

CENTER FOR THE INLAND BAYS

BOARD OF DIRECTORS'

Meeting Minutes

Center for the Inland Bays Office
Rehoboth Beach, Delaware

September 28, 2012

APPROVED DECEMBER 14, 2012

ATTENDANCE:

<i>Board Members Present</i>	<i>EPA Representatives</i>
Dr. Bill McGowan (<i>Interim Chair, SCD</i>)	Ed Ambrogio
Gordon Wood (<i>SCAT</i>)	
Joanne Cabry (<i>Treasurer</i>)	<i>Center for the Inland Bays Staff</i>
Secretary Ed Kee (<i>DDA</i>)	E.J. Chalabala
Nancy Cabrera-Santos (<i>CAC</i>)	Chris Bason
Scott Andres (<i>STAC</i>)	Sally Boswell
	Jenn Jones
<i>Board Alternates Present</i>	Loretta Smith
Frank Piorko (<i>DNREC</i>)	Roy Miller
Hal Godwin (<i>Sussex County</i>)	Eric Buehl
	Bart Wilson
<i>Board Members Absent</i>	
Secretary Collin O'Mara (<i>DNREC</i>)	<i>Public Attendees</i>
Todd Lawson (<i>Sussex County</i>)	Melissa Steele (<i>Cape Gazette</i>)
Rick Eakle (<i>Chair</i>)	Jay Headman (<i>CAC</i>)

SUMMARY OF MOTIONS

1. Motion by Sec. Ed Kee to approve the minutes of the MAR 30, 2012 meeting of the Board of Directors as written; seconded by J. Cabry. Passed unanimously.
2. Motion by Sec. Ed Kee to approve the FY2012 Board budget summary as presented; seconded. Passed unanimously.

3. Motion by B. McGowan to amend the FY2013 budget by including an additional \$19,200 in DNREC pass through grant monies; \$8,703 of which replaced Other Funds and \$10,497 of which was added to Projects. Seconded by J. Cabry. Passed unanimously.
4. Motion by Sec. Kee to adopt the 2012 Addendum to the CCMP; seconded by N. Cabrera-Santos. Motion passed with seven votes in favor and one vote of opposition by Sussex County. After the break, motion to reconsider moved by G. Wood; seconded and restated by Sec. Kee. The vote was seven in favor and one abstention by Sussex County.
5. Motion by G. Wood to move the Board Election to the December 14 Board Meeting; seconded by N. Cabrera-Santos. Passed unanimously.
6. Motion to adjourn by B. McGowan; seconded by N. Cabrera-Santos. Passed unanimously.

CALL TO ORDER/WELCOME

Interim Chair Dr. Bill McGowan called the meeting to order at 9:35 a.m. Meeting participants were asked to join in reciting the Pledge of Allegiance.

Dr. McGowan reminded the Board that Rick Eakle has stepped aside as Chair for the time being to run for public office.

Kent Price Memorial Plaque Dedication

Dr. McGowan remembered that his first interactions with the Inland Bays were with Kent Price. He remembered Kent as a calm, steady leader who was a gentleman and a scholar whose influence is all over the Center. C. Bason directed the Board's attention to the memorial plaque and read its dedication aloud.

MINUTES:

Secretary's Report/Approval of Minutes

The Secretary directed attention to the minutes and requested discussion or changes. A motion was requested to accept the minutes of the JUN 22, 2012 Board Meeting. Joanne Cabry motioned to approve the minutes as written; Sec. Ed Kee seconded the motion. The motion passed unanimously.

Treasurer's Report/FY2013 Budget Amendment

J. Cabry asked the Board to amend to the FY2013 operating budget to include an additional \$19,200 received from the State of Delaware DNREC pass through grant. B. McGowan requested a motion to accept the budget as amended. Sec. Kee asked if the amendment was reflected in the Board budget summary. The Board budget summary

reflected the spending to date for fiscal year 2012, but did not include the amendment to the FY2013 budget. J. Cabry and C. Bason acknowledged this oversight. J. Cabry requested a motion to approve the FY2012 Board budget summary as presented and Sec. Kee so motioned, and was seconded. The motion passed unanimously. J. Cabry explained how the FY2013 budget was amended by replacing \$8,703 from Other Funds with part of the \$19,200 and adding the remaining \$10,497 to Projects, increasing the bottom line accordingly. Sec. Kee requested the approval of the FY2013 budget as amended and B. McGowan so moved with J. Cabry seconding the motion. The motion carried with all in favor.

