

**Board of Natural Resources
Minutes**

2 Martin Luther King, Jr. Drive
Suite 1252 East Tower, S. E.
Atlanta, GA 30334

August 27, 2008

Attending:

Board Members

Phyllis Johnson, Chairman
Bill Archer
Earl Barrs
Gene Bishop
Jenny Lynn Bradley
Warren Budd
Bill Carruth
Joe Hatfield
Walter Hudson
Mabel Jenkins
Ray Lambert
Bob Rutland
Loyce Turner
Jim Tysinger
Philip Watt
Tom Wheeler

Visitors

Garland Stewart, Trout Unlimited
Andy Fleming, Friends of Georgia State Parks
Andy Stone, Superior Pine Products Company
Glenn Dowling, Georgia Wildlife Federation
Tom Mills, Friends of Georgia State Parks

Staff Members

Noel Holcomb
Carol Couch
Paul Burkhalter
Michele Bonner
Becky Kelley
Ray Luce
Marlin Gottschalk
Dan Forster
Steve Friedman
Jim Ussery
Doralyn Kirkland
Linda MacGregor
John Bowers
Terry West
Dave Crass
Todd Holbrook
John Biagi
Fallon Gnann
Connie Buck
Paul Nelson
Wally Woods
Kim Hatcher
Sally Winchester
Suzanne Burnes
Emily Hitchcock
Kyle Pearson
Beth Brown
Mary Ann Evans
Hellen Harris

The August 27, 2008 meeting of the Board of Natural Resources was called to order by Chairman Phyllis Johnson.

Chairman Johnson called for approval of the minutes of the June 25, 2008 meeting of the Board of Natural Resources.

A motion was made by Mrs. Bradley, seconded by Mr. Barrs, and carried unanimously that the minutes of the June 25, 2008 meeting be approved.

Chairman Johnson called on Noel Holcomb, Commissioner, Department of Natural Resources (DNR), for the Commissioner's Report.

Commissioner Holcomb called on Emily Hitchcock, Executive Counsel, to present an action item regarding authorization of Intergovernmental Agreement with the City of Savannah for the Battlefield Memorial Park.

Ms. Hitchcock called attention to information in the Board packet regarding the proposed Intergovernmental Agreement with the City of Savannah. She stated that the Board had voted in May 2008 to acquire 3.46 acres in downtown Savannah; and that in June 2008, the State Properties Commission had approved the acquisition. She further stated that the anticipated closing on the property would be in September 2008. She reviewed the history and details of the site, and added that the property is adjacent to a number of historical properties, including the old Storehouse and Roundhouse Railroad Museum. She further added that approval of the intergovernmental agreement would permit the Battlefield Memorial Park to be operated as part of the Battlefield Park Heritage Center at no cost to the State, and that she was requesting that the Board authorize the Commissioner to enter into Intergovernmental Agreement with the City of Savannah for the operation and management of Battlefield Memorial Park.

Discussion ensued.

A motion was made by Mrs. Bradley, seconded by Mr. Bishop, and carried unanimously that the Board authorize the Commissioner to execute the Intergovernmental Agreement with the City of Savannah for the operation of Battlefield Memorial Park.

Mrs. Bradley stated that this action was a win-win situation for the City of Savannah, and that the people of Savannah were excited about this proposal and its attraction to tourists.

Commissioner Holcomb presented the FY 2009 Amended Budget Request and FY 2010 Budget Request containing 6%, 8% and 10% Budget Reductions that will be submitted to the Office of Planning and Budget (OPB) as prescribed in law.

Chairman Johnson commended and expressed appreciation to Commissioner Holcomb and DNR staff for their work on the difficult task of making the mandatory budget cuts and weighing their effects on the people and resources involved. She also expressed appreciation to the Board for their consideration and to concerned visitors who were present at the meeting. She stated that a number of visitors had requested to speak regarding the proposed budget, and she called on Garland Stewart.

