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MINUTES OF THE
FOREVER WILD BOARD MEETING
Barber Motorsports Park
Birmingham, Alabama
June 16, 2011

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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 Barber Motorsports Park, 6030
Barber Motorsports Parkway, Birmingham, Alabama, on
June 16, 2011, commencing at approximately
10:00 a.m.

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BOARD MEMBERS PRESENT:

- Mr. N. Gunter Guy, Jr., Commissioner
- Mr. Angus R. Cooper, III
- Dr. Lawrence J. Davenport
- Mr. Everett Johnson
- Mr. Leo Allen
- Dr. A.F. Schlundt
- Mr. George Barber
- Mr. James W. Porter
- Dr. Richard D. Holland
- Mr. John Woller, Sr.
- Dr. Robert W. Taylor
- Mr. Raymond A. Keller

BOARD MEMBERS NOT PRESENT:

- Ms. Linda S. Casey
- Dr. George Crozier
- Dr. Robert O. Lawton

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COMMISSIONER GUY: All right. At this time I
 want to call our meeting to order. This
 is the Forever Wild Board Meeting,
 June 16, 2011. And at this time I am
 going to call the roll, and if you're
 here, please signify by saying present.
 Linda Casey?

1 (No response.)

2 COMMISSIONER GUY: I know Ms. Casey had a
3 conflict and is not here today.

4 Dr. Crozier?

5 (No response.)

6 COMMISSIONER GUY: Dr. Lawton?

7 (No response.)

8 COMMISSIONER GUY: Dr. Schlundt?

9 DR. SCHLUNDT: Present.

10 COMMISSIONER GUY: Dr. Davenport?

11 DR. DAVENPORT: Present.

12 COMMISSIONER GUY: Dr. Taylor?

13 DR. TAYLOR: Present.

14 COMMISSIONER GUY: Mr. Barber?

15 MR. BARBER: Present.

16 COMMISSIONER GUY: Mr. Cooper?

17 MR. COOPER: Present.

18 COMMISSIONER GUY: Mr. Keller?

19 MR. KELLER: Here.

20 COMMISSIONER GUY: Dr. Holland?

21 DR. HOLLAND: Present.

22 COMMISSIONER GUY: Mr. Woller?

23 MR. WOLLER: Here.

1 COMMISSIONER GUY: Mr. Johnson?

2 MR. JOHNSON: Here.

3 COMMISSIONER GUY: Mr. Allen?

4 MR. ALLEN: Present.

5 COMMISSIONER GUY: Mr. Porter?

6 MR. PORTER: Here.

7 COMMISSIONER GUY: And myself. So I believe

8 we have a quorum present and we can move
9 forward with our business. Before
10 hearing from the public, I want to take
11 just a brief opportunity to make a few
12 opening remarks.

13 First of all, I want to thank
14 everybody for being here today in
15 Birmingham for this meeting. Secondly,
16 I want to thank our host, Mr. Barber,
17 for his gracious hospitality, both last
18 night for a little social event for some
19 of the board members and my staff —

20 We really appreciate that. Thank
21 you very much.

22 — and for also hosting this meeting
23 here at the facility, the Barber

1 Motersports Park facility.

2 MR. BARBER: Yes, sir.

3 COMMISSIONER GUY: Which is beautiful. And
4 it's great to come here and appreciate
5 your hospitality.

6 MR. BARBER: Glad to have you.

7 COMMISSIONER GUY: Thank you, sir.

8 I also want to just make a brief
9 remark about the status of the Forever
10 Wild reauthorization status. As
11 probably many of you know — already
12 know, but I'll just go ahead and
13 emphasize that we did pass out of the
14 legislature a constitutional amendment
15 that is set to be on the ballot on
16 November 6th, 2012, the presidential
17 election. And that particular — if I
18 can get to it right here — which I had
19 it.

20 That particular ballot will be
21 proposing an amendment to the
22 Constitution of Alabama, 1901, relating
23 to the Forever Wild Land Trust to

1 reauthorize a trust for a 20-year
2 period. And that was — that will be
3 what will be on the ballot on
4 November 6th, 2012. And so we'll be
5 working to, once again, see if we can
6 get the Forever Wild Land Trust
7 reauthorized as is at that time.

8 Otherwise, we'll go forward with our
9 meeting. And I want to ask if there's
10 anybody else here who has any opening
11 remarks or any statements that they want
12 to make.

13 (No response.)

14 COMMISSIONER GUY: All right. None being
15 said — and I'm supposed to remind
16 everybody to try to turn off their cell
17 phones, please, so we don't have any
18 interruptions.

19 At this time we'll have comments
20 from the public. And I'm just going to
21 call your name as they were given to
22 me. And, if you would, just come down
23 to the microphone, and we'll listen to

1 your remarks at that time.

2 Dan Dumont.

3 MR. DUMONT: Thank you, Commissioner, Members
4 of the Board. I'm Dan Dumont with the
5 Alabama Forest Resources Center. And
6 I'm here today to speak to you about
7 Live Oak Landing down in Baldwin
8 County. We've been working on this for
9 several years trying to put it
10 together. I've got with me Bestor Ward,
11 who's one of the owners of Live Oak, for
12 any questions and Don Morrow with the
13 Trust For Public Land.

14 So, Don, do you want to come on
15 down?

16 We called on the Trust For Public
17 Land, which is a big national group, to
18 try to help us with the federal help we
19 might be able to get on this. And so
20 I'll talk to you more in a minute, but
21 I'll turn this over to Don now and let
22 him explain some of that to you.

23 (Brief interruption.)

1 MR. MORROW: We may be a big national
2 organization, but I'm a small person.

3 Thank you very much. I appreciate
4 the opportunity to speak with you. At
5 this time we're simply doing an
6 introduction to Live Oak Landing. It is
7 being nominated. But it is part of a
8 larger property, 621 acres, which is
9 itself part of an even larger
10 (inaudible).

11 The 621-acre parcel owned by Lillian
12 Plantation will be acquired in our idea
13 with a mix of CIAP funding from the
14 state, CIAP funding from Baldwin County,
15 a CELCP application which is pending
16 right now for which the Forever Wild
17 money would be a match. We have to wait
18 until we have a — we have the property
19 appraised to allocate the values out and
20 draw the exact boundaries. Because we
21 cannot give you exact boundaries of the
22 parcel right now — it will be
23 approximately 300 acres. We are simply

1 proposing the nomination, and then it
2 will be voted on or assessed at some
3 future time.

4 The property will include the
5 donation of the entrance road and the
6 footprint of Live Oak Landing itself,
7 the vote put in. Those will be donated
8 to Baldwin County. Baldwin County has
9 agreed to be the manager. Baldwin
10 County owns the property, the 367-acre
11 Bicentennial Park, directly north of the
12 property which could act as a
13 publicly-accessible site. The CELCP and
14 CIAP funds have restrictions on land use
15 that won't allow them to be cleared and
16 used for camping and such. The property
17 provides access across the river and up
18 and down the Tensaw to almost 40,000
19 acres of existing public land owned by
20 the state.

21 In your packet you will find a — in
22 your packet you will find a tab for an
23 economic impact assessment that the

1 Trust For Public Land commissioned from
2 Dr. Hobson Bryan which showed that once
3 open, with bass tournaments coming back
4 to the area as traditionally has been
5 done — you know, had been done, the
6 property would have between a nine and
7 12-million-dollar annual economic impact
8 on Baldwin County and greater Mobile
9 County, greater Mobile area.

10 MR. DUMONT: In your brochures — your
11 packets, you know, of course, we've got
12 the nomination and aerial photos. You
13 can see how the land lays right there,
14 you know, at the intersection of
15 Interstate 65. In this picture you can
16 see how it sits. It's, you know,
17 wonderfully located for access by the
18 public.

19 And this map, this sort of tells the
20 whole tale here. You know, these are
21 your Forever Wild lands in the Delta,
22 and this is the tract that's in the
23 orange here.

1 So, you know, in all the years and
2 all the acquisitions for Forever Wild,
3 most of them, as you know, are down in
4 the swamp. And we've kind of got a
5 dearth of uplands along, you know, the
6 edges of the Delta. And this would be
7 one opportunity to give the public some
8 prime uplands, you know, for various
9 other uses that the swampland doesn't
10 provide.

11 As Don said, you know, it's a little
12 premature because we don't really have
13 the exact tract from the staff to score
14 yet. But we'll be working on that with
15 the staff, and hopefully we'll be able
16 to report to you at the next meeting
17 something along those lines.

18 And Baldwin County has taken over
19 the appraisals, and the staff has
20 supplied them with their list of
21 approved appraisers. And they'll be
22 working on the appraisal.

23 So that's about the — we just

1 wanted to sort of bring you up to speed
2 on this project. Does anybody have any
3 questions for me or Don or Bestor?

4 COMMISSIONER GUY: Any questions from the
5 board?

6 MR. WOLLER: Yeah. Could you define these
7 acronyms, CELCP and CIAP?

8 MR. MORROW: Yes. The CIAP is Coastal Impact
9 Assistance Program. That's federal
10 money that comes down through the states
11 and to the — and is allocated by the
12 state and the county. That's through
13 BOEMRE, which is the Bureau of —
14 somebody help me with this — Bureau of
15 Ocean Energy Management Resource and
16 Enforcement. It's a federal agency with
17 too long a name.

18 CELCP, C-E-L-C-P, is the Coastal
19 Estuarine Land Conservation Program,
20 which is a grant program through the —
21 through NOAA.

22 COMMISSIONER GUY: John, just come with me. I
23 go through acronym training every day.

1 MR. WOLLER: Okay. That means I got it.

2 MR. DUMONT: Well, if there are no further
3 questions, we appreciate your time, and
4 we hope to see you at the next meeting.

5 COMMISSIONER GUY: Thank you, Dan, for your
6 information. We appreciate that, for
7 your comments.

8 All right. The next speaker,
9 Mr. Don Morrow.

10 Oh, that was you. Okay. I'm
11 sorry. You want to speak again?

12 And make sure I get this — is this
13 Mr. Robert — is it Fern?

14 MR. FERN: Fern. That's correct.

15 COMMISSIONER GUY: Thank you, sir.

16 MR. FERN: I'm Robert Fern. I'm the executive
17 director of the Ruffner Mountain Nature
18 Preserve, which you know is a
19 conglomeration of lands that include
20 state lands, Forever Wild lands, City of
21 Birmingham lands, Jefferson County
22 lands, and Ruffner Mountain Nature
23 Coalition nonprofit lands that are all

1 managed as one entity by the nonprofit.

2 I wanted to congratulate you and
3 thank you for your work on the Forever
4 Wild reauthorization and the opportunity
5 for this state to work — the citizens
6 of the state to reconfirm their
7 commitment to this work.

8 Today before you is a request for a
9 utility easement across the ridge top of
10 the Forever Wild lands in the complex.
11 There is currently a cell tower on city
12 lands in the complex that has an illegal
13 fiber cable running to it, and they want
14 to send a second cable up the mountain
15 to provide 4G service for all of eastern
16 Birmingham, Irondale, Trussville, Leeds,
17 this whole section of the area. It's a
18 primary site for AT&T and T-Mobile.

19 The proposed route, which is the
20 route of the original fiber cable, runs
21 three feet off the current cable, which
22 is three feet off the road — the tower
23 access road, so deep in the woods

1 directly behind the current nature
2 center. And it would require a great
3 deal of disruption to the preserve to
4 put in this cable.

5 So we looked at alternate routes,
6 and we found one that runs along the old
7 mining road right at the ridge top,
8 mostly still on the city lands but
9 crossing a very small portion of Forever
10 Wild lands to reach an access point.
11 And so that easement is before you. I
12 know it's in your packet and that the
13 staff has looked at it already.

14 I have a brief illustration here
15 that shows the original request from
16 AT&T which would require disruption of
17 all of this portion of the mountain as
18 opposed to this, which is about a third
19 of the length of disruption to the
20 mountain, and the state portion of that
21 is less than half of the new utility
22 easement.

