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**MINUTES OF THE
FOREVER WILD BOARD MEETING
5 Rivers Delta Resource Center
Spanish Fort, Alabama
December 10, 2015**

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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 5 Rivers Delta Resource Center,
Spanish Fort, Alabama, on Thursday, December 10,
2015, commencing at approximately 10:08 a.m.

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1 **BOARD MEMBERS PRESENT:**

- 2 Mr. N. Gunter Guy, Jr. Commissioner
- 3 Dr. John Valentine
- 4 Dr. Gary Hepp
- 5 Mr. Frank "Butch" Ellis
- 6 Mr. Leo Allen
- 7 Mr. Charles E. Ball
- 8 Mr. Horace H.Horn, Jr.
- 9 Mr. Greg Pate
- 10 Dr. Michael Woods

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11 COMMISSIONER GUY: Welcome, everyone, to our
 12 December 10, 2015, Forever Wild Board
 13 Meeting. At this time I'll call the
 14 meeting to order and see if we have a
 15 quorum by the call of the roll.

16 Mr. Pate?

17 MR. PATE: Here.

18 COMMISSIONER GUY: Dr. Hepp?

19 DR. HEPP: Here.

20 COMMISSIONER GUY: Dr. Woods?

21 DR. WOODS: Here.

22 COMMISSIONER GUY: Mr. Ellis?

23 MR. ELLIS: Here.

1 COMMISSIONER GUY: Mr. Ball?

2 MR. BALL: Here.

3 COMMISSIONER GUY: Dr. Strickland?

4 (No response.)

5 COMMISSIONER GUY: Dr. Valentine?

6 DR. VALENTINE: Here.

7 COMMISSIONER GUY: Mr. Allen?

8 MR. ALLEN: Here.

9 COMMISSIONER GUY: Mr. Horn?

10 MR. HORN: Here.

11 COMMISSIONER GUY: Mr. Cauthen?

12 (No response.)

13 COMMISSIONER GUY: Mr. Runyan?

14 (No response.)

15 COMMISSIONER GUY: Mr. Porter?

16 (No response.)

17 COMMISSIONER GUY: Dr. Sims?

18 (No response.)

19 COMMISSIONER GUY: Dr. Jordan?

20 (No response).

21 COMMISSIONER GUY: So with myself, we have

22 nine members, and that does constitute a

23 quorum. So we can conduct business

1 today. So barely made it. Thanks,
2 everybody, for showing up. I know it's
3 a tough time of the year, and
4 I appreciate y'all being here so we
5 could conduct business today.

6 I know we have one special guest
7 here, Representative Randy Davis.

8 Randy, where are you?

9 MR. DAVIS: Right here.

10 COMMISSIONER GUY: Glad to have you with us.

11 MR. DAVIS: Good morning.

12 COMMISSIONER GUY: Thanks for coming today,
13 Randy. We always appreciate you
14 attending these, and we appreciate your
15 support. You're a valuable supporter of
16 our program.

17 Next I would like to, as always,
18 thank Hank Burch and all the staff that
19 manages the Forever Wild facility here.

20 Hank, where are you? Is he here?

21 Is he in here?

22 MS. POWELL: He's at an oil-spill meeting.

23 COMMISSIONER GUY: Oh, he's at an oil-spill

1 meeting. He's at an oil-spill meeting.

2 So we want everybody to know, if you
3 don't, that this is a State Lands
4 Division facility, one of the great
5 assets that we provide to the public,
6 you know, and is used quite a bit. And
7 so it has great value to the public.

8 I don't know -- don't want to spend
9 too much time on it, but I know
10 thousands of children come through here
11 and the public uses it for various and
12 sundry things. So sometimes as we go
13 into legislative sessions think about
14 what we do provide when it comes to
15 budgets and that kind of thing.

16 MS. POWELL: And, Commissioner, I would note
17 and brag for just a second that we
18 have -- our numbers aren't totally
19 compiled, but we think we're going to
20 exceed 70,000 visitors for this past --
21 this past year.

22 COMMISSIONER GUY: Thank you, Patti.

23 Okay. So with that -- and, please,

1 for those who haven't been here before,
2 you know, at this facility, if you want
3 to see it, just let Patti know. I'm
4 sure we can get somebody to take you
5 around and show you the rest of the
6 facility. You might have some need for
7 it.

8 And the other thing is, I'm going to
9 put a plug in because I've been there
10 and it's pretty nice over there.

11 There's a gift shop on the way out, that
12 building as you go out. So it is
13 Christmastime. So if you happen to need
14 a little gift for a family member --

15 MS. POWELL: And I will say the exhibit hall
16 is just that direction. So if you have
17 any questions, let us know.

18 And do go by the gift shop. There's
19 a requirement to buy something.

20 COMMISSIONER GUY: I wear a large.

21 Okay. So it's time for our public
22 comments. And I don't know if these --
23 they're not necessarily in any

1 particular order, but when I call your
2 name, if you would, just my standard
3 speech is come down to the microphone
4 and then, you know, provide your
5 comments.

6 We do have a court reporter here,
7 Tracye, who does such a wonderful job
8 for us. We'll -- it's required to take
9 down what you say for the minutes that
10 we provide to the public. So remember
11 to try to speak slowly. Don't get in
12 too big of a rush. We're okay with
13 that. And make sure -- that way she
14 gets exactly what you say.

15 So the first person that I have here
16 is -- is it Marie Bestick or Bostick?

17 MS. BOSTICK: Bostick.

18 COMMISSIONER GUY: Thank you, Ms. Bostick.

19 MS. BOSTICK: Good morning.

20 COMMISSIONER GUY: Good morning.

21 MS. BOSTICK: I am Marie Bostick, the
22 executive director of the Land Trust of
23 North Alabama. I'm here today to speak

1 particularly on a property known as the
2 MSP-Dug Hill addition. It is in
3 Huntsville, Alabama. It is on Monte
4 Sano Mountain, and it is adjacent to the
5 Monte Sano State Park.

6 The property, you can see, on the
7 map is actually in two parcels. It's
8 134 acres total. The blue area is
9 actually the state park, and the yellow
10 areas on either side are the nominated
11 parcels. So the largest parcel is
12 approximately 130 acres, and it's on the
13 southeast side of the park. And then
14 the smaller approximately 4-acre piece
15 is on the western side of the park.

16 Both of the parcels are forested,
17 typical hardwood upland properties.
18 There are two caves that are known on
19 the property, and there are two very
20 heavily used trails that cross the
21 property already, particularly by our
22 mountain-biking group who -- this
23 property was before you in June. We

1 COMMISSIONER GUY: Oh, sorry.

2 UNIDENTIFIED SPEAKER: Yours is fine.

3 COMMISSIONER GUY: Yeah, I usually don't need
4 a microphone.

5 MR. NORTHCUTT: Good morning. I'm Steve
6 Northcutt with The Nature Conservancy.
7 And I've come here today to talk about a
8 property in Jackson County. It's the
9 northeast county in the state.

10 The map I've given you shows
11 properties that have been acquired by
12 Forever Wild. And some of the color
13 codes, you'll see, are because some of
14 the properties were bought with federal
15 grants. The federal grant that bought
16 the light-yellow properties was through
17 a Forest Legacy grant. So the -- as you
18 know, the Lands Division works very hard
19 to try to leverage Forever Wild dollars.
20 So many of these properties were done
21 with federal dollars with Forever Wild
22 matching.

23 So today the small 40-acre tract

1 that is shown in blue is a property that
2 The Nature Conservancy acquired from the
3 same organization that bought all of the
4 property back in 2003 that was part of
5 an acquisition -- about 82,000 acres in
6 Alabama and Tennessee, and it's the same
7 company we bought the Walls of Jericho
8 from. So the Walls of Jericho in
9 Tennessee and Alabama is about 21,500
10 acres, 12,500 in Alabama and about nine
11 in Tennessee.

12 So these -- there were several small
13 tracts that were being auctioned, and
14 they came to us, since we had done
15 business with them, and asked if we
16 wanted to acquire some of these small
17 properties before it went to auction.

18 So this 40-acre tract we're looking
19 at is a nice addition because it
20 provides connectivity to the larger
21 block that you already own.

22 Interestingly, it was a timber company
23 that bought this property. Because it's

1 It is considered the Splinter Hill
2 Bog-North addition. That property has
3 had a first appraisal. The landowner
4 would consider an offer if you decided
5 to acquire that with the second
6 appraisal.

7 And I'll mention that The Nature
8 Conservancy with the state has
9 acquired -- I think the state may have
10 about 1500 acres. We have about 1600
11 acres there. Fantastic pitcher plant,
12 longleaf pine, slash pine community. If
13 anybody has ever been to that area, it's
14 some of the most spectacular pitcher
15 plant bogs you'll see. And so I just
16 mention that today as a courtesy to the
17 landowner.

18 COMMISSIONER GUY: And say it again. Splinter
19 Hill --

20 MR. NORTHCUTT: Splinter Hill Bog-North
21 addition. It's right on the state's
22 northern boundary of your ownership.

23 COMMISSIONER GUY: Okay.

1 MR. NORTHCUTT: Thanks for letting me --

2 COMMISSIONER GUY: And, Steve, did you -- on
3 this 40-acre tract here, what's the
4 asking on that?

5 MR. NORTHCUTT: Just whatever the appraised
6 value is.

7 COMMISSIONER GUY: Appraised value is.

8 MR. NORTHCUTT: Yeah. It doesn't matter.

9 COMMISSIONER GUY: Do you have an idea what
10 that is?

11 MR. NORTHCUTT: Well, our appraisal came in
12 with a timber cruise of \$101,000.

13 COMMISSIONER GUY: Okay. Thank you.

14 Dan Dumont. Dan.

15 And are y'all hearing all right? Is
16 it still -- is it working?

17 UNIDENTIFIED SPEAKER: Good.

18 COMMISSIONER GUY: Thank you.

19 MR. DUMONT: Thank you, Commissioner, Board
20 Members. I'm Dan Dumont with the
21 Alabama Forest Resources Center, and I'm
22 here today to talk about the Wolf Bay
23 tract. It's under your pile there

1 somewhere. You've got a -- I'll give
2 you a minute to get that out.

3 MS. POWELL: It looks like this.

4 MR. DUMONT: It's in a little brochure.

5 UNIDENTIFIED SPEAKER: Dan, lift up the
6 microphone, please.

7 COMMISSIONER GUY: Yeah, there you go.

8 MR. DUMONT: This is 569-acre tract of natural
9 timber. It's got 2.6 miles of frontage
10 on Wolf Bay. And Wolf Bay was the first
11 water body in Alabama that was
12 designated as an "Outstanding Alabama
13 Water" because of the pristine nature of
14 the water there. We think a lot of that
15 is probably attributable to the fact
16 that this tract buffers Wolf Bay from
17 the farmland to the north.

18 There's a big stand of mature slash
19 pine on this. It has some really
20 valuable, you know, developable uplands
21 and a good deal of forested wetlands.
22 It's a magnificent tract for neotropical
23 migrant birds. It's loaded with deer.

1 And it's just one of the last large
2 remaining natural tracts down on the
3 coast.

4 And it hasn't been scored by the
5 Department yet, but since you are here
6 today, I thought I would come put it in
7 front of you so you could have it in
8 mind when the scoring comes back.

9 It belongs to the J.L. Bedsole
10 Foundation. They bought it at my
11 request so that it wouldn't be sold for
12 development, and they're holding it with
13 hopes that you or one of the other
14 agencies will take it out.

15 So it's a fantastic tract, really
16 one of the last really fine tracts like
17 that down in that part of the world. As
18 you can see from the maps, it's kind of
19 right opposite -- right north of Gulf
20 State Park across the water body. And I
21 think it's, you know, an obvious tract
22 that needs to be acquired.

23 COMMISSIONER GUY: Any questions for Dan?

1 Dan, I just -- you know, I'm
2 familiar a little bit with where that is
3 right there.

4 MR. DUMONT: Yeah.

5 COMMISSIONER GUY: There's no other holdings
6 that we have around there, is there?

7 MR. DUMONT: No. Just the Gulf State Park
8 across the water.

9 COMMISSIONER GUY: The park. But I'm just
10 saying, right there we don't have any?

11 MR. DUMONT: No, sir. No, sir.

12 COMMISSIONER GUY: Okay. What is this -- who
13 owns this to the south and west there?

14 MR. DUMONT: George Barber.

15 COMMISSIONER GUY: Is that Barber's place?
16 Okay. That's what I thought.

17 MR. DUMONT: Well, the one to the south and
18 east -- I'm not looking at the map, but
19 that's where his marina is. You can
20 see --

21 COMMISSIONER GUY: This one?

22 MR. DUMONT: Yeah, that's George's.

23 I can't -- and that may be his too. I'm

1 not sure.

2 COMMISSIONER GUY: Okay.

3 MR. DUMONT: But -- and that 40-acre
4 inholding, you know, that's in the north
5 part of this tract, that's George Barber
6 as well. And he says he's not a seller
7 of land down there, but if we needed it
8 to make something happen, he would talk
9 to us.

10 COMMISSIONER GUY: Yes. I understand. That's
11 why I was asking.

12 MR. DUMONT: Yeah.

13 COMMISSIONER GUY: Any other questions?

14 (No response.)

15 COMMISSIONER GUY: Okay. Thanks, Dan.

16 MR. DUMONT: Thank you.

17 COMMISSIONER GUY: Appreciate it very much.

18 So I have two people, I guess, that
19 are going to speak on this, Selena
20 Vaughn and Ashley Campbell.

21 MS. VAUGHN: Good morning. I'm Selena Vaughn
22 with Village Point Foundation, and this
23 is Ashley Campbell with the City of

1 Daphne, our environmental programs
2 manager.

3 And I have to say, first of all, I'm
4 just glad that Forever Wild is still
5 here. Y'all gave us quite a scare a
6 while back. I have to say that the
7 other -- the other group that the
8 foundation works with, the Alabama
9 Historical Commission, I'm afraid
10 they're not faring as well as Forever
11 Wild.

12 COMMISSIONER GUY: Thanks for your help.

13 MS. VAUGHN: We are here today to talk about
14 something that we -- this application
15 for the Friday Construction property in
16 the City of Daphne right down the
17 street, if you look at the front page
18 here.

19 This application, I think, was
20 the --

21 COMMISSIONER GUY: Can you wait just a second?

22 MS. VAUGHN: Sure.

23 COMMISSIONER GUY: Because I think they're

1 still passing it out. So that way we
2 won't be behind.

3 Okay. Take your time. We're all
4 right.

5 MS. VAUGHN: So this is actually something
6 that was applied for last year, and
7 we're hoping to bring it back to your
8 attention and hope to get -- move a
9 little closer to the top of the list.

10 The Village Point Foundation is 20
11 years old this year, and we first
12 started because we realized really
13 quickly that in the city of Daphne there
14 was very little public access and
15 waterfront being preserved. And we were
16 able to work with the city and get
17 Bayfront Park and Village Point
18 Preserve. If you will flip over to
19 page 2 and look at the bottom there, I
20 mean, just in the mid '90s, May Day
21 Park, a very small waterfront park, was
22 all the waterfront holdings that the
23 public had access to here.

1 And we are, you know, one of the
2 fastest metropolitan growing areas, not
3 only in the county, in the state and in
4 the country. And we just feel the clock
5 is ticking on preserving some public
6 access and keeping some things from
7 being developed on our waterfront so
8 that you don't have to helicopter in
9 or -- in order to see the bay from here.
10 And, also, we have a real issue, of
11 course, with rainfall and our watershed
12 and runoff, and we'd just really like to
13 see some of this preserved.

14 The Foundation has identified
15 several properties, and I wanted to show
16 you an overall -- here on page 2 -- an
17 overall project of how this property
18 we're talking about today fits in.

19 First of all, we have the Gator
20 Alley Park here at the very north end of
21 the park. And that's actually ALDOT
22 property that we have gone in and made
23 into a park. And we have just gotten

1 some grant money and are spending some
2 money and fixing to really expand that
3 because it is so popular. And Ashley is
4 going to talk about that in a minute.

5 This property that we're applying
6 for -- hoping that you will consider is
7 on the north -- is north of I-10 and
8 would just be a natural extension of
9 Gator Alley that is already there and
10 already very popular. If you -- the
11 overall vision of the Foundation is to
12 connect Gator Alley eventually all the
13 way down Daphne's coast to Village Point
14 Preserve with a series of scenic
15 overlooks, boardwalks, and sidewalks.

16 We're currently looking at right
17 now, kind of in the middle of the page,
18 the yellow square there, 12 acres on the
19 bay to begin our scenic overlook, kind
20 of a center spot where we would begin
21 going both north and south connecting
22 the boardwalks over time as we could do
23 it to make that connection happen.

1 And ultimately what would really be
2 nice, if Forever Wild was to help us
3 with this extension of Gator Alley, is
4 to be part of the ultimate connection
5 all the way up here to 5 Rivers so that
6 all the way from 5 Rivers all the way
7 down to Point Clear would have some sort
8 of access, pedestrian and bicycling
9 and ...

10 So let's look on over to page 3.
11 This is a close-up of the property we're
12 talking about today. The property in
13 kind of the lavender color and orange,
14 that is the Friday Construction
15 property. And we're talking about
16 approximately a hundred acres. And
17 further back there is the county tax
18 appraisal. I think they have it at
19 about 175,000 for all of that. That's
20 the county tax appraisal.

21 The Steiner property in the orange
22 here to the left, the owner wants to
23 donate that. And that's about 126

1 acres. So we would actually have a
2 donation larger than what we're looking
3 at purchasing.

4 And one thing that, I guess, I need
5 to consult with Forever Wild about at
6 some point is there are actually other
7 Friday Construction properties on the
8 other side of 98 on the west side of our
9 Gator Alley Park. There's about 12
10 acres that goes to the foot of the Lake
11 Forest lake and the dam, which would --
12 and I don't know if that would be -- if
13 you want to put all that in one
14 application or if that would be
15 separate.

16 And the same thing with the previous
17 page. The 12 acres we're looking at
18 purchasing we're actually getting an
19 appraisal on now for that scenic
20 overlook. I don't know if that would be
21 a separate application or if that would
22 be rolled into just one -- as one
23 project.

1 And if you'll turn to page 4, I have
2 some really bad photos I took from a
3 phone in a canoe looking back at this
4 property we're looking at today. But it
5 had shell middens, you know, both high
6 and -- some great highlands with all
7 kinds of pottery and poison ivy, I warn
8 you. There's a picture here -- there is
9 an eagle's nest on the most northern
10 part of this property that's as big as a
11 Volkswagen up in a tree.

12 COMMISSIONER GUY: Could I ask you a question?

13 MS. VAUGHN: Yeah, sure.

14 COMMISSIONER GUY: I hate to interrupt you.

15 MS. VAUGHN: Sure.

16 COMMISSIONER GUY: But I'm slow today and I'm
17 trying to keep up.

18 Is this four parcels that you're --
19 I mean, there's basically four parcels
20 you're talking about here?

21 MS. VAUGHN: Right.

22 COMMISSIONER GUY: Is that -- okay. And
23 they're all these on page 3?

1 MS. VAUGHN: Well, the purple and the orange.

2 COMMISSIONER GUY: Okay. The purple and the
3 orange. So you've got -- I'm just
4 trying to make sure I get --

5 MS. VAUGHN: Right.

6 COMMISSIONER GUY: But Gator Alley Park is
7 already one we -- I know has been
8 submitted to us; right?

9 MS. VAUGHN: Yeah, right. This is that
10 submission.

11 COMMISSIONER GUY: Okay. And then you've got
12 the Steiner property would be donated.

13 MS. VAUGHN: Right.

14 COMMISSIONER GUY: And is that contingent upon
15 us purchasing something, or how does --
16 I mean, I'm not trying -- if I'm messing
17 up your presentation, I won't do that,
18 but --

19 MS. CAMPBELL: As the city -- Spanish Fort and
20 Daphne have been pursuing the donation
21 of the property to complement this
22 package. We knew we kind of were close
23 last year, but we didn't make it in.

