

State of Wisconsin
Natural Resources Board
Memorial Resolution

WHEREAS, Lew Posekany retired from the DNR in December 1984 after more than 45 years of dedicated service to the people of Wisconsin.

His career began with the first comprehensive survey of wetland resources in the state. He was among the first to recognize the averse effects of wetland losses on water quality and quantity and fisheries and wildlife.

As chief of the River Survey in the Wisconsin Conservation Commission and later as Chief of the Biological Investigation Section in the new Department of Natural Resources, Lew helped shape many of the legal decisions that form the basis of the public's right to use and enjoy our water resources.

Lew realized that poorly designed and constructed highway projects could be devastating to the environment. In 1952, he began coordination with the Department of Transportation to reduce the environmental impacts of highway construction. These efforts led to the current environmental liaison agreement between DNR and DOT.

With the enactment of the National Environmental Policy Act of 1970, Buzz Besadny and Lew formed the Bureau of Environmental Impact. Even with the new responsibility, Lew remained a mover and a shaker and advisory on water and other environmental issues.

Lew is truly a major figure in Wisconsin's environmental history.

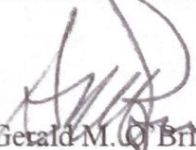
WHEREAS, Lew Posekany died on September 14, 2004 leaving behind a Natural Resources legacy that enriched the people of Wisconsin; and

THEREFORE, the Natural Resources Board of Wisconsin acknowledges the memory of Lew Posekany for years of service to the people of the State of Wisconsin and directs that a memorial plaque be placed in a special spot to be determined at a later date;

NOW, THEREFORE, the Natural Resources Board at its December 2004 meeting at Madison, Wisconsin, recognizes such faithful service with due respect and gratitude, and hereby makes this commendation a part of its official records.



Natural Resources Board


Gerald M. O'Brien, CHAIRMAN



State of Wisconsin Natural Resources Board

RETIREMENT RESOLUTION

Mr. Lewis A. Posekany, environmental specialist 7, retired from the Department of Natural Resources on December 7, 1984, after completing over 45 years of state service.

He began his career in state service in 1935, when he started working part time for the Land Economic Inventory while a student at the University of Wisconsin - Madison. In 1939, he became a permanent employe of LEI and in 1941 was transferred to the Wisconsin Conservation Department where he worked as a junior fishery biologist. He joined the U.S. Navy in 1942, and upon his return in 1945, was assigned to Spooner as the area fishery biologist. In 1951, he became chief of the River Survey Committee of the Wisconsin Conservation Commission. From their office in Black River Falls, the River Survey developed much of the environmental information necessary for protection of the state's waters. During his tenure as head of the River Survey, his testimony before the Public Service Commission helped to preserve many lakes and streams.

In 1958, the River Survey was absorbed into the Wisconsin Conservation Department, and back in Madison, Mr. Posekany began representing the Department in hearings before the Public Service Commission. He also helped rewrite many of Wisconsin's water laws during this period. His role as environmental advocate established a tradition of resource protection which served as the model for the present day Office of the Public Intervenor. When the Department of Natural Resources was created in 1968, the regulatory authority of the Public Service Commission, and consequently the Department of Resource Development, was combined with the resource management functions of the WCD. Mr. Posekany served as an advisor to the new regulatory area of the DNR on environmental concerns. During 1969-70, he helped start the DNR/DOT Highway Liaison Committee. He had been the principal contact for DOT matters since 1952. Mr. Posekany played a critical role in bridging the gap between the management and regulatory functions of the new agency.

With the passage of the National Environmental Policy Act, Mr. Posekany and Mr. C.D. Besadny formed the new Bureau of Environmental Impact in 1970. As chief of the Biological Investigations Section, Mr. Posekany continued to advise the Department on water issues as well as other environmental concerns, and participated in many key Department decisions affecting the environment.

Mr. Posekany's vast experiences, profound knowledge of Wisconsin's resources, and the respect he has earned as a protector of the environment, has made him an invaluable counselor and teacher. In recognition of his outstanding achievements, the NRB awarded him the 1st John C. Brogan award in 1982. Trout Unlimited honored him with the trout conservation award for 1982, and the Wis. Chapter of the Soil Conservation Society of America awarded him a certificate of recognition early this year.

WHEREAS, Mr. Lewis A. Posekany has served the people of the State of Wisconsin long and faithfully in the performance of his duties and has thus earned the commendation due an outstanding servant of the people;

NOW, THEREFORE, the Natural Resources Board at its December, 1984 meeting at Madison, Wisconsin, hereby recognizes such faithful service with due respect and gratitude, and hereby makes this commendation as part of its official records.