Mr. Stewart stated that he represented the Georgia Council of Trout Unlimited, and he expressed concern that the proposed budget cuts would decrease the number of enforcement staff and further impact water quality monitoring of trout streams in North Georgia, which was legislatively mandated but never fully funded. He further stated that trout fishermen purchase nearly 100,000 trout stamps each year and generate more than \$10 million in revenue for North Georgia businesses. He added that he was also concerned about the possibility of closing Lake Burton Hatchery, the center of the North Georgia trout program. He further added that this recommendation would result in the loss of a key biologist involved in brook trout studies, as part of a partnership between DNR, Trout Unlimited, and U.S. Forestry Service. He concluded with a suggestion to increase fees for hunters and fishermen to balance some of the budget cuts.

Chairman Johnson called on Andy Fleming, Executive Director of Friends of Georgia State Parks & Historic Sites (Friends).

Mr. Fleming stated that Friends includes 8,000 members, many of whom have expressed concerns over how the proposed budget cuts would affect the operation of Georgia's parks system and impact the safety, security and quality of service to the nearly 10 million people who visit Georgia's parks and historic sites yearly. He further stated that Georgia's rapid population growth and continuing loss of greenspace make conserving and managing these natural and cultural resources extremely important as the demand for these resources continues to increase. He added that since 2002, Parks, Recreation and Historic Sites Division (PRHSD) has had many budget challenges as a result of budget cuts and other factors, and that he was concerned that management strategies implemented in response to previous budget challenges simply would not work with the current proposed cuts. He further added that Friends had real concerns that it would take years to recover from park closures, privatizations, and other actions outlined in the proposed budget cuts; and that it would be more difficult to generate private sector support if it were perceived that the state was withdrawing its support from the park system.

Chairman Johnson called on Andy Stone, President Superior Pine Products, Fargo, Georgia.

Mr. Stone stated that Superior Pine Products owns 216,000 contiguous acres joining Okefenokee Wildlife Refuge and the Suwanee River, and that he represented

the 380 citizens of Fargo and the people of Clinch and Echols counties, a depressed rural area in Georgia needing economic opportunities to move forward. He further stated that he was concerned that proposed cuts include the closing of the Fargo Golf Course and the decision not to open the newly constructed Fargo Eco Conference Center after significant state financing to both projects. He added that in 2001, Superior Pine Products had donated 316 acres to the State, which included the golf course and location of the Eco Conference Center. He further added that if these budget recommendations were implemented, the Board of Directors for Superior Pine Products may rethink its consideration of future conservation easements or donations to protect the Suwanee River.

Chairman Johnson called on Glenn Dowling, Georgia Wildlife Federation (GWF).

Mr. Dowling expressed appreciation to Board members for their commitment to public service through participation on the DNR Board and their continued efforts and collective concerns for Georgia's natural resources. He stated that the current economy requires local, state and federal agencies to consider funding priorities that often conflict or impede government's ability to meet public demands for services, which include access to well-managed public lands for outdoor recreation, hunting, and fishing. He further stated that Georgia's hunting and fishing economy is the base load of Georgia's tourism and recreational economy, which he considers recession proof; and that sports men and women and conservation groups statewide would strongly request that DNR consider new revenues possible through policy regulation or law change. He added that with recent changes to the reciprocal agreement with Florida regarding 65 and older hunting licenses, Georgia could recognize more than \$500,000 in additional revenues, which could offset the closing of some WMAs.

He stated that with future changes to the existing Georgia Online Automated Licensing System, there exists multiple opportunities to alter fees to better serve Georgia hunters and anglers while reflecting the value of Georgia hunting and fishing opportunities to out-of-state sportsmen, which could provide an additional \$800,000 to state coffers in revenues no longer paid out as license vendor commissions. He further stated that he was also concerned about funding cuts for coldwater fisheries and management of trout populations, as well as, cuts in funding to PRHSD, which would affect wildlife habitat and places for families to reconnect with the outdoors. He requested that the Board consider opportunities to mitigate cuts to the budget by recognizing programs that would generate revenues for supporting ecological and economic benefits for Georgia's natural resources for all of Georgia.