1 And we've been working really hard to
2 make the application a little more
3 appealing, and we know larger tracts are
4 more appealing.

5 The Steiner property is 126 acres.
6 We will be owners of it -- of 67 of it
7 by January, and the additional we're
8 working on. So that would be turned
9 over to Forever Wild as part of this
10 package deal. We've worked really hard
11 to do that.

12 And then we're looking at another
13 parcel that could be considered. And we
14 will get with Jo and talk to her and
15 make our package or presentation better.
16 But we are just here to tell you we're
17 still trying.

18 COMMISSIONER GUY: Okay. That's good. I just
19 wanted to make sure I was following you.
20 I felt like that maybe I might not be
21 the only one that was -- maybe I am the
22 only one, looking down the row here.

23 MS. POWELL: And, Commissioner, if you don't

1 mind, I'd like to -- so to help y'all
2 and maybe help us -- Ashley, I
3 appreciate the information. Would
4 this -- do we need to sit back down,
5 though, because there may be some
6 additional information, opportunities --

7 MS. CAMPBELL: To add -- absolutely.

8 MS. POWELL: -- you're talking about now?

9 We really need to redo the original
10 nomination to get it back closer to what
11 you've been able to add in the interim.
12 So I think what we need --

13 COMMISSIONER GUY: This is more informational
14 today.

15 MS. POWELL: I think it's more information. I
16 think what we'll do is just sit down and
17 be sure that with the new information we
18 sort of get all of that back
19 reincorporated in the original
20 nomination, which will be to the -- you
21 know, rescoring or whatever we need to
22 do, and see what happens.

23 MS. CAMPBELL: Absolutely.

1 COMMISSIONER GUY: Sure. And that's fine. I
2 just --

3 MS. POWELL: Okay. I just wanted to be sure I
4 was on the same page too.

5 MS. CAMPBELL: And we do have council
6 resolution -- a resolution stating
7 support for long-term maintenance,
8 adding access to it.

9 We're just really excited. We do
10 have the Gator Alley project fixing to
11 start. The city is fixing to invest
12 about \$600,000 to improve that -- that
13 park. And it will have a total
14 low-impact development design. So
15 there's going to be an
16 education-outreach component to it.
17 We're real excited about it. It'll be
18 done within six months, so that could
19 complement the package. We're very
20 excited.

21 COMMISSIONER GUY: And I appreciate that.
22 Thank you for clarifying.

23 MS. CAMPBELL: Yes, sir.

1 MR. PATE: You mentioned connecting Gator
2 Alley with the Village Point at some
3 point all the way down.

4 MS. CAMPBELL: Right.

5 MR. PATE: What dis -- there's nothing on this
6 map. What kind of distance are you
7 talking about?

8 MS. VAUGHN: My mind just went completely
9 blank on how many miles that is. It's
10 really a lot shorter than it's ...

11 Yeah. I want to say it's under five
12 miles. I mean, I just can't remember
13 exactly.

14 MS. CAMPBELL: And I will tell you, Spanish
15 Fort --

16 UNIDENTIFIED SPEAKER: Just two.

17 MS. CAMPBELL: Two.

18 UNIDENTIFIED SPEAKER: Two miles.

19 MS. CAMPBELL: Spanish Fort, we've been
20 working with them. They're doing a
21 master plan for the Causeway. We
22 actually met Monday to talk about how we
23 can get to Mobile with trails and

1 boardwalks and bicycle paths. And
2 they're working on it, and they're a
3 part of this application. They
4 actually -- the land to the north the
5 Steiners are donating is in Spanish
6 Fort.

7 COMMISSIONER GUY: Okay. Thank you. And I'm
8 sorry to interrupt you on that. I just
9 felt like we could all follow a little
10 better if we cleared that up.

11 MS. VAUGHN: Ashley, could you just tell them
12 real quickly about what we're doing --
13 the upgrades we're doing?

14 MS. CAMPBELL: Well, Gator Alley is going
15 to -- we've purchased some land, and
16 we're going to be installing a porous
17 paver parking lot that will -- where
18 currently we can only have about 12
19 cars, we'll be able to do closer to 30.
20 And we're also putting in a step pool
21 and restoring wetlands and planting all
22 native species. It's just going to be a
23 very attractive project when we complete

1 it. So we're excited about it. And has
2 bioretention also.

3 COMMISSIONER GUY: Thank you. I know there's
4 been a lot of work done there.

5 MS. CAMPBELL: Yes, sir. Thank you.

6 COMMISSIONER GUY: Appreciate all y'all's work
7 trying to make that ecologically sound.

8 MS. VAUGHN: Thank you.

9 COMMISSIONER GUY: Thank y'all.

10 Were there any other questions, by
11 the way, before ...

12 (No response.)

13 COMMISSIONER GUY: All right. Thank you.

14 Chuck Yeager.

15 MS. POWELL: Commissioner, could --

16 COMMISSIONER GUY: Yes.

17 MS. POWELL: I hate to interrupt.

18 COMMISSIONER GUY: Just for benefit of the
19 court reporter, if y'all could,
20 especially right behind us, just kind of
21 keep the talking down a little bit.
22 It's hard for her to hear that and hear
23 them, so thanks.

1 (Brief interruption.)

2 MR. YEAGER: Thank you, Commissioner Guy and
3 Members of the Board, for giving me the
4 opportunity to speak today. As many of
5 you know, I manage Forever Wild's Turkey
6 Creek Nature Preserve through a
7 wonderful partnership between the
8 Southern Environmental Center at
9 Birmingham-Southern College, the
10 Freshwater Land Trust, and Forever Wild.

11 Since I took on this position four
12 years ago, I have had the pleasure of
13 working with countless volunteers and
14 partner organizations in an effort to
15 expand and enhance the opportunities we
16 provide to the public through recreation
17 and education. This year alone we've
18 had over 97,000 visitors who have
19 traveled through our gates. Our
20 education programs have seen 5800
21 participants, and we have hosted or
22 participated in 22 events and have
23 reached approximately 13,000 people.

1 These numbers are something that I
2 take great pride in for our little
3 preserve for which I am the sole staff.
4 However, I believe that we have just
5 started to get our feet up under this
6 and there's a still a lot more to
7 accomplish.

8 As I speak today, a trail builder is
9 working on the final touches of a new
10 3.2-mile trail at Turkey Creek, a
11 project which has been made possible
12 through a Recreational Trails grant from
13 ADECA. I am particularly enthusiastic
14 about this project because it will open
15 up Turkey Creek to a whole new user
16 base, mountain-bikers. It is also a
17 first step towards what we hope to be a
18 15-mile trail system within the
19 preserve.

20 With all of the growth we have
21 experienced, it has been increasingly
22 pressing for us to develop new methods
23 of financial stability for our operation

1 to succeed moving forward. With this
2 mind-set we have worked to develop new
3 sustainable initiatives for fundraising.
4 One of these is the development of a new
5 community-led organization called "The
6 Friends of Turkey Creek" which received
7 their 501(c)(3) this year. The
8 "Friends" have worked tirelessly to
9 develop new events, write grants, and
10 enhance public-awareness programs for
11 the preserve.

12 Another new development that I'm
13 very excited to share is that we were
14 recently awarded funding by the
15 Community Foundation of Greater
16 Birmingham for the first phase of a
17 new -- first-phase construction on a new
18 classroom pavilion on an adjacent tract
19 to Forever Wild property. This pavilion
20 will be located on the banks of Turkey
21 Creek, and in addition to the
22 opportunities it will provide us to
23 expand our education programming, it

1 will also set up the perfect location
2 for weddings and other gathering rentals
3 which will in turn play a large role in
4 our ability to remain financially
5 sustainable.

6 With all of these great new
7 developments, I know that what I do is
8 just a small part of all of the amazing
9 things that are happening in this state
10 because of the work that this board is
11 able to accomplish. I'm am equally
12 proud and humbled to be a part of such
13 an amazing asset for the state of
14 Alabama, and I thank you for this
15 responsibility and this opportunity.

16 COMMISSIONER GUY: Any questions?

17 (No response.)

18 COMMISSIONER GUY: So I just want to say that
19 I've been doing this for five years.
20 And there's a lot of people that are
21 very enthusiastic about Forever Wild,
22 but I don't know of anybody who is more
23 enthusiastic and more informative than

1 you, Chuck. So I appreciate everything
2 you do. And I really appreciate the
3 information you provide us about that
4 one preserve that you're very passionate
5 about because I think it is important
6 that we understand the impact on others.

7 MR. YEAGER: Thank you very much.

8 COMMISSIONER GUY: And the public needs to
9 know that that maybe is not so informed.
10 So thank you very much for what you do.

11 I need to come up with an award for
12 you. I'll give it to you. Thank you,
13 sir.

14 Walter.

15 MR. ERNEST: I don't have anything to say.

16 COMMISSIONER GUY: Oh, come on, Walter. Come
17 on, Walter. You sure?

18 MR. ERNEST: Yeah, positive.

19 COMMISSIONER GUY: Okay. Skipper Tonsmeire.

20 All right, Walter. That's the first
21 time, now.

22 MR. TONSMEIRE: Good morning. I'm Skipper
23 Tonsmeire with the Coastal Land Trust.

1 And I think you may have a handout
2 that has a map with some pink shading on
3 the front. It looks like that. You
4 have about a ten-page summary of a
5 50-something-page resource assessment
6 that Mark Bailey did, and I have
7 furnished a full copy to Doug Deaton if
8 you want more information.

9 Briefly, the Coastal Land Trust is a
10 private local conservation group that
11 was formed in the '80s to focus
12 exclusively on the Mobile Delta. And
13 it's a 501(c)(3). We're an
14 all-volunteer board. And you will see a
15 lot of the land on this map, other than
16 the green parcel that we're addressing
17 today, was actually conveyed to the
18 state and/or the federal government by
19 the Coastal Land Trust. We've protected
20 about 30,000 acres either on the edge or
21 in the Delta since 1985.

22 This parcel that we're looking at
23 here is 1540 acres. It adjoins, as you

1 can see, a wildlife management area
2 that's currently managed by the State of
3 Alabama. And, actually, that land
4 that -- that it adjoins is land that we
5 conveyed to the state probably about 12
6 or 14 years ago.

7 We've protected, like I said, about
8 30,000 acres. Our original purchase was
9 one tract of 17,000 acres that went from
10 Mobile all the way to Baldwin County.
11 We have about 2200 acres left. This
12 property, the 1540 acres, it is good
13 hunting land. It's currently leased to
14 a hunting club. It has 39 species of
15 concern, 16 of Priority 1 critical
16 concern. And it would provide a great
17 addition to the wildlife management area
18 that's already there.

19 And the money that would come to the
20 Coastal Land Trust would allow us to
21 continue our work. We kind of work on
22 behalf of the state really. We don't
23 have any employees. We don't have any

1 paid board members. We don't have any
2 staff. We're what you call a working
3 board.

4 COMMISSIONER GUY: Yes, sir.

5 MR. TONSMEIRE: If you have any questions --
6 it's my understanding that the state has
7 done an appraisal and a timber cruise,
8 and what we would like, as I understand
9 it, is to go to the second appraisal.
10 But we would certainly like to make this
11 transaction with the state.

12 COMMISSIONER GUY: Skipper, thank you. Any
13 questions?

14 Yes, sir.

15 MR. BALL: Forgive my ignorance. What's a
16 southeastern Myotis?

17 MS. LEWIS: A bat.

18 MR. BALL: Okay. Thank you.

19 COMMISSIONER GUY: Appreciate it. Thank you,
20 Mr. Ball.

21 Any other questions?

22 (No response.)

23 COMMISSIONER GUY: So this is a property --

1 and so it's already had a first
2 appraisal?

3 MR. TONSMEIRE: Yes, sir, that's our
4 understanding. We have not seen it but
5 understand that there's been an
6 appraisal and a timber cruise.

7 COMMISSIONER GUY: If Patti can help. When
8 was that, Patti?

9 MS. POWELL: Well, let me say, I think -- be
10 sure that -- you don't mind me asking a
11 question?

12 COMMISSIONER GUY: No. Please.

13 MS. POWELL: I think this is -- this
14 information is consistent with what Ray
15 Herndon provided.

16 MR. TONSMEIRE: Correct. Correct.

17 MS. POWELL: And so I think what's been -- and
18 I'll explain to y'all in a second.

19 I think what's in green -- y'all's
20 green -- lime green is basically what we
21 have outlined.

22 MR. TONSMEIRE: Correct.

23 MS. POWELL: Okay. One clarifying point: The

1 name in our world, in your packet, is
2 the Byrnes Lake nomination.

3 COMMISSIONER GUY: Okay. Byrnes Lake.

4 MS. POWELL: There was a first appraisal that
5 was motioned for and acquired, but --
6 and, Skipper, I may need to ask a couple
7 of clarifying questions.

8 What we -- what was nominated and
9 scored and then appraised was actually a
10 two-parcel and larger area. It's
11 really -- the original nomination is
12 kind of like what you see in red. And
13 those are tax parcel lines. But it's
14 what's in red.

15 So this -- this is a little
16 different than what was nominated and
17 appraised. And so we would probably
18 need to be sure -- are you sort of
19 coming forward now and talking about
20 maybe doing a lesser transaction than
21 what was nominated and moving forward
22 with this lesser -- and it's also a
23 little less of your original parcel

1 here?

2 MR. TONSMEIRE: Yes, ma'am. This -- these two
3 parcels got aggregated -- there is an
4 important distinction. The Coastal Land
5 Trust owns this parcel. This is a
6 private ownership, Byrnes Lake, LLC.
7 And we certainly support the purchase of
8 both parcels, but we don't have an
9 ownership interest in the Byrnes Lake,
10 LLC, tract.

11 MS. POWELL: Right. And so let me -- if the
12 board would indulge me, let me just sort
13 of pass by you to show you what I'm
14 talking about, because I think what
15 we're going to need to do is clarify
16 your proposal in this nomination because
17 it is different. The original
18 nomination, even though two tracts, was
19 one nomination, scored that way,
20 appraised that way. So we may need
21 to -- I don't think -- what I'm saying
22 to the board, it's not really right
23 right now.

1 COMMISSIONER GUY: The same -- not really the
2 same nomination.

3 MS. POWELL: If y'all would give me just one
4 second.

5 To explain, the map I have is a map
6 we've prepared trying to be sure -- we
7 received some material from Ray Herndon
8 last week, I believe, or maybe --

9 MS. LEWIS: Earlier this week.

10 MS. POWELL: In any event, it's just showing a
11 little different configuration.

12 COMMISSIONER GUY: So why don't you do one
13 thing, too, when you -- give Tracye a
14 copy of that.

15 So is this -- while she's doing
16 that, so it's the same tract, but there
17 could be some differences in what
18 actually is being proposed this time
19 than from last time?

20 MR. TONSMEIRE: Apparently there was a little
21 confusion and it got aggregated with
22 this Byrnes Lake tract that's about 1300
23 acres. So you may see something that

1 looks like about ...

2 MS. POWELL: Yeah. I'm just saying, that's
3 the -- the nomination we received and
4 scored was the totality.

5 COMMISSIONER GUY: Okay. And then what is it,
6 Skipper, just so I'm clear on the
7 record?

8 MR. TONSMEIRE: 1540 is the acreage owned by
9 the Coastal Land Trust that we are
10 submitting forward today.

11 COMMISSIONER GUY: Okay. And so what I hear
12 Patti saying --

13 And, Patti, I'm just saying this for
14 the record.

15 -- is that the original one was
16 the -- the total 2900 acres.

17 Okay. So that's why we don't really
18 have anything in front of us on a first
19 appraisal at this time?

20 MS. POWELL: Correct.

21 MR. TONSMEIRE: Both parcels are available and
22 both parcels can be conveyed, but it is
23 two separate ownerships and two

1 different deals, so to speak, to work
2 out the financial terms.

3 COMMISSIONER GUY: So just for clarification,
4 then, let me ask it in a different way
5 just so the board and I can be clear.

6 So since it was already part of a
7 total package, my question to you would
8 be simply this: You're talking about a
9 lesser amount of that total package.
10 Would you want us to consider it, then,
11 a nomination separately on what you're
12 talking about and leave off the other,
13 or would you rather Patti and the staff
14 try to get us more information on the
15 total package and then work from there?

16 MR. TONSMEIRE: Art Dyas is here, and he
17 represents the Byrnes Lake, LLC. I'm
18 not sure how to answer your question.

19 COMMISSIONER GUY: And I don't mean to put you
20 on the spot. I just --

21 MR. TONSMEIRE: No, no. I can answer for the
22 Coastal Land Trust. We'd like to get to
23 the goal line the shortest and most

1 efficient way.

2 COMMISSIONER GUY: Sure. Okay. That's a
3 fair -- that's what I'm saying. All
4 right. That's fair.

5 MR. TONSMEIRE: But we certainly support the
6 purchase of both properties. We do not
7 have an interest in the other property.

8 COMMISSIONER GUY: All right. I guess, you
9 know, the issue for us would be simply
10 this: We would need our staff to look
11 at it again as a first appraisal because
12 we can only act on what we've had
13 nominated. And then, secondly, the
14 board would want to look at that and see
15 the differences. There's obviously a
16 difference in dollars that we would be
17 spending one versus both together and
18 that type of thing. So I don't want to
19 try to complicate it, but it is --

20 MR. TONSMEIRE: Yes, sir. It would be a
21 difference in dollars. The properties
22 are very comparable.

23 MS. POWELL: Skipper, let me be sure I

1 understand though. Going back to an
2 old -- the Byrnes Lake map we used for
3 the previous presentation, if the
4 Coastal Land Trust ownership that was
5 presented -- I realize, you remember, it
6 was two tracts we were requested to
7 treat as one nomination. That's why we
8 proceeded as we did. But as it is now,
9 you -- it is slightly different even
10 from your parcel from what was submitted
11 to us previously; right?

12 So even -- even for your parcel,
13 this proposed boundary line is a little
14 bit different than it was presented to
15 us originally?

16 MR. TONSMEIRE: Minor difference.

17 MS. POWELL: So the bottom line is -- and it's
18 no problem other than a procedural
19 administrative need to be sure --

20 MR. DYAS: The number that Skipper -- my name
21 is Art Dyas.

22 COMMISSIONER GUY: Thank you, sir.

23 MR. DYAS: Yes. I have -- I worked with Chris

1 Smith on both of these properties in
2 terms of getting them appraised and the
3 timber cruises done. I'm a consulting
4 forester. I've been with the Coastal
5 Land Trust since its inception. I'm
6 also a part-owner in the Byrnes Lake
7 tract.

8 What Skipper refers to as
9 1500-and-some-odd acres was not what
10 actually -- was not the total of what
11 was offered to the state -- to the
12 Forever Wild program. It's 1740 acres.
13 Mark Bailey -- Mark Bailey only did a
14 baseline documentation report on 1500,
15 but what was offered to the state was
16 the full 1740 acres, which is reflected,
17 I think, on your map.

18 Is this your map?

19 MS. POWELL: Yes. And so is the current -- I
20 guess we need to just, so we'll know how
21 to suggest the next step, is understand
22 if what you're asking the board to do is
23 to consider acting on one parcel.

1 Because it changes the nomination,
2 changes the scoring, has to reflect our
3 short --

4 COMMISSIONER GUY: And Byrnes Lake, just so
5 you're clear, is about a 2900-acre
6 piece --

7 MR. DYAS: Let me tell you what transpired.

8 COMMISSIONER GUY: Sure.

9 MR. DYAS: I took the state's appraiser --
10 took him to the Coastal Land Trust
11 properties. Took the timber cruisers up
12 there. I put them on the properties.
13 I took them to Byrnes Lake, showed them
14 those properties. My understanding from
15 your appraiser was that -- and he did
16 understand that they were two separate
17 ownerships, two completely separate.

18 COMMISSIONER GUY: Right.

19 MR. DYAS: Neither party had the right to
20 speak for the other. And that was the
21 way I understood it was supposed to be
22 done.

23 Then what -- in talking to Chris

1 Smith, what I understood, he said it was
2 all the Byrnes Lake tract. And I said,
3 well -- and I didn't understand that.
4 But what they had done is they
5 consolidated them.