23 So that's what we're seeking, to

1 support the continuation of that primary
2 cell tower site to eastern Birmingham
3 and minimize the impact on the preserve.

4 MR. BARBER: Is that above ground or below
5 ground?

6 MR. FERN: It will be a subsurface utility
7 easement.

8 MR. BARBER: Subsurface.

9 MR. WOLLER: How deep? How deep?

10 MR. FERN: How deep?

11 I do not know the depth.

12 MR. BARBER: Does the tower this is
13 servicing — will it have strobe lights?

14 MR. FERN: It currently has — it has a strobe
15 light. Yes, it does. It's right at the
16 Birmingham Airport, so ...

17 MR. BARBER: Do you know how tall the tower
18 is?

19 MR. FERN: I do not.

20 MR. BARBER: In some instances you can get
21 them to paint the tower and have red
22 lights on it in lieu of the strobes.
23 And in that area I'd like to see the

1 strobes go away, if we can.

2 MR. FERN: I would be delighted to discuss
3 that with Crown Castle. I would like to
4 see the strobes go away myself. I know
5 that because it's parallel to the
6 airport it may be a challenge.

7 MR. BARBER: Depends on its height and — you
8 can still do it. There are regulations
9 that you can get rid of strobe lights in
10 some circumstances.

11 MR. FERN: We're actually in a renegotiation
12 of that lease at this point, so it's a
13 good opportunity for us to push the
14 issue.

15 MR. WOLLER: You're just looking for an
16 easement for the cable?

17 MR. FERN: Just for the cable at this point,
18 yes.

19 MR. WOLLER: But once it's in — excuse me.
20 Go ahead.

21 DR. DAVENPORT: I'm sorry. Go ahead.

22 MR. WOLLER: Once it's in, there's virtually
23 zero maintenance on it?

1 MR. FERN: That's correct. Once it's
2 subsurface. And we're only giving them
3 permission to repair the existing cable
4 so they won't disrupt it. You know,
5 we're not giving them an easement to the
6 existing cable.

7 DR. DAVENPORT: The company involved is Crown
8 Castle?

9 MR. FERN: Crown Castle.

10 DR. DAVENPORT: Well, I need to let people
11 know that my son works for Crown Castle,
12 so I will not be participating in this
13 discussion.

14 MR. BARBER: If there's a lease renewal on the
15 tower, I would just insist on no strobe
16 lights and see where it goes.

17 COMMISSIONER GUY: Yes, sir.

18 MR. PORTER: It's going to be subsurface and
19 the surface will go back to its natural
20 state. There won't be any maintenance?

21 MR. FERN: That's correct. There will be pull
22 boxes in case there is a repair, but it
23 won't be — you know, once it's down

1 there, we'll actually be managing the
2 land back to native vegetation through
3 our greenhouse program.

4 DR. SCHLUNDT: The first cable in there you
5 mentioned was illegal. Are they going
6 to pull that one out while they put in
7 the new one?

8 MR. FERN: No. The first cable will remain
9 because they need higher fiber capacity
10 to the tower to provide 4G service
11 basically. Everybody likes their
12 smartphones these days.

13 MR. PORTER: Tell them you won't sue them for
14 trespass if they take the strobe lights
15 off the tower.

16 MR. FERN: That's good. I like it.

17 MR. BARBER: You've got the leverage, so I
18 think you could use it.

19 MR. KELLER: Would this be an ongoing thing
20 that in a few years you would need to do
21 it again, or could it be the capacity to
22 do it one time and be finished?

23 MR. FERN: Well, I'm not enough a

1 technological expert to know that. I —
2 they've requested a 20-foot wide
3 easement which would allow them, I would
4 say, three cables, you know, worth of
5 space over time. So, you know, assuming
6 that capacity were increased, they would
7 be able to put a second or a third cable
8 through there creating future
9 disruption.

10 MR. KELLER: But it is not possible to do
11 that, you know, an extra capacity now,
12 so you wouldn't have to disturb it
13 again?

14 That's the question I'm trying to
15 get at.

16 MR. FERN: I know that they're shooting for a
17 50-year capacity. That's what they've
18 designed for is 50 years of growth.

19 MR. KELLER: So you're going to actually be
20 disturbing 20 feet, then?

21 MR. FERN: It's a — they have a 20-foot wide
22 easement. They're actually only going
23 to disturb about eight feet as they go

1 through with their equipment.

2 MR. KELLER: So that could be sown in with
3 something really for the habitat or the
4 wildlife, some kind of grass or feed —
5 food source?

6 MR. FERN: Yeah. It will go back more to
7 ridge top fields and then eventually
8 restore it back to forested upland.

9 MR. KELLER: But it could be in the process
10 sown for some food source or —

11 MR. FERN: It could be sown, yeah. Yeah,
12 absolutely.

13 COMMISSIONER GUY: John?

14 MR. WOLLER: I got a question for Greg.

15 Greg, this is not a precedent here.
16 We've allowed easements like this on
17 Forever Wild lands before, have we not?

18 MR. LEIN: I believe we have actually. There
19 is — Forever Wild is contacted about
20 many forms of easements, utility
21 easements, right of ways for driveways
22 and things like that.

23 MR. WOLLER: But we have allowed them in the

1 past?

2 MR. LEIN: Yes. The board — and I'll be
3 reporting on this in the other section
4 of the board's agenda.

5 MR. WOLLER: Okay.

6 MR. LEIN: But we always review these on
7 behalf of the board. You know, you've
8 heard that the local parties have
9 reviewed it themselves and tried to
10 steer it in a non — or a least
11 disruptive path. But I will touch on
12 this later in the agenda.

13 MR. WOLLER: Okay.

14 COMMISSIONER GUY: Thank you, sir.

15 MR. FERN: Thank you.

16 COMMISSIONER GUY: And the next speaker,
17 Andrew Schock. Did I get that right?

18 MR. SCHOCK: Yes, sir.

19 Good morning. I'm Andrew Schock
20 with the Conservation Fund. I
21 appreciate y'all allowing me to speak
22 this morning. I'm not going to speak
23 about a technical thing like a

1 fiber optic cable. I'm going to talk
2 about land, talk about the 762-acre
3 proposed addition to the Weogufka State
4 Forest.

5 The Conservation Fund is the current
6 owner of that parcel. It is on the
7 eastern side of the state forest. And
8 on the eastern side of this tract, which
9 is the opposite side from the state
10 forest, is Weogufka Creek. And so we
11 have ownership of 1.3 miles along
12 Weogufka Creek, and then on the other
13 side we have joint ownership along most
14 of the boundary with the state forest.

15 The tract contains a little over,
16 like I said, 762 acres. About half of
17 that is in older growth, montane
18 longleaf with — mixed with hardwood.
19 If you've never been in that area, the
20 topography is very rolling. So in the
21 dryer areas you have the longleaf.

22 On the northern portion of the
23 tract, which has been — was under

1 different ownership than the southern
2 portion, was more industrial forest
3 management. So there's currently a
4 couple — or several acres of plantation
5 pine that is reaching economic maturity
6 and would be suitable to remove and
7 reforest to longleaf and appropriate
8 other species.

9 The other aspect of the tract is it
10 would provide the southern terminus of
11 the Pinhoti Trail. I think most of
12 y'all have heard of that trail before.
13 But it's a long-distance trail that
14 would originate in or end in, however
15 you're — which direction you're hiking,
16 north or south — but it would originate
17 in Alabama on this tract and travel —
18 it crosses sort of northeast Alabama
19 into Georgia and connects technically
20 with the Benton MacKaye Trail and the
21 Appalachian Trail. It will never be
22 part of, frankly, the Appalachian Trail,
23 but it is recognized by the Appalachian

1 Trail Conservancy as an additional
2 long-distance hiking area.

3 In Georgia, the Pinhoti Trail —
4 there's the Georgia Pinhoti Trail
5 Association. They allow bicycles —
6 mountain bikes to be used on the trail,
7 and they've organized a three-day time
8 trial. And they started this about
9 three years ago, and they had about 30
10 participants from around the country
11 come for this three-day event. That
12 means they're staying there in the
13 community of Murray County, Georgia. In
14 the three years they've been doing this,
15 it's now up to 400 participants, coming
16 from Canada. They do it in our spring
17 which is still winter in Canada.

18 And so they're bringing an awful lot
19 of people into the community that
20 have — you know, they're riding three
21 and four-thousand-dollar mountain
22 bikes. They're also spending money in
23 the hotels and staying there and buying

1 food. And, you know, that sort of
2 opportunity — while bicycles are not
3 allowed to be used on the Pinhoti Trail
4 here in Alabama, you know, that sort of
5 opportunity of, you know, getting people
6 to come is a real possibility when you
7 have a — frankly, a nationally-known
8 long-distance trail right here in
9 Alabama.

10 The Conservation Fund acquired the
11 tract. And when we appraised the tract,
12 it appraised in round numbers of 1.7
13 million. I'm not representing that's
14 the value today. I honestly don't know
15 what the value is today. But I say that
16 to say, further, that we also — we
17 purchased the tract, but we also are
18 bringing over half a million in private
19 dollars to the transaction. So, again,
20 in estimated numbers, in round numbers,
21 if the state were to acquire this
22 property, you would be able to acquire
23 it for 500 — for \$550,000 less than its

1 current market value.

2 And so today what I'd like to ask
3 the board to consider is moving this
4 forward in the next step for Forever
5 Wild, which I understand is to have an
6 appraisal done that meets your
7 standards. And we certainly will share
8 our information, but you need to do it
9 to your standards.

10 Do y'all have any questions?

11 MR. PORTER: What — you said the \$550,000 was
12 from private funds. What's the source
13 of those

14 MR. SCHOCK: It's an individual donor.

15 MR. PORTER: What's the donor's name?

16 MR. SCHOCK: He would choose to be anonymous.

17 MR. PORTER: Okay.

18 COMMISSIONER GUY: Any questions?

19 MR. WOLLER: Looking at the map, right in the
20 middle there, there's a little-bitty
21 section that connects the two pieces
22 making them contiguous. I mean, it
23 looks real, real small. And is that not

1 a problem?

2 MR. SCHOCK: Well, I mean, looks are deceiving
3 when you're looking at a map. With that
4 762 acres, that narrow area is not as
5 narrow as you think. It's certainly
6 wide enough to allow —

7 MR. WOLLER: Do you happen to know how wide
8 that is?

9 MR. SCHOCK: No, sir, not — not in feet. But
10 it's wide enough to allow for a trail
11 and to have buffer on both sides of the
12 trail to go through.

13 MR. WOLLER: Okay.

14 COMMISSIONER GUY: Any other questions?

15 (No response.)

16 COMMISSIONER GUY: Thank you, sir. Thank you
17 for your comments.

18 MR. SCHOCK: Thank y'all.

19 COMMISSIONER GUY: All right. At this time I
20 don't have anybody else's name that
21 signed up. Is there anybody else that
22 didn't get a chance to sign up who has a
23 public comment?

1 (No response.)

2 COMMISSIONER GUY: Okay. I'm going to read
3 this because I have not committed it to
4 memory yet.

5 By regulation, appraisal values are
6 confidential during periods of
7 negotiation. Accordingly, in order to
8 discuss tract appraisal values, this
9 board will need to go into recess for an
10 executive session. Consistent with new
11 guidance from the public examiner's
12 office and our new policy that we
13 adopted last time in our last meeting,
14 we need to entertain a motion at this
15 time to recess for executive session.

16 Is there a motion for the board now
17 to recess?

18 MR. ALLEN: Motion.

19 COMMISSIONER GUY: Okay.

20 MR. BARBER: Second.

21 COMMISSIONER GUY: And second. Thank you.

22 As I call your name, I want you to
23 state your position on this motion to

1 recess by indicating whether you are in
2 favor or against.

3 MR. BARBER: When did all this jump up?

4 COMMISSIONER GUY: You know, we did it last
5 time, Mr. Barber. And I think it was
6 just as a result of an audit, if I'm not
7 mistaken. I think Greg could address
8 it, but I'm pretty sure that just as an
9 abundance of caution we make sure that
10 we get a motion on the —

11 MS. POWELL: And it was not specific to this
12 board. It was guidance from the state
13 regarding operation of boards.

