

SURFACE WATER MANAGEMENT TASK FORCE

FEBRUARY 3, 2005 MEETING MINUTES

DuPONT BALLROOM

MODERN MATURITY CENTER – DOVER, DELAWARE

The Task Force was established by Governor Ruth Ann Minner on December 17, 2004 by Executive Order Number 62.

Task Force Members Present:

John Hughes (chair)	Secretary, DNREC
Senator David McBride	Chair, Senate Natural Resources Committee
Representative Roger Roy	Co-chair, Bond Bill Committee
Lori Rigby (for Rep. Joseph Booth)	Staff Member, House of Representatives
David Singleton	Chief Administrative Officer, New Castle County
Charles Baker	General Manager of Land Use, New Castle County
David Burris (for Robert McLeod)	President, Kent County Levy Court
Gary Stabley	President, Lewes Board of Public Works
Kash Srinivasan	Commissioner of Public Works, Wilmington
Paul Morrill	Town Manager, Delaware City
Larry Irelan	New Castle Conservation District
Jared Adkins	Kent Conservation District
Jeff Bross	Duffield Associates
Jeff Seemans	Blenheim Homes
Rick Woodin	Homebuilders Association of Delaware
Stephanie Hansen	Richards Layton and Finger
John Talley	State Geologist, Delaware Geologic Survey
Paul Petrichenko	Natural Resources Conservation Service (Dover)
Ralph Reeb	Director of Planning, DelDOT
Eileen Butler	Delaware Nature Society
Robert Stickels	County Administrator, Sussex County

Task Force Members Not in Attendance:

Senator Robert Venables	Co-chair, Bond Bill Committee
Scott Koenig	Director of Public Works, Dover
Ed Bender	Sussex Conservation District

Non Task Force members also in attendance included Lee Ann Walling from Governor Minner's office; Janet Kilpatrick from the House of Representatives staff, Kevin Donnelly and Laura Herr from DNREC Division of Water Resources; and Robert Baldwin, Frank Piorko, Randy Greer, David Twing, and Kathy Osterhout from DNREC Division of Soil and Water Conservation. Members of the public were also present.

Minutes from the January 21, 2005 meeting were approved without revision.

Post meeting correction from January 21, 2005 minutes. Lori Rigby was in attendance on behalf of Representative Joseph Booth. Senator Robert Venables was not in attendance.

Secretary Hughes introduced Bill Mueller from the Corps of Engineers Philadelphia District. Mr. Mueller gave a presentation which summarized the Corps project process. In general, a local sponsor identifies a problem and requests District assistance. The District evaluates the problem and determines the appropriate program. For smaller projects, the District can request funds from the Continuing Authorities Program but larger projects require the starting of a General Investigation for a new project. The earliest funding for the latter category is at least two years. Mr. Mueller also summarized the cost share requirements for General Investigations as well as various individual programs under the Continuing Authorities Program and their cost share requirements. Of these latter programs, he confided that funds for Section 205 which addresses flood damage reduction are spread too thin among the Districts and the program is essentially overloaded. The Little Mill Creek construction and Elsmere feasibility study are being funded under this program. Mr. Mueller also summarized Section 206, Aquatic Restoration and Section 1135, Ecosystem Restoration programs. Finally, he advised that if a project will cost less than \$500,000, it is not in the best interest of the local sponsor to seek Corps assistance.

Mr. Hughes noted that the State has already contributed \$580,000 for its share to the Little Mill Creek project but the Corps does not currently have its portion of the funds available. He said Delaware's congressional delegation is working to secure these funds.

Mr. Seemans asked if the FEMA (Federal Emergency Management Agency) maps, some of which date to the 1980's, are reliable. Mr. Mueller answered that in areas which have since seen a significant amount of development, the maps are outdated. Mr. Hughes stated that DNREC staff member Mike Powell will give a presentation on flood plain issues at the next Task Force meeting.

Mr. Bross presented an overview of the Shellpot Creek study, performed in the late 1990's, as an example of a small watershed study. The study was essentially an inventory of historic and emerging flooding problems and included validation of the problems, preliminary solutions and costs, and ranking by priority. Public education was a primary component and included bulletins, public meetings, and one of the first web site applications for this type of project in the State. Structural and nonstructural recommendations were made and prioritized for the top 24 projects, seven of which have been completed to date and another five are ongoing. Funds for these, estimated to be in the \$25 to \$30 million range, were obtained from several sources including the 21st Century Fund, DelDOT, and New Castle County. The study itself cost about \$160,000 and was completed within a year.