6 I think you've got an appraisal
7 maybe that has them separate. I know
8 you've got two separate timber cruises
9 already because I worked with your -- I
10 worked with the timber cruisers. So --
11 COMMISSIONER GUY: Right. The only problem
12 is, is that like I think Patti was
13 trying to say, from an administrative
14 standpoint, from an auditing standpoint,
15 and from, you know, just a legal
16 standpoint it was proposed as one.

17 MR. DYAS: By whom?

18 MS. POWELL: By the nominating party.

19 COMMISSIONER GUY: By the nominating party.

20 MR. DYAS: I nominated those properties, and,
21 no, sir, it wasn't.

22 COMMISSIONER GUY: Well ...

23 MS. POWELL: Okay. Let me -- let me -- let me

1 just -- let me say this: If somehow
2 there was any confusion as to the
3 nomination, if my staff and we made a
4 mistake and that we considered it as one
5 nomination and scored it as one
6 nomination, what that really means is --
7 obviously you're -- you have to be a
8 willing seller. You would control --
9 each owner, each -- well, however many,
10 if it was four landowners, would all
11 control whether -- once the appraisal
12 came back and if the board moved
13 forward, if they were okay with that
14 value. That's obviously an individual
15 willing-seller decision.

16 MR. DYAS: Correct.

17 MS. POWELL: That doesn't mean we -- we
18 sometimes, though, have multiple owners
19 that come to us together presenting a
20 nomination because the totality of that
21 package enhances the scoring, you know,
22 because you were either by amenities or
23 by acreage and the greater recreational

1 opportunities possibly that provides --
2 it may strengthen a nomination. So it
3 comes to us as one nomination and it is
4 scored that way.

5 If that is something we confused and
6 did that we did incorrectly -- my
7 understanding of where we are now is if
8 the two of you combined are asking the
9 board to proceed to purchase of what was
10 appraised as appraised, then I think
11 it's no different. If you are asking
12 either -- to change the boundary of
13 either parcels or move separately, then
14 we would only be acting on a part of
15 what was scored, and it may be an impact
16 to the scoring.

17 MR. DYAS: So the answer is, is that it was
18 scored in its totality?

19 MS. POWELL: That is my understanding from
20 staff.

21 MS. LEWIS: Yes.

22 MS. POWELL: So, now, on the appraisal, if
23 they're both still moving forward, it's

1 fine. I mean, you could -- you have
2 separate values because obviously each
3 seller has to know what they're
4 receiving.

5 So I guess if all -- and maybe we
6 confused the information from Ray, but I
7 thought what -- the parcel that you have
8 in green -- that's in green you can
9 see -- itself seems to be a lesser
10 portion.

11 MR. DYAS: Yes. This is -- this is the
12 Coastal Land Trust property itself.

13 MS. POWELL: And, Skipper, that is a lesser --
14 a lesser footprint than what was
15 originally presented. And that's fine.
16 It just -- again, it goes to
17 administratively trying to figure out
18 what we're acting on. That's all.

19 MR. TONSMEIRE: There are a couple of parcels
20 that are not contiguous to this parcel
21 that have no public access, and that's
22 part of what we cut out because that
23 would be very difficult for the state to

1 manage, I think. What we were going to
2 try to do is if we make this transaction
3 with the state is work out something
4 with adjacent landowners with those
5 parcels.

6 MS. POWELL: But that would have been -- on my
7 map looks like something that was
8 included in the nomination that was part
9 of our appraisal.

10 MR. TONSMEIRE: Correct.

11 MR. DYAS: Yes.

12 MS. POWELL: So we would simply -- it just
13 sounds like to me -- because those lines
14 have changed from what we appraised.
15 It's not really a new appraisal. But we
16 would certainly have to update that
17 appraisal with an understanding of what
18 acreage is now -- now available, now
19 being offered, now being presented to
20 the board.

21 And then if you're both saying that
22 both tracts are still available and
23 still an opportunity, really the first

1 step is to reconfigure the appraisal and
2 the value for the board in accordance to
3 an updated appraisal that reflects
4 acreage.

5 This isn't unusual. We sometimes
6 have owners that either come to us and
7 had an error in the calculation of the
8 acreage or for some reason a family
9 member doesn't want to proceed with
10 what -- we have done this before and
11 updated appraisals to reflect it. I'm
12 just saying that would need to be --
13 that would need to be done -- before you
14 can proceed with the second appraisal we
15 would have to have a corrected, updated
16 first appraisal reflecting the
17 opportunity available to the board.

18 After we had that -- after we had
19 that, as with any other -- we also look
20 to be sure that the change in acreage,
21 whether an addition or a reduction, has
22 any impact on the scoring. Sometimes
23 it's because of acreage. Sometimes --

1 I'm not saying it is in this
2 situation -- you might have lost an area
3 with a critical habitat that maybe
4 helped the score before. So that's why
5 you have to look back at the scoring to
6 be sure it remains on the short list to
7 be available for board action for
8 purchase under the law.

9 So that's -- but it sounds like to
10 me, if y'all could, probably -- and your
11 boundaries haven't changed, so it'd just
12 be a Coastal Land Trust boundary change
13 that we would need to look at, you know,
14 updating the appraisal to reflect.

15 MR. DYAS: Would you leave all the acreage --
16 would you just leave all the acreage in
17 there, the 1740, without changing it?

18 MR. TONSMEIRE: We can do that if that's
19 simpler.

20 COMMISSIONER GUY: So can I make a suggestion,
21 Patti?

22 MS. POWELL: Yes, sir.

23 COMMISSIONER GUY: So rather than take up a

1 lot of time right now, could we move on
2 and then at our break maybe you talk to
3 them a little bit more or see where we
4 are and then you could update us before
5 we go into any discussion? Would that
6 be --

7 MS. POWELL: So do you want to do that before
8 the Executive Session or after or --

9 COMMISSIONER GUY: Either one.

10 MS. POWELL: Okay. Just so we have a little
11 extra time to do that.

12 COMMISSIONER GUY: Yeah. Just so you have
13 extra time to get it -- you know, for
14 you and the staff to get it -- and I'm
15 not -- Skipper, I'm not trying to cut
16 you short, but it sounds like there is
17 some need for --

18 MR. TONSMEIRE: Oh, no. It's too late for you
19 to cut it short.

20 COMMISSIONER GUY: Yeah. I just -- you know,
21 it sounds like there is some at least
22 clarification or whatever on what we
23 need to do here, and in order to get it

1 right -- that's all we're trying to do.

2 MR. TONSMEIRE: Yes, sir.

3 COMMISSIONER GUY: We don't want a mistake and
4 have to come back on something because
5 we didn't get it right the first time.
6 And I think that's what Ms. Powell is
7 trying to do right now.

8 MR. TONSMEIRE: Yes, sir. I understand.

9 COMMISSIONER GUY: And so at a break maybe
10 Patti -- and we'll take a little extra
11 time, if the board doesn't mind, and let
12 y'all discuss that a little bit further.
13 And then we could make a -- if the board
14 is okay, we could let there be a
15 supplemental report on this particular
16 tract before we go into any discussion.
17 Would that be fair?

18 MR. TONSMEIRE: Yes, sir. That's very fair
19 and thank you.

20 COMMISSIONER GUY: And we appreciate your
21 patience, both of you. Appreciate your
22 patience on that very much.

23 MR. TONSMEIRE: Well, thank you for addressing

1 this property, and we enjoy working with
2 Forever Wild.

3 COMMISSIONER GUY: No. And I think it's
4 very -- it's of interest. We just want
5 to make sure we get it right. You know,
6 that's the thing.

7 MR. TONSMEIRE: Yes, sir.

8 COMMISSIONER GUY: Yes, sir. Thank you.

9 MR. TONSMEIRE: Thank you.

10 COMMISSIONER GUY: No. Thank you.

11 Albert Nettles. Mr. Nettles.

12 MR. NETTLES: My name is Albert Nettles. I'm
13 a lifetime resident and landowner in
14 Monroe County. I consider myself a
15 conservationist. I've been a supporter
16 of Forever Wild ever since you got
17 started, and I salute you for what
18 you're doing. I have been particularly
19 interested -- this is the first meeting
20 I've attended -- to see that most of
21 what your business consists of is
22 exactly what I expected and, that is, to
23 acquire additional lands for the public

1 in Alabama.

2 Really the reason I decided to come
3 down, I read the minutes from the last
4 meeting about the Wiregrass conversation
5 about the Rails-to-Trails. And I'll
6 have to tell you, I've got some real
7 severe concerns about Forever Wild
8 getting involved in Rails-to-Trails.

9 We've had a little personal
10 experience on a proposal for a very
11 short Rails-to-Trails project in Monroe
12 County that happens to intersect a lot
13 of land that's been in my family for
14 over a hundred years. So we've gotten
15 into the minutia because of that, and I
16 can tell you, it's like dealing with a
17 banana republic. It's going to be
18 complicated. There were several notes I
19 wrote down so I wouldn't forget to
20 mention this.

21 Well, first of all, in reading the
22 minutes of this last meeting, if you
23 refer over to page 146 and 147, I think

1 there probably was a mistake made. It
2 says "diversionary right" when it should
3 be "reversionary right," which is pretty
4 important, I think, because what I have
5 been told that means is that the
6 railroad, in this case, has a right to
7 say we're ready to use that property
8 again and you've got 30 days to vacate
9 and we pay you \$150,000 or whatever your
10 purchase price for it and we get the
11 improvements and we're gone.

12 And there are a lot of really
13 peculiar legal implications into the way
14 this thing is constructed. In my
15 opinion whoever was responsible for the
16 federal legislation for Rails-to-Trails
17 made a sweet deal with the railroad.
18 They can get a high appraisal, sell it
19 to you for a fairly small amount, claim
20 the difference as a gift, get the
21 property back in 30 days. They've got
22 no responsibility for cleaning up the
23 ecological problems on that railroad.

1 In our case it's been there for over a
2 hundred years and it's got all kind of
3 creosote ties that have never been moved
4 off that track. They just throw them to
5 the side when they replace them.

6 You've got problems with pollution
7 in the streams that they cross. Just in
8 this eight-mile track there's five
9 different trestles. Unfortunately one
10 of them burned. So it's not unlike what
11 you were talking about over there where
12 you've got to cross the Pea River on a
13 bridge that may take you a million
14 dollars to replace.

15 I'm not just a grumpy old man. I've
16 been a Boy Scout for about 65 years and
17 was in the infantry and special forces
18 for 30. So I've done my share of
19 hiking. And I'm not against hiking.
20 I'm not against bicycling. I love the
21 outdoors. But this is not the -- not
22 the way to do it.

23 We've carried our Scout troop many

1 times on back roads, logging roads up in
2 Monroe County on mountain bikes with the
3 fatter tires, not the skinny Lycra
4 setup. And these kids do fine. And if
5 you're going on a weekend, usually the
6 logging crews are not in there. All you
7 need is a few hundred bucks for some
8 directional signs and a map and you're
9 in business.

10 They're proposing to spend a
11 half-million dollars for two miles. And
12 that may be free money from the federal
13 government, but you know that our
14 grandchildren are going to have to pay
15 it back. So I think we've all got a
16 responsibility for wise use of
17 resources. That's why you're here. And
18 I think getting involved with
19 Rails-to-Trails is a pretty bad idea.

20 And in reading through carefully
21 what was said at that meeting, there
22 were several other things that caught my
23 eye. One is there's a loss of value --

1 in our case -- I don't -- I'm not that
2 familiar other than looking at it on a
3 state map of what is involved with that
4 particular trail.

5 But you've got a lot of private
6 landowners on both sides of that
7 corridor. And in our case hunting
8 rights are a big deal. As far as we're
9 concerned, it would almost constitute a
10 taking. A hundred years ago when the
11 railroad was put in, you know, the
12 steamboats were going out of business
13 and we had to have that to make industry
14 go. And so everybody was in favor of
15 the railroads.

16 The use now that is being proposed
17 for the trail is entirely different.
18 You've got 24/7-365 access for whoever
19 wants to come. Now, granted, I -- most
20 of the people I know that are bicyclists
21 are sharp people, but they're not the
22 only ones that are going to be using
23 that trail. And there's no protection

1 right now for access in and out of
2 there.

3 I've talked with the county sheriff
4 up there, and he tells me we've got no
5 budget to provide for policing. Well,
6 in that particular case the road -- the
7 highway is probably as much as a half a
8 mile away from the trail. If somebody
9 falls and gets hurt, they're going to
10 have to crawl a half-mile, I suppose,
11 because they say they're not going to be
12 able to police that trail. There are
13 just a lot of problems that I think -- I
14 would like to see you carefully study.

15 And the other thing I noticed --
16 because this is true in our case -- the
17 question was asked have you talked to
18 the landowners. Well, we've talked to a
19 few of them, you know. Well, what did
20 they say? Well, you didn't really get
21 an answer.

22 The first thing that needs to happen
23 in my opinion is that you need to get

1 the landowners on board with this thing
2 and sell them on the idea and resolve
3 those problems and not say, yeah, we
4 know we need a plan and we're going to
5 get a plan once we get the money. Kind
6 of like Nancy Pelosi told us, we need to
7 pass a bill and then we'll see what's in
8 it.

9 And I think -- I think you would all
10 be creating headaches for yourself and
11 bad publicity for Forever Wild to get
12 involved in that. What you've done up
13 until now, today, in acquiring new
14 tracts of land is great, and that's what
15 it's about in my opinion.

16 Thank you for the opportunity to
17 come --

18 COMMISSIONER GUY: Would you answer a few
19 questions in case there are any?

20 MR. NETTLES: Yes, sir.

21 COMMISSIONER GUY: Are there any questions of
22 Mr. Nettles?

23 I have -- can I ask you a couple of

1 questions?

2 MR. NETTLES: Yes, sir.

3 COMMISSIONER GUY: So how much of that rail
4 goes through your property? What is
5 your particular piece, if you don't mind
6 saying?

7 MR. NETTLES: Of the eight miles?

8 About two, two-and-a-half miles.

9 COMMISSIONER GUY: Okay. Have you -- two
10 questions. And I was trying to remember
11 what -- there may have been a question
12 to this. Does the railroad offer to the
13 landowners the ability to acquire that
14 property?

15 MR. NETTLES: The short answer is no.

16 COMMISSIONER GUY: So it's only available --

17 MR. NETTLES: We've had a -- we've had a lease
18 on a part of it -- it's a long story
19 that I won't bore you with, but it had
20 to do with the railroad running over a
21 bunch of cows.

22 This place crosses a wide flood zone
23 of a big creek in there. And the cows

1 in flood stage were getting up on the
2 track and the railroad was wiping them
3 out. So my dad years ago negotiated a
4 contract with them which is still in
5 place. Because what you're getting with
6 this reversionary interest is a
7 quitclaim deed. You're not getting a
8 warranty deed. So there's several
9 different legal implications with all
10 that, but ...

11 COMMISSIONER GUY: But no opportunity for the
12 private landowners to either lease or
13 acquire that like they are offering
14 to --

15 MR. NETTLES: For all practical purposes, that
16 turned out to be the case. I tried to
17 get an attorney to purchase it on our
18 behalf because every time I'd pay the
19 lease annually I would say if you ever
20 decide to abandon this railroad, which
21 they obviously had already done years
22 before, please give us a chance to buy
23 it.

1 COMMISSIONER GUY: So what -- and do you have
2 any personal knowledge about the
3 positions of the other landowners? Have
4 you spoken with them or --

5 MR. NETTLES: Yes, sir. I've spoken to all of
6 them on this eight-mile -- I think every
7 one of them -- and they're all against
8 it.

9 And a big part of it -- and one
10 other point that I noticed. I was
11 trying to read up and do my homework.
12 And there was a seven-page printout on
13 Amendment 543, which is, I understand,
14 the enabling legislation for Forever
15 Wild. There's a short paragraph on my
16 page 6 here: The right of the public to
17 hunt and fish on the lands and easements
18 acquired under the provisions of this
19 act shall not be abridged or restricted
20 subject to such rules, regulations,
21 seasons and limits as are established by
22 the Department of Conservation and
23 Natural Resources.

1 Now, I can't imagine that anybody
2 that's going to do the bike trail
3 intends for people to hunt off the
4 trail. But this says they can.

5 COMMISSIONER GUY: You know, you could
6 interpret it that way.

7 A couple of other questions if you
8 don't mind.

9 MR. NETTLES: All right, sir.

10 COMMISSIONER GUY: So on the tract that you're
11 familiar with, what I wanted to get
12 straight, you're saying there is some
13 that -- where you could not cross a
14 river or a stream because it is either
15 in bad repair or we'd have to put
16 something up there?

17 MR. NETTLES: About 300 feet of trestle that
18 was, I guess, 60-feet high at least was
19 burned and is totally gone.

20 COMMISSIONER GUY: And so there would be no --
21 I mean, and I'm asking you just because
22 you're familiar with it and I'm not.

23 MR. NETTLES: Yes, sir.

1 COMMISSIONER GUY: We kind of were -- I think
2 these were some of the questions we were
3 wanting to get more clarification on.

4 So could you even cross there, then,
5 at that creek or whatever is there
6 without building something --

7 MR. NETTLES: No, sir.

8 COMMISSIONER GUY: Okay.

9 MR. NETTLES: You could, of course, wade
10 across it, but you've got a terrific
11 drop-off in there. It's unsafe really.

12 COMMISSIONER GUY: So there was a larger part,
13 I think, to this more than the eight
14 miles that you're talking about. Am I
15 mistaken on that?

16 MR. NETTLES: Not yet, but I think that's what
17 they've got in mind. I think the speed
18 limit for the railroad now is ten miles
19 an hour, and they'll need to pay
20 hazardous-duty pay to the guy that's
21 operating it. It's really in tough
22 shape.

23 COMMISSIONER GUY: That's all the questions I

1 have. Does anybody else have questions?

2 MR. PATE: I do. Just to clarify,

3 Mr. Nettles, the part -- and I was not
4 at this last meeting, although I've read
5 through the minutes. But that was --
6 the tract that was talked about at the
7 last meeting was in Covington and Geneva
8 Counties.

9 MR. NETTLES: Yes, sir. It's an entirely
10 different deal.

11 MR. PATE: The one you're talking about is in
12 Monroe?

13 MR. NETTLES: Yes, sir. And I don't have any
14 personal knowledge. I haven't been on
15 the ground over there, but I've walked
16 this old place where we are.

17 MR. PATE: Right. Okay.

18 MR. NETTLES: And, of course, another
19 complicating factor, regardless of where
20 it is, you're going to have people, in
21 our part of the woods especially, doing
22 a lot of logging that are going to have
23 to cross that track back and forth. And

1 we asked the county about that. Well,
2 if you damage our trail, then, you know,
3 you fix it back. Well, it doesn't take
4 a rocket scientist to understand that a
5 log truck full of logs is going to make
6 an impression on that asphalt when it
7 goes across. There needs to be some
8 common sense applied to this.

9 COMMISSIONER GUY: Okay. Mr. Ellis.

10 MR. ELLIS: And I know you can't generalize
11 about all of the right of way, but in
12 your particular case does the railroad
13 actually own fee to that or do they have
14 an easement for the track?

15 MR. NETTLES: I think -- most of this was
16 acquired back around 1898 to 1900, and I
17 think it was fee simple. But there have
18 been a number of easements that have
19 been granted since then or some
20 easements that I'm aware of.

21 MR. ELLIS: Expansion of width possibly or --

22 MR. NETTLES: Well, for crossings primarily, I
23 think. But in the case that we're

1 talking about it's -- there's a strip of
2 at least a quarter of a mile, if not a
3 half-a-mile long, of everything except
4 about 20 feet right down the center line
5 of the track so that cows can get up on
6 it and it can be fenced. Not that that
7 would affect the trail necessarily.

8 But to answer your question, yes,
9 there are some easements in it. Like
10 any -- any long tract of land like that,
11 it's going to require a lot of legal
12 work to get it straight.

