's 73 years old
7 and his daddy leased this land and now
8 he's been leasing it. And so he had
9 contacted us and wanted -- you know,
10 asked us to put in front of the board,
11 you know, the possibility of leasing
12 this pasture. And you can see the area
13 indicated. It's west of Highway 225.
14 And so, you know, we're just bringing
15 this information or this question in
16 front of the board on behalf of this
17 individual whose name is Newman Smith.
18 And he, you know, lives adjacent to this
19 property.

20 COMMISSIONER GUY: Y'all have got some good
21 ones today.

22 MR. SMITH: There's -- there's not a current
23 written lease document. This is --

1 according to Mr. Smith in conversations
2 I've had with him, it's verbal. And,
3 you know, six months or so after the
4 Live Oak Landing closed -- you know,
5 this is one of the tracts that closed
6 December of 2012 -- he contacted our
7 office and, you know, started posing
8 questions about potentially leasing this
9 pasture.

10 COMMISSIONER GUY: I know Dr. Lawton had a
11 question early on about that. So I'd
12 like to let him follow up on that
13 question about consistent with the
14 management plan. Is that right,
15 Dr. Lawton?

16 DR. LAWTON: Yes.

17 COMMISSIONER GUY: What would be your opinion
18 on that and how would we address it?

19 MR. SMITH: Yeah. I would say that, you know,
20 that management of that property along
21 with the adjacent county and state CIAP
22 properties are going to be managed as
23 nature preserve/recreation area. We

1 haven't discussed specifically this
2 pasture area and maybe what -- there's
3 been some discussion about early
4 successional habitat, you know,
5 reverting it to that or -- but we
6 haven't nailed down a specific -- you
7 know, I don't know at this point as
8 we're moving through those discussions
9 that this would have any impact on the
10 management, but I don't know that
11 leasing a pasture would be part of the
12 long-term management goals associated
13 with this tract would be my opinion.

14 COMMISSIONER GUY: So what -- okay.

15 MR. CAUTHEN: How many acres involved in this
16 proposal?

17 MR. SMITH: According to Mr. Newman, it's
18 roughly 20 acres.

19 COMMISSIONER GUY: And does he request --
20 well, first of all, are there any grant
21 issues on this based on our recent
22 purchase of the -- you know, this
23 property, this whole Live Oak Landing --

1 MR. SMITH: I believe that CIAP -- the CIAP
2 grant has been closed, so there wouldn't
3 be any issues related to that.

4 Now, I will say that, you know, one
5 thing that this might impact with our --
6 you know, our discussions with the
7 management of this is -- and we talked
8 about -- we've talked about potentially
9 putting an access point and parking
10 areas -- would be a logical place to do
11 that -- to access this Forever Wild
12 property. And, you know, without having
13 any impact on any other portions of the
14 property, this would logically be the
15 place to do that. It's right off the
16 highway. It's already cleared. So
17 it's -- like I said, you know, it may be
18 a little while before we get to that
19 point, but in the long-term management
20 goals or things we've discussed, I don't
21 think this would be part of it.

22 COMMISSIONER GUY: Did he request a certain
23 length of a lease, number one, and did

1 you talk with the county about this
2 since we're involved with them --

3 MR. SMITH: I have not talked with the county
4 about this, and he did not request a
5 certain length of the lease. Again, I
6 didn't ask that. I probably should
7 have. But I think he's had it for --
8 like I said, he's 73 years old, and his
9 father had, you know, pasture rights or
10 grazing rights on this before. So I
11 think he's looking for any -- any length
12 of time, I guess.

13 COMMISSIONER GUY: Are there cows on it right
14 now?

15 MR. SMITH: I don't believe so, no, sir. No.
16 I think --

17 COMMISSIONER GUY: So he moved them once the
18 property was purchased?

19 MR. SMITH: Right.

20 MR. KELLER: Does he own the adjoining land?

21 MR. SMITH: It's my impression that he owns
22 the land across the street. You can see
23 on that map the pasture across the

1 street, that he owns that land there.

2 MR. KELLER: And he would access it through --

3 MR. SMITH: He would access this --

4 MR. KELLER: -- through his land?

5 MR. SMITH: Correct.

6 COMMISSIONER GUY: We don't have to -- so ...

7 MR. CAUTHEN: Let's just table this for a
8 couple of meetings.

9 COMMISSIONER GUY: Is that a motion?

10 MR. CAUTHEN: Yes, sir.

11 DR. VALENTINE: I'll second.

12 COMMISSIONER GUY: There's a motion to table
13 and a second. Any discussion on the
14 motion?

15 (No response.)

16 COMMISSIONER GUY: All right. All in favor of
17 the motion say "aye."

18 (All board members present respond
19 "aye.")

20 COMMISSIONER GUY: All opposed?

21 (No response.)

22 COMMISSIONER GUY: Motion carries.

23 Ms. Powell, are you going to speak

1 to us about the five-year plan?

