

OPEN SPACE COUNCIL
March 1, 2017
9:00 a.m.
Legislative Hall
Senate Hearing Room, Second Floor
Dover, Delaware

ATTENDANCE

Council Members:

Mr. John R. Schroeder, Chairperson
Senator Bruce Ennis
Paul Boswell, Esq
Mrs. Lorraine M. Fleming
Mrs. Dorothy P. Leventry

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
David Saveikis, Director, F&W
Matthew Chesser, Parks & Recreation, DNREC
Elena Stewart, Parks & Recreation, DNREC
Richard Phifer, Fish & Wildlife, DNREC
Craig Rhoads, Fish & Wildlife, DNREC
Michael Valenti, State Forestry Administrator, DDA
Kyle Hoyd, Delaware Forest Service, DDA
Patrick Emory, Director, Community Services

Visitors:

David Ennis, Lewes Byways Commission
Andrew Manus, Citizen Conservationist/ Landowner
Jessi Hammond, The Nature Conservancy

I. Call to Order/Introductions/Announcements

Mr. Schroeder, Chairperson, called the March 1, 2017 Open Space Council (OSC) meeting to order. He welcomed Council members, staff, and visitors.

II. Minutes of December 7, 2016 Meeting

John asked for a motion to approve the December 7, 2016 minutes. Motion was made, seconded and unanimously approved, with one clarification. Andrew Manus, visitor, would like to have noted that

a searchable database is an effective tool for the public to use and one that deserves recognition once it is “up and running”. The OSC was very supportive of and receptive to this concept.

III. Financial Report

Elena Stewart presented the financial report:

Open Space Program Fund Summary		
12/7/16		
Current Funds		
Realty Transfer Tax	11/12/2016	\$4,294,598.20
Previously Approved Projects		
	Date Encumbered	
Cooch - HCA	12/14/2013	\$1,500,000.00
Great Marsh - Parks	9/14/2016	\$2,000,000.00
ABC Woodlands II - F&W	9/16/2015	\$1,000.00
Manwaring	12/7/2016	\$100,000.00
Sinclair	12/7/2016	\$1,000.00
Felician Sisters	12/7/2016	\$250,000.00
Total Obligated		\$3,852,000.00
Balance		\$442,598.20
Reimbursements		
Wilson Heirs		\$140,000.00
Bennett		\$35,000.00
Total Reimbursements Anticipated		\$175,000.00
Balance Available Through 12/15/17	\$617,598.20	

IV. Old Business

A. Projects Completed Since December 7, 2016

- Epworth Property
 Settled 2/10/17
 5.76 acres
 \$225,000 OS funds, \$2,000 endowment
- Foskey Property
 Settled 12/8/16
 85 acres
 \$275,000 REPI funds
 \$155,000 donation
- Hesseltine Property
 Settled 12/13/16

~326 acres
\$1,931,000 OS funds

Dorothy Leventry requested a status update for the encumbered projects at the next meeting.

B. Agency Presentation

a. Timeline for next steps for LPA requirements

i. Open Space Program Plan (Plan) Outline

Lorraine Fleming presented the outcomes of the public workshops to the OSC. The Council expressed concern about the timing of the public hearing on the Plan and it was decided to push the date back so there could be more discussion on the Plan. Elena said she would coordinate dates for the public hearing.

ii. Evaluation system draft

Elena reported that the Guidelines to Evaluate Land Being Considered For Permanent Protection (Guidelines) and the corresponding Regulations were published in the March 1, 2017 Delaware Register of Regulations and the public hearing was scheduled for March 23, 2017. It was noted that the definition of “Permanent protection” refers to the “purposes of this chapter” which should be changed to the “purposes of the Act”. It was also noted that the subjective portion of the Guidelines were just as important, if not more important, than the quantitative portion of the Guidelines.

iii. 26 year report

Elena reported that hard copies of the report would be available at the next meeting. There was discussion about who would get the hard copies of the report but no decision was made.

iv. Protected lands maps

Elena showed maps of what the mapped Open Space lands look like and expressed concern over the wording in the amended Land Protection Act that requires all “land protected by public entities and private land preservation organizations” be shown on the maps ([7 Del. C. § 7507A\(c\)\(1\)](#)). It was noted that some private land owners may not want their land showed on the maps. Elena hoped to have a layer developed for First Map by the June meeting.

v. Annual reports

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

vi. 5 yr reports

Elena 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. Public Comments

- Andrew Manus wanted to know if the public comments from the public workshops were available online. Elena said they were not. It was questioned whether the people who made the comments wanted them to be public. Andrew said to feel free to make his comments open to the public.

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
Ted Harvey Conservation Area & Mispillion Harbor Reserve
\$10,000 unanimously approved to use towards settlement costs
- DNREC, Fish and Wildlife
Dukes Property
\$10,000 unanimously approved
- DNREC, Parks and Recreation
Syphard Property
\$350,000 unanimously approved
- DNREC, Parks and Recreation
Great Marsh
\$2M to be held in reserve unless needed by another project
 - 4 voted in support of the project, 1 (Sen. Ennis) voted against the project.
 - Dorothy expressed her desire to ensure there would be public access if any Open Space funds were put towards the project

Next Meeting Date/Adjournment

The next meeting of the Open Space Council is scheduled for June 7, 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 September 13, 2017 and December 6, 2017.

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