13 COMMISSIONER GUY: Any other questions,
14 follow-ups?

15 Yes, sir, Mr. Horn.

16 MR. HORN: This eight miles that you're
17 talking about in Monroe County, has it
18 been developed for a bike trail?

19 MR. NETTLES: No, sir. That's the intent as I
20 understand it. But, now, no -- no
21 construction has started yet. What is
22 currently proposed, as I understand
23 it -- and that's another matter. We had

1 to use Freedom of Information Act to
2 find out what was going on.

3 But from Tunnel Springs to -- north
4 almost two miles, not quite two miles,
5 to about 185 paces south of the entrance
6 to a tunnel that is in a big ridge line
7 up there is the first step of the
8 proposed sequenced plan. And my
9 understanding is it's going to be about
10 500,000 bucks proposed to just do that
11 two miles. And what they're proposing
12 to do is a slow-paved asphalt strip in
13 there.

14 Now, the next step would be to go
15 through that tunnel, which is about --
16 between eight and 900-feet long, and my
17 understanding is there's five different
18 species of bats in it and about six
19 inches of bat guano on the inside. You
20 can smell it about, you know, 200 yards
21 away. And it's about a quarter of a
22 mile west of an area that the highway
23 was supposed to put a truck-passing lane

1 in, but they couldn't do it because
2 there were Red Hill salamanders there.
3 That's still not been done. But yet in
4 the application they say there's no
5 problem with endangered species.

6 Now, I would caution you all to read
7 every application that comes forward on
8 that kind of a project and get somebody
9 to inspect it on the ground to see if it
10 is in fact the case.

11 MR. HORN: And then this eight miles, this
12 proposed trail --

13 MR. NETTLES: That's beyond -- that's further
14 beyond. The second phase goes, I think,
15 to the south end of where this trestle
16 has been destroyed by fire 15 years ago.

17 MR. HORN: And that would be interrupted by
18 that absence of that crossing?

19 MR. NETTLES: Yes, sir. And then you have to
20 go from there to Beatrice, which is
21 about, I guess, another four miles or
22 so.

23 But, you know, the original intent,

1 as I understand it, of Rails-to-Trails
2 was to preserve corridors that could be
3 used for rapid transit into municipal
4 centers. And I can't envision in my
5 wildest dreams a need for rapid transit
6 from Beatrice to Tunnel Springs or to
7 Monroeville. So it's a boondoggle in my
8 opinion, and I wanted to warn you to
9 look very carefully.

10 Thank you very much.

11 COMMISSIONER GUY: Thank you. And then I see
12 there's another person here from
13 Monroeville, Dickey -- and I'm sorry. I
14 can't pronounce your last name.

15 MR. ANDERS: Anders.

16 COMMISSIONER GUY: Anders?

17 MR. ANDERS: Yes.

18 COMMISSIONER GUY: Okay. Thank you, sir.

19 MR. ANDERS: Yes. My name is Dickey Anders.

20 I'm from Monroe County. Al is a friend
21 of mine. We own -- first of all, I'd
22 like to thank the Forever Wild group.
23 Y'all have done a wonderful job,

1 COMMISSIONER GUY: Appreciate you. Thank you.

2 We've got three remaining speakers.
3 They're all about either oyster farming
4 or oyster leasing. I don't know if
5 they're connected, but I'll start out
6 with Mr. Bill Walton.

7 DR. WALTON: Good morning. My name is Bill
8 Walton. I'm a professor with Auburn
9 University, Alabama Cooperative
10 Extension, and also down at the Dauphin
11 Island Sea Lab.

12 I just wanted to get up and speak.
13 I was aware that Forever Wild had been
14 approached about oyster farming, and I
15 just wanted to have a chance to speak in
16 favor of Forever Wild considering these
17 oyster leases.

18 I have to say that working with
19 Marine Resources and State Lands, that
20 they have certainly helped the process
21 of getting approval for off-bottom
22 oyster farming. With the support of
23 those agencies, in terms of helping move

1 the permitting forward, we now have 13
2 commercial operations in the state and
3 one commercial nursery.

4 If people are not familiar with
5 off-bottom, that is putting the oysters
6 in some type of container out in the
7 water. But they are feeding on the food
8 in the water. They're not being
9 medicated. And then there's on-bottom.
10 And there's been more and more interest
11 in that, in thinking about how we expand
12 the on-bottom farming in the state.

13 So basically I just wanted to stand
14 up here for two purposes, and one was to
15 really broadly endorse your
16 consideration of oyster lease
17 applications. They certainly create
18 habitat. We have some numbers on that
19 for the value of commercial fishery --
20 commercial and recreational fisheries
21 habitat that they create, provide local
22 water-based jobs for the folks in the
23 communities on the coast and preserve

1 that oyster tradition.

2 Specifically, you know, my interest
3 here is, also, I wanted to make sure
4 that you're aware that Auburn has an
5 oyster-farming park where we have 12
6 tenants that we have trained sort of as
7 a business park model, and the lease
8 with that family -- a private family in
9 Portersville Bay is ending in June of
10 the coming year, which has come up
11 sooner than we had hoped. And so we are
12 certainly looking at other areas, and
13 some of those areas are waters off of
14 Forever Wild properties. And so those
15 are areas that we are looking at.

16 So basically I just wanted to put in
17 those two bits and say that I'm glad to
18 be a resource for the Forever Wild Board
19 if you have questions about oyster
20 farming.

21 COMMISSIONER GUY: Thank you.

22 Any questions for Mr. Walton?

23 (No response.)

1 COMMISSIONER GUY: Thank you, sir.

2 So we've got Steve Crockett and
3 Chris Nelson. Do y'all care who goes
4 first?

5 Mr. Crockett.

6 MR CROCKETT: My name is Steve Crockett. I'm
7 representing Point aux Pins Oyster Farm.
8 I made a presentation to the board at
9 the September meeting, and basically
10 that was just to request that you
11 consider leasing me the rights to --
12 your riparian rights that are adjacent
13 to my present oyster farm.

14 And the next step that I was told I
15 needed to pursue this was to submit an
16 aquaculture application to the State
17 Lands. I have done that. I have given
18 you a copy in your pile there. You
19 don't need to look at it now because the
20 folks from State Lands will make a
21 presentation to you regarding this
22 request. So thank you.

23 COMMISSIONER GUY: Thank you, sir.

1 Any questions?

2 (No response.)

3 COMMISSIONER GUY: Thank you, sir.

4 Mr. Chris Nelson.

5 MR. NELSON: Thank you, Mr. Chairman. Thanks
6 for the opportunity to comment.

7 I just wanted to add that we had
8 approached -- Travis Stringfellow and I
9 approached this board over a year ago, I
10 think, at a meeting in Montgomery about
11 this idea that we might be able to lease
12 from you all or from the state, however
13 it works out, the tract of bottom that
14 would be off the tract that borders
15 Portersville Bay that, I think, Bill
16 Walton was referring to as well. We're
17 still interested in that. And our
18 primary interest is in the on-bottom
19 culture of oysters there by placing
20 shell on the bottom.

21 And I just -- I would like to
22 mention that there was also some
23 interest in that regard in how it would

1 actually benefit the uplands there in
2 preventing erosion, and I think that is
3 a real tangible benefit that you would
4 realize from allowing us to do that.
5 The -- it could also be in conjunction
6 with some off-bottom.

7 And this concept is being pursued
8 really throughout North America in that
9 the real benefit to the uplands from
10 particularly storm surges, but even just
11 the natural processes of erosion, are --
12 that is lessened by -- those erosion
13 processes are lessened by making the
14 bottom rough by putting shell and
15 growing oysters on it. And then,
16 particularly, if you have some
17 off-bottom structure there, it will
18 further dampen the wave amplitudes and
19 keep your erosion down.

20 So I think that's something for you
21 all to consider for your tract there
22 that we would -- by allowing us to grow
23 some oysters there, you would reap that

1 benefit as well. Thank you.

2 COMMISSIONER GUY: Thank you, Chris.

3 So I -- that was all the speaker
4 cards I had unless I missed somebody.
5 So I thank everybody that came to speak,
6 and we certainly appreciate all the
7 participation. It certainly helps
8 inform the board.

9 And, also, thanks for your patience
10 when we have to work through little
11 problems like that. But we want to get
12 it right. That's the main thing. We
13 don't want to hurry through something
14 and get it wrong.

15 So at this time, by regulation,
16 appraisal values are confidential during
17 periods of negotiation. Accordingly, in
18 order to discuss tract appraisal values,
19 the board will need to go into recess
20 for an Executive Session. I'll need a
21 motion for the board to now recess to
22 attend an Executive Session. Do I have
23 a motion?

1 MR. BALL: So move.

2 COMMISSIONER GUY: Mr. Ball.

3 MR. HORN: Second.

4 COMMISSIONER GUY: And Mr. Horn seconded it;
5 right?

6 I think I heard -- did you second,
7 Horace?

8 MR. HORN: Yes, sir, I did.

9 COMMISSIONER GUY: So the time is
10 approximately 11:25. I think we will
11 try to be back here in about 20 minutes
12 for those of the public that wish to
13 stay for continued business. We'll do
14 our dead-level best to keep on time.
15 And then we'll just have the rest of our
16 program at that time.

17 So I see some hands raised -- oh,
18 yeah, I've got to vote. Thank you.

19 So I've got to have a vote to go
20 into Executive Session. Just indicate
21 your being in favor by saying "aye" or,
22 if not, "no."

23 Mr. Pate?

1 MR. PATE: Aye.

2 COMMISSIONER GUY: Dr. Hepp?

3 DR. HEPP: Aye.

4 COMMISSIONER GUY: Dr. Woods?

5 DR. WOODS: Aye.

6 COMMISSIONER GUY: Mr. Ellis?

7 MR. ELLIS: Aye.

8 COMMISSIONER GUY: Mr. Ball?

9 MR. BALL: Aye.

10 COMMISSIONER GUY: Dr. Valentine?

11 DR. VALENTINE: Aye.

12 COMMISSIONER GUY: Mr. Allen?

13 MR. ALLEN: Aye.

14 COMMISSIONER GUY: Mr. Horn?

15 MR. HORN: Aye.

16 COMMISSIONER GUY: And myself, aye.

17 So that's unanimous. We'll now go
18 into Executive Session.

19 **(Recess for Executive Session was**
20 **taken at approximately 11:20 a.m.**
21 **and the meeting was called back to**
22 **order at approximately 12:15 p.m.)**

23 COMMISSIONER GUY: Okay. At this time we will

1 resume our meeting. And if the court
2 reporter would note the time for the
3 record, I would appreciate that.

4 And we'll get right into our program
5 status report and a report on financial
6 data by Ms. Powell.

7 MS. POWELL: Thank you, Commissioner.

8 And I just wanted to take an
9 opportunity to explain to some who may
10 not know why you're seeing me up here.
11 I'm, of course, saddened but very
12 excited. Chris Smith, who you're used
13 to going through this information, has
14 moved on -- upward and onward to our
15 Wildlife and Freshwater Fisheries
16 Division. Chuck Sykes stole him from
17 me, and I will deal with Chuck on that
18 separately. But I do want to take a
19 minute just to -- and have been, I
20 assure you, dealing with that with
21 Chuck.

22 But I did want to take a minute to
23 thank Chris not just as to Forever Wild,

1 but everything he did with our division.
2 And he is a special, special person as a
3 person, in addition to being just a
4 great staff member and quite an asset to
5 the state and this program. He's still
6 going to help us some on Forever Wild,
7 and I appreciate that. But I just
8 wanted to thank him. And I will do my
9 best to bungle through today.

10 But you will also see Doug Deaton,
11 who some of you have worked with before
12 with my staff, who will be taking Chris'
13 place and stepping up to the microphone
14 in the future. We're going to tag-team
15 a little bit today.

16 But, anyway, so happy to have
17 Chris -- I mean, for Doug to have this
18 opportunity but also just wanted to
19 thank Chris for everything. If y'all
20 would give Chris a hand.

21 Okay. So you've got me today. I
22 want to start with, as we general do,
23 just a current update on the status of

1 financial condition and the board money
2 available to the board for additional
3 purchases.

4 And for benefit of the public, I am
5 not sure I have introduced myself at any
6 point. I am Patti Powell. I am
7 director of the State Lands Division.

8 And so as we've done in the past, I
9 want to run through the properties that
10 are currently actively in our closing
11 process or either in our final
12 negotiation process because the board
13 has instructed us to proceed with
14 purchase. So all of those will end up
15 coming to a total of money that has
16 already been committed by the board,
17 subtracted from our available balance,
18 and that will tell you what currently
19 you have available to take action with.

20 So of the properties that are
21 currently in active closing, we have the
22 Autauga WMA-Oak Grove addition in
23 Autauga County; Autauga WMA-Old Kingston

1 addition in Autauga County; Big Canoe
2 Creek Preserve, St. Clair County; DeSoto
3 State Park-Steward Gap addition, Dekalb
4 County; Guntersville State
5 Park-Stubblefield Mountain addition,
6 Marshall County; Weeks Bay Reserve,
7 Swift Tract #2-Meyer addition, Baldwin
8 County; Walls of Jericho-Estillfork --
9 make sure I'm saying that right --
10 addition in Jackson County. Those,
11 again, are in process of closing.

12 The adjustments to the total balance
13 that are actively being worked on toward
14 closing but are still under some element
15 of negotiation: The Autauga WMA-Joffre
16 addition, Autauga County; Skyline
17 WMA-Little Coon Creek addition, Jackson
18 County; Turkey Creek Nature
19 Preserve-Shepherd addition, Jefferson
20 County; Hinds Road Outcrop-Miles tract,
21 Etowah County; Post Oak Flat-Shiflett
22 addition in Jackson County.

23 If you take all of those commitments

1 that we're currently working on at the
2 request of the board, it leaves you an
3 available balance -- unencumbered
4 balance of just over \$23 million. And I
5 will note that that is within your
6 spending authority for state-budgeted
7 purposes. So that full amount would be
8 available for action by this board if
9 you choose to take action. But we will
10 try to be keeping up and an eye on that
11 amount and keep you from going past
12 that.

13 I also wanted to note that for this
14 fiscal year we have so far closed the
15 Martin Timber land swap transaction.
16 And we have had one offer declined,
17 the -- yeah, Big Canoe Creek. The owner
18 has declined that offer. So that is a
19 declination for this fiscal year.

20 Is that the only change we've had?

21 So that's the current status of what
22 we're working on and what has closed
23 this fiscal year.

1 MR. ALLEN: Ms. Powell?

2 MS. POWELL: Yes, sir, Mr. Allen.

3 MR. ALLEN: Why did the Big Canoe reject it?

4 MS. POWELL: I think it was merely a valuation
5 issue on the appraisal. We had
6 continued to work with them on that, but
7 at the end of the day the value was not
8 where they wanted it. The appraised
9 value was not sufficient, you know, for
10 their desire to be a willing seller.

11 MR. DEATON: That's correct.

12 MS. POWELL: Any other questions?

13 (No response.)

14 MS. POWELL: All right. Thank y'all. If
15 there are no questions, let me give you
16 an update on the stewardship account.

17 Currently the balance of that
18 account is just over 30 million. We
19 spend in a fiscal year only the interest
20 earned from that account. So currently
21 with the funds available and subtraction
22 of what we have spent as of the end of
23 October, you have just under \$700,000 of

1 available balance in stewardship funds,
2 specifically 695,000, probably a little
3 lower as we stand here today because
4 of -- obviously every day there are
5 certain additional activities that are
6 occurring. So that is the current
7 availability within the stewardship
8 fund.

9 If there are any questions on that
10 or not, I will proceed, Commissioner.

11 Do you have any questions?

12 COMMISSIONER GUY: No, ma'am. Proceed.

13 MS. POWELL: Next I want to just give an
14 updated overview of the tracts that have
15 been appraised. And I will run through
16 these just as a group.

17 The tracts that have currently been
18 appraised: Big Canoe Creek-Bettis
19 tract. Byrnes Lake. That's also the
20 Ghost tract that you heard mentioned
21 earlier. Coosa WMA-Hancock Phase III
22 tract, Coosa County. MSP-Dug Hill West
23 addition, Madison County. Indian

1 Mountain-Simmons addition, Cherokee.
2 Natural Bridge Creek tract, Covington
3 County. Old Prairie addition, Dallas
4 County. Pintlala Creek, Lowndes County.
5 Splinter Hill Bog-North addition,
6 Baldwin County. Yates Lake-Tapley
7 addition, Elmore County.

8 Those are current appraisals that --
9 appraisals we currently have received
10 and have on hand to review for the
11 board.

12 And for benefit of the public on
13 status of prior motions by the board, I
14 will note that we have the following
15 appraisals that are in the works that
16 have not been completed and returned to
17 the State Lands Division by the
18 appraiser. That's the Autauga
19 WMA-Phase II in Autauga County; Lake
20 Lurleen State Park-Roebuck addition,
21 Tuscaloosa; Skyline WMA-Threwer Point
22 addition, Jackson; Terrapin Hill, Coosa
23 County; Weeks Bay Reserve-Sunset Shores

1 addition, Baldwin County.

2 We have some additional six
3 appraisals that we are continuing to get
4 the necessary deed information we must
5 have in hand in order to bid out and
6 initiate the appraisal, but we're
7 actively working on that with the owners
8 trying to get the needed information.
9 That's the Locust Fork-Palmer tract,
10 Shelby County Park-Shades Creek addition
11 tract, Shelby County.

12 I'm sorry. Locust Fork is Blount
13 and Jefferson County.

14 Skyline WMA-Pole Branch addition,
15 Jackson County; Tannehill-Ayers
16 addition, Jefferson; Weeks Bay
17 Reserve-Meadows II addition, Baldwin
18 County; Yates Lake-North addition,
19 Elmore County.

20 Again, we are actively working on
21 those trying to get the deed information
22 to be able to initiate the appraisal as
23 requested by the board.

1 We have two appraisals that have not
2 been initiated, but they didn't exactly
3 fit in the other categories. So let me
4 mention those.

5 The Beaverdam Swamp tract, if the
6 board recalls, that is a tract that as
7 we went to initiate the appraisal
8 determined that it was encumbered by an
9 existing purchase option. That is still
10 an active option. Therefore, we
11 couldn't act on it. So we're holding
12 that to see how that resolves before
13 spending the money on an appraisal. We
14 will keep you updated on that.

15 The Wiregrass Rail Trail nomination,
16 we had -- as we had mentioned some in
17 the last meeting, that nomination
18 involved potential for two other
19 grants -- federal grants. In working
20 with the state agencies that oversee
21 those grants, it became clear that the
22 Alabama Department of Transportation
23 will have to, in order to follow their

1 grant procedures, initiate that
2 appraisal. We are working with them
3 trying to see if -- trying to get one
4 appraisal to work for everybody. But
5 that is -- that's going to involve some
6 more administrative looking into. And
7 so that one is on hold for that reason
8 but would ultimately be paid for by the
9 Department of Transportation under their
10 grant process. That's just how it's
11 going to have to work after meeting with
12 them. So we'll keep you updated on
13 those.

14 So to give you a further picture, of
15 the appraisals that I mentioned that you
16 have motioned for us to work on, there
17 are 13 that are outstanding for one
18 reason or another. Of the appraisals
19 that have been received as I detailed,
20 you are looking at about roughly
21 \$25 million so far of what's come in.
22 So, again, those -- the ones I named
23 that we have received would be the ones

1 that would be available for further
2 motioning and action if any of you
3 desire here today at this meeting.

4 So that wraps up kind of where we
5 are from an appraisal status.

6 Oh, let me stop there for a minute.
7 Are there any questions on the update on
8 appraisals of nominations? Questions?

9 (No response.)

10 COMMISSIONER GUY: Thank you.

11 MS. POWELL: Okay. Commissioner, I think
12 we'll just move to our usual agenda item
13 as to grant status. And I'll get Doug
14 to come up and relieve me on that one.
15 Thank you.

