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

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**TRANSCRIPT OF PROCEEDINGS**

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Proceedings taken before Tracye  
Sadler Blackwell, Certified Court Reporter, ACCR  
No. 294, and Commissioner for the State of Alabama  
at Large, at the 5 Rivers Delta Resource Center,  
Spanish Fort, Alabama, on Thursday, December 10,  
2015, commencing at approximately 10:08 a.m.

\* \* \* \* \*

1 **BOARD MEMBERS PRESENT:**

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

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9 \* \* \* \* \*

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

16 Mr. Pate?

17 MR. PATE: Here.

18 COMMISSIONER GUY: Dr. Hepp?

19 DR. HEPP: Here.

20 COMMISSIONER GUY: Dr. Woods?

21 DR. WOODS: Here.

22 COMMISSIONER GUY: Mr. Ellis?

23 MR. ELLIS: Here.

1 COMMISSIONER GUY: Mr. Ball?

2 MR. BALL: Here.

3 COMMISSIONER GUY: Dr. Strickland?

4 (No response.)

5 COMMISSIONER GUY: Dr. Valentine?

6 DR. VALENTINE: Here.

7 COMMISSIONER GUY: Mr. Allen?

8 MR. ALLEN: Here.

9 COMMISSIONER GUY: Mr. Horn?

10 MR. HORN: Here.

11 COMMISSIONER GUY: Mr. Cauthen?

12 (No response.)

13 COMMISSIONER GUY: Mr. Runyan?

14 (No response.)

15 COMMISSIONER GUY: Mr. Porter?

16 (No response.)

17 COMMISSIONER GUY: Dr. Sims?

18 (No response.)

19 COMMISSIONER GUY: Dr. Jordan?

20 (No response).

21 COMMISSIONER GUY: So with myself, we have

22 nine members, and that does constitute a

23 quorum. So we can conduct business

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

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

8                     Randy, where are you?

9           MR. DAVIS: Right here.

10          COMMISSIONER GUY: Glad to have you with us.

11          MR. DAVIS: Good morning.

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

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

20                     Hank, where are you? Is he here?

21                     Is he in here?

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

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

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

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

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

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

22 COMMISSIONER GUY: Thank you, Patti.

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

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

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

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

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

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

20   COMMISSIONER GUY: I wear a large.

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

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

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

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

17 MS. BOSTICK: Bostick.

18 COMMISSIONER GUY: Thank you, Ms. Bostick.

19 MS. BOSTICK: Good morning.

20 COMMISSIONER GUY: Good morning.

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

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

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

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



1           presented it. Y'all were kind enough to  
2           approve first appraisal. At that time  
3           we had several folks who were able to  
4           join us in support of this, and a lot of  
5           them were with our mountain-biking  
6           community.

7           I understand that the process has  
8           moved forward, that the appraisals have  
9           been completed, and that it is on your  
10          list for an overview of appraised  
11          nominations today. And I'm here to ask  
12          you to please consider a second  
13          appraisal and purchase of this property.

14          Be happy to answer any questions if  
15          you have any.

16          COMMISSIONER GUY: Thank you, Ms. Bostick.

17          Any questions?

18                         (No response.)

19          COMMISSIONER GUY: Thank you, ma'am.

20                         Steve Northcutt. Steve, good  
21          morning.

22          UNIDENTIFIED SPEAKER: Mr. Chairman, could you  
23          get the microphone on, please?

1 COMMISSIONER GUY: Oh, sorry.

2 UNIDENTIFIED SPEAKER: Yours is fine.

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

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

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

23 So today the small 40-acre tract

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

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

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

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

1           difficult to get to, they never cut the  
2           timber. So you have a 40-acre tract  
3           that is natural intact hardwood, a lot  
4           of red oak, white oak.

5           And so this property would add  
6           connectivity to your larger ownership  
7           there. It is a wonderful area for  
8           deer-hunting, turkey-hunting. And so  
9           this property we're offering and hope  
10          you would consider doing a first  
11          appraisal.

12          Any questions on this particular  
13          property?

14          COMMISSIONER GUY: Any questions?

15                                       (No response.)

16          COMMISSIONER GUY: All right. Got kind of a  
17          quiet group today.

18          MR. NORTHCUTT: Before I leave, if you don't  
19          mind, I want to bring up just one other  
20          tract. A landowner had contacted me and  
21          asked if I would just bring it up. I  
22          will be extremely brief.

23                                       It's a property in Baldwin County.

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

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

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

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

23          COMMISSIONER GUY: Okay.

1 MR. NORTHCUTT: Thanks for letting me --

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

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

7 COMMISSIONER GUY: Appraised value is.

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

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

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

13 COMMISSIONER GUY: Okay. Thank you.

14 Dan Dumont. Dan.

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

17 UNIDENTIFIED SPEAKER: Good.

18 COMMISSIONER GUY: Thank you.

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

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

3            MS. POWELL: It looks like this.

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

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

7            COMMISSIONER GUY: Yeah, there you go.

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

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

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

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

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

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

23          COMMISSIONER GUY: Any questions for Dan?



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

4           MR. DUMONT:   Yeah.

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

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

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

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

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

14          MR. DUMONT:  George Barber.

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

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

21          COMMISSIONER GUY:  This one?

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

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

1 not sure.

