

OPEN SPACE COUNCIL  
December 7, 2016  
9:00 a.m.  
Legislative Hall  
Senate Hearing Room, Second Floor  
Dover, Delaware

**ATTENDANCE**

Council Members:

Mr. Mr. Schroeder R. Schroeder, Chairperson  
Hon. Gerald Brady  
Senator Bruce Ennis  
Paul Boswell, Esq  
Mrs. Lorraine M. Fleming  
Mr. D. Wayne Holden  
Mr. David Humes  
Mrs. Dorothy P. Leventry  
C. Porter Schutt III

Ex-Officio:

Raymond E. Bivens, State Liaison Officer, LWCF, DNREC

Advisory To:

David S. Small, Cabinet Secretary, DNREC, State of Delaware (present)

Staff:

William Kassab, Esq., DOJ  
Timothy Slavin, Director, HCA  
David Saveikis, Director, F&W  
Matthew Chesser, Parks & Recreation, DNREC  
Elena Stewart, Parks & Recreation, DNREC  
Richard Phifer, Fish & Wildlife, DNREC  
Michael Valenti, State Forestry Administrator, DDA  
Kyle Hoyd, Delaware Forest Service, DDA  
Patrick Emory, Director, Community Services

Visitors:

Lynn Williams, Christina Conservancy  
Nick Roth, ReMr. Schutt, Cape Gazette  
Ted Becker, Mayor, City of Lewes  
Barbara Vaughn, Historic Lewes Byway Committee Member  
Dennis Reardon, Lewes City Council  
Dave Ennis, Lewes Resident



Wilson Heirs	\$140,000.00
Morris	\$100.00
Bennett	\$35,000.00
<b>Total Reimbursements Anticipated</b>	<b>\$451,470.00</b>
<b>Balance Available Through 12/15/17</b>	<b>\$951,306.22</b>

#### **IV. Old Business**

##### **A. Projects Completed Since September 14, 2016**

- a. Norris Property – F&W  
DNEER Blackbird Creek Reserve – 43 acres  
Settled on 10/25/16, OSC put \$283,596.05 towards the \$540,000 purchase price  
TNC will reimburse OSC \$1000  
Balance was a NOAA grant

##### **B. Update on Cooch Property**

Mr. Slavin told the OSC that HCA had partnered with Christina Conservancy to protect the Cooch Property and that a private foundation ended up not coming up with the funding necessary to complete the acquisition. He expressed a desire for the OSC to continue to obligate the \$1.5M for the project while he pursues other private entities. Ms. Williams presented to the OSC on the ecologic significance of the project in addition to its historic and cultural value. Mr. Slavin anticipates it may take another three years.

##### **C. Agency Presentation**

###### **a. Joint Sunset Committee Status**

Julie Fedele, the new Joint Sunset Committee (JSC) Analyst has been contacted concerning the six recommendations that came from the JSC. Ms. Stewart reported that all six recommendations had been met. The only exception was that a minority member had not yet been appointed to the OSC; however, there were currently no vacant seats and the letter had been written to the Governor's Office in 2015 expressing a desire for a minority OSC member. Mr. Schroeder reminded the OSC that the Governor is responsible for appointing members, not the OSC.

Mr. Manus expressed concern that having a searchable online database was a recommendation coming out of the JSC. Ms. Stewart said it was not, but that she had put a searchable database online and would work to make it better. Mr. Manus would like it verified that it wasn't a recommendation coming out of JSC and offered to help "test drive" any new database.

###### **b. Timeline for next steps for LPA requirements**

###### **i. Open Space Program Plan Outline**

Ms. Fleming presented the outline to the OSC. Mr. Schroeder asked the OSC to give Ms. Fleming and Mr. Schutt any feedback on the outline, and if they didn't have input, they would take it to public workshop early next year. Wayne Holden made a motion to approve the draft and Mr. Schutt seconded the motion to move forward with this version of the OS Program Plan

outline. Wayne would like organizations invited to the public workshops and not just the public. Everyone is in support of this being a very public process and looking forward to public input. The motion passed unanimously. Mr. Manus requested all documents be posted online.

ii. Evaluation system draft

Ms. Stewart presented an edited version of the evaluation system that was approved in 2011 for the OSC's approval. After using it for five years, Mr. Phifer, Mr. Valenti and she revisited the evaluation system to improve it. The OSC ultimately agreed to approve the evaluation system in its edited form to go forward for the APA process. Ms. Stewart explained that the biggest change was creating a category for wetlands and prioritizing freshwater wetlands.

Ms. Stewart will work on developing a Start Action Notice with DNREC staff by January 15, 2017; it will be published in the Registrar on February 1<sup>st</sup>. Then February 21<sup>st</sup> would be the soonest a public hearing could take place. Mr. Schutt made a motion to take the evaluation through the APA process and Ms. Fleming seconded the motion, with the understanding that there would be a cover page to the evaluation system explaining the intent, and footnotes for some of the more ambiguous categories. The motion passed unanimously. Mr. Manus said that he liked the discussion and thought a record of why a property was purchased should be kept on record.

iii. 26 year report

Mr. Schroeder introduced the OSC to the work Mr. Vickers has done for the 26 year report. Mr. Schroeder and Ms. Fleming spoke to how comprehensive and wonderful the report is and Mr. Bivens expressed our appreciation for Mr. Vickers doing most of the work as a volunteer once he retired. Mr. Schutt expressed how it's our job to work for the public and how important it is to get it out to the public so everyone knows about the project. There were some questions on the distribution; it definitely will be put online and some hard copies will be published. There will be a press release issued. Mr. Schroeder wants to make sure appreciation was extended to Mr. Vickers. Mr. Manus wants to make sure the OSC knows this report should have been done every five years because of how valuable it is.