Mr. Seemans asked if any other watersheds have been studied to the same degree as Shellpot. Mr. Bross clarified that the Shellpot study did not include detailed hydraulic modeling nor did the Naamans Creek study. The ongoing Red Clay study will include this level of study but will not have the same holistic or educational component. Mr. Seemans also asked how the portion of the Red Clay watershed in Pennsylvania will be addressed. Mr. Bross stated that the study will include Pennsylvania impacts but a bi-state agreement would be needed to implement projects.

Mr. Morrill inquired if the same sort of approach could be used in a watershed where development is emerging. Mr. Irelan replied that the Shellpot and Naamans studies were basically reactive studies. Mr. Talley asked how the water quality components of the TMDL (total maximum daily loads) studies would be tied into studies that were more geared to water quantity impacts. Mr. Bross stated they were parallel efforts. Mr. Donnelly confirmed the bi-state TMDL effort which is focusing on nutrients, bacteria, and DO (dissolved oxygen) and has been a four year effort to date.

Mr. Piorko gave a presentation on stormwater, drainage, and flood control program funding. DNREC's Sediment and Stormwater Program spends \$672,000 annually which includes personnel and funds to local agencies. When this figure is added to expenditures by the three conservation districts, New Castle County Land Use, DeIDOT, and the cities of Wilmington, Newark, and Middletown, total statewide spending is \$2.3 million. Statewide spending on the NPDES (National Pollutant Discharge Elimination System) program is \$3.2 million of which DeIDOT's contribution is \$2.6 million. The Bond Bill provides \$1.1 million to the statewide drainage program and the county match is \$300,000. The 21st Century Fund provided \$5.5 million in Fiscal Year 2005 and requires a 25 percent match. DeIDOT is spending over \$7.5 million annually on capital improvement projects combined with maintenance. New Castle County spent over \$10 million this past year. All told, in excess of \$23 million is spent annually addressing drainage and flood control in the State.

There being no questions for the Task Force, Secretary Hughes called for a five minute break.

Secretary Hughes distributed proposed subcommittees names, topics for discussion, and how they support Governor Minner's Executive Order. The proposed subcommittees were Land Use and Regulation, Governance, Maintenance and Restoration, and Finance and sign up sheets were distributed. The Secretary stated the bulk of detail work would occur at the subcommittee level and that Kathy Osterhout would be available to assist with room reservations, document preparation, etc. Comments were requested from the public but there were none.

Ms. Walling asked if the subcommittees were acceptable as is to all. There were brief comments but none that were dissenting. Secretary Hughes reiterated that DNREC staff as well as others such as Connie Holland from the Office of State Planning could be made available. He summarized each subcommittee and their charges.

Mr. Burris asked what was meant by a public ditch as opposed to a tax ditch. Secretary Hughes stated that a public ditch is constructed and funded once without a long term maintenance set up typical of tax ditches. Mr. Stickels asked if a member could serve on more than one committee and was told yes.

Mr. Baker asked how maintenance corporations and homeowner groups would be addressed. Secretary Hughes stated these as well as a potential surface water utility would best be addressed by the Finance Subcommittee. Mr. Morrill opined that the whole funding issue was still too vague and needed better definition. Secretary Hughes agreed but noted that each subcommittee would be expected to report to the Task Force every two weeks and this would help define the parameters.

Mr. Burris thought that not everyone had a good understanding of the differences in the three counties. Secretary Hughes agreed that in addition to administrative differences, they also vary geographically and temporally as far as when development occurred. He said he assumed one of the outcomes of this process would be the counties telling the Task Force and/or DNREC what they want or need.

Mr. Stickels observed that there were few local governments represented on the Task Force. He mentioned a current dispute between Sussex County and SCAT (Sussex County Association of Towns) and thought efforts would need to be on the State level.

Mr. Morrill said that breaking into subcommittees without a clear focus or direction could actually lengthen the process. Mr. Bross agreed that each subcommittee would need to get past the learning curve very quickly. It was generally agreed that each subcommittee would continually refocus by reporting to the Task Force every two weeks.

Secretary Hughes read the names of the members of each subcommittee. These are attached. Mr. Piorko stated that the subcommittee chairs would meet separately from the Task Force itself to integrate better. He also said that staff would be provided to each subcommittee.

Secretary Hughes again asked for public comment but there was none. Representative Roy suggested that the meeting temporarily adjourn so each subcommittee could meet separately. This was done for approximately ten minutes. Upon return, Secretary Hughes pledged the creation of a web site and stated that any member of the public who wished to be informed about subcommittee meetings could have their names added to an Email distribution list. He also stated that staff contacts for each subcommittee would be conveyed by Email.

Next Task Force Meeting: Thursday February 17, 2005 at 10:00

Future Task Force Meetings: Thursday March 3, 2005 at 10:00
Thursday March 17, 2005 at 10:00
Thursday March 31, 2005 at 10:00

PLEASE NOTE CHANGE IN TIME.

Meetings locations will be announced in advance.