2 COMMISSIONER GUY: Okay.

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

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

12 MR. DUMONT: Yeah.

13 COMMISSIONER GUY: Any other questions?

14 (No response.)

15 COMMISSIONER GUY: Okay. Thanks, Dan.

16 MR. DUMONT: Thank you.

17 COMMISSIONER GUY: Appreciate it very much.

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

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

1 Daphne, our environmental programs  
2 manager.

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

12 COMMISSIONER GUY: Thanks for your help.

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

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

21 COMMISSIONER GUY: Can you wait just a second?

22 MS. VAUGHN: Sure.

23 COMMISSIONER GUY: Because I think they're

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

12                COMMISSIONER GUY: Could I ask you a question?

13                MS. VAUGHN: Yeah, sure.

14                COMMISSIONER GUY: I hate to interrupt you.

15                MS. VAUGHN: Sure.

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

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

21                MS. VAUGHN: Right.

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

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

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

5 MS. VAUGHN: Right.

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

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

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

13 MS. VAUGHN: Right.

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

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

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

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

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

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

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

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

7           MS. CAMPBELL: To add -- absolutely.

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

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

13           COMMISSIONER GUY: This is more informational  
14           today.

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

23           MS. CAMPBELL: Absolutely.

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

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

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

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

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

23           MS. CAMPBELL:  Yes, sir.

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

4 MS. CAMPBELL: Right.

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

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

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

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

16 UNIDENTIFIED SPEAKER: Just two.

17 MS. CAMPBELL: Two.

18 UNIDENTIFIED SPEAKER: Two miles.

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

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

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

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

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

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

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

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

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

8           MS. VAUGHN: Thank you.

9           COMMISSIONER GUY: Thank y'all.

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

12                            (No response.)

13           COMMISSIONER GUY: All right. Thank you.

14                    Chuck Yeager.

15           MS. POWELL: Commissioner, could --

16           COMMISSIONER GUY: Yes.

17           MS. POWELL: I hate to interrupt.

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



1 (Brief interruption.)

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

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

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

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

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

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

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

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

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

16 COMMISSIONER GUY: Any questions?

17 (No response.)

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

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

7           MR. YEAGER: Thank you very much.

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

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

14                 Walter.

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

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

18          MR. ERNEST: Yeah, positive.

19          COMMISSIONER GUY: Okay. Skipper Tonsmeire.

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

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

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

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

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

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

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

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

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

4           COMMISSIONER GUY: Yes, sir.

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

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

14                 Yes, sir.

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

17          MS. LEWIS: A bat.

18          MR. BALL: Okay. Thank you.

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

21                 Any other questions?

22                         (No response.)

23          COMMISSIONER GUY: So this is a property --



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

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

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

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

12       COMMISSIONER GUY: No. Please.

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

16       MR. TONSMEIRE: Correct. Correct.

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

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

22       MR. TONSMEIRE: Correct.

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

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

3 COMMISSIONER GUY: Okay. Byrnes Lake.

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

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

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

1           here?

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

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

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

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

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

9           MS. LEWIS: Earlier this week.

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

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

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

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

1           looks like about ...

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

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

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

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

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

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

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

20          MS. POWELL: Correct.

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

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

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

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

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

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

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

1           efficient way.

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

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

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

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

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

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

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

16       MR. TONSMEIRE: Minor difference.

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

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

22       COMMISSIONER GUY: Thank you, sir.

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



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

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

18 Is this your map?

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

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

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

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

8           COMMISSIONER GUY: Sure.

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

18          COMMISSIONER GUY: Right.

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

23                 Then what -- in talking to Chris

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

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

17         MR. DYAS: By whom?

18         MS. POWELL: By the nominating party.

19         COMMISSIONER GUY: By the nominating party.

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

22         COMMISSIONER GUY: Well ...

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

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

16       MR. DYAS:  Correct.

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

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

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

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

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

21          MS. LEWIS: Yes.

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

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

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

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

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

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

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

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

10          MR. TONSMEIRE: Correct.

11          MR. DYAS: Yes.

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

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

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

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

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



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

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

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

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

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

22 MS. POWELL: Yes, sir.

23 COMMISSIONER GUY: So rather than take up a

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

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

9 COMMISSIONER GUY: Either one.

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

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

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

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

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

2 MR. TONSMEIRE: Yes, sir.

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

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

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

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

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

23 MR. TONSMEIRE: Well, thank you for addressing

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

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

7           MR. TONSMEIRE: Yes, sir.

8           COMMISSIONER GUY: Yes, sir. Thank you.

9           MR. TONSMEIRE: Thank you.

10          COMMISSIONER GUY: No. Thank you.

11                     Albert Nettles. Mr. Nettles.

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

1 in Alabama.