14 MR. BARBER: Where does it ever end?

15 MS. POWELL: That's a good question.

16 COMMISSIONER GUY: Okay. Dr. Lawton?

17 (No response.)

18 COMMISSIONER GUY: Dr. Schlundt?

19 DR. SCHLUNDT: I would agree.

20 COMMISSIONER GUY: Dr. Davenport?

21 DR. DAVENPORT: Yea.

22 COMMISSIONER GUY: Dr. Taylor?

23 DR. TAYLOR: Yea.

1 COMMISSIONER GUY: Mr. Barber?

2 MR. BARBER: In favor.

3 COMMISSIONER GUY: Mr. Cooper?

4 MR. COOPER: Yea.

5 COMMISSIONER GUY: Mr. Keller?

6 MR. KELLER: Agree.

7 COMMISSIONER GUY: Dr. Holland?

8 DR. HOLLAND: Yes.

9 COMMISSIONER GUY: Mr. Woller?

10 MR. WOLLER: Yes.

11 COMMISSIONER GUY: Mr. Johnson?

12 MR. JOHNSON: Yes.

13 COMMISSIONER GUY: Mr. Allen?

14 MR. ALLEN: Agree.

15 COMMISSIONER GUY: Mr. Porter?

16 MR. PORTER: Yes.

17 COMMISSIONER GUY: And I as well.

18 Is there anybody we left off?

19 Didn't somebody come in?

20 MR. LEIN: Dr. Taylor did come in late.

21 COMMISSIONER GUY: Dr. Taylor?

22 MR. WOLLER: You called him.

23 COMMISSIONER GUY: All right. I thought I

1 did.

2 Anybody else that I left off?

3 (No response.)

4 COMMISSIONER GUY: Okay. At this time, then,
5 we'll recess, and I'll let Greg take us
6 to a room. And, then, for those that
7 are here, if you'll just give us a
8 little time, we'll be back shortly.
9 Thank you very much.

10 (Recess for Executive Session
11 taken.)

12 COMMISSIONER GUY: At this time I want to call
13 our meeting back to order. And
14 according to my watch, it's 11 a.m. And
15 I appreciate everyone's patience. By
16 law there are certain issues that we
17 cannot discuss in public, and that's why
18 we have the executive session. So I
19 thank you for your patience.

20 At this time I'm going to call on
21 Greg Lein to give us a report on
22 financial data.

23 MR. LEIN: Good morning.

1 COMMISSIONER GUY: Good morning.

2 MR. LEIN: For the benefit of the public, my
3 name is Greg Lein. I work in the
4 Alabama State Lands Division within the
5 Conservation Department.

6 Within the board's packet is
7 financial data on the balance of the
8 fund for the program and the status of
9 various projects which the board has
10 approved. I'll go over that information
11 now.

12 Projected cash balance for this
13 board meeting was \$4.9 million dollars.
14 During this fiscal year the program has
15 closed several transactions, and I'm
16 going to itemize these briefly.

17 In Lauderdale County, the Lauderdale
18 WMA-Denson tract, 195 acres, closed this
19 past fall. The Riverton Community
20 Hunting Area-Boone Branch tract, 80
21 acres, closed this past fall. The
22 Lauderdale WMA-Whitsett Hollow tract,
23 376 acres, closed this past fall. The

1 Pike County Pocosin-Sellers addition,
2 142 acres, closed this past winter. The
3 Freedom Hills WMA-McCollough tract, 160
4 acres, closed this past winter. And,
5 more recently, the Little River Canyon
6 Hancock/TNC addition, approximately 1500
7 acres, that closed several weeks ago.

8 Lastly, the board had approved at
9 the last meeting the purchase of the
10 Barbour WMA-Dixon addition,
11 approximately 2500 acres. And that's
12 actually scheduled to close this coming
13 week. So that information is built into
14 the projected cash balance of 4.9
15 million dollars.

16 There are additional adjustments.
17 These are projects that the board has
18 approved purchase of and we're in the
19 process of those closings. They are the
20 Weeks Bay-Meadows addition,
21 approximately 685 acres, in Baldwin
22 County.

23 The Lauderdale WMA-Denson tract,

1 this is a holding situation. There was
2 a title problem on the 20 acres, and
3 we're working with the landowner to
4 resolve that matter. But we leave it
5 within the information here as a
6 placeholder because the board has
7 approved the purchase.

8 The Post Oak Flat-Patrick addition,
9 this is a property that the board made a
10 motion on at the last board meeting.
11 It's approximately 2100 acres in Jackson
12 County that adjoins the Skyline WMA.
13 And it actually sort of bridges the
14 gap — almost, but not completely —
15 between a previous purchase known as
16 Post Oak Flat and a purchase by the
17 Wildlife and Freshwater Fisheries
18 Division years ago called the Jacobs
19 Farm purchase. And for those reasons it
20 was — it scored very well and was
21 attractive to the Conservation
22 Department. The landowner has agreed to
23 the sale of that property, and we're now

1 working on the purchase option agreement
2 to close out that process. So it's now
3 among the list of properties scheduled
4 to be purchased as approved by the
5 board.

6 Lastly, the Weeks Bay
7 Reserve-Metcalf property. This is
8 29 acres. And the board had approved
9 purchase of that, and that's subject to
10 some federal funds that we have to
11 leverage that transaction. And we're
12 also working with that landowner.
13 They're agreeable to the sale of the
14 property, and we're working with them on
15 the purchase agreement presently.

16 So those will all go through their
17 process over the next couple of months.
18 Some of them may close by the September
19 meeting, and some of them may close
20 later in the fall. We will continue to
21 report the status of those projects to
22 the board at the board meetings that
23 will follow.

1 The total adjustments for those
2 projects that are in the works is
3 \$4.2 million. So as you adjust your
4 available cash balance — your projected
5 cash balance today against that, that
6 leaves a balance of just over \$600,000
7 with which the board can consider future
8 projects at this time.

9 The capital spending authority for
10 the program is now around \$6.3 million.
11 Again, that's the budgetary authority
12 strictly associated with the purchases
13 of land, as they are capital
14 transactions and that is capital
15 spending authority. So the bottom line
16 there is that the board has available
17 spending authority with which to
18 purchase properties, and it covers our
19 cash balance.

20 We will continue to get money to the
21 program. We receive our deposits
22 monthly, and that will continue through
23 the coming months as we work toward the

1 end of the FY in September. So there
2 will be additional funds. And we have
3 actually gotten notice this past week of
4 a pending deposit to the program, and as
5 more information comes available on that
6 deposit, again, we'll update the board
7 for the next meeting.

8 So I don't want it to look totally
9 dire that you only have \$600,000 with
10 which to spend, but the exact additional
11 monies that you'll have through the
12 remainder of this year is unclear.

13 The next part of the report is the
14 stewardship fund. The stewardship fund
15 cash balance subject to deposits
16 associated with these closings and the
17 Dixon closing next week, the cash
18 balance would be right around
19 \$25 million. Of course, that is an
20 interest-bearing fund, and the board
21 pursues to only spend the interest off
22 of that fund in support of the
23 management of Forever Wild properties.

1 Our budget authority for this year
2 was \$890,000. Thus far we've spent
3 around \$300,000. But in our normal
4 cycle of work we're now entering the
5 most involved part of our department's
6 work period during the year. With the
7 hunting seasons being over with and
8 other things, this is a time in which we
9 concentrate a lot of our work.

10 So the funds available balance is
11 just over \$500,000. We do have a lot of
12 projects in play, and we will probably
13 be coming close to spending all of our
14 available budgeted money this year on
15 those projects.

16 The board has heard me report
17 recently that, you know, there was a
18 time where we were without an
19 accountant. We now have secured an
20 accountant, and our accountant will be
21 working to itemize all the expenditures
22 from the stewardship account by property
23 so the board is more familiar with how

1 all of that money is spent. We'll
2 report that to the board at the
3 September meeting.

4 Commissioner, the next section in
5 the agenda is the pending transactions.
6 And if there are no questions about the
7 financial information, I can move into
8 that part of the agenda.

9 DR. TAYLOR: I have a question.

10 MR. LEIN: Yes, sir, Dr. Taylor.

11 DR. TAYLOR. Yeah. Are we still — the
12 monthly — is the monthly still going to
13 be the same that we were getting —

14 MR. LEIN: You know, we always try to
15 represent a generalization of what the
16 monthly deposits are because they vary
17 by year and they vary by month.
18 Historically, it's been as much as a
19 little over a million dollars. More
20 recently it's been closer to \$700,000.
21 You know, I'd be hesitant to give you an
22 exact number, but I would say anything
23 in that range is probably accurate.

1 DR. TAYLOR: Okay. Thank you.

2 COMMISSIONER GUY: Any other questions before
3 Greg moves on to the next item?

4 (No response.)

5 COMMISSIONER GUY: Thank you, Greg.

6 MR. LEIN: Yes, sir.

7 In your packet, the next set of
8 information relates to properties in
9 which we have secured appraisals of
10 nominated tracts of land. And I will
11 briefly report on that. Of course, the
12 appraisal information, the value of
13 these properties, is confidential to the
14 board. You have that information in
15 your packet, but I will not be verbally
16 reporting that in the meeting. But I'll
17 go over the information on these tracts
18 and summarize what the cost of all these
19 projects might be to the board.

20 The Coosa WMA-Hancock Phase II
21 property in Coosa County, it's
22 approximately 842 acres. And we have
23 completed that process, and we're

1 reporting that information to the board
2 here.

3 The Yates Lake-Weil property in
4 Elmore County, it's around 1900 acres,
5 and, again, that's a property that is
6 optioned. The option expires in
7 November. And we have pursued grant
8 money to leverage that opportunity.
9 We're waiting to hear on the status of
10 our Forest Legacy proposals, but we're
11 really not very optimistic that we're
12 going to receive that money.

13 The Heron-Portersville Bay Wetlands
14 complex in Mobile County is
15 approximately 1100 acres. That is two
16 ownerships that we had bundled in a
17 grant proposal submitted to the U.S.
18 Fish and Wildlife Service this past
19 year. We have both of those properties
20 under option now, and we have gotten
21 notice this year of the award of
22 \$1 million, which was our request under
23 that wetland grant program. So we're

1 now reporting that to the board for the
2 first time. And, again, we do have
3 \$1 million of federal grant money to
4 support that acquisition. And the
5 property has been scored accordingly.
6 Jo Lewis will be reporting the scoring
7 information to the board in the tract
8 assessment portion of the agenda.

9 The Freedom Hills WMA/Riverton
10 Community Hunting Area proposed land
11 exchange, this was a situation that was
12 reported to the board at the last board
13 meeting. The board directed us to
14 pursue getting appraisal of the Forever
15 Wild property and the proposed
16 replacement property there in Colbert
17 County. We have completed that
18 process.

19 Again, the Forever Wild property is
20 75 acres. The suggested replacement
21 property is 102 acres. The appraisal
22 process supports that the property that
23 the Forever Wild program could

1 potentially receive is of greater value
2 than the property that Forever Wild
3 would be giving up. And that is
4 available for your consideration today.

5 The Cathedral Caverns-Cedar Winds
6 tract in Marshall County, approximately
7 10 acres adjacent to the Cathedral
8 Caverns State Park. The appraisal is
9 still underway with this property, and
10 we hope to report that back to the board
11 at the September meeting.

12 Lastly, the Mobile-Tensaw
13 Delta-Perdido Connector property in
14 Baldwin County, which is approximately
15 6,000 acres in size, that is an old
16 appraisal that we've been carrying as
17 we've looked for available funds,
18 because it is an expensive project. And
19 that information is included in the
20 packet.

21 The sum total of all of these
22 opportunities as they are presently
23 appraised amounts to just over

1 assistance and grant programs to get
2 matching funds for some of the
3 nominations that fit the criteria of
4 those different grant programs. And
5 since our last meeting, I'm going to
6 report to the board today that we have
7 been reimbursed two of our previous
8 grant proposals. One was associated
9 with the Forest Legacy program, Sims,
10 Swaim, Johnson-Walls of Jericho tract.
11 That was \$640,000 that was reimbursed
12 since the February meeting.

