### Delaware Sea Level Rise Advisory Committee

### Final Meeting Summary

#### **December 7, 2012**

#### \*updated 1/3/13 to include comments from SLRAC member

**Materials Distributed:**

Agenda

Draft summary of November meeting

Results of online recommendation survey

Selected recommendation lists for discussion and deletion

Voting procedures

\*materials distributed will be available online:

<http://www.dnrec.delaware.gov/coastal/Pages/DESLRAdvisoryCommittee.aspx>

**Key Discussion Points:**

***Old business***

Sarah Cooksey, Delaware Coastal Programs, welcomed the Advisory Committee and explained that the purpose of the meeting was to go over the feedback received from the online survey in regards to the recommendations discussed in the November meeting, discuss the public engagement sessions planned for February 2013, and to vote on the adaptation capacity recommendations that are to be presented to the public at the proposed public engagement sessions scheduled for February 2013.

The updated draft summary of the November 2012 meeting was reviewed and the only revisions that were requested to be made were to the list of attendees.

***Survey feedback***

Susan Love, Delaware Coastal Programs, went over the Adaptation Plan timeline:

November- gained consensus on the 8 broad categories/headings for the recommendations and conducted a survey on the recommendations

December/January- Discuss recommendations that are to be presented to the public

February- Hold 3 public engagement sessions in each of the counties to collect public input on the adaptation recommendations.

March/April- Synthesize information from the public engagement sessions and present the information to the Advisory Committee, as well as begin drafting the Adaptation Plan.

June- Completed Adaptation Plan to send out for publication.

An email was sent out to members of the Advisory Committee, as well as other interested parties, to collect feedback on the recommendations that were collected from the focus group sessions that were held in October 2012. The purpose of the survey was to agree upon some of the recommendations to bring forward for public input. 23 people responded to the survey, of which 12 were committee members, 7 alternates, and 4 public work group members. Ms. Love further discussed how each recommendation was ranked on a scale of -2 to +2 and why certain recommendations will be discussed in this meeting for deletion, acceptance, and others which required more discussion.

***Public engagement sessions***

Kelly Valencik, Delaware Coastal Programs, discussed the three public engagement sessions that are currently being scheduled for February of 2013, one in each county. These public engagement sessions will be held in a similar manner to the ones that were conducted for the Vulnerability Assessment, where there will be two overview presentations about what the Committee has been doing and where we are going, followed by the public having an open information session where they can freely go to the information tables that will be set up at each session. Each session will be held from 4 pm – 7 pm and is currently scheduled to be held on these dates at these times:

Sussex County- February 13 at Cape Henlopen

New Castle County- February 19 at William Penn High School

Kent County- February 25 at Kent county Levy Court.

At each session, the public will be provided with comment forms to encourage them to provide DCP with their input and information. Additionally, all of the information will be made available online for anybody who will not be able to attend the public engagement sessions. DCP requests that committee members attend the sessions to help disseminate information about the recommendations and information about the Adaptation Plan.

***Recommendations to move forward with***

Recommendations that did not receive any significant negative feedback were put on a list of recommendations that would be presented to the public at the public hearings. There was some concern over the wording of the recommendation for the coordination of future land purchases opportunities through the Open Space Council and the Agricultural Land Preservation Program. This recommendation was separated into two separate recommendations, one reflecting the coordination of future land purchases with the Open Space Council and the second, 7b, would read, “Provide technical guidance to the Agricultural Land Preservation Program.” These changes were discussed between Ms. Love and the Delaware Farm Bureau prior to the meeting and had been taken into consideration, but had not previously been included in the revision of the recommendations.

The next recommendation discussed was to evaluate the state Coastal Zone Act for changes that would allow industry more flexibility for adaptation. There was a comment from a member that they could not support opening up the Act itself, but could support review of the regulations. This recommendation was changed to read, “Evaluate the state Coastal Zone Act *regulations* for changes that would allow more flexibility to adapt to sea level rise.”

No official vote was able to occur for any of the recommendations since only 15 Committee members and/or alternates were present and 16 members are needed for a quorum as stated in the voting guidelines for the Sea Level Rise Advisory Committee.

There were several conversations about dissenting opinions on various recommendations as well as the opportunity for Committee members to represent their dissenting opinions at the public engagement sessions or later in the Adaptation Plan process in a minority report.

For recommendation No. 12 under the Provide Consistent and Predictable Policies for Future Growth Section, there was concern over the intent of the recommendation based on the wording used. It was recommended, and agreed upon, to include the phrase, “in response to sea level rise” to read “develop a comprehensive wetlands restoration strategy in response to sea level rise.”

Under the Increasing Public Awareness Section, recommendation No. 4 resulted in a discussion over property owner’s rights and disclosure of information to potential buyers about potential impacts from sea level rise. There were several comments to bring this recommendation to the public for their input, but further discussion and refinement may be needed at the next meeting.

***Draft recommendations where more discussion and refinement is necessary***

Four recommendations were identified for further discussion based upon their low scores. The first draft recommendation discussed was the creation of a coastal road classification. Mr. Kirkpatrick, DelDOT, provided clarification about road classifications and how they relate to federal funding, as well as explaining their current process to phase out roads in Delaware. The federal government does not have a coastal road classification, which when understanding that Federal money is tied to the states highway mileage, could possibly result in affecting the amount of federal money coming to the state. DelDOT can localize roads and transfer them from the State’s responsibility to the county, but changing the classification of a road would not be beneficial. DelDOT has the ability to abandon roads that includes a public hearing process and this is a process they plan to continue and possibly revise internally. After this explanation, it was agreed that the coastal road designation recommendation should be deleted.