Chairman Johnson called on Tom Mills, member of Friends, who presented his concerns as a state park user regarding potential park closings. He stated that during June, Get Outdoors Georgia Month, he and his family visited 30 state parks in 30 days, a family experience which had opened his eyes to the incredible resources of the state. He further stated that his family found that each park was unique, and he was

concerned that any park resource would have to be closed. He added that before considering park closings, he would request that the Board look at the possibility of increasing park pass fees to generate revenues. He further added that he recognized the difficulty of budget cut decisions and expressed appreciation for the opportunity to share his concerns.

Chairman Johnson reiterated her concerns regarding budget cuts and expressed appreciation to Board members, staff, and visitors concerned with these issues.

Chairman Johnson reminded the Board that they were considering a resolution to approve the FY 2009 Amended and FY 2010 Budget Requests to submit to the Office of Planning and Budget (OPB). She asked if there were any comments or questions from Board members or speakers regarding proposed budget recommendations.

Discussion ensued.

Mr. Turner expressed concern regarding the closing of the Fargo Golf Course and not opening the Eco Lodge Conference Center and the impact to the economy of the area and commitments to Superior Pine Products Company.

Commissioner Holcomb stated that the decision to close the Fargo Golf Course had been made because of significant financial loss in operating costs. He further stated that as soon as economic conditions turn around, the Eco Lodge Conference Center would be opened, which could provide additional opportunities for golf course revenues. He added that he would consider the concerns and suggestions regarding the Fargo Golf Course and would be willing work with the people and entities of the area that might be interested in privatizing its operation.

Commissioner Holcomb stated that all closings and budget cuts were based on good business decisions by division directors and himself. He further stated that he would pass on the concerns and suggestions from visitors and Board members regarding budget cuts to the Office of Planning and Budget.

Chairman Johnson stated that the proposed budgets were fluid and in process, and she requested that Commissioner Holcomb keep the Board informed of changes. She read the resolution and asked for a motion to approve the FY 2009 Amended Budget Request and FY 2010 Budget Request Recommendations as presented.

A motion was made by Mr. Bishop, seconded by Mr. Hudson, and carried unanimously that the Board adopt the Resolution approving the FY 2009 Amended Budget Request and FY 2010 Budget Request containing a 6%, 8% and 10% Budget Reduction in the Department's Budget and authorizing the Commissioner to submit

such requests to the Office of Planning and Budget as prescribed in law. (Resolution attached hereto and made a part hereof)

Commissioner Holcomb called on Carol Couch, Director, Environmental Protection Division (EPD), to give updates on water litigation and other items of interest relating to EPD.

Dr. Couch reviewed the status of litigation relating to the Apalachicola Chattahoochee Flint (ACF) River Basin. She stated that the seven independent court cases, originating in Florida, Georgia, Alabama and Washington, D.C., involving the Army Corps of Engineers' (Corps) management of the ACF River Basin, had been consolidated and transferred to a middle district federal court in Florida and that a federal district judge from Minnesota had been assigned to hear the cases. She further stated that a reversal of the original case order provided that cases regarding the Corps' authority to operate Lake Lanier for the withdrawal and storage of water supply for the Atlanta Metropolitan area would be heard first. She added that she felt there was a strong defense, involving federal authority, administrative record, and the reality of greater than 30 years of use, to support the argument that Lake Lanier was intended, has been, and will continue to be used for water supply.

She stated that an appeal had been submitted to the U.S. Supreme Court involving a Settlement Agreement between the Southern Company and the Crops regarding the use of additional water supply for hydropower for Southern Company customers. She further stated the Court's acceptance or rejection of the appeal review would be known in late October. She added that there were two other Alabama cases regarding Corps' operation on Lake Allatoona and Carters Lake, which would be considered in 2009.

Discussion ensued.

Dr. Couch stated that she would give a brief update on the promulgation of a new rule for the dissolved oxygen standard for the lower Savannah River. She further stated that since the previous briefing on the rule, EPD had met with a variety of stakeholders, lawyers and technical teams to work through the issues. She added that over the next few months, EPD would be presenting the draft rule for public comment and additional public hearings on clarifications of the original draft. She further added that EPD would present the proposed rule to the Board for adoption at the December meeting.