16 COMMISSIONER GUY: Thank you. Mr. Deaton.

17 MR. DEATON: Thank you, Commissioner.

18 My name is Doug Deaton, as stated
19 earlier. At this time I would like to
20 mention for the new board members and
21 those attending at the meeting today
22 that the Department of Conservation and
23 Natural Resources staff, both the State

1 Lands Division and Wildlife and
2 Freshwater Fisheries, routinely try to
3 find Land Acquisition grant programs
4 that accommodate some of the properties
5 that are nominated to help further
6 Forever Wild dollars. So at each
7 meeting we give an update on where we
8 are in that process.

9 It was reported at the last meeting
10 that the State Lands Division staff at
11 the Weeks Bay National Estuarine
12 Research Reserve secured a NOAA grant.
13 That grant is to be used towards the
14 purchase of the Weeks Bay
15 Reserve-Meadows Phase II addition and
16 the Weeks Bay Reserve-Sunset Shores
17 addition. The grant awarded will be a
18 50/50 match. The board motioned at the
19 last meeting to move forward with a
20 first appraisal. We expect to have
21 those appraisals back by the next
22 meeting in February.

23 That's all I have. If you guys have

1 any questions about that.

2 COMMISSIONER GUY: Any questions about that?

3 (No response.)

4 COMMISSIONER GUY: Thank you.

5 MR. DEATON: Next we'll have Chuck Sykes,

6 director of Wildlife and Freshwater

7 Fisheries, to give us an update on his

8 grants.

9 COMMISSIONER GUY: Thank you, sir.

10 Director Sykes.

11 MR. SYKES: Thank you, Commissioner and Doug.

12 And I will reiterate what Patti said.

13 I hate it for State Lands, but I am

14 tickled to death to have Chris Smith

15 working upstairs with us now. And we

16 have already set up a special coding for

17 consulting services for Chris down with

18 Lands. So everything is taken care of

19 and we're good.

20 MS. POWELL: And it will be free; right?

21 MR. SYKES: And, Ashley, it's not showing but

22 half of it.

23 MS. POWELL: Give us a technical minute. Hold

1 on.

2 (Brief interruption.)

3 MS. POWELL: Commissioner?

4 COMMISSIONER GUY: Yes, ma'am.

5 MS. POWELL: If you want, I think the board
6 has a copy of Chuck's PowerPoint. If
7 Chuck could assist the rest of us
8 with -- if anything matters where it's
9 missing, I believe we could probably
10 proceed with a half slide.

11 COMMISSIONER GUY: Yeah. We have it here,
12 so ...

13 MS. POWELL: And, Board, that was in your
14 manila folder. You should see Chuck's
15 PowerPoint.

16 MR. SYKES: All right. We'll go on with that.

17 At the December meeting last year
18 was the first time that we presented the
19 opportunity to the board to leverage our
20 Pittman-Robertson dollars with Forever
21 Wild as match. What we had stated,
22 Wildlife and Freshwater Fisheries'
23 objectives were to purchase inholdings

1 and adjacent properties as well as the
2 partial map there that the public can
3 see but what y'all can see in your
4 folder there. The highlighted areas are
5 underserved areas in the state, and
6 those were our objectives when we looked
7 at this.

8 One thing that I wanted to make
9 clear is how much we appreciate what
10 Forever Wild has done and the importance
11 of leveraging this money. If you'll
12 look in the lower left-hand corner of
13 the map, southwest and southern
14 Washington County, you'll see a big "X"
15 right there. We lost the Boykin WMA
16 this year after 50 some-odd years being
17 in the WMA system. We met with Riley.
18 It was just family decisions. We
19 understand that.

20 Over the past few years, just since
21 I've been here, we've probably lost over
22 60,000 acres. So this program, Forever
23 Wild matching with Pittman-Robertson, is

1 helping us -- I'm not going to say we're
2 maintaining the same amount of land, but
3 we at least are trying to eliminate a
4 lot of those losses.

5 The first thing that we wanted to do
6 with this match opportunity was put back
7 together the Autauga WMA. Wildlife and
8 Freshwater Fisheries had 370 acres of
9 what was once a 7,000-acre WMA that over
10 the years had been lost due to land
11 sales and things like that. If you will
12 look to slide three, we now have the
13 opportunities for a little over
14 8,000 acres to be put together.

15 Patti has talked about some of the
16 closings, but just where you can look
17 I've got them color-coded. Posey
18 Crossroads, 1,538 acres, closed in
19 September. The Oak Grove, 1,352 acres,
20 closed in November.

21 The White City, which is 303 acres,
22 closed in November of 2015. That was a
23 tract that was just purchased by

1 Wildlife and Freshwater Fisheries, but
2 it did help connect some of the acreage
3 that Forever Wild had used to work with
4 us on match.

5 The Old Kingston, 1,412 acres, will
6 close in January of 2016. The Oak
7 Grove-Phase II, 1,846 acres, it's
8 proposed early summer of '16 to close.
9 And then the Joffre, which is 1,306
10 acres, is proposed to close in early
11 summer.

12 So when all of this is said and
13 done, we'll have a little over 8,000
14 acres put together with the help of the
15 board that's going to provide some
16 tremendous hunting opportunities up in
17 Autauga County. So thank y'all for
18 doing that.

19 COMMISSIONER GUY: You might thank the legal
20 staff for working real quick on some of
21 that property.

22 MR. SYKES: Absolutely. Thank you, legal
23 staff.

1 Now that we have got Autauga about
2 to where we want it, we have changed,
3 and our next priority is going to be
4 purchasing a piece of property in an
5 underserved area. It's our top priority
6 now.

7 Y'all will find it in your green tab
8 in your folder. It's roughly 6,000
9 acres in Dallas County. It is a -- it
10 is one nomination that has made the
11 short list. However, due to the
12 closings that we already have set up in
13 2016, Wildlife and Freshwater Fisheries
14 is requesting that the board take this
15 down in two separate closings. It will
16 be in one calendar year, but it will
17 fall under two fiscal years for
18 Pittman-Robertson money. We will use
19 part of it to close in 2016. And then
20 when we get our next apportionment in
21 October of 2016, that will be for our
22 2017 fiscal year. And we will be able
23 to complete the transaction at that

1 point.

2 So it is one nomination. I think
3 y'all have -- the board has done this in
4 the past. It would just be closed in
5 two different parcels in order for us to
6 be able to leverage those
7 Pittman-Robertson dollars.

8 And we ask the board at this time to
9 move with this if you see fit. And I'll
10 be happy to answer any questions. And I
11 hope my PowerPoint really helped
12 everybody out.

13 COMMISSIONER GUY: Have you got it up?

14 MR. BURCH: It's coming up now.

15 MS. POWELL: Let me say this is what happens
16 when Hank isn't here. So welcome back
17 to 5 Rivers, Hank.

18 MR. BURCH: Well, thanks.

19 COMMISSIONER GUY: So just for
20 clarification -- and the public will see
21 it here in a minute, but for our -- so,
22 Chuck, on this map the red dots --

23 MR. SYKES: The red dots are current WMAs.

1 That's the statewide distribution of
2 WMAs.

3 COMMISSIONER GUY: Okay. So, therefore, where
4 you're showing underserved, you can
5 obviously look and there are no red dots
6 in those areas.

7 MR. SYKES: Yes.

8 COMMISSIONER GUY: And that's why you're
9 looking at those --

10 MR. SYKES: That's why we're looking in those
11 areas.

12 We're still going to take the
13 opportunity to fill in gaps, inholdings
14 inside current WMAs, but as everyone
15 knows, we need willing sellers. And
16 right now there is a willing seller that
17 wants to sell that 5800-acre tract of
18 land in Dallas County which would fall
19 into our five-year plan extremely well.

20 Any other questions?

21 (No response.)

22 MR. SYKES: Well, apparently the PowerPoint
23 did its job, then.

1 COMMISSIONER GUY: Does anybody have any
2 questions?

3 (No response.)

4 COMMISSIONER GUY: Apparently we're fully
5 informed.

6 MR. SYKES: Good. Thank you.

7 COMMISSIONER GUY: Thank you, sir. Not to say
8 you might not have to get back up later.

9 MR. SYKES: That's fine.

10 COMMISSIONER GUY: And, Ashley, you did a
11 wonderful job of getting that up and
12 running.

13 So next I have nomination short-list
14 update by Ms. Lewis.

15 MS. LEWIS: Good morning. I'm Jo Lewis with
16 the State Lands Division, and I'll be
17 presenting the short list of available
18 nominations. We have approximately 86
19 active nominations of which 21 score
20 high enough to be in the top-three
21 tracts to form the short list.

22 The short list is the three
23 highest-scoring nominations in each

1 category of use in each district of the
2 state. Therefore, there hypothetically
3 could be 36. Today there is 21 because
4 some nominations score well enough to
5 short-list in more than one category of
6 use. They vary in size from about 3
7 acres to 4300 acres, and they're
8 scattered throughout the state from
9 Baldwin County to Jackson County. They
10 represent 12 different counties.

11 This is Tab 5. 5(a) is the
12 alphabetical list. The second page of
13 5(a) is the -- by category of use and
14 district the 36 positions, some of which
15 are filled by the same nomination.

16 Tab 5(b) is a narrative and map of
17 each of the Forever Wild short-listed
18 nominations. Ashley is going to flash
19 them up. Mine is working. You also
20 have these maps in your packet. So you
21 can flip through the packet or you can
22 watch the screen.

23 The last report is 5(c), and it is a

1 list of all of the active nominations of
2 documented owners that are willing to
3 sell or would consider offers, but not
4 all of those on the active list are on
5 the short list. The short list is the
6 cream of the crop.

7 So beginning with the short list
8 alphabetically, we have Coon Gulf-Heard,
9 40 acres in Jackson County. We have
10 Coosa River Tract, which is 710 acres in
11 Elmore County. We have Cooters Pond,
12 which is 160 acres again in Elmore
13 County. We have the Dallas County WMA
14 which Chuck just spoke of, which is
15 larger than my 4300, but that would be
16 5,900 approximately in Dallas County.

17 We have Deer Head Cove-Hartline, 213
18 in Dekalb. We have Dear Head Cove-Low
19 Gap, 280 acres in Dekalb. We have
20 DeSoto State Park, or SP, French
21 addition, which is approximately 3 acres
22 in Dekalb County. DeSoto State
23 Park-Jones addition, which is

1 approximately 10 acres in Dekalb County.
2 DeSoto State Park-Tutwiler addition,
3 which is 140 acres in Dekalb County.

4 We have Emauhee Creek Lake,
5 approximately 900 acres in Talladega.
6 We have Freedom Hills WMA-Dog Pen Road
7 addition in Colbert, 80 acres. Henshaw
8 Cove addition, 40 acres in Jackson
9 County. Horse Creek National Forest
10 Retreat, which is 240 acres in Clay
11 County. Laguna Cove, which is 53 acres
12 in Baldwin County. MTD, Mobile-Tensaw
13 Delta-Pine Log Creek addition in Baldwin
14 County, which is 4300 acres.
15 MTD-Simmons addition, which is 300 acres
16 in Baldwin County. Muddy Prong tract,
17 which is approximately a thousand acres
18 in Shelby County. Red Hills-Parris
19 Trust addition in Monroe County, 305
20 acres. Shell Bank Bayou, approximately
21 25 acres in Baldwin County. Sipse
22 River Swamp-Lewbrig addition in
23 Tuscaloosa County. And White Oak

1 Plantation, which is approximately a
2 thousand acres in Macon County.

3 I'll be happy to answer any
4 questions, provide any details on any of
5 these.

6 COMMISSIONER GUY: Any questions?

7 (No response.)

8 COMMISSIONER GUY: Thank you, Ms. Lewis.

9 MS. LEWIS: Thank you.

10 COMMISSIONER GUY: At this time I'm going to
11 ask Ms. Powell to provide us an update
12 on -- since we took the break on the
13 Byrnes Lake issue.

14 MS. POWELL: Thank you. And I do appreciate
15 the board's indulgence of a little
16 time-out there for us to have some
17 further discussion.

18 I will say that after talking with
19 the two speakers from earlier, Mr. Dyas
20 and Mr. Tonsmeire, that for me today
21 that the nomination stands as it was
22 submitted, as it was appraised. And,
23 therefore, if the board elects to take

1 any action, it would be on exactly what
2 you have. And that could move forward
3 at any time, today or later, but that
4 for today it certainly is resolved, that
5 it would be considered for this meeting
6 as one tract as you have. So we have
7 no -- under that scenario we have no
8 issues and no concerns. So we're back
9 to business as usual. Sorry for the
10 time-out.

11 COMMISSIONER GUY: No, not a problem. It was
12 good to get clarification. Thank you,
13 ma'am.

14 All right. So according to the
15 agenda, now we, as usual, open up
16 business for general discussion of the
17 board members. That can be any number
18 of things, whether it's other questions
19 or first nominations, second
20 nominations, et cetera. And so at this
21 time I am opening up that part of the
22 program.

23 Mr. Ball.

1 MR. BALL: Yes, sir. Mr. Chair, I would like
2 to move that we make a second appraisal
3 for the Big Canoe Creek-Bettis, 257
4 acres in St. Clair County, and move
5 forward with acquisition.

6 COMMISSIONER GUY: All right. Have a motion
7 for second appraisal and acquisition.
8 Do I have a second?

9 DR. HEPP: I second.

10 COMMISSIONER GUY: All right. Second by
11 Dr. Hepp.

12 Any discussion on the motion?

13 (No response.)

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

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

18 COMMISSIONER GUY: All opposed?

19 (No response.)

20 COMMISSIONER GUY: Motion carries.

21 DR. VALENTINE: Commissioner?

22 COMMISSIONER GUY: Dr. Valentine.

23 DR. VALENTINE: I would like to move forward

1 with a first appraisal for the Wolf Bay
2 parcel as described today.

3 COMMISSIONER GUY: So a motion for a first on
4 the Wolf Bay parcel that was nominated
5 today. And I see Ms. Powell standing
6 up.

7 MS. POWELL: I just love the microphone.

8 To clarify -- I'm sorry. I don't
9 have all my notes in one place. Was
10 that the tract that Mr. Dumont spoke on
11 today?

12 DR. VALENTINE: Yes.

13 MS. POWELL: We just received that nomination
14 last week, so it has not yet been
15 scored.

16 DR. VALENTINE: Okay.

17 MS. POWELL: So we'll need to come back to the
18 board. I would hope that we would --
19 I'm sure we would have that done by the
20 updated short list at our next meeting.

21 DR. VALENTINE: Commissioner, I withdraw my
22 nomination.

23 COMMISSIONER GUY: Thank you.

1 DR. WOODS: Commissioner?

2 COMMISSIONER GUY: Yes, Dr. Woods.

3 DR. WOODS: I would like to make a motion for
4 a first appraisal on DeSoto State
5 Park-Tutwiler addition.

6 COMMISSIONER GUY: First appraisal, DeSoto
7 State Park -- which one is it?

8 DR. WOODS: Tutwiler.

9 COMMISSIONER GUY: Tutwiler addition. Do
10 I have a second?

11 MR. BALL: Second.

12 COMMISSIONER GUY: Mr. Ball.

13 Any discussion on the motion?

14 (No response.)

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

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

19 COMMISSIONER GUY: All opposed?

20 (No response.)

21 COMMISSIONER GUY: Motion carries.

22 Any other motions or discussion?

23 Dr. Hepp -- hold on. I'm sorry.

1 Did you have your hand up before?

2 MR. ALLEN: He can go first.

3 COMMISSIONER GUY: No. No, Leo. I want you
4 to go first.

5 Dr. Hepp, will you give Leo --

6 DR. HEPP: Go ahead.

7 MR. ALLEN: You're very kind.

8 Mr. Commissioner, I'd like to
9 nominate the second appraisal for the
10 Yates Lake-Tapley addition in Elmore
11 County.

12 COMMISSIONER GUY: I'm sorry. It's the --

13 MS. POWELL: Just to clarify, it would be the
14 second appraisal and proceed to
15 purchase.

16 COMMISSIONER GUY: And purchase.

17 MR. ALLEN: Yeah, for purchase.

18 COMMISSIONER GUY: Yeah, second appraisal and
19 purchase. That's what y'all want us to
20 say every time; right, legal?

21 MS. WEBER: If you want to purchase it.

22 DR. WOODS: I'll second.

23 COMMISSIONER GUY: Okay. Even though a second

1 appraisal is for purchase, you want us
2 to say purchase?

3 MS. WEBER: Yes, sir.

4 COMMISSIONER GUY: Okay. We'll do that, then.

5 So Yates Lake-Tapley -- is that the
6 one?

7 MR. ALLEN: Yes, sir.

8 COMMISSIONER GUY: Second appraisal motion.

9 Do I have a second?

10 DR. WOODS: Second.

11 COMMISSIONER GUY: Dr. Woods.

12 Any discussion on the motion?

13 (No response.)

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

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

17 COMMISSIONER GUY: All opposed?

18 (No response.)

19 COMMISSIONER GUY: All I can say about our
20 discussions like that is y'all can see
21 we're completely transparent and we're
22 not perfect. We don't do anything
23 behind closed doors.

1 All right. Any other discussion or
2 nominations?

3 DR. HEPP: Yeah.

4 COMMISSIONER GUY: Yes, Dr. Woods. I'm sorry.

5 MS. POWELL: Dr. Hepp.

6 COMMISSIONER GUY: I mean Dr. Hepp. I'm
7 sorry.

8 DR. HEPP: I'd like to move for a second
9 appraisal and purchase of the Splinter
10 Hill Bog-North addition in Baldwin
11 County.

12 DR. VALENTINE: I'll second that.

13 COMMISSIONER GUY: All right. So we've got a
14 motion and a second, Dr. Valentine. All
15 in -- any discussion on the 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 Sorry, Dr. Hepp.

2 DR. HEPP: I have one more.

3 COMMISSIONER GUY: Yes, sir, Dr. Hepp.

4 DR. HEPP: I would like to move for a first
5 appraisal of the Dallas County WMA.

6 MR. PATE: I second that.

7 COMMISSIONER GUY: All right. We've got a
8 first and a second. Any discussion on
9 the motion?

10 (No response.)

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

12 (All board members present respond
13 "aye.")

14 COMMISSIONER GUY: All opposed?

15 (No response.)

16 COMMISSIONER GUY: Motion carries.

17 Dr. Woods.

18 DR. WOODS: Commissioner, I have a nomination,
19 please.

20 COMMISSIONER GUY: Dr. Woods.

21 DR. WOODS: I would like to move forward with
22 the second appraisal and purchase of the
23 MSP-Dug Hill West addition in Madison

1 County.

2 COMMISSIONER GUY: We have a motion. Do I
3 have a second?

4 MR. BALL: Second.

5 COMMISSIONER GUY: Mr. Ball seconds.

6 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 Any other discussion or motions?

15 MR. BALL: Mr. Chair?

16 COMMISSIONER GUY: Mr. Ball.

17 MR. BALL: I would like to move for a first
18 appraisal for Emauhee Creek Lake,
19 Talladega County.

20 COMMISSIONER GUY: All right. Emauhee Creek
21 Lake, Talladega County.

22 All right. We have a motion. Do we
23 have a second on that?

1 MR. HORN: Second.

2 COMMISSIONER GUY: We have a second by

3 Mr. Horn. Any discussion on the motion?

4 (No response.)

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

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

8 COMMISSIONER GUY: All opposed?

9 (No response.)

10 COMMISSIONER GUY: Motion carries for a first
11 appraisal on that property.

12 I see people looking. I'm giving
13 you a chance to -- is there any other
14 discussion --

15 DR. WOODS: We don't see it on the short list.

16 MR. BALL: It's in the middle.

17 COMMISSIONER GUY: All right. You okay,

18 Dr. Woods?

19 DR. WOODS: Okay.

20 DR. HEPP: I have one more.

21 COMMISSIONER GUY: Yes, sir, Dr. Hepp.

22 DR. HEPP: Yeah. I'd like to move for a first
23 appraisal for the Henshaw Cove addition

1 in Jackson County, 40 acres.

2 COMMISSIONER GUY: All right. We have a
3 motion. Do we have a second?

4 DR. WOODS: Second.

5 COMMISSIONER GUY: Who did that?

6 Oh, Dr. Woods.

7 All right. A motion and a second.
8 Any discussion on the motion?

9 (No response.)