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

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

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

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

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

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

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

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

23          We've carried our Scout troop many

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

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

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



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

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

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

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

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

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

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

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

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

16                    Thank you for the opportunity to  
17           come --

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

20           MR. NETTLES: Yes, sir.

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

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

1                   questions?

2           MR. NETTLES:   Yes, sir.

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

7           MR. NETTLES:   Of the eight miles?

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

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

15          MR. NETTLES:   The short answer is no.

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

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

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

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

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

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

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

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

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

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

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

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

9           MR. NETTLES: All right, sir.

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

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

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

23          MR. NETTLES: Yes, sir.

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

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

7           MR. NETTLES: No, sir.

8           COMMISSIONER GUY: Okay.

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

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

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

23           COMMISSIONER GUY: That's all the questions I



1           have. Does anybody else have questions?

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

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

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

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

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

17       MR. PATE: Right. Okay.

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

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

9           COMMISSIONER GUY: Okay. Mr. Ellis.

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

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

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

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

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

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

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

15           Yes, sir, Mr. Horn.

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

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

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

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

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

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

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

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

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

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

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

23                     But, you know, the original intent,

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

10                   Thank you very much.

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

15           MR. ANDERS: Anders.

16           COMMISSIONER GUY: Anders?

17           MR. ANDERS: Yes.

18           COMMISSIONER GUY: Okay. Thank you, sir.

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

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

1           acquired some fantastic properties. I'm  
2           a big supporter. Voted for you last  
3           time it came up. I think you've done a  
4           wonderful job.

5           I would like to kind of mirror what  
6           Al said. I read the minutes, and I got  
7           concerned when I saw this  
8           Rails-to-Trails proposal based on what  
9           I'm seeing in Monroe County. We've got  
10          property about a mile and a half down  
11          below Al which we feel will eventually  
12          be abandoned and Rails-to-Trails will,  
13          you know, go after that as well. And  
14          just there's a lot of pitfalls there.  
15          Just we would hope that Forever Wild  
16          would stay concentrated on buying large  
17          natural contiguous tracts like you've  
18          been doing and done such a wonderful job  
19          with. And I just want to thank you for  
20          your time.

21          COMMISSIONER GUY: Thank you, sir. Any  
22          questions?

23   (No response.)

1           COMMISSIONER GUY: Appreciate you. Thank you.

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

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

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

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



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

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

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

1           that oyster tradition.

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

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

21           COMMISSIONER GUY: Thank you.

22                       Any questions for Mr. Walton?

23                               (No response.)

1 COMMISSIONER GUY: Thank you, sir.

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

5 Mr. Crockett.

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

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

23 COMMISSIONER GUY: Thank you, sir.

1 Any questions?

2 (No response.)

3 COMMISSIONER GUY: Thank you, sir.

4 Mr. Chris Nelson.

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

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

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

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

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

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

1 benefit as well. Thank you.

2 COMMISSIONER GUY: Thank you, Chris.

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

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

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

1 MR. BALL: So move.

2 COMMISSIONER GUY: Mr. Ball.

3 MR. HORN: Second.

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

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

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

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

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

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

23 Mr. Pate?

1 MR. PATE: Aye.

2 COMMISSIONER GUY: Dr. Hepp?

3 DR. HEPP: Aye.

4 COMMISSIONER GUY: Dr. Woods?

5 DR. WOODS: Aye.

6 COMMISSIONER GUY: Mr. Ellis?

7 MR. ELLIS: Aye.

8 COMMISSIONER GUY: Mr. Ball?

9 MR. BALL: Aye.

10 COMMISSIONER GUY: Dr. Valentine?

11 DR. VALENTINE: Aye.

12 COMMISSIONER GUY: Mr. Allen?

13 MR. ALLEN: Aye.

14 COMMISSIONER GUY: Mr. Horn?

15 MR. HORN: Aye.

16 COMMISSIONER GUY: And myself, aye.

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

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

23 COMMISSIONER GUY: Okay. At this time we will



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

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

7 MS. POWELL: Thank you, Commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

23                 If you take all of those commitments

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

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

20                         Is that the only change we've had?

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

1 MR. ALLEN: Ms. Powell?

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

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

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

11 MR. DEATON: That's correct.

12 MS. POWELL: Any other questions?

13 (No response.)

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

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

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

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

11 Do you have any questions?

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

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

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

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

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

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



1 addition, Baldwin County.

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

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

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

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

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

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

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

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

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

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

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

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

9           (No response.)

10          COMMISSIONER GUY: Thank you.

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

16          COMMISSIONER GUY: Thank you. Mr. Deaton.

17          MR. DEATON: Thank you, Commissioner.

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

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

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

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

1           any questions about that.