Individual septic systems was discussed next and there was a relatively brief discussion about expanding the wording to reflect that allowing additional connections to package plants only be expanded for safety and welfare circumstances, but not for increased development, and would only be a permissive rule change and would not be mandated for all houses in areas that are likely to be affected by sea level rise. There is an existing rule allowing for this, but it only applies to central sewer in level 4, rural, areas to allow for the use of state money. Only Sussex County allows for private WWTP like these, so this would not apply in New Castle or Kent Counties. After the discussion, it was agreed to go forward with the recommendation with the edits discussed.

The expansion of DNREC authority recommendation was discussed and it was recommended to be substantially edited. The original intent in the focus groups was to protect areas that may become future wetlands, though it was agreed that the state could not regulate upland areas. It was recommended to change this recommendation to update the tidal wetland regulatory line on a regular basis to establish existing wetland areas so they can be properly protected under the existing regulations. Additional edits included separating out lands that were no longer productive due to salt water intrusion be bought by the state and incorporated into the Open Space Council and would require guidance for the Agricultural Land Preservation Program. This recommendation was agreed to be included only with the edits recommended, changing the recommendation to a need for an updated tidal wetland line and then additional information about the purchasing of unproductive lands in the Open Space/Agricultural Land Preservation Program recommendation.

The recommendation to modify the hotel accommodations tax resulted in several committee members expressing extreme caution when bringing this recommendation to the public. Even though there was discussion on this recommendation, the Committee member with the most knowledge and advice on this topic was not able to attend the meeting. It was decided to wait until the January meeting to discuss any changes, or deletion, of this recommendation.

***Draft recommendations proposed for deletion***

It was agreed to remove Recommendation No. 7, broad funding sources: Total Maximum Daily Load funds, Cancer Settlement Funds, Hazardous Substance Cleanup fund, etc., from the list of recommendations to be presented to the public. It was mentioned that the public should be encouraged to provide their own ideas on potential funding sources at the public engagement sessions.

It was agreed that recommendation No. 11 to prioritize planning for unincorporated towns is to be removed from the recommendations to be presented to the public since it is duplicative of other recommendations.

Recommendation No. 3 for the signs warning of sea level rise was agreed to be removed from the recommendations to be presented for public input.

Under the economic benefits and socio-economics section, recommendation No. 4 to allow State Revolving Fund money to be spent in Level 4 areas is already allowed and is duplicative of authority that DNREC already has. It was agreed to delete this recommendation.

***Closing comments***

Michael Kirkpatrick, DelDOT, brought up that before going to the public DelDOT is not prepared to move further ahead with the SLRAC adaptation recommendations until there is a statement of support from DNREC’s secretary, the Governor, or a joint statement/agreement from the DNREC and DelDOT secretaries stating that the group is charged to recommend policies and actions, but that changes will only be made with the support and/or consent of our governor and general assembly.  There have been staff changes since the beginning of this process and the reassurance of support from the heads of each section would provide the momentum to make this plan successful.

***Public Comments***

Mr. Allen, Alliance of Bay Communities, mentioned the need for more positive outlooks and less “doom and gloom” scenarios which can be simply accomplished through more positive wording. He further mentioned the beneficial impacts of the dune and beach replenishments and that Primehook and other bay communities are not a function of sea level rise, but shoreline protections.

Peggy Schulz, League of Women Voters, discussed the new information that came out from the Federal government with the new sea level rise scenarios. She stressed the need for the State of Delaware to be adaptive to the new science and as the science shifts, so should the plans that are being developed.

***Adjournment***

*Next Meeting: The next meeting will be held on January 10, 2013 from 0900-1200 at the St. Jones Reserve. To conduct voting consistent with the voting procedures, all available Committee members should try to attend this meeting.*

**Attendees:**

Rick Allen, Alliance of Bay Communities

Tricia Arndt, DE Coastal Programs

Karen Bennet, Bayshore Initiative

Richard Collins, Positive Growth Alliance

Sarah Cooksey, DE Coastal Programs

Mark Davis, DE Department of Agriculture

Barbara DeHaven, DE Economic Dev. Office

Jennifer De Mooy, DNREC Energy and Climate

Mark DiMaio, DE Chamber of Commerce

Molly Ellwood, DE Coastal Programs

Mark Evans, Dover resident

Brenna Goggin, DE Nature Society

Tamika Graham, WILMAPCO

Mary Ellen Gray, Kent County

James Gross, Bethany Beach

Susan Guiteras, US Fish and Wildlife

Mary Ellen Gray, Kent County

Constance Holland, DE Office of State Planning and Coordination

Richard Jones, Nature Conservancy

George Junkin, Bethany Beach

Kevin Kalasz, DE DFW

Karl Kalbacher, NCCo resident

Jim Kirkbride, Wilmington resident

Michael Kirkpatrick, DE Dept. of Transportation

Don Knox, DEMA

Nancy Lawson, Dover resident

Victor Lentonoff, Lewes Town Council

Susan Love, DE Coastal Programs

John Mateyko, Lewes resident

Jeff Montgomery, DE News Journal

Richard Perkins, DE Division of Public Health

Charles Postles, Little Creek resident

John Robinson, Milford resident

Bob Scarborough, DE Coastal Programs

Peggy Schultz, DE League of Women Voters

Jeff Shockley, Sussex County

Gary Stabley, Lewes resident

Bill Swiatek, WILMAPCO

Pam Thornburg-Baker, DE Farm Bureau

Chad Tolman, DE League of Women Voters

Kelly Valencik, DE Coastal Programs

Kevin Whittaker, Home Builders Association of DE