

Minutes
Board of Natural Resources
2 Martin Luther King, Jr. Drive, S. E.
Suite 1252 East Tower
Atlanta, GA 30334

June 27, 2007

Attending:

Board Members

Jim Walters, Chairman
David Allen
Bill Archer
Earl Barrs
Jenny Lynn Bradley
Warren Budd
Cader Cox
Joe Hatfield
Walter Hudson
Phyllis Johnson
Bob Rutland
Loyce Turner
Jim Tysinger
Tom Wheeler

Visitors

Andrew Schock, The Conservation Fund
Jim Scarbrough, Gwinnett County
Lolita Jackson, Georgia Power
Jamie Bragg, Home Builders Association of Georgia
Jason O'Rourke, Council for Quality Growth
Fred Finley, Georgia Rural Water Association
Rex Anderson, Stephens County Commission
Mike Godfrey, Southern Nuclear
Jessica Joyner, Southern Nuclear
Chuck Huling, Georgia Power
Jim Candler, Georgia Power
Carlton Chambers, Georgia Power
Jim Grode, Turner Environmental Law Clinic
Julie Mayfield, Georgia Conservancy
Todd Edwards, Association County Commissioners of Georgia

Staff Members

Noel Holcomb
Carol Couch
Dan Forster
Becky Kelley
Ray Luce
Steve Friedman
Bob Donaghue
Susan Shipman
Jim Ussey
Linda MacGregor
Heather Abrams
Doralyn Kirkland
Jimmy Johnston
Becky Champion
Doug Haymans
Brad Gane
Phil Spivey
Emily Hitchcock
Beth Brown
Mary Ann Evans
Hellen Harris

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Alex Adams, Upper Chattahoochee RiverKeeper

Betsy Nicholas, Upper Chattahoochee RiverKeeper

Scott Hitch, Balch & Bingham, LLP

Ronny Just, Georgia Power

Robert Welsh, Georgia Budget & Policy Institute

The June 27, 2007 meeting of the Board of Natural Resources was called to order by Chairman Jim Walters.

Mr. Walters called for a motion to approve the minutes of the May 23, 2007 meeting.

A motion was made by Mr. Rutland, seconded by Mr. Cox, and carried unanimously that the Board approve the minutes of the May 23, 2007 meeting.

Chairman Walters called on Noel Holcomb, Commissioner of the Department of Natural Resources (DNR), to give the Commissioner's Report.

Commissioner Holcomb called on Dan Forster, Director of Wildlife Resources Division (WRD), who introduced Phil Spivey, Wildlife Biologist, to give a briefing on the Red-Cockaded Woodpecker Safe Harbor Program and the Safe Harbor Agreement with Georgia Power.

Mr. Spivey stated that in 2000, DNR received approval from the US Fish and Wildlife Service on the Safe Harbor Program, which outlines a strategy to manage and restore forest habitats for endangered Red-cockaded Woodpeckers (RCW) in Georgia. He further stated that Safe Harbor is a cooperative agreement in which private landowners enroll land, which currently supports RCWs or is managed in a way that would attract RCWs and other wildlife species that depend on mature upland longleaf pine habitats. He added that Safe Harbor includes a financial incentive program to landowners, which has resulted in a steady increase in the RCW population and the populations of other endangered species on private lands. He further added that recently, Georgia Power announced plans to enroll lands on Plants Vogtle and Hatch in the Safe Harbor Program, and that the agreement with Georgia Power would encourage positive land management on these properties to benefit RCW populations in the future. (PowerPoint attached hereto and made a part hereof)

Discussion ensued.

Mr. Forster stated that partnerships with private landowners are valuable in managing and protecting wildlife in Georgia. He further stated that the Safe Harbor Program was pioneered in Georgia and that other states are beginning to duplicate the program. He expressed appreciation to Georgia Power, Southern Company, and Southern Nuclear for partnering with the Safe Harbor Program, land management, and Weekend for Wildlife.

He introduced those who participated in the signing of the Safe Harbor Agreement. Representing Southern Nuclear were Mike Godfrey, Environmental Affairs Manager, and Jessica Joyner, Staff Engineer. Representing Georgia Power were Chuck Huling, Vice President of Environmental Affairs; Jim Candler, Environmental Field Services Manager; and Carlton Chambers, Land Manager.

Commissioner Holcomb called on Emily Hitchcock, Legal Counsel, to give a brief presentation on the Sale of General Obligation Bonds pursuant to the FY2006-2007 and FY2007-2008 General Appropriations Acts.

Ms. Hitchcock stated that the General Obligation Bond sale scheduled for August 2007 includes monies to fund DNR projects. She further stated that these projects include the design and construction of a fish hatchery and Go Fish Georgia education and visitor center, a covered activity center at Black Rock Mountain State Park, and the design, construction and equipment for the livestock and equine facilities expansion at the Georgia National Fairgrounds and Agricenter in Perry, Houston County.

Discussion ensued.

A motion was made by Mr. Hudson, seconded by Mrs. Johnson and carried unanimously that the Board adopt the Resolution for the sale of General Obligation Bonds pursuant to the FY2006-2007 and FY2007-2008 General Appropriations Acts. (Resolution attached hereto and made a part hereof)

Commissioner Holcomb called attention to the Monthly Expenditure Reports and the Monthly Division Reports. He stated that DNR had not received instructions from the Office of Planning & Budget (OPB) regarding preparation of the upcoming budget material, but would keep the Board informed of its status.

Chairman Walters called on Bob Rutland, Chairman of the Coastal Committee. Mr. Rutland stated that proposed amendments to Coastal Protection Rules, Chapter 391-2-3-.02, had been presented and discussed at the Coastal Committee meeting on June 26. He stated that on behalf of the committee, he recommended the adoption of the proposed Resolution to submit the proposed Amendment to Coastal Marshlands Protection Rules 391-2-3-.02, for the Board's consideration at a conference call meeting at 10:00 a.m. on July 25, 2007.