2           COMMISSIONER GUY: Any questions about that?

3                           (No response.)

4           COMMISSIONER GUY: Thank you.

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

6                           director of Wildlife and Freshwater

7                           Fisheries, to give us an update on his

8                           grants.

9           COMMISSIONER GUY: Thank you, sir.

10                           Director Sykes.

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

12                           And I will reiterate what Patti said.

13                           I hate it for State Lands, but I am

14                           tickled to death to have Chris Smith

15                           working upstairs with us now. And we

16                           have already set up a special coding for

17                           consulting services for Chris down with

18                           Lands. So everything is taken care of

19                           and we're good.

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

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

22                           half of it.

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

1           on.

2                           (Brief interruption.)

3       MS. POWELL:   Commissioner?

4       COMMISSIONER GUY:   Yes, ma'am.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

1 point.

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

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

13 COMMISSIONER GUY: Have you got it up?

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

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

18 MR. BURCH: Well, thanks.

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

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

1           That's the statewide distribution of  
2           WMAs.

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

7           MR. SYKES: Yes.

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

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

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

20                 Any other questions?

21                         (No response.)

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

1 COMMISSIONER GUY: Does anybody have any  
2 questions?

3 (No response.)

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

6 MR. SYKES: Good. Thank you.

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

9 MR. SYKES: That's fine.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

6           COMMISSIONER GUY: Any questions?

7                   (No response.)

8           COMMISSIONER GUY: Thank you, Ms. Lewis.

9           MS. LEWIS: Thank you.

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

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

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

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

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

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

23                 Mr. Ball.

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

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

9 DR. HEPP: I second.

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

12 Any discussion on the motion?

13 (No response.)

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

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

18 COMMISSIONER GUY: All opposed?

19 (No response.)

20 COMMISSIONER GUY: Motion carries.

21 DR. VALENTINE: Commissioner?

22 COMMISSIONER GUY: Dr. Valentine.

23 DR. VALENTINE: I would like to move forward

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

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

7           MS. POWELL: I just love the microphone.

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

12          DR. VALENTINE: Yes.

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

16          DR. VALENTINE: Okay.

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

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

23          COMMISSIONER GUY: Thank you.

1 DR. WOODS: Commissioner?

2 COMMISSIONER GUY: Yes, Dr. Woods.

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

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

8 DR. WOODS: Tutwiler.

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

11 MR. BALL: Second.

12 COMMISSIONER GUY: Mr. Ball.

13 Any discussion on the motion?

14 (No response.)

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

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

19 COMMISSIONER GUY: All opposed?

20 (No response.)

21 COMMISSIONER GUY: Motion carries.

22 Any other motions or discussion?

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

1           Did you have your hand up before?

2       MR. ALLEN: He can go first.

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

5           Dr. Hepp, will you give Leo --

6       DR. HEPP: Go ahead.

7       MR. ALLEN: You're very kind.

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

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

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

16       COMMISSIONER GUY: And purchase.

17       MR. ALLEN: Yeah, for purchase.

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

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

22       DR. WOODS: I'll second.

23       COMMISSIONER GUY: Okay. Even though a second

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

3 MS. WEBER: Yes, sir.

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

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

7 MR. ALLEN: Yes, sir.

8 COMMISSIONER GUY: Second appraisal motion.

9 Do I have a second?

10 DR. WOODS: Second.

11 COMMISSIONER GUY: Dr. Woods.

12 Any discussion on the motion?

13 (No response.)

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

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

17 COMMISSIONER GUY: All opposed?

18 (No response.)

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



1 All right. Any other discussion or  
2 nominations?

3 DR. HEPP: Yeah.

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

5 MS. POWELL: Dr. Hepp.

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

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

12 DR. VALENTINE: I'll second that.

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

16 (No response.)

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

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

21 COMMISSIONER GUY: All opposed?

22 (No response.)

23 COMMISSIONER GUY: Motion carries.

1                   Sorry, Dr. Hepp.

2           DR. HEPP: I have one more.

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

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

6           MR. PATE: I second that.

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

10                               (No response.)

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

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

14           COMMISSIONER GUY: All opposed?

15                               (No response.)

16           COMMISSIONER GUY: Motion carries.

17                               Dr. Woods.

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

20           COMMISSIONER GUY: Dr. Woods.

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

1 County.

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

4 MR. BALL: Second.

5 COMMISSIONER GUY: Mr. Ball seconds.

6 Any discussion on the motion?

7 (No response.)

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

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

11 COMMISSIONER GUY: All opposed?

12 (No response.)

13 COMMISSIONER GUY: Motion carries.

14 Any other discussion or motions?

15 MR. BALL: Mr. Chair?

16 COMMISSIONER GUY: Mr. Ball.

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

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

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

1 MR. HORN: Second.

2 COMMISSIONER GUY: We have a second by

3 Mr. Horn. Any discussion on the motion?

4 (No response.)