13 Also, we were reimbursed about
14 1.7 million associated with the Red
15 Hills-Hancock purchase that was a grant
16 through the Section 6 Endangered Species
17 Habitat conservation land grant
18 program.

19 We have two Forest Legacy grant
20 proposals pending. Greg just mentioned
21 those in his presentation. That's
22 associated with the Yates-Weil trust
23 tract in Elmore County and the Post Oak

1 Flat-Patrick tract. Both of those
2 proposals are just pending continuing
3 resolution in Washington.

4 And, lastly, as Greg mentioned, we
5 did receive a million-dollar award
6 through the National Coastal Wetland
7 Grant Program. That was submitted last
8 June. It was written by Jo Lewis and
9 Ashley Peters through our Natural
10 Heritage Section. And we received word
11 this past December that we got that
12 award. And that proposal was submitted
13 in conjunction with the nomination of
14 the Koppersmith — Heron Bay-Koppersmith
15 tract and the Portersville Bay Wetlands
16 tract.

17 That's all I have, Commissioner.

18 COMMISSIONER GUY: Thank you, Chris. Any
19 questions for Chris?

20 (No response.)

21 COMMISSIONER GUY: Thank you, sir.

22 Next I'll call on Ms. Jo Lewis for a
23 tract assessment.

1 MS. LEWIS: Good morning. I'm Jo Lewis with
2 the State Lands Division, and I'll be
3 presenting the highest-scoring rank of
4 nominations in the traditional short
5 list.

6 You were provided with a packet in
7 the mail, and I believe recently you
8 received an e-mail. We got some
9 additional information between the time
10 we sent out the packet and this week,
11 and some of the tracts were no longer
12 available. I will mention them as we go
13 through so that you'll know that they're
14 no longer potential nominations.

15 As I was explained, the short list
16 is comprised of the top-scoring — top
17 three scoring tracts in each district —
18 three districts of the state in each of
19 the four categories of use.

20 Hypothetically, there could be 36.

21 Often there are not enough good
22 nominations in a district, so there will
23 be only two or one in a certain category

1 of use in a district. And,
2 additionally, a good tract is attractive
3 to a lot of different uses, so one
4 nomination can short-list and occupy
5 those spaces in more than one category
6 of use.

7 So of the hypothetical 36, we have
8 18 tracts this time. They vary in size
9 from approximately nine acres to about
10 2,000 acres. They represent 13
11 different counties in the state, and
12 those counties are spread from Jackson
13 County to Mobile County, just pretty
14 much all over the state.

15 They appear in your packet according
16 to the alphabetical arrangement of
17 category of use and then the district in
18 which they occur. And if they occur in
19 more than one short list, they end up in
20 the category of use in which they score
21 the highest. It's basically a matrix
22 that we're trying to force into
23 alignment, and it never works very

1 well. But I have provided the list, and
2 I'm going to provide them as they appear
3 in the packet. This does not prioritize
4 first over the last.

5 The first category of use is nature
6 preserve, and the first two nominations
7 are no longer available. Those are the
8 Pickensville River tract and the Sipse
9 River Swamp-SVR addition. Those are no
10 longer available.

11 The next is the Dismals Canyon
12 addition. The Dismals are a National
13 Natural Landmark, and this would be a
14 holding adjacent to that. The current
15 National Natural Landmark is a private
16 holding.

17 The next is Coldwater
18 Mountain-Cassidy addition, which scores
19 well in nature preserve and recreation.
20 And it is an inholding within Coldwater
21 Mountain.

22 The fifth map, the third item on our
23 list, is the Heron Bay-Portersville Bay

1 Wetlands. And as with all the grants —
2 Chris said it was actually mine. It was
3 a teamwork and, trust me, he was the
4 lead on the team. We did the writing,
5 but we had partners. A lot of partners,
6 coastal organizations, including NEP and
7 the Nature Conservancy, among others,
8 added financial and land to the project
9 to make it more attractive to the U.S.
10 Fish and Wildlife Service.

11 The next tract is the WBR, which is
12 Weeks Bay Reserve—Swift tract
13 additions. There were three tracts
14 nominated. One of them is the — the
15 availability of it is unknown. That's
16 the 29-acre tract.

17 The last tract in the nature
18 preserve category is the Red Hills
19 Parris Trust addition. We had received
20 a large U.S. Fish and Wildlife Service
21 Section 6 grant. There remains \$90,000
22 on that — of that grant. We fulfilled
23 what we said we would do on the grant,

1 and we have money left over. This could
2 be applied to this tract of land. That
3 would cover approximately 12 percent of
4 the tract price. That's an estimation
5 on my part based on what we paid on
6 other tracts and so forth.

7 Moving on, going into the recreation
8 category. And we have Weogufka State
9 Forest addition with the Pinhoti
10 extension potential. We heard more
11 about that earlier.

12 The next would be the West End
13 Swamp. This tract scored number one in
14 nature preserve and Wildlife Management
15 Area and number two in the recreation on
16 the short list, which is to say it was
17 popular in multiple use. It's adjacent
18 to the State Cattle Ranch as many of
19 these that are titled additions are.
20 It's an interesting tract and contains
21 an ecotone from the upland prairie
22 areas, large river bottomland hardwood.

23 The next is the Locust Ford-Palmer

1 tract. This is a new nomination, but
2 it's a portion of an old nomination.
3 This was part of the Birmingham
4 Waterworks. This is the southern 2,000
5 acres, and this is a very popular tract
6 of local conservation and groups.

7 And the next tract is the Cahaba
8 River-Shelby County Park addition and is
9 adjacent to the recreation lease we have
10 in the Wildlife Management Area in that
11 area.

12 Moving into state parks, all three
13 of these tracts are adjacent to existing
14 state parks. There's the Lurleen State
15 Park-Roebuck addition, the Cheaha State
16 Park-Cassidy addition, and the Rickwood
17 Caverns-Helms addition. All of these
18 tracts would provide additional acreage
19 for trails and in some cases better
20 access or increase the access for the
21 park.

22 We're then moving into the WMA
23 portion. We have Coon Gulf-Blue Hole

1 addition, which also scored in
2 recreation — short-listed in recreation
3 and nature preserve. It's adjacent to
4 Forest Legacy proposal holdings, Forever
5 Wild holdings, and TVA holdings. And
6 some of those holdings are being
7 utilized as well as management areas
8 already.

9 We have the Skyline WMA—McLain
10 addition, the Perdido River—Swift
11 addition, which is a — would fill an
12 inholding entirely.

13 Oh, I'm sorry. I forgot to warn you
14 that Shady Grove and White Oak
15 Plantation in the state parks portion of
16 the packet are no longer available.

17 COMMISSIONER GUY: Okay. Thank you.

18 MS. LEWIS: After the Perdido River—Swift
19 addition, the MTD Clearwater—Globe Creek
20 addition is no longer available, one of
21 our more complex names.

22 But the MTD—Simmons addition is
23 still available, and that's the large —

1 it's more in the bottomlands and has
2 river frontage and is adjacent to the
3 Clearwater tract.

4 Then we have the Perdido
5 River-Barnhill addition, which, again,
6 fills an inholding in the Perdido WMA
7 and has a lot of river frontage on it.

8 And the last nomination we have in
9 the package is the Grand Bay
10 Savannah-Drake addition. It falls
11 within our other holdings. It doesn't
12 fill an inholding but is adjacent and
13 provides connectivity between different
14 portions of the project area.

15 And I'll be happy to answer any
16 questions or at least try to answer any
17 questions the board might have on any of
18 these tracts.

19 Yes, sir.

20 MR. KELLER: The Skyline tract there is a
21 small tract. Is it contiguous to what
22 we already have?

23 MS. LEWIS: I believe so, but I don't

1 remember. I'll check —

2 MR. KELLER: I'm pretty sure that Coon Gulf
3 does, but can you confirm that too?

4 MS. LEWIS: Coon Gulf definitely — Coon
5 Gulf-Blue Hole is adjacent to other
6 holdings that are Forest Legacy
7 proposals and TVA. With the acquisition
8 of the Glawson tract by the Forever Wild
9 program, that area's use as a WMA is
10 probably likely to be readdressed in the
11 near future.

12 Okay. The McLain addition is not.
13 And there's three nominations there. If
14 we were to acquire another one, it would
15 be catty-corner, kitty-corner. But it
16 would be an area that would be
17 incorporated into the Wildlife
18 Management Area.

19 MR. KELLER: How far is it?

20 MS. LEWIS: Quarter of a mile, I would guess.

21 COMMISSIONER GUY: In the package there ...

22 MS. LEWIS: Gary agreed that a quarter of a
23 mile is approximately correct.

1 COMMISSIONER GUY: And the outline in yellow
2 is the other nominated tracts?

3 MS. LEWIS: Yes, that's correct.

4 Thank you.

5 COMMISSIONER GUY: Thank you.

6 Okay. Any other questions of any of
7 the staff before we move forward to just
8 the general discussion phase of our
9 meeting?

10 (No response.)

11 COMMISSIONER GUY: All right. At this time,
12 then, I think we typically just open the
13 meeting up for general discussion by
14 board members.

15 Does anybody have any — anything
16 they want to discuss at this time?

17 Go ahead.

18 MR. ALLEN: Yes, sir. Some of those tracts
19 that's taken off, the Pickensville tract
20 and I think you said Shady Grove and
21 White Oak, were they taken off — does
22 that tell us that it's been somebody
23 bought it?

1 COMMISSIONER GUY: I'm going to let Ms. Jo

2 Lewis answer that.

3 MS. LEWIS: It means either that the owners

4 have not responded to our request for

5 confirmation that they're a willing

6 seller or that they have returned their

7 letter saying they are no longer the

8 owner or they're no longer interested in

9 selling.

10 COMMISSIONER GUY: Any other discussions about

11 any of the tracts or any motions or

12 anything that anybody wants to make at

13 this time?

14 MR. KELLER: Are we in the — we're in the

15 nomination phase next?

16 COMMISSIONER GUY: Yes, we would be. We would

17 be in that phase right now. That's what

18 we usually take up under the general

19 discussions. If anybody wants to talk

20 about a particular tract, make

21 nominations, this is the time we would

22 talk about it.

23 MR. KELLER: On their short — on their

1 potential buyings of Freedom Hill, I —
2 since we're short on money and that's
3 something that that wouldn't affect, I
4 want to nominate that tract.

5 COMMISSIONER GUY: Okay. This is the proposed
6 land exchange?

7 DR. SCHLUNDT: I'll second that.

8 COMMISSIONER GUY: We have a motion to carry
9 out the proposal where there's a land
10 exchange on the Freedom Hills
11 WMA-Riverton tract and a second. Any
12 discussion?

13 MR. JOHNSON: Is it correct that we would have
14 to get a second appraisal?

15 MR. LEIN: Yes, it is. And a Phase I
16 assessment of the new property to the
17 program. And that's part of our
18 standard procedure.

19 COMMISSIONER GUY: What you would be doing
20 here, assuming all that came back
21 according to our rules and regulations,
22 is then move forward with the exchange.

23 MR. LEIN: Standard motions are subject to all

1 of that.

2 COMMISSIONER GUY: Just want to make sure
3 we're clear. It's been a while since we
4 met, including me.

5 Anybody else have any discussion
6 about the motion before we take a vote?

7 (No response.)

8 COMMISSIONER GUY: All right. No further
9 decision, all in favor say "aye".

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

12 COMMISSIONER GUY: All opposed, no.

13 (No board member opposed.)

