

Biodiversity Steering Committee Meeting
Minutes
June 12, 2002

Members Present: Nick DiPasquale, Karen Bennett, Herb Inden, Lloyd Alexander, Maria Taylor, Lori Spagnolo, Austin Short, Loraine Fleming, Mike McGrath, Phil Cherry, Greg Breese, Sherri Evans-Stanton, Sally Kepfer

- I. Opening Remarks** – Nick DiPasquale, Chair: Nick gave some general comments about pending legislation (Isolated Wetlands) in the General Assembly and indicated the legislation would be discussed in more detail.

II. Implementation Team Reports

Science Team - Karen Bennett discussed three action items that the team has worked on.

- 1) The Team completed the native lists of species and natural communities. The next step is to have a final review of the lists and then to put the information on the Intranet as well as other methods of distribution.
- 2) Dave Carter held the Biodiversity workshop in February and staff produced a draft assessment as well as collected inventory sheets from DNREC and other agencies on biodiversity. The draft was circulated for comments and Karen anticipates that the assessment will be completed in July 2002.
- 3) A proposal to fund one-half of the “BioLegacy” mapping high priority areas has been submitted to NOAA and is under review by them. DNREC is currently responding to their comments and will tie in coastal sprawl issues in their response. The second half of the project is likely to come from state wildlife funding. We should know by September what NOAA would contribute to the project.

Education and Outreach – Maria Taylor submitted a request for funding a baseline biodiversity survey to the general public. It would serve as a pre-test to measure effectiveness of initiatives and help target outreach and education efforts. In addition, the first phase of the communication plan is being developed. This includes: 1) establishing a biodiversity network to link approximately 25 organizations; 2) establishing liaison relationships with implementation teams; 3) Serving as a clearing out on biodiversity programs, brochures, articles, and publications of biodiversity; and 4) assisting in drafting a newsletter to update past symposium attendees. Maria requested names of consultants or groups with expertise in biodiversity surveys. The next phase for the Team will include revamping the biodiversity website and direct outreach to members of the media to enlist a special level of support of reporting on biodiversity.

Land Use Planning – Herb Inden said that the Team has designed a tracking mechanism to aid the counties in tracking biodiversity initiatives in their comprehensive land use plans. The work will fit into the broader Livable Delaware initiative. The counties will be receiving updated maps by June

30, 2002. These maps will include: riparian areas, forested lands (both protected and unprotected), agricultural districts and other protected lands. The original maps sent to the counties were not used, so the Team came up with an alternative. Members of the Team will have individual meetings with county administrators and planners for each county. Starting with Kent County, a PowerPoint presentation will be made that demonstrates the mapping capabilities and various data layers available to the county. Then, staff will work with the county to customize the information. This same process will also be used in New Castle and Sussex counties. The Steering Committee suggested that presentations also be made before the planning and zoning commissions of each county. In addition, recently DCMP started working on a model conservation design guide for this year's grant.

Resource Management – Lori Spagnolo said that this Team identified coordination and money as the primary problems with landowner incentive programs. The Team needs a list of criteria to evaluate and give priority points for applications for funding that reflect biodiversity. Lori requested that the Science Committee help identify the criteria. The Team is targeting August to have the biodiversity criteria identified in order to have input in the criteria for funding under the Farm Bill. Multi-state and federal agencies are working on this effort to leverage funding for biodiversity. The Steering Committee discussed that Delaware can't afford to lose the state match for the Farm Bill. Mike Scuse will be contacting the resource agencies to pull together meeting to talk about farm bill programs and coordination. Lori also mentioned that team members felt that more money was needed for on the ground implementation.

The next phase will include moving projects forward, looking at forest conservation legislation and developing a habitat conservation program. Nick indicated that the counties are talking about how to "get in the game". He recently met w/Frank Hudson and Wendy Baker. Nick offered to invite Wendy, who is the lead person with the Sussex County Land Trust, to make a presentation at a future Steering Committee meeting. He recommends that we take advantage of their expressed interest and suggest where they could be most effective.

III. Legislative Update (Isolated Wetlands) – Nick DiPasquale said that Dave Small, Bob Zimmerman, and Sherri have been the point persons in DNREC on the amendment. The developers have indicated they have major concerns with the legislation and the agricultural community has also expressed concerns. Nick was encouraged that bill wasn't dead. The Department offered several amendments that addressed issues expressed in committee hearing as described below:

- 1) Following a meeting with the U.S. Army Corps of Engineers, the language was clarified that the Corps will determine whether wetlands are waters of the United States. If not, the state will regulate them.
- 2) The maps would be used for guidance and information, not to use as jurisdictional determinations.

- 3) To address concerns about the conservation buffers for Class 1 nonfederal isolated wetland, a waiver procedure was added to allow the Secretary to waive the buffer if the proposed activities don't have an impact on adjacent federal land or if there is an unusual hardship. In addition, a provision was included to allow a landowner to submit a "buffer averaging plan" (similar to NJ law).
- 4) An amendment was added to allow removal of plants and trees in areas of wooded wetlands to allow for complete rotation of center pivot irrigation systems. Conversion of that property to agricultural lands will not be allowed.
- 5) Other minor changes were proposed. Concerns were expressed by NRCS over the term, "nonfederal" because they still retain some jurisdiction. Nick asked that NRCS review and comment on the proposed language.

IV. Other Issues

Future Symposium – The Steering Committee agreed that the timing was right to start organizing a future symposium. Funding for the symposium could come from agencies and named sponsors. The first step will be to identify interested folks to serve on a planning committee. A notice will be provided in the newsletter seeking volunteers.

Proposal for additional support by ELI – The remaining balance in contract funds obligated to ELI is \$9,500. Sherri and Bob Z. talked with Jessica of ELI and identified five potential areas where ELI could provide useful information. In addition, ELI was asked whether they would be interested in assisting in organizing the follow-up symposium. They felt they could offer more in the area of research. Of the five areas, it was felt that there is already a lot of information available with respect to both landowner incentive programs and valuing ecological services. ELI was asked to develop a research proposal around forest conservation, endangered species and habitat conservation. The Steering Committee felt that \$9500 was not enough to do all three projects and recommended that ELI narrow its focus to researching other forest conservation programs with the idea of developing a model program for Delaware. They requested that ELI develop a scope of work to review.

University of Delaware Involvement in Biodiversity – Sherri spoke with the Acting Provost at the University of Delaware to discuss becoming actively involved in the implementation teams, participating in the biodiversity network, and being involved in the upcoming symposium. Both the Center for Energy and the Environment and the College of Marine Studies are interested. It was suggested that we also offer a meeting with Delaware State University. The Steering Committee believes that issues relating to biodiversity should be incorporated in work done by graduate students and faculty.

Newsletter – Sherri requested that comments be forwarded to her by noon Thursday. The Steering Committee discussed providing updates twice or maybe three times a year. Several members suggested including more detail on the web. The group discussed the possibility of adding a subscription

list/request on the website. Several of the members on the Steering Committee need to be replaced because they moved. In addition, the Co-chairs of the Implementation Teams need to be added. The Newsletter will be distributed to: symposium attendees, legislators, county councils, zoning and planning councils, and the Advisory Committee of the Livable Delaware Initiative.

Next meeting date: Sept 18th 1:30 – 3:30 Wed.
Location to be announced.