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

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

8 COMMISSIONER GUY: All opposed?

9 (No response.)

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

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

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

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

17 COMMISSIONER GUY: All right. You okay,

18 Dr. Woods?

19 DR. WOODS: Okay.

20 DR. HEPP: I have one more.

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

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

1                   in Jackson County, 40 acres.

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

4           DR. WOODS: Second.

5           COMMISSIONER GUY: Who did that?

6                   Oh, Dr. Woods.

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

9                   (No response.)

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

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

13          COMMISSIONER GUY: All opposed?

14                   (No response.)

15          COMMISSIONER GUY: Motion carries.

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

17          COMMISSIONER GUY: All right. Mr. Ball.

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

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

23                   Muddy Prong tract. Does everybody

1           see that? I want to make sure.

2       MR. BALL: Fifth from the bottom.

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

5           All right. Do I have a second?

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

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

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

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

16           Is this for a first appraisal?

17       MR. BALL: Yes, sir.

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

20       MR. BALL: Oh, sure.

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

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

1           could see?

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

3           Let me help you for a second.

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

9           MS. LEWIS: It's alphabetical.

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

12          MR. ELLIS: I apologize, Commissioner.

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

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

18          MR. ELLIS: Who is the current owner?

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

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

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

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

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

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

13 MR. ELLIS: I seconded it.

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

16 Okay. Mr. Ellis seconded it.

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

21 (No response.)

22 COMMISSIONER GUY: Okay. So hearing no  
23 requests for discussion, all in favor



1 say "aye."

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

4 COMMISSIONER GUY: All opposed?

5 (No response.)

6 COMMISSIONER GUY: Motion carries.

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

9 (No response.)

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

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

18 MR. DEATON: Thank you, Commissioner.

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

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

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

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

16       MR. DEATON:  That's correct.

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

22       MR. DEATON:  That's correct.

23       COMMISSIONER GUY:  So it wouldn't affect any

1 of the scoring or other things.

2 All right. I need a motion.

3 MR. HORN: So move.

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

6 DR. WOODS: Second.

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

9 (No response.)

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

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

14 COMMISSIONER GUY: All opposed?

15 (No response.)

16 COMMISSIONER GUY: Motion carries.

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

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

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

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

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

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

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

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

5           MR. DEATON: I believe so.

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

10                   Is that sufficient, legal?

11           MS. WEBER: Yes.

12           MR. BALL: So move.

13           MR. HORN: Second.

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

18           MR. HORN: Yeah.

19           COMMISSIONER GUY: Any discussion on the  
20           motion?

21                   (No response.)

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

23                   (All board members present respond

1 "aye.")

2 COMMISSIONER GUY: All opposed?

3 (No response.)

4 COMMISSIONER GUY: Motion carries.

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

7 MR. DEATON: That's it.

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

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

14 Is that correct, Ms. Powell?

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

17 COMMISSIONER GUY: Okay.

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

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

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

1           PowerPoints.

2           COMMISSIONER GUY: Okay. Thank you, Will.

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

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

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

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

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



1           that property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8           MR. BRANTLEY: That's correct.

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

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

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

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

23          MR. BRANTLEY: That's correct.

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

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

6           COMMISSIONER GUY:  And since it's --

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

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

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

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

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

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

23          MR. BRANTLEY:  Yes.

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

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

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

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

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

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

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

15          So, Ashley, go ahead, please.

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

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

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

7           So his request is related ...

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

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

19          Go ahead and go to the next slide.

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



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

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

11 Since -- go ahead.

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

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

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

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

1           award of the bid.

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

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

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

9           COMMISSIONER GUY: That's fine.

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

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

14          MR. BRANTLEY: Yes, sir.

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

17          MR. BRANTLEY: That's correct.

18          COMMISSIONER GUY: Okay. Thank you.

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

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

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

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

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

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

1           general questions.

2           COMMISSIONER GUY: Any questions?

3                           (No response.)

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

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

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

17          MR. BRANTLEY: Sure.

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

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

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

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

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

1           of property.

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

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

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

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

3           COMMISSIONER GUY: Okay. Thank you.

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

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

14                 Horace, do you have a question?

15          MR. HORN: Yes, sir.

16                 Boy, this seems awfully  
17          bureaucratic.

18          MR. BRANTLEY: Yes.

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

1           lease is actually worth?

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

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

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



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

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

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

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

9       DR. HEPP: It's just there.

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

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

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

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

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

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

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

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

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

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

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

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

1           1.1-acre request.

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

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

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

14          COMMISSIONER GUY: All right.

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

17                    But the lease -- but we would --

18          COMMISSIONER GUY: Go ahead.

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

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

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

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

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

16          COMMISSIONER GUY: Okay.

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

1 exactly to be a money-making venture.