NATURAL RESOURCES BOARD


John A. Lawton, CHAIRMAN



The State of Wisconsin

Governor's Special Award

This Certificate Is Awarded To

LEWIS A. POSEKANY

*In behalf of the people of Wisconsin in acknowledgement of and
in grateful appreciation for 45+ years of dedicated service to
the State of Wisconsin.*



Dated this FOURTH day of DECEMBER 19 84

Anthony D. Paul
Governor

State of Wisconsin Natural Resources Board

RECOGNITION OF SERVICE

This is to certify that at the February, 1982 meeting the Natural Resources Board gratefully recognizes the many years of service given to the Department and the people of Wisconsin by

LEWIS A. POSEKANY

Lew Posekany began his career in state service in 1935 working part time for the Land Economic Inventory while a parasitology student at the University of Wisconsin, Madison. In 1939, Lew became a permanent employee of LEI and in 1941 was transferred to the Wisconsin Conservation Department where he worked as a Junior Fishery Biologist. He joined the U.S. Army in 1942 and served in the Pacific Theater during World War II.

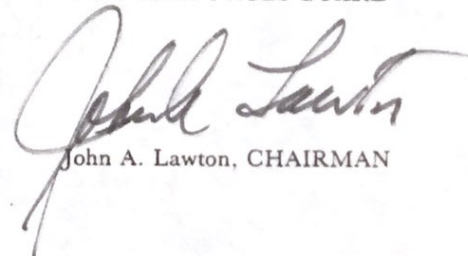
When Lew returned to Wisconsin in 1945, he was assigned to Spooner as the Area Fishery Biologist. In 1951, he became Chief of the River Survey Committee of the Wisconsin Conservation Commission. From their office in Black River Falls, the River Survey developed much of the environmental information necessary for protection of the state's waters. In 1958, the River Survey was absorbed into the Wisconsin Conservation Department and Lew began representing the Department in hearings before the Public Service Commission. When the Department of Natural Resources was created in 1968, the regulatory authority of the Public Service Commission, and subsequently the Department of Resource Development, was combined with the resource management functions of the WCD. Lew served as an advisor to the new regulatory area of the Department of Natural Resources on environmental concerns. During 1969-70, Lew helped start the DNR/DOT Highway Liaison Committee. He had been the principal contact for DOT matters since 1952.

With the passage of the National Environmental Policy Act in 1970, Lew Posekany worked with C. D. Besadny to form the Bureau of Environmental Impact. As leader of the Environmental Screening Unit, Lew continues to advise the Department on water issues as well as other environmental concerns, and participates in many key Department decisions affecting the environment.

NOW, THEREFORE, the Natural Resources Board at its February, 1982 meeting in Madison, Wisconsin, hereby recognizes the service given to the Department of Natural Resources and the State of Wisconsin by Lewis A. Posekany and makes this action a part of its official records. This certificate is an additional, well-deserved recognition.



NATURAL RESOURCES BOARD


John A. Lawton, CHAIRMAN

The State of Wisconsin

Governor's Special Award

This Certificate Is Awarded To

LEWIS A. POSEKANY

*In behalf of the people of Wisconsin in acknowledgement of and
in grateful appreciation for 43+ years of dedicated service to
the State of Wisconsin.*



Dated this 24TH day of FEBRUARY 19 82

Lee Sherman Dreyfus
Governor



The State of Wisconsin

EXECUTIVE OFFICE

MADISON

53702

WARREN P. KNOWLES

GOVERNOR

Mr. Lewis Posckany Sr., Wis. Cons. Dept.
Box 450
Madison, Wisconsin

Dear Mr. Posckany:

Because of your devotion to the cause of conservation, I have taken the liberty of mailing to you these two tickets to the Governor's Award Banquet at the Park Motor Inn in Madison on the evening of Tuesday, December 14th. Wives are especially welcome. If you keep the tickets, as I hope you will, please remit in the accompanying envelope. If you decide not to keep them, please return them in the same envelope not later than December 1st.

This banquet program, sponsored by the Wisconsin Wildlife Federation in cooperation with the National Wildlife Federation and the Sears Roebuck Foundation, will honor the ten leading conservationists of 1965. There will be handsome awards for the State Conservationist of the Year, for the Youth Conservationist of the Year, for the Legislative Conservationist of the Year, the Conservation Organization of the Year, the Conservation Communications Award, and special awards for distinguished achievements in wildlife, soil, water and forestry conservation, and in conservation education.

Thanks again for your services in the cause of Wisconsin's Great Outdoors.

Sincerely,

Warren P. Knowles
Governor

P.S. Oren Gromme has offered us two of his famous wild life paintings valued at \$1,000 each. They will be given away at the banquet.

ENGINEERING DIVISION

NOV 24 1965

RECEIVED



ANTHONY S. EARL

GOVERNOR

December 6, 1984

Mr. Lewis A. Posekany
Environmental Screening Unit Leader
Department of Natural Resources
GEF-II
Madison, Wisconsin

Dear Lew:

You, I understand, have made the big decision to retire in late January. For anyone associated in any way with the Department of Natural Resources, and particularly for those of us who have had the good fortune to work with you, this is almost unbelievable.