14 COMMISSIONER GUY: Motion carries.

15 All right. Any other discussions
16 about any other tracts or any other
17 general discussions?

18 MR. COOPER: I'll make the motion that we
19 purchase the Heron Bay-Portersville
20 Wetland tract in Mobile.

21 COMMISSIONER GUY: Okay. Motion by
22 Mr. Cooper.

23 MR. COOPER: If funds are available.

1 COMMISSIONER GUY: All right. And which one
2 was it again?

3 MR. COOPER: Heron Bay—Portersville.

4 COMMISSIONER GUY: Okay.

5 MR. LEIN: Commissioner?

6 COMMISSIONER GUY: Yes.

7 MR. LEIN: Do I understand that that motion is
8 subject to the grant and available
9 funds?

10 MR. COOPER: Right.

11 DR. SCHLUNDT: I second that.

12 COMMISSIONER GUY: So that motion would be
13 subject to the federal grant. Is that
14 your motion?

15 MR. COOPER: Correct.

16 COMMISSIONER GUY: Okay.

17 MR. KELLER: I second.

18 COMMISSIONER GUY: We have a second, I
19 believe, by Mr. Keller.

20 MR. KELLER: Yes.

21 COMMISSIONER GUY: Any discussion?

22 (No response.)

23 COMMISSIONER GUY: All in favor of the motion

1 say "aye."

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

4 COMMISSIONER GUY: All opposed?

5 (No board member opposed.)

6 COMMISSIONER GUY: Motion carries.

7 All right. Any other — any other
8 discussion on any other tracts or other
9 matters?

10 DR. HOLLAND: Commissioner?

11 COMMISSIONER GUY: Yes.

12 DR. HOLLAND: Could we move forward on the
13 Weogufka State Forest addition?

14 MR. JOHNSON: The next step would be a first
15 appraisal; is that right?

16 COMMISSIONER GUY: Yeah, that would be a
17 nomination.

18 MR. LEIN: That was the Weogufka tract?

19 DR. HOLLAND: No. The Weogufka State Forest
20 addition, that trail connector back to
21 the Appalachian Trail.

22 MR. LEIN: Okay. I believe in the packet
23 that's identified as the Weogufka State

1 Forest addition.

2 DR. HOLLAND: Okay.

3 MR. LEIN: And, yes, the next step would be
4 basically to secure an appraisal. And,
5 in fact, that was property that we've
6 looked at for a future Forest Legacy
7 grant proposal that we might develop
8 later this year. The submission period
9 for those grants is in November. So
10 this is a good time to move forward with
11 getting an appraisal because we need
12 appraisals to support those grant
13 proposals when we submit them.

14 COMMISSIONER GUY: Need a motion on an
15 appraisal?

16 MR. LEIN: Well, if the board — it would —
17 it's perfectly appropriate for the board
18 to make a motion for us to go secure an
19 appraisal. The board has given approval
20 to the Lands Division in the past that
21 when we need to secure appraisals for
22 grant proposals that we can do that. So
23 we might be securing an appraisal on

1 that property this summer whether the
2 board makes a motion to that effect
3 today or not. But there's nothing wrong
4 with an affirmative position on the part
5 of the board to that effect today if
6 that's what the board would like to do.

7 COMMISSIONER GUY: Okay. You kind of confused
8 me there. All right. So if you want
9 to — I guess, do you want to make that
10 a motion, then?

11 DR. HOLLAND: Make that motion.

12 COMMISSIONER GUY: Okay.

13 MR. JOHNSON: Second.

14 COMMISSIONER GUY: Okay. We have a motion and
15 a second. Any discussion about that, or
16 are we clear?

17 MR. PORTER: Yeah. I've got — I've got some
18 concerns about that, one, the nature of
19 the property and the fact that it's
20 really not part of the trail. And the
21 other thing is that I was a little bit
22 concerned — I think this is the one
23 where we have some sort of anonymous

1 donor or something to the purchase

2 price; is that right?

3 MR. LEIN: I believe that is correct.

4 MR. PORTER: And that — that's troubling to

5 me as well. And I've just — I would —

6 I would not be in favor of going forward

7 on that myself.

8 COMMISSIONER GUY: All right. Any other

9 discussion?

10 (No response.)

11 COMMISSIONER GUY: I want to be clear again on

12 nominations or appraisals. When a

13 property is nominated —

14 MR. LEIN: Motions for appraisals.

15 COMMISSIONER GUY: Right.

16 MR. LEIN: Yes, sir.

17 COMMISSIONER GUY: Do you have to have those

18 on each nomination?

19 MR. LEIN: Well, it's the next step. If the

20 board — you know, of all these

21 available properties, you know, under

22 consideration by the board, if the board

23 takes an interest in a given property

1 and wants to move forward with trying to
2 understand the reality of trying to
3 purchase it, the next step is naturally
4 to secure an appraisal so that the board
5 understands what the potential cost of
6 that opportunity might be relative to
7 the board's available funds.

8 COMMISSIONER GUY: All right. So we have a
9 motion.

10 DR. SCHLUNDT: Could I ask a question?

11 COMMISSIONER GUY: Sure. Absolutely.

12 DR. SCHLUNDT: Following up on your comment,
13 would the process of securing an
14 appraisal include the question of the
15 anonymous donor?

16 MR. LEIN: No, it would not.

17 DR. SCHLUNDT: Where does that figure into
18 information that we can use in
19 determining whether or not we would ever
20 consider nominating that acquisition?

21 MR. LEIN: The appraisal process is just a
22 straight up and down this is the value
23 of the land. If a landowner is willing

1 to donate a percentage of a property's
2 appraised value, then you — you apply
3 that — I believe we had that situation
4 with the Tannehill purchase this past
5 year where the landowner had represented
6 he would donate a percentage of the
7 appraised value in the transaction.

8 And so as we secured the appraisal,
9 that was known to the board. It was
10 part of the board's consideration of
11 that opportunity and what the appraisal
12 value would be compared to the actual
13 purchase cost subject to that donation
14 of value. And, if I recall, the board's
15 motion to purchase that property was
16 subject to that donation of a percentage
17 of the property's appraised value.

18 Does that answer the question where
19 that comes in in the process?

20 COMMISSIONER GUY: I think so.

21 MS. POWELL: And I would note, too, I don't
22 know on this tract how the insertion of
23 the private dollars would come. For

1 example, if the organization who the
2 gentleman represented today, you know,
3 made that through that organization,
4 it's from that organization. We
5 might — even in a normal transaction
6 may not know any more than that
7 organization. Just as the Nature
8 Conservancy or other organizations have
9 helped in the past is one example.

10 I don't know the situation on this
11 proposed donation, but that's another
12 route — sometimes it's an organization
13 and where the funds came from to that
14 organization is no more than represented
15 to us as from that organization. I
16 don't know. But that's another model we
17 may have seen in the past where you may
18 not know the end trail, but you know
19 that that organization is providing that
20 donation. But I don't know here. But
21 that's another example.

22 MR. LEIN: I would offer that, you know, there
23 is a representative here from that

1 organization, and they might want to
2 clarify.

3 Was the donation of value to them in
4 their purchase of the property, or is
5 this donation to the board in their
6 consideration of the purchase from the
7 Conservation Fund?

8 Andrew, could you come up and
9 clarify that point?

10 MR. SCHOCK: Yes, I will. Thank you.

11 And I apologize if I made this
12 unnecessarily confusing. But the
13 donation of a little over half a million
14 dollars has come to the Conservation
15 Fund. We already have that money.
16 We've already — you know, that's
17 accounted for. So it will be, as you
18 were discussing, when — if you all
19 decide to acquire the tract from us, you
20 would be able to buy it at approximately
21 half a million dollars below its market
22 value because we already have that
23 donation which came directly to the

1 Conservation Fund.

2 MR. KELLER: If we don't act on this, what do
3 you do with that half a million
4 dollars? Do you give it back, or does
5 it stay with you? I mean, what happens
6 with that?

7 MR. SCHOCK: What will happen with that is if
8 we — I mean, at some point we will sell
9 that land and we will — the
10 half-million dollars will come back to
11 the Conservation Fund and be used to
12 acquire other lands. That's — that's,
13 you know, what we discussed with the
14 donor and what the donor wishes to have
15 happen with those dollars.

16 Thank you.

17 MR. KELLER: I would like to satisfy both
18 board members, the one that wants to
19 move forward and the one that has a
20 question. Could we not go ahead with
21 the appraisal — it won't mean that
22 we're going to buy it — but then look
23 at what satisfies the other board member

1 or all the board members to stay within
2 the guidelines — there's nothing that
3 we're doing that's wrong or could be
4 perceived as wrong — and look at it
5 from what steps we could take then to go
6 forward and not lose the half-million
7 dollars or not lose the tract but
8 satisfy the other board member's
9 objection. Could we —

10 COMMISSIONER GUY: Well, the motion is just to
11 secure a first appraisal. That's all it
12 is.

13 MR. KELLER: Well, that's why —

14 COMMISSIONER GUY: No action is being taken on
15 the purchase or anything else at this
16 time.

17 MR. KELLER: But I'm just trying to please
18 both board members.

19 MR. PORTER: Well, the only thing I would
20 point out is this whole program is under
21 very, very close public scrutiny. And I
22 just don't think it's wise to get
23 involved in a transaction when you don't

1 know who you're dealing with. That's my
2 problem.

3 MR. KELLER: It's an appraisal.

4 MR. PORTER: Well, I understand, but the
5 appraisal costs you money.

6 MR. KELLER: Would your people pay for the
7 appraisal?

8 MR. SCHOCK: Well, I can check with the donor
9 and see if they would be willing to be
10 identified.

11 MR. KELLER: Or pay for the appraisal.

12 MR. PORTER: Well, I would — again, I would
13 just point out that — I just — again,
14 this — as we know, this program is
15 under very close public scrutiny and
16 it's just troubling to me. And it would
17 just be my point of view that it's —

18 COMMISSIONER GUY: You want to make a
19 motion — would it satisfy you if the
20 motion included making the donor
21 identified before we did the appraisal?

22 MR. PORTER: Well, you know, if they want to
23 come back and do that and go through all

1 that, that's fine. I just — I just —
2 and it's just my view. I just don't
3 think it's wise to proceed.

4 COMMISSIONER GUY: Well, that's what we're
5 here to do is to discuss these matters.
6 Anybody have any other discussion?

7 I think we have a motion and a
8 second; am I correct?

9 MR. LEIN: Correct.

10 COMMISSIONER GUY: Any other discussions on
11 the motion before we take a vote?

12 I want to give everybody ample
13 opportunity to discuss it. I didn't
14 really take your discussion as any
15 amendment to the motion. I just took it
16 as —

17 MR. KELLER: I was just trying to please both
18 board members.

19 COMMISSIONER GUY: I just want to make sure we
20 get the record. We are recording this,
21 so I want to make sure I get the
22 record. So if I state that wrong, just
23 let me know.

1 MR. KELLER: No. That's fine.

2 COMMISSIONER GUY: Okay.

3 MR. BARBER: Let me understand a little bit
4 better what's going on here.

5 Has the land been donated to you or
6 has — has the half-million dollars been
7 donated to you and you're — then to get
8 that half-million you have the
9 responsibility to sell that land for
10 him, or do you have ownership of that
11 land?

12 MR. SCHOCK: We own the land.

13 MR. BARBER: So we know who we're buying it
14 from.

15 MR. SCHOCK: And this individual donor gave us
16 money to help us acquire the land. And
17 we currently — the Conservation Fund
18 owned the land. There is no — you
19 know, if —

20 MR. BARBER: So this unidentified guy has
21 nothing to do with this anymore?

22 MR. SCHOCK: That's correct. It's owned a
23 hundred percent by the Conservation

1 Fund.

2 MR. BARBER: So that cleans that up.

3 MR. PORTER: Well, I would just suggest to you
4 that not knowing who — I don't know who
5 it is.

6 MR. BARBER: I don't think it really matters,
7 Jim, if we know these people. And it's
8 very clear who they are. And it's very
9 clear that you own the land, and we'll
10 be buying it from you and not any
11 previous owner.

12 MR. SCHOCK: Correct.

13 MR. BARBER: And I'm sure we could go back to
14 previous owners and hunt and go back and
15 back and back and find some guy that
16 will scare us. But that doesn't make —
17 it doesn't make any difference. We're
18 buying it from you, and I feel very
19 comfortable in doing that.