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

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

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

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

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

11 So, in other words, if some --

12 MS. POWELL: Can I jump in?

13 COMMISSIONER GUY: Yeah, please.

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

21 COMMISSIONER GUY: Right.

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

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

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



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

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

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

1                   agreement.

2           MR. BRANTLEY: I might add one thing.

3           MS. POWELL: Yeah, absolutely.

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

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

20          COMMISSIONER GUY: Correct.

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

1 an annual basis.

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

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

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

18 MR. HORN: Mr. Chairman?

19 COMMISSIONER GUY: Yes, Mr. Horn.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 COMMISSIONER GUY: Absolutely, yeah.

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

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

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

8 COMMISSIONER GUY: Yeah, the activity or --

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

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

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

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

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

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

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

7 If you would come to the microphone.

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

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



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

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

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

18          Excuse me.

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

21          COMMISSIONER GUY: Yes.

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

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

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

16          MR. ELLIS: Commissioner?

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

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

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

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

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

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

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

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

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

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

18         MR. CROCKETT: I would --

19         COMMISSIONER GUY: -- by an appraiser.

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

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

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

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

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

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

23 As part of the actual lease to the

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

8                         Correct, Chris?

9           MR. NELSON: Yes.

10          COMMISSIONER GUY: Or can they?

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

14          MR. NELSON: Yes.

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

17          MR. NELSON: People do.

18          COMMISSIONER GUY: But anybody can.

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

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

1 MR. NELSON: No, no.

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

5 COMMISSIONER GUY: But people can fish and --

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

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

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

15 And does it attract fish, Chris?

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

17 People fish around our gear all the  
18 time.

19 COMMISSIONER GUY: All right.

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

23 COMMISSIONER GUY: Okay. Well, that's

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

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

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

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

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

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

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

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

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

1 meeting.

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

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

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

8 COMMISSIONER GUY: Yeah. Please, sir.

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

11 MR. BRANTLEY: Dr. Walton.

12 COMMISSIONER GUY: Or Chris Nelson.

13 Mr. Nelson.

14 MR. ALLEN: The guy on the right.

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

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

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

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

23 MR. ALLEN: Did you not say something like

1           that?

2           MR. NELSON: I did. I did.

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

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

8           MR. ALLEN: From the state?

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

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

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

1 shellfish aquaculture easement.

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

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

15 MR. HORN: Mr. Chairman?

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

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

23 MR. BALL: Second.



1 COMMISSIONER GUY: All right. Is that  
2 sufficient for you, Patti?

3 MS. POWELL: (Indicates.)

4 COMMISSIONER GUY: All right. We've got a  
5 motion and a second. Any discussion?

6 (No response.)

7 COMMISSIONER GUY: All right. I just would  
8 say, it's very informative. I  
9 appreciate -- yes.

10 UNIDENTIFIED SPEAKER: Can Dr. Walton say a  
11 couple of words?

12 COMMISSIONER GUY: Well, we've got a motion on  
13 there. Is it -- okay.

14 So we've got a motion and a second.

15 All in favor of the motion say "aye."

16 (All board members present respond  
17 "aye.")

18 COMMISSIONER GUY: All opposed?

19 (No response.)

20 COMMISSIONER GUY: Motion carries. So that's  
21 what we would like to see.

22 And so all I would say, Dr. Walton,  
23 is speak -- you know, I mean, if there

1 is something you can add to this. I  
2 mean, we've kind of got the motion now.  
3 It would be helpful to just talk with  
4 our staff.

5 DR. WALTON: And I appreciate that. I just --  
6 just want to encourage everyone that the  
7 state -- a number of agencies have  
8 looked at this and, in fact, decided to  
9 encourage it and went to the length to  
10 distinguish this from other commercial  
11 activities on the water like having  
12 private marinas. And one of the reasons  
13 that the state did that is because there  
14 is substantial scientific evidence that  
15 shows that oyster farming, whether it's  
16 on-bottom or off-bottom, is providing  
17 substantial measurable public benefits.

18 For example, the one-acre farm that  
19 Steve Crockett has proposed here would  
20 provide -- we have a study actually near  
21 his that would provide a public benefit  
22 of \$1,500 a year in surplus production  
23 to your commercial recreational

1            fisheries. That's just this one acre.  
2            And that's just habitat. We're not  
3            talking about helping clean up the water  
4            and remove nitrogen, potential shoreline  
5            protection.

6            So one of the reasons that shellfish  
7            aquaculture was encouraged through the  
8            governor's Shellfish Aquaculture Review  
9            Board was because of the public benefit.  
10          And I certainly understand the desire to  
11          going forward cautiously with this, but  
12          farmers, whether it's Mr. Crockett or  
13          Mr. Nelson or anyone else that would  
14          consider Forever Wild -- the first step  
15          would be getting an appraisal. And I  
16          understand that there's a cost to that,  
17          but it's going to be difficult for these  
18          folks to move forward, or anybody else,  
19          if they have no idea what the cost would  
20          be. And so I'm tempted -- if I had  
21          3,000 or \$5,000, I'm tempted to put it  
22          on the table. Unfortunately, I don't.  
23          And maybe I should have gone into

1           appraising as a business, by the way.

