

OPEN SPACE COUNCIL
June 5, 2013, 9:00 a.m.
Legislative Hall
Senate Hearing Room, Second Floor
Dover, Delaware

ATTENDANCE

Council Members:

Mr. John R. Schroeder, Chairperson
Paul Boswell, Esq.
Honorable Gerald Brady, State Representative
Honorable Bruce C. Ennis, State Senator
Ms. Lorraine Fleming
D. Wayne Holden
Mr. David Humes
Mr. Porter Schutt, III

Ex-Officio:

Mr. Charles A. Salkin, State Liaison Officer, LWCF
Mr. Jeff Stone, Director, Infrastructure, &
Inter-Governmental Relations, DEDO, for Secretary Levin

Advisory To:

Secretary Collin O'Mara, DNREC

Visitors

Eric Buehl, Center for the Inland Bays
Marlene Mervine, Nanticoke River Watershed Conservancy

Staff:

Matthew Chesser, Parks & Recreation, DNREC
Ryan Johnson, Parks & Recreation, DNREC
Richard Phifer, Fish & Wildlife, DNREC
Henry Poole, Delaware Forest Service, DOA
Elena Stewart, Parks & Recreation, DNREC
Michael Valenti, Delaware Forest Service, DOA
Ron Vickers, Parks & Recreation, DNREC
Rose Ryödi, Parks & Recreation, DNREC

Call to Order/Announcements

Mr. Schroeder, Chairperson, called the Open Space Council meeting to order at 9:09 a.m. He welcomed Council members, staff and visitors. He said at this time the Open Space Program is slated to receive \$2 million for Fiscal Year 2014 beginning July 1, 2013. He suggested that Council members contact Senators and Representatives to make them aware that the Open Space Program could use more funds, especially in today's market when properties are still available at a relatively good price.

Senator Ennis agreed that the Governor had reduced the Farmland Preservation and Open Space funds but the legislative session is not over yet. The Joint Finance Committee is looking to transfer \$54 million to the Bond Bill and hopefully some of this will go towards land preservation.

I. Approval of Meeting Minutes

Mr. Schroeder asked for a motion to approve the March 13, 2013 minutes. Council approved the minutes as recorded.

II. Financial Report

Mr. Vickers presented the Financial Report:

- The remaining FY2012 and FY2013 Realty Transfer Tax funds: \$13,575,718.81
- Nine previously approved projects totaling: (\$10,123,000.00)
- Three anticipated reimbursements totaling: \$ 1,849,400.00
 - \$1,000,000 from a North American Wetlands Conservation Act federal grant for the Morris property
 - \$829,400 from a Coastal Wetlands Act federal grant for the Yardley Dale property
 - \$20,000 private donation for the Webb property
- Available balance through December 15, 2013: \$5,302,118.81
- Governor proposed \$2,000,000 of Realty Transfer Tax funds for FY2014, available on December 15, 2013.

Mr. Schutt asked how many projects over the next 18 months could be available for Open Space purchase. Mr. Vickers said potentially \$16 million to \$20 million worth of land would be available for purchase. He said there is also the potential for receiving federal funds. However, sequestration is affecting how much might be available on the federal side.

Mr. Humes asked what was Open Space's collateral worth for properties that could be pledged against federal funds. Mr. Vickers said this would need a little more analysis because different federal programs have certain types of lands that meet their requirements. Not all lands that are purchased through the Open Space Program would qualify for federal funds.

Mr. Salkin said most grant programs, federal or otherwise, typically do not allow previously acquired properties to be used as match. Usually a project would require Open Space funds as match. Mrs. Fleming asked if donated property qualifies. Mr. Vickers said it might count depending on the type of property and when the donation occurred.

III. Old Business

A. Completed Projects

Four properties settled since the March 6, 2013 Council meeting:

- Webb Property - Concord Pond
- Straughn Property - Blackbird State Forest
- Straughn Trust - Blackbird State Forest
- Wilson/Waddell Property - Redden State Forest

Since 1991, the Open Space Program completed 357 projects, protecting 53,821 acres, using \$247,402,545.23 of Open Space funds plus \$74,078,661.37 of other funds for a total of \$321,481,206.60.

IV. New Business

A. Conversion of Use: This agenda item is for addressing any change in use or change in ownership of land purchased through the Open Space Program. The Land Protection Act (7 Del. Code, Chapter 75) details the purposes for acquiring land through this Program. The Act also states that one of the duties of the Open Space Council is to advise and consult regarding any change from permanently protected status of open space lands acquired or protected through the Program.

- Cape Henlopen – Epworth United Methodist Church – Mr. Salkin said there have been no further discussions since the last Council meeting. The Church has a new minister and it is restructuring some committees. Mr. Salkin said a meeting is scheduled for Friday, June 7. Mr. Holden asked what is the anticipated outcome. Mr. Salkin said the Division would learn what are the Church's specific interests. The strip of land under discussion is a small area originally set aside at DelDOT's request as a potential road connector. This plan is no longer being pursued. The land is not actively used by the park. Mrs. Fleming suggested using the area for landscaping or entering into a long-term lease. Council agreed that the Division of Parks and Recreation should continue discussions with the Church and bring anything substantive to Council.

B. Agency Presentations: No Agency presentations brought forward.

C. Council Open Discussion: Mrs. Fleming asked if Council members were able to access The Nature Conservancy's report on the Delaware River and Bay. It was suggested that if there were difficulties in receiving or opening the report to contact Mr. Jones at the Conservancy.

D. Public Presentations: No Public presentations brought forward.

V. Discussion of Site Acquisition Contracts - Executive Session

The Council adjourned to Executive Session at 09:33 a.m. to discuss site acquisition contracts. The Council returned to Open Session at 11:07 a.m.

VI. Project Recommendations

Based on discussion in Executive Session, the Council recommended the following:

- A. **Green Horizons - Glatfelter:** 356 acre addition to Redden State Forest; working forestland that connects existing holdings; Open Space funds would leverage \$1,035,000 of federal and private funds; Council moved, seconded, and unanimously agreed to recommend to the Secretary to purchase in fee simple the property using \$320,000 of Open Space funds.

- B. **Hudson:** 3.15 acre addition to the James Branch area of Trap Pond State Park; protects bald cypress natural area along the James Branch and contains small house with potential for facility development; Council moved, seconded, and unanimously agreed to recommend to the Secretary to purchase in fee simple the property for the lesser of the \$210,000 asking price or the appraised value, subject to a boundary survey.

Secretary O'Mara asked for Council's support of Senate Bill 75, an act to move the Parks Endowment Fund and the Delaware Land and Water Conservation Trust Fund endowment to the Delaware Community Foundation. The desired result of this, through better investment and management of the funds, is to increase the amount of money available for maintenance and capital improvements at Delaware State Parks and to increase the amount of money available for local grants and stewardship functions.

Mr. Holden spoke to the effectiveness of the Delaware Community Foundation, noting that the Division of Parks and Recreation currently has a series of endowments at with DCF. He strongly endorsed the bill and moved that the Council send a letter to the General Assembly so stating. Mrs. Fleming seconded the motion. It was moved, seconded and unanimously agreed that a letter go to the legislators.

Mr. Schroeder asked staff to draft a letter for Council's signature.

VII. Next Meeting/Adjournment

The next Open Space Council meeting will be at Legislative Hall, Second Floor, Senate Hearing Room, Dover, DE 19901, on September 11, 2013, starting at 9:00 a.m.

Mr. Schroeder asked for a motion to adjourn. The meeting adjourned at 11:11 a.m.