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

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

13 COMMISSIONER GUY: All opposed?

14 (No response.)

15 COMMISSIONER GUY: Motion carries.

16 MR. BALL: Mr. Chair, I have one more.

17 COMMISSIONER GUY: All right. Mr. Ball.

18 MR. BALL: I would like to move for a first
19 appraisal on the Muddy Prong tract in
20 Shelby County.

21 COMMISSIONER GUY: All right. Muddy Prong --
22 excuse me?

23 Muddy Prong tract. Does everybody

1 see that? I want to make sure.

2 MR. BALL: Fifth from the bottom.

3 COMMISSIONER GUY: Yeah, fifth from the bottom
4 on the short list.

5 All right. Do I have a second?

6 MR. ELLIS: I know nothing about that tract.

7 MR. BALL: Want to check it out first? I'll
8 be happy to withdraw my motion.

9 COMMISSIONER GUY: Yeah. So that's what this
10 is about. If you have some concerns,
11 just --

12 MR. ELLIS: I don't really have any concerns.
13 I just don't know anything it. I know
14 where Muddy Prong is. I used to
15 coon-hunt on it when I was a boy.

16 Is this for a first appraisal?

17 MR. BALL: Yes, sir.

18 MR. ELLIS: Could you hold that just a minute
19 and let me look at that?

20 MR. BALL: Oh, sure.

21 COMMISSIONER GUY: So do you want to
22 withdraw --

23 MR. ELLIS: Do we have a map or something I

1 could see?

2 MS. POWELL: Yeah, it's in your packet.

3 Let me help you for a second.

4 If you'll look to your packet. What
5 Jo did for the benefit of the public was
6 a little bit abbreviated from all the
7 information you have, and so let me --
8 if you'll go to Tab 5.

9 MS. LEWIS: It's alphabetical.

10 MS. POWELL: And it's alphabetical, so we'll
11 look for "Muddy."

12 MR. ELLIS: I apologize, Commissioner.

13 COMMISSIONER GUY: You're fine. Hey,
14 Mr. Ellis, I think this is exactly what
15 we should be doing if you have a
16 question.

17 MS. POWELL: It's got more information.

18 MR. ELLIS: Who is the current owner?

19 MS. POWELL: Okay. Be sure and speak into the
20 microphone so the court reporter can get
21 it.

22 MR. ELLIS: Oh, I was asking for the identity
23 of the current owner.

1 MS. LEWIS: I don't know off hand. It isn't
2 in the -- we don't have that on hand,
3 but I can report it.

4 MR. ELLIS: That's an attractive tract,
5 Mr. Commissioner. I'll second that
6 nomination and get some additional
7 information.

8 COMMISSIONER GUY: All right. I'm letting
9 everybody have a chance to look at it.
10 So it was nominated in '13.

11 All right. So we have a motion and
12 a second. Who seconded it?

13 MR. ELLIS: I seconded it.

14 COMMISSIONER GUY: You went ahead and seconded
15 it.

16 Okay. Mr. Ellis seconded it.

17 All right. We have a motion and a
18 second. Any further discussion on this
19 tract that we need to have before we
20 vote on it?

21 (No response.)

22 COMMISSIONER GUY: Okay. So hearing no
23 requests for discussion, 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: Motion carries.

7 All right. Anything else before we
8 move on to the next item of business?

9 (No response.)

10 COMMISSIONER GUY: All right. It sounds like
11 we need to move on to the next item of
12 business. Appreciate everybody's
13 patience in that regard.

14 And at this time we'll move on to
15 some miscellaneous reports, and I'll
16 call on Dr. Deaton again to give us some
17 reports.

18 MR. DEATON: Thank you, Commissioner.

19 If you guys will look at Tab
20 number 4 covering some miscellaneous
21 items that we have for the board.

22 The first item that we have is in
23 regards to the Yates Lake-North

1 addition. There's been an acreage
2 reduction. You guys at the last meeting
3 asked us to move forward with a first
4 appraisal. We want to confirm that the
5 board still wants to move forward with
6 that with the acreage reduction. You'll
7 see the map that's attached there as
8 well. The acreage is reduced from 372
9 acres down to 277 acres after
10 communication with the landowner.

11 COMMISSIONER GUY: So all you're saying is
12 because -- do you want us to -- so we
13 need a motion, then, to move forward
14 with just the reduction of those few
15 acres?

16 MR. DEATON: That's correct.

17 MS. POWELL: And, Commissioner, I would
18 confirm that we did our usual analysis.
19 It's not impacting its scoring or caused
20 no movement on the short list -- off the
21 short list.

22 MR. DEATON: That's correct.

23 COMMISSIONER GUY: So it wouldn't affect any

1 of the scoring or other things.

2 All right. I need a motion.

3 MR. HORN: So move.

4 COMMISSIONER GUY: Got one by Mr. Horn. Do I
5 have a second?

6 DR. WOODS: Second.

7 COMMISSIONER GUY: Second by Dr. Woods.
8 Any discussion?

9 (No response.)

10 COMMISSIONER GUY: All in favor of the motion
11 say "aye."

12 (All board members present respond
13 "aye.")

14 COMMISSIONER GUY: All opposed?

15 (No response.)

16 COMMISSIONER GUY: Motion carries.

17 Thank you, Dr. Deaton, on that one.

18 MR. DEATON: The second item in Tab 4 is tract
19 management plans. This is a memo
20 outlining the tract management plans
21 that we need for your approval. There
22 are currently three tracts at this time.
23 They are either currently adjacent to

1 existing tracts that we own or they
2 complement existing tracts in the nearby
3 area.

4 The first tract is the Yates
5 Lake-Guy addition. It serves part of
6 the Yates Lake-West tract, which is also
7 part of the Forever Wild Gothard-AWF
8 Yates Lake WMA. We are seeking approval
9 to fold this tract into the Yates
10 Lake-West tract management plan.

11 The second tract is the Heron Bay
12 Wetlands tract that's located in Mobile
13 County. It's located in the same
14 coastal region as the Grand Bay Savanna
15 tract. It's comprised of a similar
16 coastal wetland habitat. We're seeking
17 approval to move that tract into the
18 Grand Bay Savanna tract management plan.

19 And the third tract is the Lillian
20 Swamp Wetlands tract in Baldwin County.
21 It serves as an addition to the -- what
22 we call the Lillian Swamp Complex. We
23 are seeking approval to fold this tract

1 into the Lillian Swamp-Caney Bayou and
2 South addition's tract management plan.

3 COMMISSIONER GUY: Can we do this all in one
4 motion?

5 MR. DEATON: I believe so.

6 COMMISSIONER GUY: So we just need a board --
7 we need somebody to move to include the
8 above tracts in the existing management
9 plans as detailed in this memo?

10 Is that sufficient, legal?

11 MS. WEBER: Yes.

12 MR. BALL: So move.

13 MR. HORN: Second.

14 MR. BALL: All right. We've got a motion and
15 a second. I got a motion from Mr. Ball
16 and a second was from Mr. Horn, I
17 believe.

18 MR. HORN: Yeah.

19 COMMISSIONER GUY: Any discussion on the
20 motion?

21 (No response.)

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

23 (All board members present respond

1 "aye.")

2 COMMISSIONER GUY: All opposed?

3 (No response.)

4 COMMISSIONER GUY: Motion carries.

5 All right. Mr. Deaton, anything
6 else?

7 MR. DEATON: That's it.

8 COMMISSIONER GUY: All right. Thank you, sir.

9 And at this time, unless Ms. Powell
10 tells me differently, I'm going to call
11 on Mr. Brantley to -- Mr. Will Brantley
12 to discuss the oyster lease request
13 update.

14 Is that correct, Ms. Powell?

15 MS. POWELL: That's correct. And I may chime
16 in as usual.

17 COMMISSIONER GUY: Okay.

18 MR. BRANTLEY: If you could, please pull the
19 PowerPoint presentation up.

20 COMMISSIONER GUY: Can you pull up the half
21 PowerPoint again?

22 MR. BRANTLEY: And Jeremiah is going to pass
23 out some -- for us we get whole

1 PowerPoints.

2 COMMISSIONER GUY: Okay. Thank you, Will.

3 MR. BRANTLEY: So Jeremiah is passing out a
4 hard copy of what you're going to see on
5 the screen. What I'm going to speak to
6 briefly -- and I know I stand between
7 you guys and lunch and adjournment, so
8 I'm going to try to be concise and to
9 the point.

10 Earlier in the meeting during the
11 public-comment period you heard from
12 Dr. Bill Walton, you heard from Steve
13 Crockett, and you heard from Chris
14 Nelson relating to areas of interest
15 relating to oysters. This follows the
16 last meeting in September where
17 Mr. Crockett came and made a
18 presentation to the board relating to an
19 off-bottom aquaculture proposal in front
20 of some state land that you guys own.
21 And this also follows a proposal
22 presented by Mr. Nelson to the board
23 back in 2013 relating to the use of some

1 of the state-owned submerged bottoms
2 adjacent to Forever Wild for oyster
3 activities.

4 So these activities have made us
5 develop a process -- made us think about
6 a process for how we would handle these
7 kinds of activities in front of
8 state-owned lands. The hat I'm wearing
9 today is not really the Forever Wild
10 administrative hat. It's really the
11 State Lands Division hat advising a
12 state agency, in this case Forever Wild
13 Board, of a process that you could
14 consider for leasing your interests --
15 your riparian interests with this
16 property.

17 So because you own property on the
18 water in south Mobile County, you own --
19 you have what's called a riparian right,
20 and that right affords you any number of
21 things. One of the things it affords
22 you to do is to develop your oyster --
23 develop an oyster resource in front of

1 that property.

2 So we've developed a process that
3 you cannot read too well on this flow
4 chart in front of you on the screen.
5 But basically, because it's public land,
6 we can't -- we would have to go through
7 a competitive process by which to
8 consider these activities. So we would
9 obtain an appraisal for the property.
10 We would utilize that appraisal to help
11 us establish a minimum bid for this
12 riparian right. And then we would bid
13 that right out through what we would
14 call an oyster lease. It's a
15 terminology that oyster farmers and
16 members of the public down here are well
17 aware of. And for us it satisfies the
18 requirement for an oyster farmer to have
19 a sufficient upland interest in the
20 property.

21 Following that we would award the
22 bid for our process to a high bidder.
23 So that would then allow someone to --

1 at that point they would have the right
2 they would need from a state entity, in
3 this case this body, to either go
4 forward and do traditional planting and
5 gathering on bottom oyster techniques --
6 which Chris Blankenship can speak to a
7 lot better than I could if you have any
8 questions about that. It would also
9 allow someone who has been awarded this
10 the opportunity to come to us and make
11 application for a shellfish aquaculture
12 easement.

13 So that's it in a nutshell. And so
14 what has -- and go ahead to the next
15 slide. And we're going to keep talking
16 a little bit because I think that
17 real-live examples like we have would
18 help.

19 So you heard from Mr. Crockett last
20 month and you heard from him earlier
21 today. Last month -- or at the last
22 meeting you guys wanted additional
23 information. Mr. Crockett has provided

1 that to staff, and the basics of that
2 are up on this slide.

3 The white -- the polygon you see on
4 there represents 1.1 acres.

5 Ashley, go ahead and toggle forward
6 one. I'm going to get you to go
7 backwards.

8 But that white polygon that was on
9 the previous one is the same as the blue
10 one here. I want to show this because
11 even though this appears to be just out
12 in front of Mr. Crockett's property, if
13 you look at that line coming down -- and
14 I don't have a pointer -- but you sort
15 of see that sharp angled line coming
16 down. That is the boundary of the
17 riparian area between Mr. Crockett's
18 property and Forever Wild's property.

19 So go ahead and toggle back to the
20 other one.

21 So Mr. Crockett currently has an
22 operation within his area doing
23 off-bottom shellfish aquaculture. He

1 has requested from this board the
2 opportunity to lease an additional
3 1.1 acres of the Forever Wild Board's
4 riparian area.

5 COMMISSIONER GUY: So -- I think I get this.

6 So he's already doing farming on the
7 riparian rights he already owns?

8 MR. BRANTLEY: That's correct.

9 COMMISSIONER GUY: And does he have to have
10 anything from us or any other entity for
11 that? Is that the --

12 MR. BRANTLEY: Yes, sir. That is the
13 shellfish aquaculture easement.

14 And Mr. Crockett, along with Auburn
15 University, was sort of a pioneer in
16 this activity. And they -- they
17 operated under just approval from the
18 Department initially, but we are getting
19 Mr. Crockett under an easement through
20 our current process.

21 COMMISSIONER GUY: So Forever Wild owns the
22 same riparian --

23 MR. BRANTLEY: That's correct.

1 COMMISSIONER GUY: -- rights as he would as a
2 person, and so we're talking about
3 off-bottom right now for him?

4 MR. BRANTLEY: For this request it is related
5 to off-bottom aquaculture.

6 COMMISSIONER GUY: And since it's --

7 MR. BRANTLEY: And Dr. Walton is a great
8 resource for details on --

9 COMMISSIONER GUY: But since it's off-bottom,
10 it doesn't involve State Lands; it
11 involves the riparian rights?

12 MR. BRANTLEY: Well, it doesn't --

13 COMMISSIONER GUY: I meant in the sense that
14 it's not going to be on the bottom which
15 is owned by State Lands?

16 MS. POWELL: Yes. For Forever Wild's
17 purposes, like any other upland owner.
18 That's why they're coming to you.

19 COMMISSIONER GUY: All I'm trying to point out
20 is, even if Forever Wild property, State
21 Lands Division actually owns the
22 bottoms?

23 MR. BRANTLEY: Yes.

1 COMMISSIONER GUY: Okay. Just like the --
2 just like Mr. Crockett's, State Lands
3 still owns the bottoms out to a certain
4 distance?

5 MR. BRANTLEY: That is correct. Out to three
6 miles in the coastal areas.

7 COMMISSIONER GUY: Okay. Got it now. I got
8 it.

9 MR. BRANTLEY: So that is in a nutshell, you
10 know, what Mr. Crockett has requested of
11 the board. He wants to obtain 1.1 acres
12 of approval in the riparian area. To do
13 this through the process I identified --
14 in terms of what it would look like --
15 Ashley, if you could go ahead and toggle
16 forward two.

17 Yeah. So these are pictures from
18 his existing farm. The picture on the
19 left, you can see the pilings that get
20 planted in the ground. There are long
21 cables. They call this, I believe, a
22 long-line operation with long cables
23 connected to the pilings. And you

1 attach these baskets to the cables, and
2 then the baskets are filled with oysters
3 that are then grown out to a marketable
4 size.

5 So that's -- you know, that's what
6 it would look like out in front of the
7 property. And the picture on the right
8 is just sort of a further-out view. In
9 fact, that picture is probably
10 sitting -- that picture was probably
11 taken from the Forever Wild riparian
12 area. That's probably a pretty good
13 approximation of where the -- you know,
14 where this activity would continue.

15 So, Ashley, go ahead, please.

16 So I'm going to blow it out a little
17 bit just to kind of put it into some
18 context.

19 So you'll see two properties there
20 highlighted I've hatched in red. Both
21 are owned by you guys. One is the Grand
22 Bay Savanna tract. The other is
23 Portersville Bay.

1 Mr. Crockett's existing farm -- and
2 it's a little hard for me to point to.
3 But it's associated with the Grand Bay
4 Savanna tract. And Jeremiah is going to
5 point out sort of where he's located
6 now.

7 So his request is related ...

8 Anyway, that's where he -- his farm
9 is located and that would be the area of
10 interest. As you can see, given the
11 size of that tract, there's a
12 significant riparian area, you know,
13 associated with the board's property.

14 To the right is the Portersville Bay
15 tract which the board also owns. And we
16 have had interest expressed in that
17 property as well for some oystering
18 activities through Mr. Nelson.

19 Go ahead and go to the next slide.

20 So this is, again, sort of a
21 summary. This was presented originally
22 to the board back in 2013. Interest was
23 expressed in leasing the riparian area

1 adjacent to the tract for purposes of
2 on-bottom. So they want to just, you
3 know, do traditional planting and
4 gathering, which really doesn't fall
5 under our purview. It's Chris
6 Blankenship's area.

7 But in terms of the process of
8 obtaining the right to do it from the
9 board, the process we outlined in the
10 flow chart we would follow.

11 Since -- go ahead.

12 COMMISSIONER GUY: I'm sorry. But the reason
13 I'm -- because the way you've got this
14 chart, it says "Flow Chart of Leasing
15 State-Owned Land." All I'm --

16 MR. BRANTLEY: Forever Wild is a category of
17 state-owned.

18 COMMISSIONER GUY: Okay. So -- all right.
19 Fine. So does this chart differentiate
20 in any way between off-bottom and
21 on-bottom?

22 MR. BRANTLEY: It does. The process is the
23 same until you get down to after the

1 award of the bid.

2 COMMISSIONER GUY: So which one is the
3 on-bottom? Is it to the left?

4 MR. BRANTLEY: Yes, the on-bottom is to the
5 left.

6 Yeah. I'm sorry. I used the term
7 plant and gather oysters, and that's, I
8 think, from the Code of Alabama.

9 COMMISSIONER GUY: That's fine.

10 MR. BRANTLEY: But that would be the -- that
11 would be the on-bottom --

12 COMMISSIONER GUY: So that would be like
13 Mr. Nelson's request?

14 MR. BRANTLEY: Yes, sir.

15 COMMISSIONER GUY: And then if you go with the
16 off-bottom, you do the one to the right?

17 MR. BRANTLEY: That's correct.

18 COMMISSIONER GUY: Okay. Thank you.

19 MR. BRANTLEY: So, quickly, please go back --
20 unless there's another question related
21 to that, go back to the slide we had.

22 So -- and you can sort of see what
23 Mr. Nelson has, you know, indicated back

1 in 2013. They're interested in pretty
2 much the entire riparian area associated
3 with that piece of property.

4 You know, something that has
5 occurred since this request was made, we
6 now actually have the regulations in
7 place to do the off-bottom aquaculture.
8 And as a result of that, we have had
9 expressions of interest from other
10 oyster farmers to do off-bottom
11 aquaculture in front of the same piece
12 of property.

13 So there's multiple interests in the
14 same piece of property, and I think
15 that's something, you know, that staff
16 can probably think about and come back
17 to the board with some additional
18 information about how we might -- an
19 approach for how we might potentially
20 handle multiple uses in the same kind of
21 property.

22 So that's kind of -- I'm going to
23 just pause there to see if there's any

1 general questions.

2 COMMISSIONER GUY: Any questions?

3 (No response.)

4 COMMISSIONER GUY: The only thing I just --
5 and I appreciate this. In each case,
6 since it's either on the bottom or
7 off-bottom as a riparian right of
8 Forever Wild, it's got to be awarded --
9 there has to be a bid process?

10 MR. BRANTLEY: Yes, sir. And that's what --
11 that's what the requests have been very
12 specifically from Mr. Crockett. Again,
13 he has requested that, the 1.1-acre
14 tract.

15 COMMISSIONER GUY: And can you give the board
16 just a very brief of the bid process --

17 MR. BRANTLEY: Sure.

18 COMMISSIONER GUY: -- and how would you go
19 about just --

20 MR. BRANTLEY: It's like a lot of things we do
21 in State Lands. We are plowing new
22 ground again because this was an
23 appraisal unlike any -- you know, unlike

1 any other appraisal we might do. As a
2 result, we have communicated with some
3 of the appraisers that we have in our
4 stable of appraisers and had some
5 discussions about approaches that, you
6 know, they might look at here.

7 One approach that seems to be taking
8 hold is the concept of attaching the
9 value of the riparian area as a
10 percentage of the value of the upland.
11 So it might involve an appraisal of the
12 upland property, and then some rate of
13 return is applied to that to determine
14 the value of the riparian area.

15 I'm not telling you that's exactly
16 how it would be done, but that seems to
17 be a concept that would make sense to us
18 but, also, more importantly, would make
19 sense to the person appraising it. And
20 so that -- I throw that out as --
21 without knowing what the value of these
22 things might be. There might be some
23 basis to the value of the upland piece

1 of property.