2 MS. POWELL: Just briefly. I wanted to give
3 the board an update.

4 As you recall, we were beginning the
5 process of having a listening session in
6 each of the three districts beginning to
7 try to elicit public input on what they
8 would see potentially as goals or things
9 they would like to see in the long-range
10 planning document. As you recall, we
11 discussed once we have a draft, it will
12 also go back out for public comment.
13 But these three listening sessions that
14 we had scheduled were in conjunction
15 with accepting comments through the
16 Website. So it's not the only method of
17 accepting comments.

18 But we've had our first listening
19 session in the north district. It was
20 January 23rd in Huntsville. The second
21 listening session will be in the south
22 district. It will be done at our Five
23 Rivers facility February the 20th. And

1 then we'll have our final session in
2 Birmingham February 27th. And these are
3 at night and -- but I thought I would
4 report back so far on what we -- how the
5 session went in Huntsville.

6 We'd also mention to the board we
7 purposely did one before this meeting to
8 see if we wanted to tweak anything, had
9 any additional thoughts from the board,
10 and, frankly, I thought it went well. I
11 don't know that we would change
12 anything.

13 We did an initial short PowerPoint
14 presentation that was between 15 to 20
15 minutes giving a brief overview of the
16 program and the board's resolution that
17 was passed to proceed with a long-range
18 plan starting initially with a five-year
19 plan and updating in five-year
20 increments after that. We informed the
21 public again of the Website opportunity
22 to comment if they did not want to
23 comment that night. We had a court

1 reporter there to be sure that we
2 transcribed everything, and we'll get
3 that to the board and make that
4 available so you can see the comments.

5 Due to my wisdom in scheduling, I
6 ended up scheduling on the night of
7 single-digit temperatures in the
8 Huntsville area. So our attendance was
9 not high. I do feel the word got out.
10 We used press releases in addition to
11 the Website. And, also, we're very
12 grateful to several of the friend
13 groups, The Nature Conservancy,
14 Freshwater Land Trust, several others --
15 I'm sorry to name any because I know I'm
16 leaving out -- who also got the word out
17 to membership. And we had several calls
18 before the meeting asking about it,
19 asking details, also asking if we were
20 providing dinner, so -- and we did not
21 provide dinner, but -- and then some
22 follow-up questions afterwards for those
23 who could not make it inquiring about

1 other dates.

2 We -- the comments we received were
3 positive. There were a few suggestions
4 and a few questions, but I would say
5 nothing of urgency. I would probably
6 wait and kind of give an overall report
7 of the types of comments. We've already
8 received -- I mean, through the
9 Website -- I don't have an exact
10 number. I should have checked that for
11 you. I think we're over a hundred in
12 the number of comments through the
13 Website alone.

14 So I'll answer any questions, but I
15 mainly just wanted you to know that I
16 thought that it went well. There were
17 no issues either in the structure of our
18 presentation or any issues brought
19 forward by the public that I think
20 really require special attention today.

21 COMMISSIONER GUY: Any questions?

22 I would say based on today's session
23 you might want to add leasing to the

1 five-year plan to figure out what we
2 need to do there.

3 MS. POWELL: Well, you know, we -- that is
4 part of why we're doing it.

5 But I will communicate back to the
6 board that we have had numerous people
7 thank the board for the opportunity for
8 input on the front end of a draft
9 document instead of just after a draft
10 document comes out. So I was asked to
11 pass that along to y'all.

12 COMMISSIONER GUY: And thanks to everyone --
13 staff and everyone for putting together
14 those meetings and being there to help
15 out, so ...

16 Okay. Mr. Smith, it looks like
17 you've got one more maybe on here.

18 MR. SMITH: Yes, sir, Commissioner. The last
19 item today is to -- located in Tab 3-E
20 we have the State Lands Division
21 Administrative Budget Request. What you
22 have in your packet is a memo just
23 laying out that, you know, since 2009

1 the State Lands Division has requested
2 \$425,000 to help offset our budget with
3 some of the staff support.

4 This year we did -- this past year,
5 FY13, we did implement a more detailed
6 accounting for the time the State Lands
7 Division staff puts toward the
8 management/support of the Forever Wild
9 Land Trust program. On page 2 of this
10 memo, you'll see a detailed accounting
11 of different expenditures associated
12 with State Lands Division time as well
13 as some of the income that's generated
14 through the grants that -- the
15 restoration grants that we administer in
16 support of Forever Wild lands.

17 So you see we will continue with
18 that request of level of funding of
19 425,000 and will continue monitoring and
20 evaluating the amount of time that the
21 staff is putting into Forever Wild Land
22 Trust projects. But, you know, if the
23 board sees fit, we will need a motion to

1 approve that budget request.

2 COMMISSIONER GUY: Any questions?

3 (No response.)

4 DR. HEPP: Make a motion to accept it.

5 COMMISSIONER GUY: Dr. Hepp with a motion to
6 approve the budget. Is there a second?

7 MR. PORTER: Second.

8 COMMISSIONER GUY: All in favor of the motion
9 say "aye."

10 (All board members present respond
11 "aye.")

12 COMMISSIONER GUY: All opposed?

13 (No response.)