It's difficult to realize that a gentleman who has contributed so much to preserving our natural resources, and especially in the environmental areas, would even consider retiring! The work you have done leaves a legacy all of us should strive to attain. We realize there's only one "Lew," but Lew, we do thank you, -- for the work on the Namekagon River, for your excellent work in getting water laws enacted, in setting up the means to enforce those needed laws, -- I could go on and on.

Congratulations, Lew, on retiring with such an excellent record; you wear well.

Kindest regards, and Enjoy!

Sincerely,

A handwritten signature in dark ink, appearing to read "Tony Earl", written in a cursive style.

Anthony S. Earl
Governor
ase/hs



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

October 16, 1984

File Ref:

Mr. Lewis A. Posekany
1726 Orchid Lane
Middleton, WI 53562

Dear Lew:

I wish to extend my congratulations on behalf of the Department for completing 45 years of service on September 15, 1984. I would also like to note your unique position in the Department as it's senior-most employee. It is a tribute to your dedication that you have served the State continuously since 1939, including your military service during World War II.

Your achievements during the last 45 years are also unique. You are recognized by all as having a significant and positive influence on the development of Wisconsin's environmental programs, especially in the critical area of water resources. Your professionalism has earned you the respect of the Wisconsin courts, numerous legislators and your fellow employees. Several Department programs trace their origins to your early efforts to protect the environment of the state at a time when our staff resources and authority were severely limited.

In recognition of your 45 years of outstanding service, I've asked George Meyer to insure that you receive the Department's Service Award recognizing 45 years of service.

Again, congratulations on your 45 years of dedicated service.

Sincerely,


C. D. Besadny
Secretary

cc: George Meyer - ADM/5
H. S. Druckenmiller - EA/3

Lew —
An achievement in
conservation and resource
protection that can't
be beat — and a great
legacy to future generations.
B



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Lew

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

October 19, 1983

File Ref:3600

Mr. Arthur R. Kurtz
4218 Mohawk Drive
Madison, WI 53711

Dear Mr. ~~Kurtz~~ Kurtz:

Thank you for your July 22, 1983 letter giving us an opportunity to submit nominees for the Soil Conservation Society of America, Conservation Achievement Award. Considering your criteria of an individual who has made an exceptional contribution to good land use for a sustained period of time, I would like to nominate Mr. Lewis Posekany.

Lew has been with the Department of Natural Resources and its predecessor, the Wisconsin Conservation Department, for 48 years. He has many notable and outstanding achievements to his credit, although his efforts are hard to document since they cannot be found in literature, scientific journals, or text books. However, his associates, adversaries, friends, and many trout fishermen know that Lew is a dedicated, tireless, and effective advocate of sound good use of our resources. I don't know anyone who has contributed more to protecting Wisconsin's water resources.

The enclosed Milwaukee Journal article, the articles in the DNR Digest, and Lew's resume document his achievements. Thus, I will highlight some of his most outstanding accomplishments because it would be impossible to describe every feat.

Among these is the effort Lew led to preserve the high quality existing uses of the Namekagon River from a hydroelectric project. The Namekagon remains a trout stream and a federally designated wild and scenic river because of his work. The results of the Namekagon River Supreme Court case, which is often referred to as the Muench decision, authorized state agencies to challenge each other in the courts. Furthermore, it established the tradition of the environmental advocate, a task Lew had carried out long before advocacy was popular. He often acted as his own counsel, preparing arguments and cross examining witnesses because the Wisconsin Conservation Department was small and only had one attorney at the time. Consequently, Lew was respected among lawyers for his knowledge of the law, legal procedures, the public trust doctrine, aquatic biology, engineering, and hydrology. He effectively translated his encyclopedic knowledge into the most far-reaching, progressive, and long-lasting decisions the courts have rendered on environmental matters in Wisconsin's--and perhaps the Nation's--history. They have served as the foundation for landmark decisions such as Just v. Marinette Co. It is safe to say that the precedence set in these court decisions has been cited in other cases, leading to environmentally sounder jurisprudence. In fact, the tradition of the environmental advocate still exists. Today it is housed in the Department of Justice and is staffed by two full-time attorneys.

Armed with a body of favorable court decisions and using his knowledge of the law, Lew wrote or revised many of Wisconsin's water laws, including sections 30.18, 30.19, and 30.195, Wisconsin Statutes. Section 30.18 requires permits to divert water from lakes and streams, and it is one of the most important statutes for protecting the high quality streams in Wisconsin's central sands area. During field work on the case of Omernick v. DNR (cited in section 30.18), Lew was threatened at gunpoint with bodily harm by the landowner, and he and his wife were sued for several million dollars of personal liability.