2 COMMISSIONER GUY: So I guess what I'm ...

3 MR. BRANTLEY. Sure. So we would basically
4 follow the process in the Land
5 Sales & Leasing Act which would require
6 us to, you know, identify the property
7 in question, the 1.1 acres or the 294
8 acres. We would then obtain an
9 appraisal through whatever methodology
10 the appraiser sees fit. We would use
11 the appraisal to inform the -- the bid
12 notice. We have to publish and
13 advertise a bid notice, you know,
14 describing the property, putting a
15 minimum value in it, and then setting a
16 bid date, and then we would accept
17 sealed bids for that.

18 We then open the bids on that date
19 and summarize that in a memo to -- in
20 this case to the board and the
21 Commissioner. And then, depending on
22 what the board wanted to do, we could
23 award the bid to the high bidder. So

1 that's basically the process that we
2 would employ here.

3 COMMISSIONER GUY: Okay. Thank you.

4 MR. BRANTLEY: And we're certainly in a
5 position, if the board is interested in
6 such, particularly with the 1.1-acre
7 tract, to -- you know, we could go seek
8 an appraisal and come back with a draft
9 bid notice and present that to the --
10 for the board's consideration if that is
11 of interest.

12 COMMISSIONER GUY: Okay. Mr. Horn, I think,
13 had a question too.

14 Horace, do you have a question?

15 MR. HORN: Yes, sir.

16 Boy, this seems awfully
17 bureaucratic.

18 MR. BRANTLEY: Yes.

19 MR. HORN: Is there not any less bureaucratic
20 route? I mean, do you not stand the
21 possibility of getting to a point of
22 diminishing returns; you get more cost
23 in going through this process than the

1 lease is actually worth?

2 MR. BRANTLEY: Yes. It is a bureaucratic
3 process. It's also a process prescribed
4 in the law. We don't have any choice.
5 We have to follow it.

6 I don't disagree with your
7 sentiment. It's the process that we
8 have in front of us to follow, and
9 that's what we've got to follow. If
10 that process changed at some point -- I
11 mean, we don't have the ability just to
12 decide to do it differently. We've got
13 to do this -- I agree. It is
14 bureaucratic. I will say this though.
15 We are not the most bureaucratic part of
16 the -- obtaining an oyster -- getting
17 into the business, as Mr. Crockett and
18 others will attest to.

19 So we're trying to find -- trying to
20 be solution-driven. We believe in this
21 industry. It's a good industry. And we
22 want to see it promoted, but it also has
23 to make sense for the landowner, and

1 that's the line we're walking right
2 here.

3 DR. HEPP: I've got a question.

4 Is there something unique about
5 Forever Wild property that makes it
6 particularly good for oyster
7 cultivation? I mean, why --

8 MR. BRANTLEY: Just that it's there.

9 DR. HEPP: It's just there.

10 MS. POWELL: It's just the -- and any land --
11 waterfronting landowner that is -- I
12 mean, there are some areas better, so to
13 speak, but this land is -- any state
14 agency that happened to own it or any
15 private individual that happened to own
16 it, I think there would be the interest
17 pursued on regardless. This just
18 happens to be -- in this instance it's
19 Forever Wild. It could be another state
20 agency owned it or a private individual.

21 COMMISSIONER GUY: Getting back to Mr. Horn's
22 point, so if I owned a piece of property
23 down there and had riparian rights out

1 to 600 feet or whatever it is, I could
2 lease it to somebody else?

3 MR. BRANTLEY: That's what happens. That's
4 the common -- for the farmer and the
5 person interested in doing this, this
6 isn't any big deal to them. They're
7 just dealing with the public instead of
8 a private entity.

9 COMMISSIONER GUY: They just don't have the
10 bureaucratic issues we have.

11 MR. BRANTLEY: Yeah. They can just decide,
12 yeah, I'm going to lease it to you or
13 not, and here we've got to go through a
14 process because it's public land.

15 MS. POWELL: And I would -- let me also back
16 up just one second and kind of, I think,
17 separate -- again, we've got the more
18 specific 1.1-acre proposal from
19 Mr. Crockett.

20 And, Ashley, if you could go back to
21 that.

22 I am not suggesting anything to the
23 board as to moving forward, but I want

1 to retrace one distinction Will made
2 that I want to reemphasize.

3 I think we -- we know it's
4 complicated, but we know all we're going
5 to know procedure-wise and what we with
6 our pure State Lands hat on can tell you
7 as to this request to the board. The
8 other request involving the larger -- I
9 think 294 -- but the larger acreage area
10 is one which we have no issues with, but
11 because of some competing inquiries of
12 interest that we've had, we may want to
13 come back to the board with some
14 additional analysis or potential options
15 for that tract.

16 I think we -- that the board does
17 not have to act today. We can come back
18 with any additional information or any
19 questions you have, or you just may want
20 to think about it for a while. But I
21 want to distinguish the two because I
22 don't know that we're going to have any
23 further information to give on the

1 1.1-acre request.

2 COMMISSIONER GUY: And, if I may, so -- of
3 course, I'm for this, too, in general
4 terms. And so speaking, you know, of
5 what Mr. Horn said, I'm trying to figure
6 out -- so in Mr. Crockett's proposal --
7 And help me, Mr. Crockett, or maybe
8 y'all can.

9 -- is, was there a defined time of
10 lease here? In other words, was it for
11 so many years? What was the request?

12 MR. BRANTLEY: Well, I can address that, I
13 believe, Commissioner.

14 COMMISSIONER GUY: All right.

15 MR. BRANTLEY: I don't think you actually
16 specified.

17 But the lease -- but we would --

18 COMMISSIONER GUY: Go ahead.

19 MR. BRANTLEY: I don't think he specified like
20 I want a ten-year lease or a five-year
21 lease or whatever. When we issue our
22 shellfish aquaculture easement, which
23 y'all's approval through this process

1 would be needed, we issue a five-year
2 easement. So any associated upland
3 riparian interest would -- you know, it
4 would make sense to follow that time
5 line for it to be -- you know, just for
6 it to make the most sense.

7 COMMISSIONER GUY: So -- and I'm sure
8 Mr. Crockett will understand what I'm
9 saying here. So I'd like to help him
10 out, but I want to understand.

11 So is the appraisal going to cost
12 more than it would be for what we get
13 back in terms of the lease?

14 MS. POWELL: And that's where I was going
15 next.

16 COMMISSIONER GUY: Okay.

17 MS. POWELL: This is generally not a
18 money-making venture for any state
19 agency. It's viewed as an activity
20 that -- through some legislative
21 committee that had been formed for us to
22 develop a procedure, and it was to be
23 encouraged. And so it is not structured

1 exactly to be a money-making venture.

2 I would expect that the -- let's go
3 back to the bid procedure. In any
4 transaction when we get an appraisal and
5 we move toward the bid, we can't offer
6 it out for less than the appraised
7 value, but you can offer it out to bid
8 for more. We may have to consider -- if
9 you want to cover the -- if you're okay
10 with the activity, making the minimum
11 bid in an amount that covers the cost
12 that the board would incur for the
13 appraisal. And those are some
14 additional factors, you know, we may
15 need to talk about.

16 So -- but, yes, your concern that
17 the cost of pursuing the appraisal and
18 moving to bid may not recoup the dollars
19 on it, but we could if we structured the
20 bid notice with a minimum bid and then
21 did receive a bid from --

22 COMMISSIONER GUY: So let me help the board
23 out with one other thing. And this

1 comes from my little bit of knowledge
2 since I've been in this job.

3 So let's just say there was a bid.
4 We accepted the highest bidder. Okay.
5 At that point -- and y'all correct me if
6 I'm wrong -- then you would enter into a
7 contract, basically a lease agreement,
8 which is still not binding yet until you
9 reach the appropriate terms. Am I
10 correct on that?

11 So, in other words, if some --

12 MS. POWELL: Can I jump in?

13 COMMISSIONER GUY: Yeah, please.

14 MS. POWELL: Yes. Under state law, our bid
15 notice would have to include the key
16 terms of any agreement we were
17 ultimately going to enter -- one, not
18 just for notice, but, two, that there's
19 no accusation later you gave somebody a
20 sweet deal after the bid notice.

21 COMMISSIONER GUY: Right.

22 MS. POWELL: So what I would want to -- I
23 think the only additional step that we

1 could really take today would be -- if
2 you wanted to proceed with the potential
3 of doing this activity would be to
4 instruct the staff to proceed with the
5 appraisal, which we would -- I would
6 then want to come back to the board with
7 the bid notice and a template agreement.
8 So I would have approval of this board
9 as to that agreement.

10 Another step that is maybe short of
11 that, that just kind of hit me, I guess
12 if you would like for us to engage in a
13 little -- maybe try to quote out or try
14 to receive bids or get some feedback
15 from an appraiser as to the cost of the
16 appraisal, and then you would know.
17 And, for example, if you determined that
18 it's only activity you want to pursue if
19 you can at least break even on it,
20 discuss that with -- I mean, obviously
21 Mr. Crockett may not be the high bidder.
22 But we could discuss that with him, that
23 at a minimum what that bid would have to

1 be, to see if he or others still have
2 some interest in pursuing the activity.

3 So, again, let me say what I would
4 view the options as today. Obviously,
5 take no action today, or ask the staff
6 to pursue getting a bid on what the work
7 would cost for the appraisal and coming
8 back to you, or simply telling us to
9 proceed with the appraisal and come back
10 to you when we can with that
11 information, the draft bid notice and
12 template agreement.

13 So I would view those breaking down
14 your options as -- unless Will can think
15 of something or anybody else. But that
16 would be -- I would say those three
17 options: Do nothing today or tell us to
18 proceed with understanding the expense
19 of appraisal, maybe get a bid for the
20 work and review in February, or moving
21 forward with the administrative work of
22 getting the appraisal and come back to
23 you with a bid notice and template

1 agreement.

2 MR. BRANTLEY: I might add one thing.

3 MS. POWELL: Yeah, absolutely.

4 MR. BRANTLEY: I wouldn't really call this
5 another option. I think that those
6 options are indeed -- for today are the
7 options.

8 I think from the appraisal
9 standpoint and the valuation
10 standpoint -- I mean, it may not be
11 useful in this particular scenario. But
12 we have talked about the possibility --
13 and I've even spoken with an
14 appraiser -- about developing -- sort of
15 giving us a programmatic appraisal, like
16 one appraisal that would provide a --
17 one value for coastal Alabama or values
18 in this -- in Portersville Bay and Grand
19 Bay, whatever --

20 COMMISSIONER GUY: Correct.

21 MR. BRANTLEY: -- that we could, you know, pay
22 one time, get an appraisal that covered
23 the coast and then maybe update that on

1 an annual basis.

2 Again, that -- and I think that's
3 something we would be willing to explore
4 and look at and do. That would be
5 probably different from this kind of
6 one-time request in front of you right
7 now.

8 MS. POWELL: But I think Will is right. I
9 think your actionable options for today
10 remain the same because it would be to
11 come back with, again, proposals with
12 costs on what different potential
13 appraisal strategies would be for you to
14 evaluate as the next step. So I think
15 it's a -- same options.

16 COMMISSIONER GUY: Does anybody else have any
17 questions?

18 MR. HORN: Mr. Chairman?

19 COMMISSIONER GUY: Yes, Mr. Horn.

20 MR. HORN: Are we -- if we move forward with
21 this today, are we talking about just
22 the 1.1 acres or --

23 MS. POWELL: I think it could -- I think it

1 could be either. That's another detail.
2 I think your decision today -- if you
3 want us just to proceed with an array of
4 options and costs associated with how
5 much an appraisal would be, basically
6 not to spend any of your money until we
7 come back to you with appraisal options
8 and costs, then I don't think you have
9 to make that decision. If you want us
10 to go further and just simply proceed
11 and try to deal with and bring to
12 conclusion the Crockett 1.1-acre
13 proposal, then you would need to tell me
14 that more specifically because that
15 would be spending your money to get --
16 go ahead and get an appraisal.

17 MR. HORN: But if we could move forward with
18 your thought of congregating an area,
19 then both of these would be in the same
20 general area; is that correct?

21 MR. BRANTLEY: Well, I mean, the appraiser
22 would -- we would have to task an
23 appraiser with basically doing a -- the

1 way I'm thinking of it, sort of a study
2 and a review of coastal Alabama. And if
3 you used the concept of taking some
4 percentage of the value of the upland
5 and applying it, you know, they would
6 just have to go -- go look and see what
7 the value of lands are in different
8 parts of -- you know, waterfronting
9 lands in coastal Alabama. So it may be
10 one number or it could be the appraisal
11 results in three or four numbers,
12 depending on where you were in the --

13 MS. POWELL: Yeah. And that would be -- my
14 first request would be for the board to
15 think about if you're okay with the
16 staff efforts resulting in some expense
17 to the program or if you would rather us
18 before we do anything that costs
19 money --

20 COMMISSIONER GUY: You could just get us more
21 information.

22 MS. POWELL: -- come back to you with some
23 options with price tags associated. And

1 that's -- we have been involved in
2 discussions with the appraiser, but
3 that's going to take a little more
4 discussion but think we could do that by
5 February.

6 But that's up to you. But that's --
7 the directive I need really relates to
8 whether I can write -- use your
9 checkbook or not.

10 MR. BRANTLEY: Well, and I can add very
11 broadly -- and we can get very specific
12 numbers if that's what the board
13 wants -- I think you're talking in the
14 three to 5,000-dollar range for an
15 appraisal.

16 COMMISSIONER GUY: So I think I'm looking at
17 the board members, and I think they've
18 got an idea about what they want to do,
19 just looking across the board here. I
20 think -- yes, Mr. Horn.

21 MR. HORN: Would it be appropriate -- could we
22 ask Mr. Nelson or Mr. Crockett if they
23 have any comments on this or thoughts?

1 COMMISSIONER GUY: Absolutely, yeah.

2 MR. HORN: I think that would be appropriate.

3 COMMISSIONER GUY: And while they're doing
4 that, you might also ask Mr. Blankenship
5 if there's anything he needs to add
6 since he oversees the oyster ...

7 MS. POWELL: As to the activity or --

8 COMMISSIONER GUY: Yeah, the activity or --

9 MR. BRANTLEY: And Dr. Walton might offer
10 something too.

11 COMMISSIONER GUY: Chris, do you have anything
12 to add?

13 I mean, if you don't, that's fine.
14 I'm just asking. I can't see you
15 behind --

16 MR. BLANKENSHIP: I don't have anything to
17 add, Commissioner. We could provide
18 some information on -- for the appraisal
19 on what these bottoms were leased -- the
20 right was leased from other parties.

21 The particular area that Mr. Nelson
22 is looking at, this was -- under its
23 previous owner it was used for the same

1 activity. The riparian rights had been
2 leased. And so we do have some
3 information we can provide for the
4 appraiser.

5 COMMISSIONER GUY: Okay. Mr. Nelson, do you
6 have anything you would like to say?

7 If you would come to the microphone.

8 MR. NELSON: Yeah. I would just -- with all
9 due respect, I think it strikes me as
10 being not a good use of your money to
11 look at the value of the uplands to try
12 to assess the value of the water bottoms
13 for oyster culture. Now, maybe if you
14 were trying to assess them for use as a
15 marina, I could see some linkage there
16 or some other usage, but, frankly, I --
17 I just -- I don't see any fruit to be
18 gained by going there.

19 But if you -- if you are going to go
20 forward with an appraisal of the
21 bottoms, I like the idea possibly of
22 looking at something for all of the
23 lands in Alabama. That makes sense. If

1 you can find someone that will compare
2 it, you know, for this specific use, for
3 oyster culture, and what's being done in
4 other states. And I know that's
5 probably a tall order to find an
6 appraiser that can do that.

7 But, again, this is a -- and the
8 on-bottom versus the off-bottom are two
9 somewhat different activities. They're
10 not completely different. You're
11 growing oysters. But the grow-out cycle
12 and the need for -- the amount of area
13 that you need in order to do on-bottom
14 is different from the off-bottom.

15 So those are all -- I would hope
16 that you could keep those things in mind
17 as you do the appraisal -- appraisals.

18 Excuse me.

19 DR. WOODS: I have a question if I could,
20 please.

21 COMMISSIONER GUY: Yes.

22 DR. WOODS: That brings me to something I've
23 been thinking about, 1.1 acres versus

1 294. So you can grow more acres -- or
2 more oysters off-bottom per acre than
3 you can on-bottom?

4 MR. NELSON: Sure. And you need to be able to
5 given the amount of lease money that you
6 need to pay the state. The state is
7 requiring \$250 per acre to -- per year
8 to do the off-bottom. So that's -- in
9 and of itself somewhat pushes you to
10 have to maximize your yield there. I
11 mean, you want to maximize your yield
12 wherever you are. But even without that
13 you've got a fairly high yield per acre
14 because you're using the entire water
15 column as opposed to the bottom.

16 MR. ELLIS: Commissioner?

17 COMMISSIONER GUY: Yes, sir, Mr. Ellis.

18 MR. ELLIS: More a comment than a question.

19 Of course, we acquire these lands
20 for some public purpose, and I'd be
21 interested on a tract-by-tract basis of
22 always knowing whether whatever you were
23 going to do out there with whatever type

1 operation you had was going to interfere
2 with the present or the future public
3 use of that property, whether it's a
4 physical site access or whether it's an
5 aesthetic view. Whatever that is, I
6 think that should be part of our
7 consideration on every one of these, is
8 it going to interfere with the public's
9 use of that land for the purposes for
10 which we purchased it in the first
11 place.

12 COMMISSIONER GUY: I agree with you. You
13 know, and I think everybody has talked
14 about that. And I think that's the
15 purpose of these discussions is to make
16 sure, you know, everyone is informed
17 before we proceed on how that will
18 happen and -- you know, and,
19 Mr. Crockett, did you have anything?

20 I know Mr. Horn asked did you have
21 anything else to add after Mr. Nelson
22 spoke.

23 MR. CROCKETT: Well, sure. In respect to that

1 last comment, the reason I'm attracted
2 to Forever Wild's bottom is because it's
3 adjacent to mine, and I can work that
4 lease while I work the leases attached
5 to my uplands.

6 So I would say that granting me
7 riparian rights from your property would
8 not give me any use of the upland. So I
9 wouldn't be driving a truck over it. I
10 wouldn't be hauling oysters over it.
11 I'd operate it from the water. So I
12 don't think it would -- I don't think it
13 would have any impact.

14 COMMISSIONER GUY: Right. I think all that
15 discussion was about trying to figure
16 out what an appropriate lease amount per
17 acre would be --

18 MR. CROCKETT: I would --

19 COMMISSIONER GUY: -- by an appraiser.

20 MR. CROCKETT: Right. I would defer to State
21 Lands. They've been working on this for
22 several months, maybe even years. And
23 if they've come up with a process to

1 value the lease of what would be a
2 minimum bid, I would like to hear what
3 they've got to say about it.

4 MR. BRANTLEY: Well, and I -- so a couple of
5 things, just to circle back.

6 You know, we are not land
7 appraisers. It's like anytime we buy
8 land for the board here we don't do it
9 in-house. We go to the appraisers and
10 we provide information to the
11 appraisers. This is the same thing.
12 It's just a very different kind of
13 activity. And that's why we're having
14 some up-front discussions with
15 appraisers prior to going down that
16 road.

17 COMMISSIONER GUY: So I have a question of
18 either you or Patti.

19 As part of -- aside from the options
20 you offer, let me just ask something
21 that I need to ask now or I'll forget
22 it.

23 As part of the actual lease to the

1 highest bidder -- let's not talk about
2 the bid, but to the highest bidder -- in
3 order to try to make sure that we're not
4 losing money on this, could you make a
5 part of the bid award that the highest
6 bidder would have to pay back the
7 appraisal over the course of the term of
8 the lease?