COMMITTEE REPORTS:

Citizens Advisory Committee (CAC)

Chair of the CAC Nancy Cabrera-Santos introduced herself to the Board. Nancy shared guidance from the Executive Director to the CAC concerning CAC's role. Nancy shared that the CAC has been disgruntled in the past. The CAC is working on increasing its diversity and membership. The CAC has formed a Steering Committee and is working on supporting the Center's Speakers Bureau. The CAC has requested that the Executive Director request of DNREC the annual nutrient loads to the tributaries of the Inland Bays relative to their Total Maximum Daily Loads (TMDLs). The CAC will use this information to present to homeowners on the health of their creeks. Nancy invited the Board to attend the CAC meetings which will occur on the third Thursday of every other month starting in January. Nancy reported that Secretary Collin O'mara would address the CAC at their November meeting. She finished her report by quoting from the Dali Lama --"The end to human conflict is dialogue." Bill McGowan complimented Nancy on her report and work with the CAC.

Scientific & Technical Advisory Committee (STAC)

STAC Chair Scott Andres introduced himself to the Board of Directors. He has been involved with CIB since 1989. He reported that the process of the STAC has worked very well since its inception and that he does not want to mess with what works. He reported that he believes there is more opportunity for the STAC to interact with the CAC.

He reported that at the last STAC meeting presentations on the work of the Shellfish Aquaculture Tiger Team were made by CIB staff Bart Wilson and E.J. Chalabala. Lisa Kellogg from the Virginia Institute of Marine Science also reported on the environmental benefits of shellfish aquaculture. Holly Michael of the University of Delaware presented her work on the movement of groundwater from the watershed up into the bottom of the

Bay. Dr. Michael has found that most of the water entering the Bays is doing so by entering up into the bottom of the Bays: submarine groundwater discharge.

Sec. Kee asked Dr. Andres about the scientific capacity to track the sources of phosphorus entering Bays using isotopes. Dr. Andres replied that the capacity to do so has greatly increased with technology within the last ten years.

Ed Ambrogio asked if the work on submarine groundwater could allow for calculating nutrient loads as proportion of the Bays overall budget. Dr. Andres replied that the work being accomplished now will help answer that question, but that it is being conducted on a local scale and is not ready to be scaled-up to the watershed level yet.

Gordon Wood remarked that Ocean View and Millville have been almost fully sewered and asked if monitoring was being conducted to demonstrate the effects on the Bays. Dr. Andres replied that nutrient concentration monitoring has been ongoing in White's Creek since 1972. He explained that detecting effects of a single management when so many different management changes have occurred is very difficult. Gordon said that White's creek would be a good area to study further. N. Cabrera-Santos agreed.

Water Use Plan Implementation Committee

C. Bason reported that WUPIC conducted another successful Inland Bays Clean Up. A total of 55 volunteers collected 2,640 pounds of trash and debris. He thanked E.J. Chalabala for his coordination of the event. The WUPIC has plans for a crab pot pickup and Little Assawoman Bay Clean Up sometime after December 1st. WUPIC is also set to engage DNREC on developing funding strategies for waterway management in the Inland Bays given that the USACE has relinquished most responsibility to the State.

Shellfish Aquaculture Tiger Team

C. Bason reported that the full team has met monthly for the last 5 months. The GIS Information Gathering and Synthesizing subcommittee has met 4 times. The Policy Funding and Permitting as well as the Education and Outreach subcommittee has met 3 times. The Team is working towards finalized proposed lease areas, rewritten code and law, outreach efforts and permitting procedures. We have produced a brochure that talks about these efforts along with factual information about the economic and environmental benefits of shellfish aquaculture. C. Bason stressed the environmental benefits of aquaculture remarking that an acre of oysters on leased bottom could remove over 600 pounds of nitrogen and 89 pounds of phosphorus per year. The team looks to introduce new legislation into the General Assembly at the beginning of the year. Six public outreach presentations have been given regarding this initiative.

Ed Ambrogio asked about filtration information relating to other bivalves. E.J. Chalabala remarked that there is information on the filtration benefits of clams but little on scallops.

Ed Kee asked for any comments to changes required of the Delaware Code to allow for aquaculture. C. Bason replied that the plan remains to separate out the Inland Bays from the existing code which focuses primarily on Delaware Bay. The Team is still awaiting responses from the Attorney Generals from DA and DNREC on how to draft the code but is going forward with a draft in lieu of input. Ed Kee replied that code must first be passed and then regulations developed prior to any implementation.

J. Cabry remarked that she had received many compliments about E.J. Chalabala's aquaculture presentation at the Lewes farmers market.