2           But that -- I understand there's a  
3           cost, but I think that you might find  
4           that there would be substantial public  
5           benefit to even going ahead and having  
6           an appraisal done on one property,  
7           because I think you would find that that  
8           would help the industry figure out if  
9           they want to keep asking for Forever  
10          Wild property or not and whether you  
11          want to entertain those.

12          COMMISSIONER GUY: So I appreciate that. And  
13          we're very supportive, I think, but you  
14          understand we have a fiduciary duty  
15          and -- to the public and, also, to make  
16          sure we get it right. And so I think  
17          the board just wants to be deliberative  
18          about this. And while it takes a while,  
19          if you get it right the first time, then  
20          you don't have to worry about revisiting  
21          it because you've made a mistake.

22                 And so for those that are interested  
23                 in it, you know, I ask personally just

1           for their patience because I think we've  
2           seen when we rush into things sometimes  
3           we end up backing up and we don't get it  
4           right. And so the public benefit is  
5           recognized or we wouldn't probably be  
6           discussing it this much, Mr. Walton.

7       DR. WALTON: Thank you.

8       COMMISSIONER GUY: So I want you to understand  
9           that's where we are, and sometimes that  
10          requires a little more due diligence.  
11          And as Mr. Horn put -- so eloquently put  
12          it, we've got a lot of bureaucracy in  
13          here. And we didn't create the  
14          bureaucracy. We're just having to  
15          follow the bureaucracy, so -- as part of  
16          our responsibility.

17                So, you know, I would ask y'all to  
18          be patient with us, too, because we  
19          recognize the benefit and I think  
20          Mr. Blankenship has talked to us about  
21          the benefit of aquaculture farming.  
22          I've eaten the benefit of aquaculture  
23          farming. And so I understand what that

1 is. But we do want to make sure for  
2 this board that we get it right.

3 So I hope that I spoke right for  
4 everybody else in here. Our  
5 deliberative process hopefully puts us  
6 in a position that nobody questions us,  
7 whether it be publicly or by audit. So  
8 we do beat the dead horse every now and  
9 then, but I think it's worth it so that  
10 nobody thinks -- particularly in open  
11 forum, so that -- again, I'll mention,  
12 you know, every now and then we hear  
13 criticisms like, you know, oh, these  
14 are -- you're doing things behind closed  
15 doors or something. I don't know -- I  
16 don't think anybody in this room  
17 probably thinks that.

18 But it's -- you know, when you have  
19 to speak in public about things, which  
20 we do in here, you have to show all  
21 aspects of how you deliberate, and it  
22 comes across sometimes really tough.  
23 But this board does that. And we do

1 not, you know, make deals or discuss  
2 things behind closed doors. So you see  
3 in here how we think through these  
4 processes.

5 And that's just me speaking. I'm  
6 not speaking for everybody else.

7 Okay. So, Ms. Powell, thanks for  
8 that very -- thanks very much for that.  
9 And, Chris and Mr. Crockett, y'all just  
10 bear with us. We'll get there at some  
11 point.

12 Is there anything else, Ms. -- I've  
13 got "other," Ms. Powell, on here.

14 That's a "no" at this point.

15 MS. POWELL: Hold on one second.

16 MS. WEBER: Did the board vote on the motion  
17 that's on the table?

18 COMMISSIONER GUY: Yes.

19 MS. WEBER: Okay. I'm sorry.

20 COMMISSIONER GUY: It passed. Thank you,  
21 though, for asking.

22 Anything -- okay. So I have no  
23 other -- so then I've got list of

1 tentative dates, meeting dates. Do you  
2 want to speak to that, Ms. Powell?

3 MS. POWELL: Y'all are wondering what in the  
4 world could she want to talk about about  
5 proposed meeting dates. But I did want  
6 to bring before the board a thought that  
7 I had had.

8 Historically, you know, we tend to  
9 meet in the same months. We say they're  
10 quarterly meetings. They're not exactly  
11 equal quarter length apart. That's sort  
12 of a remnant of when we used to do the  
13 short list that Jo presents now -- we  
14 update on a rolling basis at each  
15 meeting. We used to present that once a  
16 year. We had fewer nominations, et  
17 cetera. We've moved to a rolling  
18 update.

19 So what I wanted to propose was to  
20 starting with our February meeting month  
21 and building off of that --

22 We have to meet in February by law  
23 in Montgomery and within the first ten



1 days of the month. So that's a pretty  
2 set date.

3 -- to begin meeting on equal  
4 quarters, which would change some of our  
5 months but would also put us in November  
6 instead of December, which is always a  
7 busy, tough month and a struggle,  
8 understandably, with a quorum because of  
9 everything going on.