20 COMMISSIONER GUY: And not to try to correct
21 you, but we're not buying it. We're
22 just actually getting an appraisal done.

23 MR. BARBER: Appraisal.

1 COMMISSIONER GUY: I don't want the record to
2 be —

3 MR. BARBER: We might be buying it from you
4 potentially. And we have no
5 responsibility of identifying this other
6 guy or knowing anything about him, I
7 don't think, Jim.

8 MR. WOLLER: Commissioner, along with what
9 you've said, you know, we're not buying
10 it, that's true. But we are expending
11 our funds for this appraisal with the
12 full intent of purchasing it. We
13 shouldn't spend the money for the
14 appraisal if we don't intend to buy it
15 at some time based on everything else
16 being equal. I mean, from that
17 standpoint we need to consider that in
18 this motion.

19 MR. PORTER: Well, and the other thing is, you
20 know, it — I don't — I don't — you
21 know, you could foresee a real disaster,
22 it would seem to me, if whoever making
23 the donation was someone that we would

1 normally not want to do business with.

2 MR. BARBER: It's none of our business.

3 MR. PORTER: Well ...

4 MR. BARBER: It's theirs.

5 MR. PORTER: That — but, still, from the
6 standpoint of how it would appear,
7 again, given the fact that we're under
8 such close scrutiny and all of the
9 issues and the arguments that we dealt
10 with in the legislature in trying to get
11 the — that was discussed in this most
12 recent legislative session. And I may
13 be unduly cautious, but I'm very
14 concerned about how what we do appears
15 to the public.

16 MR. BARBER: I agree with you, but the bottom
17 line is do we want this piece of
18 property. Do we know enough about it
19 that we can really sit here and say we
20 want it, so let's go through the
21 procedure to get the appraisals and buy
22 it. I'm not convinced we want the
23 property.

1 MR. LEIN: Commissioner, if I may offer a
2 point of clarification — two points.

3 COMMISSIONER GUY: Certainly. Certainly.

4 MR. LEIN: Unless it's explicitly stated in a
5 motion, when people ask us what does it
6 mean when the board moves forward with
7 getting an appraisal, we represent to
8 people that that simply means the board
9 is interested in that property. It
10 doesn't mean they're committed to buy
11 it. It means they're interested enough
12 to understand what the cost of that
13 opportunity might be to them relative to
14 their available funds. So that's a
15 blanket statement that we commonly
16 represent to the public and landowners.

17 And, again, that's what we represent
18 unless it's explicitly stated otherwise
19 in a motion. And I'm not — I'm not
20 aware of any instance where the board
21 has explicitly stated in this stage of
22 the game that they are absolutely going
23 to buy that property irrespective of

1 what the appraisal comes back and says
2 it might cost.

3 The other point I want to make is
4 that, as I understand this opportunity,
5 this organization, the Conservation
6 Fund, has undertaken the burden to go
7 and buy this property and secure it and
8 offer it to this program. And in the
9 course of that effort they had a
10 donation of cash to support the cost of
11 that. And at this time that donor is
12 anonymous. But, again, what I think is
13 being represented is that savings would
14 be passed on to this program, that, you
15 know, that is the circumstance before
16 the board.

17 And if I'm incorrect in that —

18 MR. SCHOCK: That's correct.

19 MR. LEIN: Okay. So I just wanted to clarify
20 that. I feel like there's a little bit
21 of confusion on the part of our staff
22 and the board and perhaps even the
23 audience here on that point. So I just

1 want to, again, for the record —
2 because we rely on the record to
3 understand what the circumstances are.
4 I just wanted to clarify that.

5 COMMISSIONER GUY: Well, I think the dialogue
6 is always good. And I think Jim, you
7 know, is just saying he doesn't want to
8 even — you know, he doesn't believe
9 that we should even consider the first
10 appraisal, if I understand it, because
11 of the donor.

12 But I think everybody on the board,
13 hopefully, understands that as just a
14 matter of procedure all we're doing is
15 that — the motion on the table is just
16 a motion to go ahead and get the first
17 appraisal. And that's all we have right
18 now. There's no amendments to it or
19 anything else. And so — and that's
20 where we are and that's what we're
21 discussing, so — yes, sir.

22 MR. BARBER: Do we really know that we want
23 this property enough to pay for an

1 appraisal?

2 I'd hate to pay for an appraisal and
3 then just — oh, well, we really
4 didn't — we really weren't interested
5 in —

6 COMMISSIONER GUY: I think that's part of what
7 we discuss. This is what we're doing
8 right now. And often — you know, and
9 I'm new on the board. But looking at
10 the history of the board, you know, you
11 have to secure appraisals before you can
12 ever get to a point to discuss whether
13 you want it.

14 MR. WOLLER: It has — Jim, it had the highest
15 score, you know, in the rec area and
16 ranked number one in —

17 MR. LEIN: If I may — and I'm not sure if
18 this got conveyed to the board. But one
19 of your members, Ms. Casey, our state
20 forester — Alabama Forestry Commission
21 State Forester, couldn't be here today.
22 And she communicated to me that this was
23 a property of interest because of its

1 proximity to the Weogufka State Forest.

2 She went so far as to ask me if it
3 was appropriate, you know, to
4 communicate that interest to her fellow
5 board members, and I told her it was
6 absolutely appropriate if she wanted to
7 call or e-mail. And I don't know if she
8 was able to follow through on that, but
9 I do believe that it's at least relative
10 to your discussion of whether this is of
11 interest to this body.

12 COMMISSIONER GUY: Well, I've just been handed
13 an e-mail. Maybe I should read this. I
14 do believe I got it, but I did not think
15 about bringing it with me. But
16 Dr. Schlundt gave me this. If it's
17 okay, I'll just read it. This is from
18 Ms. Linda Casey.

19 It says, due to family concerns, I
20 will be unable to attend Thursday's
21 meeting as originally planned. I had
22 hoped to speak to you in person
23 concerning my interest in insuring the

1 Weogufka State Forest addition, which is
2 on the short list, is given serious
3 consideration and support by the board
4 members for purchase by Forever Wild.
5 The Alabama Forestry Commission's
6 242-acre Weogufka State Forest is
7 located at what should be the southern
8 end of a trail system stretching from
9 Alabama to Maine. Contained within the
10 state forest is Flag Mountain, which is
11 the southernmost mountain in the entire
12 Appalachian chain. Purchase of the
13 Weogufka State Forest addition will
14 provide a key link in establishing
15 Alabama's Weogufka State Forest as the
16 southern terminus of the Appalachian
17 Trail. It will also extend the Pinhoti
18 Trail from Cheaha to Flag Mountain and
19 help insure that the natural beauty of
20 this area continues to provide an
21 outstanding recreational area for
22 numerous hikers, bikers, and others.
23 Your support for this purchase of this

1 tract would be appreciated.

2 So I'm sorry I did not bring that.

3 And I thank you, Dr. Schlundt, for
4 reminding me of that.

5 But that's — that's just part of
6 the discussion, so — but maybe that is
7 a little bit of clarification. But,
8 again, the motion is just for — to
9 secure the first appraisal to determine
10 the potential cost of the purchase.

11 MR. KELLER: What cost would an appraisal be,
12 approximately, guessing?

13 COMMISSIONER GUY: I think if you'd just
14 describe the procedure by which you do
15 it.

16 MR. LEIN: Right. We bid this out. It's
17 awarded to the low bidder. Appraisal
18 costs are often a reflection of the
19 workload. If you've got to cruise
20 timber, you know, that can elevate the
21 cost if it's a large property and
22 there's a lot of timber to cruise. This
23 might be a 10,000-dollar effort.

1 MR. KELLER: Is there any other monies
2 available besides the half-million
3 that's already been appropriated — is
4 there any other funds that we might —

5 MR. LEIN: There's no other funds that support
6 the appraisal process. We are
7 considering the possibility that a
8 proposal could be developed to support
9 the acquisition of this property under
10 the Forest Legacy program. This tract
11 was brought before the steering
12 committee for Alabama's Forest Legacy
13 program this past year, fall of 2010.
14 And there was no action taken on it
15 because there were other properties that
16 were further along and that had been
17 nominated to Forever Wild previously and
18 we had appraisals on them, like the
19 Patrick tract and the Yates Lake-Weil
20 tract. And those were the projects that
21 were forwarded last year under the
22 Forest Legacy program.

23 This property might do well under

1 that program subject to the Fed's
2 populating it with money and awarding
3 funds to the state to pursue that. But
4 it is one of the ones that we were
5 considering for this year's round of
6 submissions. Hadn't settled on that,
7 but it was just one of the possibles.

8 MR. KELLER: We might get more help on it too.

9 MR. BARBER: Have they given us a price that
10 they would want to sell the property
11 for?

12 MR. LEIN: I honestly don't recall. I know
13 that they have their own appraisal which
14 they had to have to undertake the
15 purchase of the property.

16 Andrew, do you want to speak to
17 that?

18 MR. BARBER: Is there —

19 MR. SCHOCK: Well, we're — we would certainly
20 love to get the price that we paid for
21 it less this ubiquitous donation that
22 we've already received. But, you know,
23 we will operate on the state's approved

1 appraisal once that's — if and when
2 that's completed.

3 MR. BARBER: So you really don't have a
4 number?

5 MR. SCHOCK: Well, our purchase price was
6 \$1.7 million. And because of those —
7 that other half a million dollars, we
8 would be willing to sell it for
9 \$1.2 million.

10 MR. KELLER: Is that negotiable?

11 MR. BARBER: Everything is negotiable.

12 MR. SCHOCK: If you all agree to the purchase
13 of it, we'll make sure that you can buy
14 it.

15 MR. KELLER: What I'm getting at, the
16 appraisal — if the appraisal wasn't
17 reached, you know —

18 MR. SCHOCK: If you do an appraisal and it
19 comes in at 1.6 or 1.5 or whatever,
20 we're going to take off a half a million
21 dollars from that and you can buy it for
22 that. I mean, that's — that's where
23 we're going.

1 MR. LEIN: And all of those circumstances can
2 certainly be revisited at a future
3 meeting. And I believe the motion is
4 just consideration for an appraisal.

5 MR. BARBER: I second that motion.

6 COMMISSIONER GUY: Okay. I think we had a
7 motion and a second already.

8 Anybody else who wants to discuss it
9 before we go ahead and take a vote?

10 (No response.)

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

13 (All board members present, except
14 Mr. Porter, responded "aye".)

15 COMMISSIONER GUY: All opposed?

16 MR. PORTER: No.

17 (Mr. Porter opposed.)

18 COMMISSIONER GUY: Motion carries.

19 All right. Again, this is a time,
20 then, for us to discuss matters
21 involving first appraisals or making
22 offers. That's the phase we're in right
23 now. So does anybody else have any

1 discussions about any of those issues
2 that you want to take up at this time?

3 Yes, sir, Mr. Keller.

4 MR. KELLER: Coon Gulf, the Blue Hole, that's
5 beautiful property. I'm fully aware of
6 it, been to it many times. Would be a
7 great addition to what we already have.
8 And I would like to nominate it for an
9 appraisal.

10 MR. PORTER: Second.

11 COMMISSIONER GUY: Okay. There's a motion and
12 a second on the Coon Gulf-Blue Hole
13 addition. And any discussion?

14 MR. LEIN: Commissioner?

15 COMMISSIONER GUY: Yes.

16 MR. LEIN: Ironically, the Blue Hole addition
17 tract is adjacent to the first Forest
18 Legacy purchase in Alabama, and for that
19 reason it is also a candidate which we
20 would consider submitting for Forest
21 Legacy grant award this year. So just
22 by way of example, it is another one of
23 these properties, like the one you just

1 discussed, that is a potential good
2 grant tract. And, you know, going
3 forward with an appraisal would not be
4 out of step with the efforts that we
5 might need to undertake to understand
6 the possibilities of that being a grant
7 proposal as well.

8 And we're not limited to just one
9 grant submission per year. Although
10 it's very unlikely you get more than one
11 award, we could submit two. So I feel
12 in truth in advertising I need to make
13 the board aware of that by way of
14 example.