Executive Committee

The Chair directed the Board to the meeting minutes. The Chair remarked that the Committee meets with the Director to work through what business should be brought to the Board. He explained that the request for comment on the Castaway's development rezoning proposal near the James Farm was not brought to the Board because the Center does not take positions on individual projects due to the availability of staff effort. The Chair asked N. Cabrera-Santos if she intended to bring a proposal to amend the CAC's mission statement to the Board today, and she replied that she intended to postpone this in favor of bringing a number of changes to the CAC Operating Rules to the Board for consideration in 2013. The Chair commented that the Executive Committee meeting was very productive and a useful dialogue with the new CAC leadership. J. Cabry seconded the Chair's comment and remarked she is excited to work with the CAC.

AGENCY REPORTS:

Sussex County

H. Godwin had nothing new to report save the continued expansion of centralized sewer.

Department of Natural Resources & Environmental Control

Frank Piorko reported that UD, DA, and DNREC are coordinating on a workshop on water quality data modeling and management. He mentioned Secretary O'Mara's confirmation of the adoption of the CCMP addendum. He reported that there will be an Indian River booming exercise conducted in mid-March in coordination with Delaware's oil spill contingency plan and the Coast Guard. DNREC will resume dredging in Pepper Creek this month and is working with the CIB to secure a permit to perform thin layer application of dredge spoils on nearby marshes to raise their elevation in the face of sea level rise. DNREC feels this is the sediment management alternative of the future for the Inland Bays. He mentioned that the joint CIB/DNREC planning study for enhancing

Middle Island with dredge spoils had also been completed and that funding is needed for implementation. He reported that UD, DNREC and the USACE met recently at the jetty walls of the Indian River Inlet to discuss circulation patterns, repair of the jetty's, and sedimentation.

G. Wood asked Frank how much consideration shoreline erosion was given during the permitting process to dredge Pepper Creek. Frank replied that a good deal of consideration was made and that is why dredge material is intended to be returned to the marshes. Shoreline erosion is a consideration of every dredge permit. G.Wood stated that every ounce of dredge material hauled out of Pepper Creek would come from a shoreline eventually. He mentioned islands disappeared in White's Creek because no consideration to erosion was given to dredging. Frank replied that the concerns are warranted but there was disagreement on the issue; he invited further discussion.

Delaware Department of Agriculture

Sec. Kee reported that the previously mentioned water quality workshop will be a discussion on how monitoring is conducted in Delaware. Sec. Kee mentioned the need among agencies to discuss how monitoring data is used to assess progress on meeting TMDLs. He remarked that an EPA Chesapeake Bay model currently overestimates the amount of nutrients in poultry manure by many times. DA is working with the EPA to update the data that informs the Chesapeake Bay model.

Sec. Kee also applauded the efforts of the CAC to increase diversity. He thanked E.J. and Chris for their patience and endurance on the aquaculture initiative. He commented he was proud to have his quote on the front of the brochure and he mentioned the amazing resistance to change affecting the initiative.

Sec. Kee reported that the national drought has driven up corn prices by 33%, and that 70% of the cost of raising chickens is related to feed. Ninety-nine percent of Delaware farmers have a nutrient management plan. He mentioned that EPA has reported that in the Chesapeake drainage system agriculture has reduced its nutrient loading by 40% over the last 10 years; mostly due to best management practices. However, pollution from population growth is trumping that improvement.

S. Andres mentioned that Maryland has had a program, the Maryland Water Quality Monitoring Council, in place for over thirty years that replicates the function of the proposed water quality monitoring meeting in Delaware. The Council serves well as a clearing house and discussion forum.

Sussex Conservation District

B. McGowan gave the report for the District. David Baird has been hired as the District Coordinator. The former Coordinator, Debbie Absher, is transitioning to the agricultural programs area. The District has been awarded a surface water planning grant to retrofit a development that was built prior to Delaware stormwater regulations. The District is working with CIB on a stormwater maintenance seminar.

Sussex County Association of Towns

G. Wood had nothing to report from SCAT other than he was pleased the Center has stayed out of the politics of local zoning and stuck to providing technical data on zoning issues.

Environmental Protection Agency

Ed Ambrogio gave the report. Representatives from South Bethany recently met with EPA on dead end canals, stormwater retrofits, tidal pumps, and canal diffusers. EPA encouraged the Town towards projects to keep nutrients out of the canals. The Town will install a diffuser pilot project. Ed will poll the National Estuary Programs to try and help assist the Town. A discussion between Ed, Frank Piorko, and member of the public, Jay Headmen, later ensued about the approach of the Town of South Bethany to reduce pollution.

EPA is working on a twenty year strategic plan for ocean and coastal work including operational priorities. A number of priorities will involve work that estuary programs are involved in, including: nutrients, marine debris control, invasive species introduction from vessels, habitat acres, ocean disposal of dredge material, recreational beach closure issues, and coastal climate change impacts.

He reported on a large meeting sponsored by the National Ocean Council to form up a regional planning body for the Mid-Atlantic to implement Ocean Planning activities will that will occur in November.