10 So what I wanted to talk to the  
11 board about was the possibility of  
12 meeting in February, because we have to  
13 as planned, but then moving to a  
14 February, May, August, and November  
15 schedule. It's nothing that you  
16 necessarily have to decide today. But I  
17 thought our next list of meeting --  
18 potential meeting dates, if there was no  
19 objection, would flow off our one  
20 required under-the-law date of February.  
21 So I just wanted some feedback or  
22 thoughts from the board.

23 MR. PATE: That fits my schedule much better.

1 MS. POWELL: Well, why don't we -- we're still  
2 in February as planned, and then we'll  
3 present you a list of what we would  
4 propose for the other months. And  
5 what's the February date?

6 February 4th in Montgomery.

7 I will mention, although obviously  
8 not applicable for February, Dr. Sims,  
9 who could not be here today, has  
10 volunteered to host at any time at  
11 Athens State University up on her  
12 campus. And so we'll be looking at some  
13 options there for a potential date up  
14 there. And anyone else with ideas for  
15 locations after the February meeting  
16 just let me know.

17 COMMISSIONER GUY: Okay. So if anybody has an  
18 opinion on that different, just tell  
19 Patti or the staff.

20 All right. I have here the last  
21 item, I think, before we adjourn is  
22 approval of minutes of September 17,  
23 2015. Any direction -- any corrections

1 or additions to the minutes?

2 (No response.)

3 COMMISSIONER GUY: Okay. Do we have a motion  
4 to approve?

5 MR. HORN: I move we approve those.

6 MR. ALLEN: I second.

7 COMMISSIONER GUY: Okay. Hold on just a  
8 second. I'm sorry.

9 So based on -- yeah. So in the -- I  
10 forgot who spoke, but it should be  
11 "reversion" instead of "diversion." So  
12 we could -- should we have --

13 MS. POWELL: The earlier speaker was correct.

14 COMMISSIONER GUY: Correct. So can we just --  
15 can I just state this with it and then  
16 have the motion?

17 MS. POWELL: Please give Tracye, yeah, the  
18 page number and the line.

19 COMMISSIONER GUY: So with your motion,  
20 Mr. Horn, I would like to make one  
21 addition or correction and then adopt  
22 that for then approval of the whole.

23 And that would be on page 147,

1 Tracye, of the September 17 meeting,  
2 line 3. The word "diversion" should be  
3 "reversion."

4 So with that, can we -- so Mr. Horn  
5 made a motion for approval of the  
6 minutes with that correction. And I had  
7 a second by whom?

8 MR. ALLEN: You've got a question.

9 MR. NETTLES: You've got -- on page 146  
10 they've got "diversionary." It should  
11 be "reversionary."

12 COMMISSIONER GUY: Okay. So that's --

13 MR. NETTLES: And that's picking hairs, but --

14 COMMISSIONER GUY: -- page 146.

15 No, we appreciate it. And what was  
16 the line?

17 MR. NETTLES: It's -- let me see. 18.

18 COMMISSIONER GUY: That would be line 18.

19 Okay. So it would need to say  
20 "reversionary" instead of "diversionary"  
21 there too.

22 So that would be two places of  
23 correction, Tracye: 146, line 18; 147,

1 line 3. "Diversion" on page 147 and  
2 "reversionary" on page 146.

3 All right. With that correction, we  
4 had a motion by Mr. Horn and we had a  
5 second by whom?

6 MR. ALLEN: Second.

7 COMMISSIONER GUY: By Mr. Allen. Any other  
8 discussion on the motion?

9 (No response.)

10 COMMISSIONER GUY: If not, all in favor say  
11 "aye."

12 (All board members present respond  
13 "aye.")

14 COMMISSIONER GUY: All opposed?

15 (No response.)

16 COMMISSIONER GUY: Motion carries.

17 Unless there's other matters before  
18 the board, we are adjourned. Thank you.

19 (Meeting adjourned at approximately  
20 1:48 p.m.)

21 \* \* \* \* \*

22 REPORTER'S CERTIFICATE

23 \* \* \* \* \*

1 STATE OF ALABAMA:

2 MONTGOMERY COUNTY:

3 I, Tracye Sadler Blackwell, Certified  
4 Court Reporter and Commissioner for the State of  
5 Alabama at Large, do hereby certify that's I  
6 reported the foregoing proceedings of the Forever  
7 Wild Board Meeting on December 10, 2015.

8 The foregoing 197 computer-printed pages  
9 contain a true and correct transcript of the  
10 proceedings held.

11 I further certify that's I am neither of  
12 kin nor of counsel to the parties to said cause nor  
13 in any manner interested in the results thereof.

14 This 20th day of January 2016.

15

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Tracye Sadler Blackwell  
ACCR No. 294  
Expiration date: 9-30-2016  
Certified Court Reporter  
and Commissioner for the State  
of Alabama at Large