iv. Protected lands maps

Ms. Stewart explained that now that the OSC inventory was mapped, she and Mr. Phifer would work towards included non OSC funded properties, and that in combination with privately protected lands would make up the protected lands maps. Those will be developed during the beginning months of 2017 and once they are developed, they will be available in an interactive format, such as First Map.

v. Inventory now online

Ms. Stewart did post a version of a searchable database online and she explained where it was on the DNREC website. Mr. Manus pointed out that

it had security issues and was not easily accessible. Ms. Stewart apologized and explained she was not aware of the problem and would look into fixing it and will expand upon the database.

vi. Annual reports

Ms. Stewart said that annual reports would be submitted on an annual basis at the close of each fiscal year.

vii. 5 yr reports

Ms. Stewart said that after five years, the annual reports would be compiled and create a five year report.

**V. New Business**

A. Council Open Discussion

B. Conversion of Use

a. Rockford Falls – Alapocas Run State Park

Mr. Chesser presented on the conversion of use in Wilmington at the Bancroft Mills complex. Buccini Polin Group (BPG) presented a project to Delaware State Parks that would take 1.53 acres of current State owned property, realign it to become a more cohesive 3.92 acre parcel, and BPG would do capital improvements including a 25 parking space parking lot for the park use, take down an existing building and create a pavilion and open space, create bathrooms and a pavilion at the old train station across the river. Ms. Fleming made a motion to move forward with the conversion of use based on the capital improvements including bathrooms, pavilions, benefit to the stream bed, full ownership of the dam, potential to create a loop trail and Wayne seconded the motion. The motion passed unanimously.

C. Legislative Contact

a. Support for Sussex County Athletic Fields

Mr. Schroeder said that we got two letters from Speaker Peter Schwarzkopf and Senator Ernie Lopez in support of taking open space property behind the Seaside Outlets that would be accessed through Holland Glade Road and a non-profit would operate athletic fields. Mr. Bivens went into details on the proposal and explained that Parks brought the project to the OSC for information purposes only, but using it for athletic fields would not require a decision by the OSC. Mr. Schroeder asked that when land issues come up that DNREC does come to the OSC and let them know. Mr. Bivens agreed.

D. Public Comments

- Ted Becker, Mayor of the City of Lewes, spoke in support of protecting the Great Marsh properties and talked about reasons it was so important to the City of Lewes. Gail Van Gilder, Dave Ennis and Gail Van Gilder were also there to offer their support to the project. Mr. Schroeder explained that we have already obligated \$2M towards the acquisition of a conservation easement on the Groome Church property, but with our current funding situation we could not afford to protect the properties. Mr. Schutt offered that if the City was so interested in protecting the property that they could help find money to protect the properties.
- Sarah Cooksey, director of conservation for the Nature Conservancy, spoke up expressing the importance of tying back the Open Space Program Plan outline to the

statute. Also how supportive TNC is of removing the dam on the Brandywine River by the Bancroft Mills property in conjunction with the conversion of use of the site.

- Linda Cauffman, the chair of the finance committee for Epworth UMC, explained that the church no longer has any intention of putting a cemetery on their property at the Rehoboth Little League fields and she appreciates the OSC's consideration of the sale of the property to Parks.

## **VI. Executive Session**

### **A. Discussion of Site Acquisitions**

## **VII. Open Session**

### **A. Council Project Recommendations**

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

- DNREC, Fish and Wildlife  
Manwearing Property – Mr. Boswell made the motion to recommend obligating \$100,000 of Open Space funds for the acquisition of 16 acres at Blackbird Creek Reserve (DNEER). Ms. Leventry seconded the motion. Motion was approved unanimously.
- DNREC, Fish and Wildlife  
Sinclair Property – Mr. Boswell made the motion to recommend obligating \$1000 of Open Space funds for the acquisition of 61 acres in the Tappahana Wildlife Area. Ms. Leventry seconded the motion. Motion was approved unanimously.
- DNREC, Fish and Wildlife  
Felician Sisters Property – Mr. Boswell made the motion to recommend obligating \$250,000 for the purchase of a conservation easement on the 173.12 acre property pending negotiations with New Castle County for a partnership. This money can be withdrawn at any time. Mr. Schutt seconded the motion. Motion was approved unanimously.
- DNREC, Parks and Recreation  
Epworth UMC Property – Ms. Fleming made the motion to recommend obligating \$225,000 for the purchase of 5.76 acres of the Rehoboth Little League fields with the encouragement to seek an endowment. Mr. Schutt seconded the motion. Motion was approved unanimously.
- DNREC, Parks and Recreation  
Groome Church Property – Mr. Boswell made the motion to continue to reserve \$2M for a conservation easement on the Groome Church portion of the Great Marsh properties subject to the contingency that the funds can be withdrawn at any time. Mr. Holden seconded the motion. Sen. Ennis opposed the motion. The motion carried.

### **Next Meeting Date/Adjournment**

The next meeting of the Open Space Council is scheduled for March 1, 2017 in Legislative Hall, Second Floor, Senate Hearing Room, Dover, DE 19901, starting at 9:00 a.m. The other meetings will be held at the same location on June 7, 2017, September 13, 2017 (pushed back a week because of Labor Day) and December 6, 2017.

Mr. Schroeder thanked everyone and asked for a motion to adjourn.