He reported that he will attend next week a joint STAC/Estuary Implementation Committee meeting of the Partnership of the Delaware Estuary to review CCMP actions and develop quantifiable implementation goals.

General Assembly Updates

House

J. Cabry had nothing to report from the House since it was not in session.

Senate

No report.

OLD BUSINESS

CCMP Update

Roy Miller provided a detailed description of the year and half long process of the work of Center staff and the CCMP Update Steering Committee to develop the 2012 Addendum. He provided the Board with handouts illustrating the timeline and referred them to the final Addendum document.

N. Cabrera-Santos complimented the user friendliness of the document. She asked about how the public comments were included in the document. Roy replied that public comments that fit within the framework developed by the Steering Committee were included into the actions and some were marked by asterisks to denote this.

C. Bason complimented Roy's work. He stressed that the Center now has a functional and up to date management plan to guide their efforts. He stated that the CIB staff cannot implement the document by themselves; it must be implemented by the partners. Frank Piorko complimented the document's tracking table and is looking forward to annual reports on implementation. J. Cabry remarked that the document makes her very proud to be part of the Center for the Inland Bays. Ed Ambrogio asked if a copy was sent to EPA. The staff replied that Sue has an electronic copy.

Bill McGowan requested a motion to adopt the Addendum to the CCMP as presented. Ed Kee motioned. N. Cabrera-Santos seconded. The vote was seven in favor, with one vote of opposition from Sussex County. Hal Godwin stated that he did not feel the Council had sufficient time to review the document given that some of the actions requesting the County's participation may not be supported by County code. Hal suggested that a presentation to the Council on the addendum would be educational.

H. Godwin later requested, during the break period prior to his early departure, that he be able to change his vote from one of opposition to an abstention. At the resumption of the meeting the B. McGowan shared the request. Gordon Wood moved for a reconsideration of the motion. Secretary Kee again moved to adopt the Addendum to the CCMP as presented. The vote was seven in favor, with Sussex County abstaining through a proxy vote of the representative of SCAT.

NEW BUSINESS

Board Election

B. McGowan requested a motion to move the board election to the December 14 Board Meeting given his Interim status as Chair and given that the outcome upcoming election in November could affect the Board election. G. Wood made the motion. N. Cabrera-Santos seconded. The motion carried unanimously.

FOIA Presentation

B. McGowan reported that G. Wood approached him about the Board receiving a presentation on FOIA and that this request was also discussed at the Executive Committee meeting. The Director reported that the Attorney General's office was contacted and that they have a travelling FOIA update presentation for organizations such as the Center. The Center has requested a presentation for the December 14 meeting. G. Wood stated that the presentation must happen at the December 14 meeting and that he believes CIB is in violation of FOIA.

Ed Ambrogio inquired about the need for such a presentation. Ed Kee responded that State of Delaware FOIA implementation has been scrutinized due to on goings in the Town of Dewey Beach. Organizations are now being required to tighten up implementation of FOIA. G. Wood remarked that the Executive Committee must follow FOIA.

Bethany Lakes Alternative Shoreline Stabilization Project and Hopkins Dairy Farm Stream Fencing Project

Eric Buehl reported on the implementation of these projects. N. Cabrera-Santos complimented the projects. E. Ambrogio asked if any data were available for bacteria loads reduced. E. Buehl replied that only nutrient and sediment load reductions were quantified.

Executive Director Report

The Interim Chair announced that the Executive Director will regularly provide updates on key CIB projects. C. Bason reported that the EPA has approved the Center's FY2013 annual workplan, now posted online. He announced the new workplan projects including the fish passage feasibility study. F. Piorko mentioned that all the dams in the watershed have all been surveyed and inspected by DNREC. C. Bason stated that one of the first actions for this project is to form a workgroup to aggregate and develop this kind of information. E. Ambrogio also asked if culverts would be an issue to fish passage. G. Wood asked if living shorelines could be used for tidal waters and C. Bason replied in certain areas yes.

C. Bason reported that the CIB program will be evaluated by the EPA beginning in November.

He reported that this year CIB reported to the EPA that 456 acres were protected or restored in the Inland Bays watershed.

C. Bason reported that he has been coordinating with the Inland Bays Foundation on communications that will distinguish the two organizations to the public, given the strong similarity of the IBF's mission to that of the CIB.

OPEN FORUM

There were no comments submitted for the open forum.

ADJOURNMENT

The Interim Chair requested a motion to adjourn. J. Cabry motioned and was seconded by N. Cabrera-Santos. The motion passed unanimously at 11:47 a.m.

Respectfully submitted,

Nancy Cabrera Santos, Secretary –

NC/cwb

Approved by NC, NOV 02, 2012