15 COMMISSIONER GUY: All right. Thank you.

16 Any other — we have a motion and a
17 second. Any other discussion about a
18 motion to secure a first appraisal to
19 determine potential costs on the Coon
20 Gulf-Blue Hole addition? Any other
21 discussion?

22 DR. TAYLOR: I do.

23 COMMISSIONER GUY: Yes, sir, Dr. Taylor.

1 DR. TAYLOR: I have a question with the Forest
2 Legacy grants. Do you have per
3 submission — what would be the cap per
4 submission?

5 MR. LEIN: I believe these days we're limited
6 to \$3 million per proposal.

7 Is that right, Dan?

8 Dan Dumont is here, and Dan helps
9 administer that program along with the
10 Forestry Commission and the State Lands
11 Division.

12 MR. DUMONT: Actually, Dr. Taylor, you can
13 have submissions up to \$7 million, which
14 is really fairly unrealistic with the
15 money that's appropriated. But you can
16 have no more than three tracts, each of
17 which can be up to \$7 million. But, in
18 reality, they're more in the two and a
19 half, three and a half, four and a half
20 million-dollar range that are awarded.

21 DR. TAYLOR: Okay.

22 MR. LEIN: And, again, that's a process under
23 which we sit down with the other

1 discuss. This is an open meeting.

2 MR. LEIN: Yes. And while it's quiet in your
3 agenda, we had been prepared to
4 represent both the Colbert County
5 potential exchange and the Ruffner
6 Mountain easement request under
7 miscellaneous/other portion of the
8 meeting agenda.

9 COMMISSIONER GUY: You want to take it up now?

10 MR. LEIN: We can take it up now.

11 COMMISSIONER GUY: Okay.

12 MR. LEIN: Yes. We did prepare a packet for
13 the board. And in that process, again,
14 the staff looks at requests for
15 easements. And our job is to basically
16 understand what the impact might be to
17 the Forever Wild property and provide a
18 recommendation to the board as to
19 whether it might be a suitable effort.
20 Jo Lewis and staff completed that
21 effort.

22 We find no objections to the
23 requested pathway. And as you heard,

1 the Ruffner staff had already interacted
2 with the utility company to minimize
3 what the impact might be to the broader
4 Ruffner Mountain Nature Center. Of
5 course, our — our domain is simply the
6 Forever Wild property.

7 So we look at it simply with those
8 set of glasses. And Jo has that report
9 summarized on the bottom of the map
10 page, and we simply wanted to make that
11 available to the board. And Jo and
12 staff are here if there are any specific
13 questions about the assessment of that
14 request.

15 COMMISSIONER GUY: Let me make sure. So it's
16 a motion to approve the —

17 MR. JOHNSON: Granting of the easement.

18 COMMISSIONER GUY: — granting of the
19 easement, to actually move forward with
20 obtaining the easement?

21 MR. LEIN: And it does require a motion of the
22 board because it is a conveyance of
23 interest in land. The board's motion

1 would be subject to our normal
2 procedures by which we would have to
3 appraise what that value — legal
4 interest in that easement would be, and
5 they would be required to pay that.
6 And, you know, that's the standard
7 process.

8 MR. KELLER: I'll make that motion if they sod
9 it or sow it or whatever, what's best
10 for game in the area.

11 MR. PORTER: Mr. Chairman, if I might,
12 speaking to what Mr. Keller raised, I
13 think it's a good point.

14 Greg, shouldn't we make the —
15 shouldn't we make the motion subject to
16 the easement containing the terms and
17 conditions that we discussed when we
18 were discussing this earlier?

19 MR. LEIN: Well, perhaps yes and perhaps no.
20 Because I think some of the discussion
21 goes beyond the board's property and
22 what the board has authority over.
23 That's an existing tower there. And,

1 you know, there is other ownership that
2 this easement is associated with.

3 MR. PORTER: Well, the only thing that I was
4 talking about — and I think it goes to
5 what Mr. Keller is talking about — is
6 our concern that that easement remain in
7 its natural state.

8 MR. LEIN: Natural state.

9 MR. PORTER: And if there's any maintenance or
10 upkeep or anything on it and it's
11 disturbed, that it would be returned
12 back in its natural state.

13 MR. KELLER: That's fine.

14 MR. PORTER: I think that's — we just want to
15 be sure that as part of the easement
16 agreement that that's in there.

17 MR. LEIN: I'm looking for our attorney, David
18 Dean.

19 COMMISSIONER GUY: There he is.

20 MR. LEIN: David, would you come to the mike
21 and respond to those comments and
22 whether that's something that could
23 actually be effected within the easement

1 itself.

2 MR. DEAN: I think the concern may be if we
3 make the motion too narrow as to exactly
4 what they have to do, then we'll be —
5 you know, if there's any variation at
6 all from that —

7 COMMISSIONER GUY: Let me state what I think
8 the motion is. And, Mr. Johnson, it's
9 subject to you, because it's your motion
10 really, and I think they would just be
11 suggestions at this point. And it's a
12 motion to approve the granting of the
13 easement on the Ruffner Mountain Nature
14 Preserve subject to it remaining in its
15 natural state. Is that the language
16 that the board — or at least that's
17 what we're up for discussion about?

18 MR. JOHNSON: Be returned to its natural
19 state.

20 COMMISSIONER GUY: Be allowed to remain —
21 return to or remain in its natural
22 state.

23 MR. KELLER: Well, if there wasn't any

1 vegetation there, we would want
2 vegetation, though, if they disturb the
3 soil.

4 MR. DEAN: Could we provide a little wiggle
5 room so that we could negotiate a little
6 bit with these people in terms of
7 exactly what they put out there?

8 I mean, to say that something has to
9 be returned to its natural state, you
10 know, it may take a while —

11 COMMISSIONER GUY: Trees, that kind of thing.

12 But that's why —

13 MR. DEAN: If we could do it in a way that's
14 got a little bit of, you know,
15 flexibility in it and it still meets
16 y'all's concerns, I think that would be
17 the best way to word the motion.

18 MR. PORTER: David, you know, the — it's a
19 consensus of the body, I think, from the
20 discussion that, you know, what we don't
21 want is to have that cable put in and
22 then, you know, a picket fence put on
23 top of it or something.

1 MR. DEAN: Oh, yeah.

2 MR. PORTER: And we've all negotiated a number
3 of easements in our careers and so
4 forth. And I think to me it seems
5 reasonable that the — I don't think we
6 want to give them an easement if we're
7 not — if we're not comfortable that
8 it's going to be — it's going to be in
9 a natural vegetative state or returned
10 to its state or whatever, so we know
11 what's out there.

12 MR. DEAN: Right.

13 MR. PORTER: And I would think that that's
14 normal when negotiating an easement.

15 COMMISSIONER GUY: Mr. Fern is still here.

16 MR. DEAN: Could I suggest some wording —

17 COMMISSIONER GUY: Sure.

18 MR. DEAN: — for y'all's consideration?

19 If you wish to approve the motion to
20 approve the easement, subject to the
21 grantee agreeing to provide the
22 revegetation of the disturbed area to
23 the satisfaction of the Lands Division

1 director or something like that so
2 that — I mean, we know what you want,
3 but it's just if we get too specific in
4 the motion, then it becomes a question
5 of, well, is this what they approved or
6 not, but still doing what you want. And
7 I think we all know what you want, but
8 if we could have a little bit of ...

9 MR. BARBER: Do they have to have this
10 easement?

11 MR. DEAN: I don't know for sure if they do or
12 not, George.

13 MR. BARBER: Can we find out?

14 MR. DEAN: I don't know enough about the
15 background of the Ruffner Mountain —

16 MR. BARBER: They don't have the right of
17 eminent domain? They can't take it from
18 us, can they?

19 MR. DEAN: No.

20 MR. BARBER: I think it would be important to
21 find out if they really need this. And
22 then if they do need it, I think we can
23 dictate terms to them about how to

1 return it to the natural state, the
2 strobe lights, and whether we paint the
3 tower and whether we do this or that to
4 it.

5 And, two, another thing when you're
6 dealing with these people, you need to
7 have some understanding of what they're
8 going to do with this tower. Is it for
9 one signal or two signals? Because
10 they'll do this tower and they'll come
11 back in and they'll lease space upon
12 that tower to somebody else. And if
13 they do that, we want to be in a
14 position to take that money, to get that
15 money.

16 MR. DEAN: Is the tower going to be on our
17 property, or is it just the — the
18 underground cable is just going to be on
19 our property, I believe; is that right?

20 MR. FERN: The underground cable is on the
21 property.

22 MR. BARBER: So the tower is not on our
23 property?

1 MR. FERN: No. No.

2 MR. BARBER: But they have to have our
3 easement to get to it?

4 COMMISSIONER GUY: Correct.

5 MR. BARBER: Well, I mean, that puts us in a
6 very good negotiating position.

7 MR. FERN: And that's correct. The tower is
8 actually on City of Birmingham land
9 which is leased to Crown Castle and
10 managed by the nonprofit. And so the
11 goal was to minimize disruption to the
12 whole area, and that requires an
13 easement across Forever Wild lands to do
14 so.

15 The actual route of the easement is
16 on an existing firebreak on the
17 mountain. So it's really disrupted area
18 already, and I think this verbiage to
19 the satisfaction of the head of State
20 Lands or whatever achieves that goal
21 well.

22 COMMISSIONER GUY: And for those, again, that
23 want to see it, it's in your additional

1 little package here. It kind of
2 shows — am I assuming that that is a
3 picture of the area that has been
4 disturbed previously with the running of
5 the cable that's not supposed to have
6 been run yet?

7 MR. FERN: Yes, that's the area.

8 MR. BARBER: Well, I sure would have some
9 conversation with them about strobe
10 lights.

11 MS. POWELL: And I just have a question
12 clarifying if the actual — the easement
13 you said runs concurrent with the
14 firebreak?

15 MR. FERN: Yes.

16 MS. POWELL: On the Forever — on our —
17 okay. Well, then, that is in itself
18 probably going to be an issue as to
19 returning vegetation to where we have a
20 maintained firebreak. So we may need to
21 think a little bit more about, you know,
22 wording. But I think we can move
23 forward. But I just mention that, that

1 vegetation may be the wrong —
2 COMMISSIONER GUY: Well, if it's on a
3 firebreak, you don't want it returned to
4 vegetation. You need a firebreak. So,
5 actually, that works out better because
6 you're really not disturbing any timber
7 or other matter. You're using it
8 already as a firebreak is what I'm
9 understanding; correct?

10 MR. FERN: Yes, sir.

11 COMMISSIONER GUY: So you really —

12 MR. FERN: That is correct.

13 COMMISSIONER GUY: That's going to be, then,
14 managed — let me ask this, Patti: If
15 it's a firebreak, of course, it needs to
16 be far enough underground — because,
17 you know, you just normally have to disk
18 firebreaks or go through there with
19 dozers and that kind of thing. So it
20 needs to be sufficiently under the
21 soil.

22 MR. DEAN: You can say restore the — to
23 restore the disturbed surface area to

1 the satisfaction of the State Lands
2 director or Commissioner or ...

3 MR. KELLER: I wasn't thinking as much of
4 trees as I was like clover or some —
5 you know, something that the game would
6 graze.

7 COMMISSIONER GUY: Most firebreaks, they're
8 disked every year, and then they have
9 some natural vegetation to come back and
10 they're disked again so that we protect
11 it. You know, so it's never going to be
12 probably any kind of grasses or anything
13 on it if it's used as a firebreak.

14 But I'm assuming it's pretty much a
15 permanent firebreak, Patti?

16 MR. FERN: It was established as a firebreak
17 and has not been actively maintained in
18 the past two — at least my term at
19 Ruffner.

20 And to a previous question, AT&T has
21 identified this as their priority site
22 for the central district. So it's their
23 highest priority for the tower.