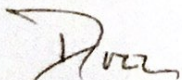
Section 30.19, Wisconsin Statutes, requires a permit to grade or remove topsoil on the banks of a waterway. It also requires a permit to connect any artificial waterway to a navigable water. Section 30.195, Wisconsin Statutes, requires a permit to change the course of stream beds. Both statutes have provided for sound use of our land resources while protecting innumerable miles of Wisconsin's streams.

Lew helped expedite the enforcement of Chapter 30, Wisconsin Statutes, violations by obtaining statutory revisions that permitted Wisconsin Conservation Department wardens to enforce Chapter 30 violations (which were under the jurisdiction of the Public Service Commission). He also developed the DNR/DOT coordination activities which are recognized in section 30.12(4), Wisconsin Statutes. His work in highway liaison produced environmentally compatible highway projects (including a large part of the interstate system in Wisconsin) and established a continuing coordination process with DOT. With the enactment of the National and Wisconsin Environmental Policy Acts (NEPA and WEPA), Lew's DOT highway project review procedures were expanded into other programs and have evolved into the environmental assessment process we know today.

You will note that many of Wisconsin's water laws reference the "ordinary high water mark," which is defined as the point where water and land meet. Below the ordinary high water mark, the public interest is applicable. The public interest in Wisconsin includes the right to fishing, hunting, clean water, scenic beauty, swimming, etc. Lew also worked to expand the definition and protection of these public rights. The Department has jurisdiction on all navigable waters below the ordinary high water mark. Lew established procedures for determining the ordinary high water mark using a combination of indicator aquatic plants, soils, and hydrologic information. Because of the many disputes which resulted between demarcation of the public's interest and private rights, Lew is the state's expert on determining ordinary high water marks. He is regarded in several courts, including the Wisconsin Supreme Court, as the leading authority.

I am hopeful you will recognize Lew's many achievements by granting him this prestigious award. Certainly, it would provide a great deal of satisfaction to him, and would reward him for his many and often dangerous years of service to Wisconsin. However, more importantly, we are thankful for the laws which provide for environmentally sound use of our resources; and the skill, intelligence, dedication, foresight, and environmental ethics of the man who made it happen, Mr. Lewis Posekany.

Sincerely,



C. D. Besadny, Secretary

Enclosures

Middleton Times Tribune Sept 16 1982.

Posekany honored by Trout Unlimited

Lewis Posekany, Chief of the Biological Investigations Section of the Wisconsin Department of Natural Resources since 1970, received Trout Unlimited's Trout Conservation Award for 1982 in the professional category at Trout Unlimited's 23rd Annual Meeting held Aug. 26-28 in Oshkosh. Posekany resides at 1726 Orchid Ln.

Seven individuals and two chapters were recognized by the coldwater conservation organization for outstanding achievements during the past year.

Thomas Sopkovich of Milwaukee, a vice-president of Trout Unlimited, recognized Posekany's

more than 40 years of professional service dedicated to the protection and enhancement of Wisconsin's coldwater resource.

In his early career, Posekany helped rewrite many of Wisconsin's water laws. As Chief of the DNR's Biological Investigations Section, Posekany advises the department on water issues as well as other environmental concerns, and he participates in many key decisions affecting the environment.

Trout Unlimited is a national conservation organization with more than 26,000 members working to preserve, protect, and enhance the coldwater fisheries of

North America. There are 17 Trout Unlimited chapters in Wisconsin

Posekany, TU get environmental tributes

By Larry Sperling
Madison



The first Brogan awards for outstanding achievements in environmental protection were presented at the April Board meeting. (L to R) are: Ronald Ahner, John Brogan, Mary Ann Schoen and Lew Posekany. Ahner, chairman of Trout Unlimited's Wisconsin Council accepted the award for TU's many hours of work to improve Wisconsin's rivers and streams. Posekany was honored for his years of service in developing Wisconsin water laws and practices. Mrs. Schoen received a resolution from the board honoring her husband, Allan Schoen, former Lake Michigan District resident district director, who died last winter. Brogan is a former Natural Resources Council member from Green Bay.

Lewis A. Posekany, a 47-year DNR employee, and Trout Unlimited Wisconsin Council received the first annual John C. Brogan awards for outstanding achievements in environmental protection. The awards were presented at the Natural Resources Board's April meeting in Madison by Brogan and Secretary Buzz Besadny. Posekany currently heads the Biological Investigation Section of the Bureau of Environmental Impact.

In presenting his award, Besadny cited Posekany's work in a variety of controversial jobs. He's "a man who has left his mark in many areas of water management, environmental impact, resource activities and general conservation," Besadny said.

During his colorful career in fish and water management he spearheaded state efforts to define the public-private property line on shorelands, define stream navigability and give one state agency the authority to legally challenge other state

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