She stated that regarding an earlier briefing on the selection of nominees for the Regional Water Council, the deadline for nominations would be Friday, August 29, 2008. She further stated that EPD would be working with the Department of Agriculture and Department of Economic Development to compile and screen nominations, and would transmit the nominations to the Governor, Lieutenant Governor and Speaker for their selection of appointments to the Council.

Commissioner Holcomb called on Ray Luce, Director, Historic Preservation Division.

Dr. Luce called attention to two publications distributed to Board members: the new *African-American Heritage Guide*, published by the Department of Economic Development; and the latest edition of *Reflections*, which gives up-to-date information on cultural sites in Georgia.

Commissioner Holcomb called on Dan Forster, Director, Wildlife Resources Division (WRD).

Mr. Forster updated the transition of the licensing system, and stated that WRD had signed an extended contract, which offers all agents and potential businesses in Georgia the opportunity to be agents for hunting and fishing license sales within the state. He further stated that the transition would occur in January 2009. He added that public hearings had been held in August and input received from the meetings had indicated an interest in potential legislation that would address fees, allow for a reduction of fees if licenses were renewed before their expiration date, a multi-year license, and simplification of the system. He further added that information on the licensing system transition would be presented at the September meeting.

He updated information regarding freshwater turtles and explained that in March 2008 the Board had received a petition from the Center for Biological Diversity, Altamaha River Keepers, and Satilla River Keepers requesting emergency rulemaking to prohibit commercial collection of freshwater turtles in Georgia. He stated that the Board does not have the authority to adopt an emergency rule on this issue. He further stated that freshwater turtles are not on the endangered species list, are subject to unlimited harvest, and that thousands of Georgia's freshwater turtles are being exported to Asian markets. He added that the North American Model of Wildlife Management suggests prohibition of markets for native species in order to protect them from depletion or extinction.

He stated that WRD would like to see legislation passed which would take all freshwater turtles off the unprotected list and give the Board authority to adopt regulations to manage freshwater turtles and provide long-term protection. He further stated that a freshwater turtle recommendation would be included in a package of proposed recommendations to the Legislature, which would be presented to the Board in September.

Chairman Johnson called on Earl Barrs, Chairman of the Land Acquisition Committee.

Mr. Barrs stated that the Land Acquisition Committee had two action items to present.

A motion was made by Mr. Barrs, seconded by Mr. Carruth, and carried unanimously that the Board authorize the Commissioner to seek State Properties Commission approval for the acquisition (donation) of a Conservation Easement over 295± acres, Crockford Pigeon Mountain Wildlife Management Area (WMA), McLemore Cove, Walker County. (Resolution attached and made a part hereof)

A motion was made by Mr. Barrs, seconded by Mr. Carruth, and carried unanimously that the Board approve the request that the Governor issue a Corrective Executive Order for High Falls State Park to remove 2± acres mistakenly included in the November 6, 1998 Executive Order dedicating the property as Heritage Preserve, High Falls State Park, Monroe, Butts and Lamar Counties. (Resolution attached hereto and made a part hereof)

Chairman Johnson called on Warren Budd, Chairman of the Wildlife Resources Committee.

Mr. Budd stated that the Wildlife Resources Committee had one action item for consideration.

A motion was made by Mr. Budd, seconded by Dr. Watt, and carried unanimously that the Board approve the Proposed Amendments to Hunting Regulations, Chapters 931-4-2-.46; 391-4-2-.47, 391-4-2-.52; and 391-4-2-.55 through 391-4-2-.58, Waterfowl and Late Season Migratory Bird Regulations.

Chairman Johnson asked Mr. Carruth for an update on the Rock Howard Award.

Mr. Carruth stated that the deadline for nominations is September 15, and that a conference call of the Rock Howard Award Committee may be set up after September 15 and prior to the October Board meeting. He further stated that if a conference call meeting were set up, committee members would be contacted with details.

There being no further business, the meeting was adjourned.

Phyllis T. Johnson, Chairman

ATTEST:

Jenny Lynn Bradley, Secretary