14 COMMISSIONER GUY: Motion carries.

15 Thank you, sir. Thank you for your
16 work.

17 All right. Is there anything else,
18 Chris, or any other matter, Ms. Powell?

19 MR. SMITH: I believe that's all the items on
20 the agenda, sir, in that category.

21 MS. POWELL: I should have mentioned when I
22 was speaking earlier on the public
23 meetings, you will see in your packet

1 under Tab 3-F, again, just a mention of
2 the locations and the times for the
3 remaining two meetings. That's also
4 published on our Website. We're issuing
5 another press release as to the second
6 meeting coming up. But if you had any
7 questions, I wanted -- in addition to
8 directing people to the Website, I want
9 you to know you have the address and
10 location information.

11 COMMISSIONER GUY: Is the staff letting the
12 board members know, Ms. Powell, when
13 they have meetings in their district?
14 Are they being notified by e-mail or
15 anything about it?

16 MS. POWELL: Chris has been. Chris and Jo
17 have been working on that.

18 And, also, she's not here today.
19 She could not attend. I wanted to thank
20 Dr. Sims. She was present on behalf of
21 the board at the meeting in Huntsville,
22 and she could not attend today. But we
23 appreciate it. And I think there was

1 interest in the audience to be able to
2 talk with her also. So I want to thank
3 Dr. Sims.

4 COMMISSIONER GUY: All right. Before you sit
5 down, Patti, when is the next scheduled
6 meeting?

7 MS. POWELL: The proposed date is June 19th.
8 We have not received a specific request
9 as to location. As we always say, if
10 you have a suggestion, please let staff
11 know so we can begin circulating and
12 discussing.

13 COMMISSIONER GUY: So if you have a
14 suggestion, we -- we're probably going
15 to be looking at going north, more than
16 likely somewhere north. So unless
17 somebody has a suggestion, we'll find a
18 spot.

19 It is the 75th anniversary of the
20 parks. So absent any other suggestions,
21 we might look at one of the parks, like
22 maybe Gunterville. And I'm sure
23 Mr. Lein, who is here, would be happy to

1 host us and we could complement his 75th
2 anniversary celebration maybe by
3 something along those lines.

4 Is that right, Greg?

5 MR. LEIN: Absolutely.

6 MS. POWELL: And we do appreciate the State
7 Parks Division's help and support in our
8 administration of the program. So,
9 Greg, thanks to you and your staff for
10 all their help.

11 COMMISSIONER GUY: Thank you.

12 All right. The last item I have
13 here is approval of the minutes of
14 September 19, 2013, and the December 5,
15 2013, meeting, which wasn't a real
16 meeting. So I need a motion on that.

17 MR. ALLEN: So move.

18 COMMISSIONER GUY: All right. Got a motion by
19 Mr. Allen. Second?

20 MR. KELLER: Second.

21 COMMISSIONER GUY: Second by Mr. Keller. All
22 in favor of the motion say "aye."

23 (All board members present respond

1 "aye.")

2 COMMISSIONER GUY: All opposed?

3 (No response.)

4 COMMISSIONER GUY: Motion carries to approve
5 those minutes.

6 All right. Any other -- yes,
7 Mr. Porter.

8 MR. PORTER: Just before we leave today, I
9 just want to thank Commissioner Guy and
10 commend him. I think this is one of the
11 most productive meetings that I've ever
12 been a part of. I mean, you look at the
13 complex issues that we dealt with. And
14 I appreciate his leadership and his
15 friendship in going forward in what this
16 program does. This is a very, very
17 important program not only to the
18 citizens of this state but literally to
19 all the citizens in all the states. And
20 I just want to commend my friend
21 Commissioner Guy on an excellent
22 meeting.

23 COMMISSIONER GUY: Thank you. I think most of

1 the credit probably should go to the
2 staff. And I certainly appreciate the
3 board being here. It's always an
4 imposition, I know, to travel a long
5 ways and do the work. But thank you,
6 Mr. Porter, and I thank the board.

7 MR. CAUTHEN: I believe this is the largest
8 group since I've been on here. We've
9 only got one absent. I think the
10 productivity of it is overwhelming.

11 MR. PORTER: Well, Sonny, with you and I being
12 here, it is going to be a large group.

13 COMMISSIONER GUY: On Sonny's note, we're
14 adjourned.

15 (Meeting adjourned at
16 approximately 12:26 p.m.)

17 * * * * *

18 REPORTER'S CERTIFICATE

19 * * * * *

20 STATE OF ALABAMA:

21 MONTGOMERY COUNTY:

22 I, Tracye Sadler Blackwell, Certified
23 Court Reporter and Commissioner for the State of

1 Alabama at Large, do hereby certify that I reported
2 the foregoing proceedings of the Forever Wild Board
3 Meeting on February 6, 2014.

4 The foregoing 140 computer-printed pages
5 contain a true and correct transcript of the
6 proceedings held.

7 I further certify that I am neither of
8 kin nor of counsel to the parties to said cause nor
9 in any manner interested in the results thereof.

10 This 14th day of April 2014.

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Tracye Sadler Blackwell
ACCR No. 294
Expiration date: 9-30-2014
Certified Court Reporter
and Commissioner for the State
of Alabama at Large