1 MR. PORTER: Well, I would just point out that
2 we're fortunate to have on our board
3 somebody that knows more about towers
4 probably than anybody in the country
5 from previous experience of his own. So
6 I would listen very carefully to his
7 advice.

8 And I think that he's absolutely
9 correct. We've got some negotiating
10 room. And, matter of fact, the merits
11 are in our favor, and I would urge you
12 to take advantage of that.

13 MR. FERN: Absolutely. The additional
14 leaseholders that are on that tower,
15 those lease funds currently come to
16 support the nonprofit management of
17 Ruffner Mountain and don't actually go
18 to the City of Birmingham. The City of
19 Birmingham doesn't get that lease
20 money. It comes directly to us toward
21 managing the leases to support the
22 nonprofit.

23 MR. BARBER: Yeah. I would like to add the

1 strobe lights to that if we can.

2 COMMISSIONER GUY: You just need to bring that
3 up, whatever you want.

4 MR. PORTER: That would be a friendly
5 amendment.

6 COMMISSIONER GUY: So right now — I'm trying
7 to — basically it's a motion to approve
8 granting of the easement. And really
9 what we've just had, now that we've
10 discussed it, is just subject to the —
11 subject to the easement remaining in
12 its — and I think natural state would
13 still be okay as language there because
14 that's the natural state it's in now is
15 a firebreak.

16 MR. JOHNSON: Sure.

17 COMMISSIONER GUY: With the approval of the
18 Lands director is the way I've got it.
19 Now, if you want to add something about
20 strobe lights, you need to —

21 MR. BARBER: Well, let's restrict the use of
22 strobes lights.

23 DR. TAYLOR: Excuse me.

1 COMMISSIONER GUY: Yes.

2 DR. TAYLOR: You want to see it back to its
3 original state?

4 COMMISSIONER GUY: Well, it's not original
5 state. We're using it as a firebreak.
6 So I think natural state — unless our
7 attorney has a different language —

8 DR. TAYLOR: Well, wouldn't that be returned
9 back to what it is if it's a firebreak?

10 COMMISSIONER GUY: Okay. Whatever y'all —
11 current state is fine.

12 DR. TAYLOR: Current state.

13 COMMISSIONER GUY: Subject to remaining in its
14 current state or current condition and
15 restrict the use of strobe lights.

16 MR. PORTER: But if that's not allowed by the
17 airport authority, would that kill the
18 easement?

19 MR. BARBER: Well, that's what they'll tell
20 you, but there are different things that
21 you can do to avoid strobe lights.

22 COMMISSIONER GUY: So just to be clear,
23 George, what you want to do is you would

1 want them to negotiate that the strobe
2 lights be taken off —

3 MR. BARBER: Yeah.

4 COMMISSIONER GUY: — and it be substituted
5 with — what I understand you're saying
6 at this —

7 MR. BARBER: Red lights —

8 COMMISSIONER GUY: Red lights or —

9 MR. BARBER: Yeah. They may not even have to
10 light it. I don't know how tall it is.
11 But I would start with that and see
12 where it goes. It's so much cheaper and
13 so much easier to do strobe lights.
14 They'll fight you tooth and toenail on
15 painting and putting red lights on it.

16 COMMISSIONER GUY: And I guess, Mr. Fern, you
17 and your group would be doing this
18 negotiation, just to make sure we're
19 clear?

20 MR. FERN: That is correct, yes.

21 COMMISSIONER GUY: All right.

22 MR. BARBER: They'll know where this is coming
23 from.

1 MR. FERN: Just fine with me.

2 COMMISSIONER GUY: All right. So what I've
3 got is a motion to approve the granting
4 of the easement requested on the Ruffner
5 Mountain Nature Preserve subject to that
6 easement remaining in its current
7 condition or status following the
8 necessary work. And also put further
9 subject to the approval of the Lands
10 director since it is a fire lane. And
11 then further subject to a restriction on
12 there not being strobe lights but that
13 it be some kind of red light or no
14 lights if it doesn't require lights.

15 Is that a fair statement of what we
16 have?

17 MR. BARBER: That's good.

18 COMMISSIONER GUY: I don't want to restate
19 that because that's what we have a court
20 reporter for.

21 So is everybody in agreement, or do
22 we need further discussion on that?

23 MR. KELLER: I'm fine.

1 COMMISSIONER GUY: Anybody?

2 (No response.)

3 COMMISSIONER GUY: That's great.

4 All right. So we've had a motion
5 and a second, I believe, already. It
6 was so long ago. But all in favor say
7 "aye."

8 (All board members present
9 responded "aye".)

10 COMMISSIONER GUY: All opposed, no.

11 (No board member opposed.)

12 MR. GUY: Motion carries. Thank you, sir.

13 MR. FERN: Thank you.

14 MR. LEIN: Commissioner, that covered two of
15 the three items we had under
16 miscellaneous. The other was, again,
17 the Colbert County proposed exchange.
18 The board has already made a motion to
19 that effect.

20 The last one was, I think,
21 Ms. Powell had some information that she
22 was going to provide relative to a
23 plaque that was provided on behalf of a

1 coastal organization. She can explain.

2 COMMISSIONER GUY: All right. I call on

3 Ms. Patti Powell at this time, our State
4 Lands director.

5 MS. POWELL: I just wanted to let the board

6 know, back in April I attended the 25th
7 anniversary celebration of our Weeks Bay
8 facility. And at that celebration the
9 Weeks Bay Foundation — I believe many
10 of you know Walter Ernest who often
11 comes to meetings, the executive
12 director of the Weeks Bay Foundation —
13 presented me, so that I could present to
14 you, with this plaque. The Weeks Bay
15 Foundation very much wanted to express
16 its appreciation to the board's efforts
17 over the years in making land
18 acquisitions in the Weeks Bay area,
19 being a very important and unique
20 estuary area there.

21 And so this plaque — it just says
22 it's presented to Forever Wild in
23 recognition of partnership for land

1 conservation in the Weeks Bay coastal
2 area by the Weeks Bay Foundation, April
3 2nd, 2011.

4 And it was a well-attended event,
5 and there was a lot of support and
6 appreciation expressed to me by many
7 people there for your efforts. And so I
8 did promise them that I would get the
9 plaque to y'all and express their
10 appreciation. Thanks.

11 COMMISSIONER GUY: Thank you, Patti.

12 All right. Any other discussions?
13 If not, we're going to move on to
14 just —

15 MR. PORTER: I've got — I guess it would be
16 appropriate — but just one or two
17 things.

18 One, I'd like to just put on the
19 record how much I appreciate where we
20 are, you know, with what George Barber
21 has done for the City of Birmingham and
22 for the state. It's just fantastic, and
23 I just wanted to tell him personally how

1 much I appreciate what he's done out
2 here. I mean, it's the best of the
3 best, the racetrack and the museum. And
4 it's just — it brings just — you can't
5 put a price tag on the goodwill that
6 it's brought to this state. So I just
7 want to personally thank him.

8 And the other thing I wanted to do
9 is deliver to George the Ninth Annual
10 Confederate Grand Prix sportscar races
11 in Courtland July 6th and 7th — I think
12 it was 1963. And my wife gave me this
13 to give to — I call him Butch — to
14 George Barber. But it's signed by
15 Stirling Moss. So I'm —

16 MR. BARBER: Thank you, Jim. Thank you for
17 your kind words.

18 MR. PORTER: I'm giving that to you.

19 MR. BARBER: Thank you very much. I finished
20 second overall here this weekend, and it
21 brings back a lot of memories. Stirling
22 had breakfast with my mother and I at
23 our house with a bunch of people, and

1 then we went on to Courtland.

2 In the main feature race it rained
3 like hell and it was terrible. And the
4 only reason I finished second amongst
5 about a half a dozen Ferraris and
6 Maseratis and other big cars was because
7 I was in a Porsche coupe and with
8 windshield wipers.

9 But, anyway, it was a great race,
10 and I did finish second. And this
11 brings back a lot of memories, Jim. And
12 I thank you and I thank you for your
13 kind words.

14 COMMISSIONER GUY: Thank you, George. And
15 thank you for all that you've done for
16 this meeting at this time, and we really
17 appreciate your efforts.

18 Any other — anything else anybody
19 wants to state?

20 (No response.)

21 COMMISSIONER GUY: Is that you?

22 MR. BARBER: Yeah.

23 COMMISSIONER GUY: Show that to everybody.

1 MR. BARBER: That is a Porsche Carrera. It's
2 Number 9. A lot of memories. I don't
3 know who the hell that young fellow is
4 in the car though.

5 COMMISSIONER GUY: And I understand you still
6 drive the same way.

7 MR. BARBER: I do.

8 COMMISSIONER GUY: Okay. At this time I think
9 we need to go ahead and schedule our
10 next meeting for September 15th, 2011.
11 And while we don't have to take it up at
12 this time, we will if anybody has got
13 any suggestions.

14 I think we usually discuss that. Is
15 that right?

16 MS. POWELL: That's right. If somebody has
17 something they want to suggest.

18 COMMISSIONER GUY: So if y'all want to discuss
19 it now or you can submit it to Patti,
20 myself, or Greg at any time. But it
21 will be on September 15th. And absent
22 suggestions, we'll have to come up with
23 one ourselves. So, you know, we try to

1 do as best we can about moving it around
2 the state to give other people an
3 opportunity, I think, to come to the
4 board meetings, to these public
5 meetings. We do have to be cognizant of
6 the economy and everybody's travel and
7 all that and try to make them as
8 centrally located as possible.

9 But have we gotten any other — have
10 we gotten any nominations for anyplace
11 at this time?

12 MS. POWELL: No, not yet.

13 COMMISSIONER GUY: So if anybody thinks of —
14 or has an idea and they want to share it
15 with us, just give it to Patti or Greg
16 or myself, and we'll see if we can work
17 on getting that done.

18 MR. BARBER: There's a beautiful marina in
19 south Alabama that has a beautiful
20 boardroom, meeting rooms, that we might
21 be able to take advantage of. That's,
22 of course, at the bottom of the state,
23 and that might not be convenient. But,

1 nonetheless, it's there for your
2 consideration.

3 COMMISSIONER GUY: Thank you, George. Any
4 other discussions?

5 (No response.)

6 COMMISSIONER GUY: I think our last order of
7 business is approval of our minutes. Is
8 that right?

9 MR. ALLEN: Can I ask one quick —

10 COMMISSIONER GUY: Yes, sir.

11 MR. ALLEN: Did we approve the Colbert

12 County — the Ruffner, the Adams —

13 MR. LEIN: Yes.

14 COMMISSIONER GUY: Any other questions?

15 (No response.)

16 COMMISSIONER GUY: So you have in your package
17 the February 3rd, 2011, minutes. And I
18 need either a motion to approve those
19 minutes or a motion — if there are no
20 amendments. If there needs to be some
21 amendments to those minutes of any kind,
22 then I need a motion to amend them or
23 correct them. Anybody have any?

1 MR. BARBER: So moved.

2 COMMISSIONER GUY: Okay. So I have a motion
3 to approve the minutes. Do I have a
4 second?

5 MR. PORTER: Second.

6 COMMISSIONER GUY: All right. I have a motion
7 and a second to approve the minutes of
8 the last meeting. All in favor say
9 "aye."

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

12 COMMISSIONER GUY: All opposed?

13 (No board member opposed.)

14 COMMISSIONER GUY: All right. There being no
15 other business, this meeting stands
16 adjourned. Thank you.

17

18

19 (Meeting adjourned at
20 approximately 12:20 p.m.)

21

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REPORTER'S CERTIFICATE
* * * * *

STATE OF ALABAMA:

MONTGOMERY COUNTY:

I, Tracye Sadler Blackwell, Certified Court Reporter and Commissioner for the State of Alabama at Large, do hereby certify that I reported the foregoing proceedings of the Forever Wild Board Meeting on June 16, 2011.

The foregoing 119 computer-printed pages contain a true and correct transcript of the proceedings held.

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

This 11th day of August 2011.

Tracye Sadler Blackwell
ACCR No. 294
Expiration date: 9-30-2011

Certified Court Reporter
and Commissioner for the State
of Alabama at Large