Chairman Walters stated that unless there was an objection, the final report of the Coastal Committee on the proposed Amendment to Coastal Marshlands Protection Rules 391-2-3-.02 was accepted and that the full Board would consider the matter at a duly called conference call meeting at 10:00 a.m. on July 25, 2007.

Chairman Walters called on Warren Budd, Acting Chairman of the Land Acquisition Committee, in the absence of Bill Carruth, Chairman.

A motion was made by Mr. Budd, seconded by Mr. Allen and carried unanimously that the Board adopt the Resolution authorizing the Commissioner to seek State Properties Commission approval for the acquisition (purchase) of 202± acres of real property, Panola Mountain State Conservation Park, McCrary/Drake/Johnson tract,

via The Conservation Fund (TCF), Rockdale County. (Resolution attached hereto and made a part hereof)

A motion was made by Mr. Budd, seconded by Mr. Cox, and carried unanimously that the Board adopt the Resolution authorizing the Commissioner to seek State Properties Commission approval for the acquisition (purchase) of 3.343± acres of real property, William K. Norton, Sr. tract, Cordele Fish Hatchery, Crisp County. (Resolution attached hereto and made a part hereof)

Chairman Walters called on Mr. Wheeler, Chairman of the Environmental Protection Committee.

Mr. Wheeler stated that there were four action items from the Committee to present as motions.

A motion was made by Mr. Wheeler, seconded by Mrs. Johnson, and carried with one abstention by Mr. Archer, that the Board adopt the Resolution regarding proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to the Clean Air Mercury Rule. (Resolution attached hereto and made a part hereof)

A motion was made by Mr. Wheeler, seconded by Mrs. Johnson, and carried with one abstention by Mr. Archer, that the Board adopt the Resolution regarding proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, including the permit fee rule and other miscellaneous rule changes. (Resolution attached hereto and made a part hereof)

A motion was made by Mr. Wheeler, seconded by Mr. Rutland, and carried unanimously that the Board adopt the Resolution regarding proposed amendments to Rules for Erosion and Sedimentation Control, Chapter 391-3-7. (Resolution attached hereto and made a part hereof)

A motion was made by Mr. Wheeler, seconded by Mr. Hudson, and carried with a “no” vote by Mr. Tysinger, that the Board adopt the Resolution regarding proposed amendments to Rules for Environmental Planning Criteria, Chapter 391-3-16, pertaining to variance procedures for criteria for water supply watersheds. (Resolution attached hereto and made a part hereof)

Mr. Tysinger stated that he was concerned that the grandfathering language of the proposed amendments was not strong enough and could gender lawsuits in the future.

Mrs. Johnson stated that she would like to request a follow-up report within a year or in a reasonable period of time on the effect of this rule change on local governments and private landowners. She stated that as a part of the report, she would

like to know if the application of the definition of perennial stream has caused discussion and issues.

Dr. Couch stated that she would be glad to come back to the Board in a reasonable period of time with a report on the status and implementation of the rule change. She further stated that timing on the process of the implementation of the rule by counties would vary. She added that the Board had already requested an analysis from the Environmental Protection Division (EPD) and Coastal Resources Division (CRD) along with a report from the Advisory Council on issues related to buffers. She further added that in six months she would review the status of the effects of the rule change to see if there would be something to share with the Board.

Mr. Wheeler commended Dr. Couch and EPD staff for their outstanding efforts on the issues relating to buffers and water supply watersheds.

Mr. Allen expressed appreciation to Georgia Power for their efforts to help with the mercury problem.

Mr. Barrs stated that he was concerned with the private property rights issue as the Board tries to balance preserving and protecting the environment without encroaching on private property rights. He further stated that he would like direction as to how the Board could influence or submit a resolution to the Legislature in an effort to protect private property rights relating to the buffer issue.

Chairman Walters requested guidance from Ms. Hitchcock on how the Board could handle this issue.

Ms. Hitchcock stated that she was not sure that she had a sense of what the Board would want but that she would be glad to provide assistance to a subcommittee of the Board to discuss it.

Commissioner Holcomb stated that the Legislative Session does not convene until January and that there was time to process the information and craft a resolution that would reflect the sentiment of the Board on private property rights relating to the buffer issue.

Discussion ensued.

Chairman Walters appointed Mr. Barrs, Chairman, and Mr. Cox, Mr. Rutland, Mr. Hudson and Mr. Wheeler to a committee to discuss the issue.

Chairman Walters appointed the Nomination Committee for the 2007 Rock Howard Award. He appointed Mr. Budd as Chairman and Mr. Hatfield, Mr. Archer, and Mr. Allen as members. He asked that members of the Board to submit nominees through Mary Ann Evans, Executive Assistant for Administration. He stated that

information would be sent to Board members about award criteria, a nomination form and past award recipients, and that nominations needed to be in by Friday, August 31, 2007.

Mr. Hatfield stated that he would like information from Becky Kelley, Director of Parks, Recreation, and Historic Sites Division, on the status of managed hunts to control the deer population on F.D.R. State Park.

Mrs. Kelley stated that she would be glad to give a report on the status of the process in the August meeting.

Commissioner Holcomb stated that he would like to address the concern, also. He further stated that he had spoken to each of the representatives from F.D.R. State Park and had shared the process that DNR uses for setting hunting recommendations on public lands, and that he had received positive feed back from all of the representatives as long as the decisions were based on good science.

There being no further business, the meeting was adjourned.

J. A. Walters, Chairman

ATTEST:

Secretary