9 MS. POWELL: I mean, you could set that. I
10 mean, it could be a payment over term --
11 I mean, over time. It could be however
12 we wanted to structure the bid notice.
13 But it would be more of a fee for the
14 usage than necessarily expressing it as
15 an appraisal cost. But whatever the
16 appraisal cost is, you just build it
17 into the bid. There would need to be a
18 term in the bid. They would know
19 up-front that we're expecting this in
20 this timetable of payments.

21 COMMISSIONER GUY: But they could -- but they
22 would know that, so they could decline
23 if they didn't want to do it?

1 MS. POWELL: Right. They could go with it or
2 not.

3 COMMISSIONER GUY: Supply and demand would
4 dictate whether it was worth it or not.

5 MS. POWELL: And to be clear, in addition to
6 the Land Sales & Leasing Act provisions,
7 there is a constitutional provision that
8 prevents us from leasing out or selling
9 a state asset for less than fair market
10 value. So part of our trouble is
11 honestly -- again, this is the first
12 time and it is complicated, but we have
13 no choice -- I don't have the luxuries
14 of a private landowner. I'm
15 constitutionally bound to figure out in
16 some manner what that value is.

17 And any suggestions that anyone has
18 or anything they can get us from another
19 state as to how they conduct it in
20 another state, obviously we would very
21 much welcome that, or suggestions on
22 appraisers to consult with. We'll take
23 any information anyone has.

1 Oh, again, I've got a question on
2 the activity, Mr. Ellis. I mean, this
3 is a picture of the off-bottom. I
4 think -- let me confer with Chris
5 Blankenship, but I do believe that the
6 on-bottom work is completely under the
7 surface.

8 MR. BLANKENSHIP: Yeah. It's on the bottom.
9 There's nothing that precludes anybody
10 from using the water above that.

11 MR. ELLIS: Well, that would interfere with --
12 excuse me. If you were -- if the public
13 use of that was a swimming area, that
14 would interfere with it. If it's just
15 sitting there growing plants and
16 animals, it would not, it would seem to
17 me.

18 MR. BRANTLEY: That's correct. And thus the
19 need for us, the State Lands Division
20 who owns the bottoms, to issue an
21 easement for the use of that, because it
22 precludes the public use of the water
23 bottom. We do it if there's a marina.

1 You know, anytime that you can't go to
2 utilize the water bottom because you
3 can't drive through all that in a boat,
4 it requires some interest from State
5 Lands Division. So that's why we put
6 the whole process into place.

7 And, you know, Mr. Crockett
8 mentioned something I think is worth
9 reiterating. For at least the request
10 that we're looking at here, you know,
11 the activity is located -- is not
12 located physically on the land you own.
13 There will be no activity on the land
14 the board owns. You just by virtue of
15 being a waterfront owner happen to have
16 a riparian right, and basically that's
17 what's -- that interest is what's being
18 asked for here -- or a portion of that
19 interest is what's being requested.
20 There will be no impact at all to the
21 land. It won't be like issuing an
22 easement for a utility line or a cell
23 tower or something like that. There

1 won't be any activity occurring in these
2 two requests on the actual land that you
3 own.

4 COMMISSIONER GUY: Well, I hate to beat this
5 horse to death, but like with Chris
6 Nelson's, it's on the bottom, so people
7 can fish over it.

8 Correct, Chris?

9 MR. NELSON: Yes.

10 COMMISSIONER GUY: Or can they?

11 I mean, once he gets a lease, we
12 could fish over that bottom that's full
13 of oyster shells; correct?

14 MR. NELSON: Yes.

15 COMMISSIONER GUY: I mean, people can. Not
16 me.

17 MR. NELSON: People do.

18 COMMISSIONER GUY: But anybody can.

19 MR. NELSON: People do. I mean, that's
20 what --

21 COMMISSIONER GUY: That's what I'm saying. So
22 you don't have the right to keep anybody
23 off of that; correct?

1 MR. NELSON: No, no.

2 MR. BLANKENSHIP: They have the right to keep
3 anybody else from gathering oysters or
4 harvesting oysters off of those bottoms.

5 COMMISSIONER GUY: But people can fish and --

6 MR. BLANKENSHIP: They can fish and boat
7 and --

8 COMMISSIONER GUY: That attracts fish and that
9 kind of -- and in Mr. Crockett's
10 situation, if he leases that and puts up
11 something like that, can they fish
12 around it?

13 I mean, I'm not sure if I understand
14 how that works.

15 And does it attract fish, Chris?

16 MR. CROCKETT: Yeah, it does attract fish.

17 People fish around our gear all the
18 time.

19 COMMISSIONER GUY: All right.

20 MR. CROCKETT: They actually tie up to the
21 pilings. Tour guides bring their
22 customers over there to fish.

23 COMMISSIONER GUY: Okay. Well, that's

1 important to know. That's what I'm
2 asking.

3 So you don't have anything that says
4 "keep out" or anything there
5 necessarily?

6 MR. CROCKETT: If you've got -- if you've got
7 a boat that will go through there, a
8 kayak, you can go through there.

9 COMMISSIONER GUY: Yeah. And I'm not trying
10 to assert that people can't. I'm just
11 trying to say that as a lease -- I guess
12 that would have to be a term, too, of
13 the lease whether or not, you know, it
14 could be used for fishing or something
15 like that which we can include in it.

16 So I think I've got my -- so, you
17 know, I don't know about -- yes, sir.

18 MR. BALL: I was just going to say, that's
19 even more reason to find out what other
20 people are doing, so we don't have to
21 reinvent the wheel.

22 COMMISSIONER GUY: So does -- I'm just sitting
23 here -- I have a -- on a personal note,

1 I have a flavor for the option that, I
2 think, Patti indicated first, which is
3 to get more information on the cost, the
4 appraisal issues, and come back. I want
5 to -- I think everybody has some
6 interest in helping pursue this issue,
7 but I think it would help us to continue
8 to make sure we have it right first and
9 know where we're going to be on that.

10 And so it would be really good, too,
11 if y'all could come back, Will and
12 whoever else would be involved, with
13 some recommendations possibly for the
14 board based on what you find as to each
15 of these activities. It seems like
16 we're in a place, unless everybody has a
17 different opinion, that we really need a
18 recommendation, if we want to pursue
19 this, on which route to take, you know,
20 whether it be lease terms, you know,
21 pursuing it, what -- all those specific
22 things, maybe an option package or
23 something that we could get for the next

1 meeting.

2 MR. BRANTLEY: Sure. We would be happy to do
3 that.

4 COMMISSIONER GUY: Is that -- does anybody
5 have a different --

6 MR. ALLEN: Can I ask a question first,
7 please?

8 COMMISSIONER GUY: Yeah. Please, sir.

9 MR. ALLEN: I forget his name, the gentleman
10 on the right.

11 MR. BRANTLEY: Dr. Walton.

12 COMMISSIONER GUY: Or Chris Nelson.

13 Mr. Nelson.

14 MR. ALLEN: The guy on the right.

15 COMMISSIONER GUY: Mr. Nelson. Chris. You.

16 MR. BRANTLEY: Oh, that's my left.

17 MR. ALLEN: I may have misunderstood you, but
18 awhile ago when you were at the podium
19 did you not -- did you make a comment
20 that you were paying \$250 an acre?

21 MR. NELSON: No. I'm not paying anything
22 right now, but the --

23 MR. ALLEN: Did you not say something like

1 that?

2 MR. NELSON: I did. I did.

3 MR. ALLEN: Would you repeat what you said
4 because --

5 MR. NELSON: Well, to get an off-bottom -- to
6 get an off-bottom lease from the state
7 currently, it's \$250 an acre per year.

8 MR. ALLEN: From the state?

9 MR. NELSON: That's right, yeah. That's the
10 easement. Excuse me. I said lease.
11 It's the easement.

12 MR. BRANTLEY: It's a two-step process; okay?
13 And -- it's a two-step process, and I
14 can appreciate it sounds a little
15 confusing.

16 What the farmers need is an interest
17 in the upland property. You are the
18 upland property owner. The discussion
19 we're having today speaks to obtaining
20 that interest in the property. Once
21 they obtain that interest in the
22 property, they can then approach the
23 State Lands Division to obtain a

1 shellfish aquaculture easement.

2 The value -- the fee structure set
3 forth in the regulations that govern
4 that is \$250 per acre per year. There
5 was a legislative committee put together
6 that established these regulations and
7 established this fee schedule. And, you
8 know, I -- frankly, it seems like a
9 reasonable fee schedule to me.

10 But that's what the 250 comes from.
11 It's not related to -- that would just
12 be something DCNR handles once someone
13 demonstrates that they have the
14 sufficient upland interest.

15 MR. HORN: Mr. Chairman?

16 COMMISSIONER GUY: Yes, sir, Mr. Horn.

17 MR. HORN: I'd like to move that we direct the
18 staff to study this, certainly pursue
19 talking to the appraisers -- or talking
20 to appraisers, and coming back at our
21 next meeting with a proposal for the
22 board.

23 MR. BALL: Second.

1 COMMISSIONER GUY: All right. Is that
2 sufficient for you, Patti?

3 MS. POWELL: (Indicates.)

4 COMMISSIONER GUY: All right. We've got a
5 motion and a second. Any discussion?

6 (No response.)

7 COMMISSIONER GUY: All right. I just would
8 say, it's very informative. I
9 appreciate -- yes.

10 UNIDENTIFIED SPEAKER: Can Dr. Walton say a
11 couple of words?

12 COMMISSIONER GUY: Well, we've got a motion on
13 there. Is it -- okay.

14 So we've got a motion and a second.

15 All in favor of the motion say "aye."

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

18 COMMISSIONER GUY: All opposed?

19 (No response.)

20 COMMISSIONER GUY: Motion carries. So that's
21 what we would like to see.

22 And so all I would say, Dr. Walton,
23 is speak -- you know, I mean, if there

1 is something you can add to this. I
2 mean, we've kind of got the motion now.
3 It would be helpful to just talk with
4 our staff.

5 DR. WALTON: And I appreciate that. I just --
6 just want to encourage everyone that the
7 state -- a number of agencies have
8 looked at this and, in fact, decided to
9 encourage it and went to the length to
10 distinguish this from other commercial
11 activities on the water like having
12 private marinas. And one of the reasons
13 that the state did that is because there
14 is substantial scientific evidence that
15 shows that oyster farming, whether it's
16 on-bottom or off-bottom, is providing
17 substantial measurable public benefits.

18 For example, the one-acre farm that
19 Steve Crockett has proposed here would
20 provide -- we have a study actually near
21 his that would provide a public benefit
22 of \$1,500 a year in surplus production
23 to your commercial recreational

1 fisheries. That's just this one acre.
2 And that's just habitat. We're not
3 talking about helping clean up the water
4 and remove nitrogen, potential shoreline
5 protection.

6 So one of the reasons that shellfish
7 aquaculture was encouraged through the
8 governor's Shellfish Aquaculture Review
9 Board was because of the public benefit.
10 And I certainly understand the desire to
11 going forward cautiously with this, but
12 farmers, whether it's Mr. Crockett or
13 Mr. Nelson or anyone else that would
14 consider Forever Wild -- the first step
15 would be getting an appraisal. And I
16 understand that there's a cost to that,
17 but it's going to be difficult for these
18 folks to move forward, or anybody else,
19 if they have no idea what the cost would
20 be. And so I'm tempted -- if I had
21 3,000 or \$5,000, I'm tempted to put it
22 on the table. Unfortunately, I don't.
23 And maybe I should have gone into

1 appraising as a business, by the way.

2 But that -- I understand there's a
3 cost, but I think that you might find
4 that there would be substantial public
5 benefit to even going ahead and having
6 an appraisal done on one property,
7 because I think you would find that that
8 would help the industry figure out if
9 they want to keep asking for Forever
10 Wild property or not and whether you
11 want to entertain those.

12 COMMISSIONER GUY: So I appreciate that. And
13 we're very supportive, I think, but you
14 understand we have a fiduciary duty
15 and -- to the public and, also, to make
16 sure we get it right. And so I think
17 the board just wants to be deliberative
18 about this. And while it takes a while,
19 if you get it right the first time, then
20 you don't have to worry about revisiting
21 it because you've made a mistake.

22 And so for those that are interested
23 in it, you know, I ask personally just

1 for their patience because I think we've
2 seen when we rush into things sometimes
3 we end up backing up and we don't get it
4 right. And so the public benefit is
5 recognized or we wouldn't probably be
6 discussing it this much, Mr. Walton.

7 DR. WALTON: Thank you.

8 COMMISSIONER GUY: So I want you to understand
9 that's where we are, and sometimes that
10 requires a little more due diligence.
11 And as Mr. Horn put -- so eloquently put
12 it, we've got a lot of bureaucracy in
13 here. And we didn't create the
14 bureaucracy. We're just having to
15 follow the bureaucracy, so -- as part of
16 our responsibility.

17 So, you know, I would ask y'all to
18 be patient with us, too, because we
19 recognize the benefit and I think
20 Mr. Blankenship has talked to us about
21 the benefit of aquaculture farming.
22 I've eaten the benefit of aquaculture
23 farming. And so I understand what that

1 is. But we do want to make sure for
2 this board that we get it right.

3 So I hope that I spoke right for
4 everybody else in here. Our
5 deliberative process hopefully puts us
6 in a position that nobody questions us,
7 whether it be publicly or by audit. So
8 we do beat the dead horse every now and
9 then, but I think it's worth it so that
10 nobody thinks -- particularly in open
11 forum, so that -- again, I'll mention,
12 you know, every now and then we hear
13 criticisms like, you know, oh, these
14 are -- you're doing things behind closed
15 doors or something. I don't know -- I
16 don't think anybody in this room
17 probably thinks that.

18 But it's -- you know, when you have
19 to speak in public about things, which
20 we do in here, you have to show all
21 aspects of how you deliberate, and it
22 comes across sometimes really tough.
23 But this board does that. And we do

1 not, you know, make deals or discuss
2 things behind closed doors. So you see
3 in here how we think through these
4 processes.

5 And that's just me speaking. I'm
6 not speaking for everybody else.

7 Okay. So, Ms. Powell, thanks for
8 that very -- thanks very much for that.
9 And, Chris and Mr. Crockett, y'all just
10 bear with us. We'll get there at some
11 point.

12 Is there anything else, Ms. -- I've
13 got "other," Ms. Powell, on here.

14 That's a "no" at this point.

15 MS. POWELL: Hold on one second.

16 MS. WEBER: Did the board vote on the motion
17 that's on the table?

18 COMMISSIONER GUY: Yes.

19 MS. WEBER: Okay. I'm sorry.

20 COMMISSIONER GUY: It passed. Thank you,
21 though, for asking.

22 Anything -- okay. So I have no
23 other -- so then I've got list of

1 tentative dates, meeting dates. Do you
2 want to speak to that, Ms. Powell?

3 MS. POWELL: Y'all are wondering what in the
4 world could she want to talk about about
5 proposed meeting dates. But I did want
6 to bring before the board a thought that
7 I had had.

8 Historically, you know, we tend to
9 meet in the same months. We say they're
10 quarterly meetings. They're not exactly
11 equal quarter length apart. That's sort
12 of a remnant of when we used to do the
13 short list that Jo presents now -- we
14 update on a rolling basis at each
15 meeting. We used to present that once a
16 year. We had fewer nominations, et
17 cetera. We've moved to a rolling
18 update.

19 So what I wanted to propose was to
20 starting with our February meeting month
21 and building off of that --

22 We have to meet in February by law
23 in Montgomery and within the first ten

1 days of the month. So that's a pretty
2 set date.

3 -- to begin meeting on equal
4 quarters, which would change some of our
5 months but would also put us in November
6 instead of December, which is always a
7 busy, tough month and a struggle,
8 understandably, with a quorum because of
9 everything going on.

10 So what I wanted to talk to the
11 board about was the possibility of
12 meeting in February, because we have to
13 as planned, but then moving to a
14 February, May, August, and November
15 schedule. It's nothing that you
16 necessarily have to decide today. But I
17 thought our next list of meeting --
18 potential meeting dates, if there was no
19 objection, would flow off our one
20 required under-the-law date of February.
21 So I just wanted some feedback or
22 thoughts from the board.

23 MR. PATE: That fits my schedule much better.

1 MS. POWELL: Well, why don't we -- we're still
2 in February as planned, and then we'll
3 present you a list of what we would
4 propose for the other months. And
5 what's the February date?

6 February 4th in Montgomery.

7 I will mention, although obviously
8 not applicable for February, Dr. Sims,
9 who could not be here today, has
10 volunteered to host at any time at
11 Athens State University up on her
12 campus. And so we'll be looking at some
13 options there for a potential date up
14 there. And anyone else with ideas for
15 locations after the February meeting
16 just let me know.

17 COMMISSIONER GUY: Okay. So if anybody has an
18 opinion on that different, just tell
19 Patti or the staff.

20 All right. I have here the last
21 item, I think, before we adjourn is
22 approval of minutes of September 17,
23 2015. Any direction -- any corrections

1 or additions to the minutes?

2 (No response.)

3 COMMISSIONER GUY: Okay. Do we have a motion
4 to approve?

5 MR. HORN: I move we approve those.

6 MR. ALLEN: I second.

7 COMMISSIONER GUY: Okay. Hold on just a
8 second. I'm sorry.

9 So based on -- yeah. So in the -- I
10 forgot who spoke, but it should be
11 "reversion" instead of "diversion." So
12 we could -- should we have --

13 MS. POWELL: The earlier speaker was correct.

14 COMMISSIONER GUY: Correct. So can we just --
15 can I just state this with it and then
16 have the motion?

17 MS. POWELL: Please give Tracye, yeah, the
18 page number and the line.

19 COMMISSIONER GUY: So with your motion,
20 Mr. Horn, I would like to make one
21 addition or correction and then adopt
22 that for then approval of the whole.

23 And that would be on page 147,

1 Tracye, of the September 17 meeting,
2 line 3. The word "diversion" should be
3 "reversion."

4 So with that, can we -- so Mr. Horn
5 made a motion for approval of the
6 minutes with that correction. And I had
7 a second by whom?

8 MR. ALLEN: You've got a question.

9 MR. NETTLES: You've got -- on page 146
10 they've got "diversionary." It should
11 be "reversionary."

12 COMMISSIONER GUY: Okay. So that's --

13 MR. NETTLES: And that's picking hairs, but --

14 COMMISSIONER GUY: -- page 146.

15 No, we appreciate it. And what was
16 the line?

17 MR. NETTLES: It's -- let me see. 18.

18 COMMISSIONER GUY: That would be line 18.

19 Okay. So it would need to say
20 "reversionary" instead of "diversionary"
21 there too.

22 So that would be two places of
23 correction, Tracye: 146, line 18; 147,

1 line 3. "Diversion" on page 147 and
2 "reversionary" on page 146.

3 All right. With that correction, we
4 had a motion by Mr. Horn and we had a
5 second by whom?

6 MR. ALLEN: Second.

7 COMMISSIONER GUY: By Mr. Allen. Any other
8 discussion on the motion?

9 (No response.)

10 COMMISSIONER GUY: If not, all in favor say
11 "aye."

12 (All board members present respond
13 "aye.")

14 COMMISSIONER GUY: All opposed?

15 (No response.)

16 COMMISSIONER GUY: Motion carries.

17 Unless there's other matters before
18 the board, we are adjourned. Thank you.

19 (Meeting adjourned at approximately
20 1:48 p.m.)

21 * * * * *

22 REPORTER'S CERTIFICATE

23 * * * * *

1 STATE OF ALABAMA:

2 MONTGOMERY COUNTY:

3 I, Tracye Sadler Blackwell, Certified
4 Court Reporter and Commissioner for the State of
5 Alabama at Large, do hereby certify that's I
6 reported the foregoing proceedings of the Forever
7 Wild Board Meeting on December 10, 2015.

8 The foregoing 197 computer-printed pages
9 contain a true and correct transcript of the
10 proceedings held.

11 I further certify that's I am neither of
12 kin nor of counsel to the parties to said cause nor
13 in any manner interested in the results thereof.

14 This 20th day of January 2016.

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Tracye Sadler Blackwell
ACCR No. 294
Expiration date: 9-30-2016
Certified Court Reporter
and Commissioner for the State
of Alabama at Large