June 10, 2019

Attention: Rob Stokes
Department of Natural Resources
Grants Unit
2 Martin Luther King, Jr. Drive, S.E.
Suite 1370 East
Atlanta, Georgia 30334

Dear Mr. Stokes,

I am writing to you as a member of the executive committee of the Association of Georgia Land Trusts (AGLT). The Association is affiliated with over 20 land trusts and conservation organizations working throughout Georgia to permanently conserve land with conservation easements and fee simple acquisitions. Collectively, land trusts hold over 574,000 acres in conservation easements and own/manage over 62,000 acres in Georgia. AGLT is excited by the upcoming grant opportunities associated with the Georgia Outdoor Stewardship Program (GOSP), and we appreciate the ability to provide comments to the proposed rule (Rule 391-5-13-.11) released on May 22, 2019.

Here are AGLT’s comments:

- **Section (1) Definitions** – It would be useful to have additional clarification on the ability to use funding for conservation easements. Throughout the GOSP statute (O.C.G.A. § 12-6A) there are references to conservation easements (e.g. § 12-6A-4 (2) “Costs of Acquisition”). Additionally, DNR staff have verbally confirmed the use of funding for conservation easements. In three instances, conservation easements are specifically stated in the proposed rules, but generally the reference to conservation easements is implied. It is our understanding conservation easements are embedded and referred to in the proposed rule as a type of acquisition. To clarify, it would be useful to add a definition of acquisition in the Definitions section on page C-6 stating that conservation easements are a type of acquisition. Here is a possible definition: “To gain ownership of fee simple real property or a partial property interest, such as a conservation easement.” Including a definition of acquisition in the beginning of the document will allow an applicant to understand the relationship between acquisition and conservation easement.

- **Section (5) Eligible Projects** – In this section and throughout the proposed rule, there is a reference to “Local Parks and Trails of Regional Significance.” It is difficult to ascertain what the meaning of regional significance is relative to GOSP and the proposed rule. AGLT recommends adding a definition in Section (1) Definitions, or including more detail information and examples in a procedure manual. This would provide an applicant some guidance on a potential project’s eligibility based on its regional significance.
• **Section (5) Eligible Projects** – On page C-9, State Stewardship is described as for State agencies and nongovernmental entities, but local governments are not included. Based on a review of the underlying statute and the proposed rule, it is not clear why local governments have been excluded in this eligible project type. Additional clarification in the proposed rule or other documentation on why local governments have been excluded from this eligible project type would be useful.

• **Section (6) General Terms and Conditions** – AGLT is interested in more clarity for the match requirements described on page C-10. Additional language added to the proposed rule or a subsequent procedure manual better detailing the types of in-kind goods and services along with better information on the timeline for verifying the match would be useful to an applicant. If additional information for the match requirements are incorporated into a procedure manual, please consider adding a specific reference in this section of the proposed rule.

• **Section (6) General Terms and Conditions** – Regarding Funding Amounts, on page C-10, the proposed rule states the range of $500,000 to $3,000,000 for “Projects for Local Parks and Trails of Regional Significance.” Additionally, the paragraph states there is no minimum for State acquisition projects. The proposed rule is not clear on the funding amounts for acquisition, such as conservation easements, by an entity other than the State. AGLT requests the proposed rule be expanded to specifically address funding amounts for nongovernmental entities and local governments. Additionally, it is the preference of AGLT that the project grant range be lower or be consistent with the State’s projects criteria that has no minimum. Broadening the range of potential funding amounts will create more opportunities for local projects.

• **Section (6) General Terms and Conditions** – In the Acquisition Projects paragraph, page C-11, it states that all projects involving acquisitions or conservation easements shall place protective language provided by GADNR on the deed for the property. Overall, AGLT is supportive of the concept of requiring protective language to ensure conservation interests are maintained and consistent among projects. However, the referred protective language either needs to be added to the rule, or add a reference directing the reader to other documents or a procedure manual that includes the specific requirements. Land trusts will be pursuing and negotiating GOSP projects with private landowners, and it is critical to have all required protective language available to the landowner from the start of the discussion. For example, understanding requirements for public access, restrictions/prohibitions on subdivision and new construction, and the rules on usage of the Georgia Conservation Tax Credit along with GOSP will be important for project development. Given the importance of the protective language, additional references or documentation in the rule is critical.

• **Section (10) Second-Level Application Process** – The proposed rule addressing second-level applications lacks details regarding the review process and timelines needed to complete the
application level. Additional information added to the proposed rule or included with a procedure manual will be useful to an applicant that has been invited to submit a second-level application.

- **Section (11) Awarded Projects** – On page C-15, Change of Scope, the second sentence states “All formal requests will be approved by the Board of Trustees.” For clarification, AGLT recommends modifying the sentence to state “All formal requests must be approved by the Board of Trustees.”

- **Section (12) Criteria** – The rule states that since all criteria are not equally important, criteria will be weighted (page C-16). AGLT recognizes the need to weight criteria parameters and the ability to adjust that criteria depending on the focus of the Board of Trustees. However, the weighting criteria needs to be stated in the rule, or add a specific reference to weighting criteria to other documents or procedure manual. Weighting criteria can greatly influence which projects are selected and therefore, additional information is necessary.

- **Section (12) Criteria** – Bulleted item “Water Quality and Quantity Protection” on page C-17 references a high priority area as identified by Environmental Protection Division (EPD). More specificity within the proposed rule or in procedure manual on how EPD will define a high priority area will be useful for an applicant.

Thank you for the opportunity to provide comments to the proposed rule for the Georgia Outdoor Stewardship Program. Please contact me (swell@talltimbers.org, 850.508.5440) if you have any questions regarding these comments or would like more information.

Sincerely,

Association of Georgia Land Trusts Executive Committee
Shane Wellendorf, Chair (Tall Timbers Research Station and Land Conservancy)
Steffney Thompson, Secretary (Oconee River Land Trust)
Carol Hassell, Treasurer (Georgia Piedmont Land Trust)
Steve Greenberg (Georgia Alabama Land Trust)
George Kimberly (Mountain Conservation Trust of Georgia)
Charles McMillian (Georgia Conservancy)
Krisztian Varsa (Athens Land Trust)

cc: Leah Dixon, Georgia Conservancy

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