

CENTER FOR THE INLAND BAYS

BOARD OF DIRECTORS' DRAFT Meeting Minutes

Offices of the CIB
Indian River Inlet, Delaware
June 20, 2009

IN ATTENDANCE:

Board Members Present	EPA Representatives
Rick Eakle (<i>Chair</i>)	Amie Howell
Dr. Bill McGowan (<i>Vice-chair</i>)	Susan McDowell
Dell Tush (<i>Treasurer</i>)	Nancy Laurson
Secretary Ed Kee (<i>Delaware Department of Agriculture</i>)	
Secretary Collin O'Mara (<i>Department of Natural Resources & Environmental Control</i>)	Center for the Inland Bays Staff
Dr. Sergio Huerta (STAC)	Ed Lewandowski
Joanne Cabry	Sally Boswell
	E.J. Chalabala
Board Alternates Present	Loretta Smith
Harry Haon (<i>CAC</i>)	Jenn Jones
	Chris Bason
Board Members Absent	Eric Buehl
Dave Baker (<i>County Administrator</i>)	
Ron Wuslich (<i>Citizens' Advisory Committee</i>)	
Ed Ambrogio (<i>EPA</i>)	

Summary of Motions

1. Motion to accept the Secretary's report and approval of minutes by Harry Haon; seconded by Joanne Cabry; passed unanimously.
2. Motion to accept the Treasurer's report and approve the proposed FY2010 budget by Mayor Dell Tush; seconded by Dr. Sergio Huerta; passed unanimously.
3. Motion to accept the proposed candidates as voting members of the CAC made by Secretary Ed Kee; seconded by Dr. Bill McGowan; passed unanimously.
4. Motion to adjourn made by Dr. Bill McGowan; seconded by Mayor Dell Tush; meeting adjourned at 11:30 a.m.

Action Items

The Executive Director was instructed to initiate organization of a strategic planning retreat for the Board of Directors.

MINUTES:

Call to Order/Welcome

Chairman Rick Eakle called the meeting to order at 9:32 a.m. and welcomed those in attendance. The Chair recognized the Environmental Protection Agency review team that was visiting the CIB to conduct the scheduled Program Evaluation. Meeting participants were asked to join in reciting the Pledge of Allegiance.

Secretary's Report/Approval of Minutes

Dr. Bill McGowan gave the Secretary's Report. Dr. McGowan advised the Board that an incorrect copy of the 13 MAR meeting minutes had been inadvertently distributed in the pre-meeting packet. A correct copy of the minutes had been provided to the Board via email and a paper copy of that version was also made available. Dr. McGowan asked for approval of the minutes as presented in the written form. Harry Haon moved to accept the March Board meeting minutes; Joanne Cabry seconded the motion. The motion passed unanimously.

The Executive Director recognized and thanked Joanne Cabry for her astute observation and notification that an incorrect copy of the Board meeting minutes had been distributed.

Treasurer's Report

Mayor Dell Tush gave the Treasurer's report. The Finance Committee met on 28 MAY to review the proposed FY2010 budget. Copies of the FY2010 budget summary were provided to the Board in its pre-meeting packet. Mayor Tush moved to accept the Treasurer's report as presented; Dr Sergio Huerta seconded the motion. The motion passed unanimously.

The Chair commented on the budget process and informed the Board that although the proposed budget reflects a \$37,300 reduction in State funding, it may be necessary to amend the approved budget at the September 2009 meeting if State funding is further reduced.

CAC Update

Citizens Advisory Committee: Harry Haon, the designated alternate for the Citizens' Advisory Committee Chair, gave the CAC report. Mr. Haon indicated that the CAC had been focusing its efforts on coal ash impacts at the NRG Generating Station. Two meetings that included participation from five members of DNREC's technical staff had been convened, which Mr. Haon described as "productive." Of particular interest was the DNREC staff description of the mitigation efforts underway at the Indian River Generating Station.

The Fenwick Island Town Council recently released its approved statement expressing its deep concern about coal ash at the Indian River Generating Station. A copy of this statement was provided to the Department of Natural Resources & Environmental Control.

Mr. Haon advised that the EPA was in the process of determining whether the characterization of coal ash as Industrial Waste should be changed to Hazardous Waste. This determination is expected soon.

The Citizens' Advisory Committee also reported that the December resolution concerning “once-through cooling,” which was adopted by the Board, had been raised as testimony at both House and Senate subcommittee hearings on proposed legislation (HCR7) as well as during a hearing before the Senate on this matter. Sens. Bunting & Venables were vocal supporters of HCR7. Although HCR7 was passed by the House in a 39-0 vote, an amended version of the bill that was introduced by Senator Blevins was approved by the Senate. The amended version requires “Best Practical Technology” rather than “Best Available Technology.” Mr. Haon recognized the Citizens' Advisory Committee Chair, the Executive Director, and the Science Coordinator for their testimony in Dover in support of HCR7.

Mr. Haon also reported that there were eight vacant voting seats on the Citizens' Advisory Committee and six candidates had applied for membership.

1. Dr. Robert Adams
2. Pete Keenan
3. John Austin
4. Doug Parham
5. Shirley Price
6. Cheryl Rehrig

He provided a brief review of the background and qualifications for each candidate. The six applicants had been reviewed by the Citizens' Advisory Committee and approved for membership. Secretary Kee moved that the six applicants be seated as voting members of the Citizens' Advisory Committee; Dr. McGowan seconded the motion. The motion passed unanimously.

Chair Eakle advised that an agreement was made with the leadership of the Citizens' Advisory Committee that there will be no additional applicants raised to the Board for approval until such time that the CAC has completed and implemented a satisfactory membership diversity plan that is approved by the Board of Directors.

STAC Update

Scientific & Technical Advisory Committee (STAC): Dr. Sergio Huerta reported that the STAC met on 3 APR and entertained three presentations:

1. The importance of Inland Bays beaches as horseshoe crab nesting sites/Inland Bays horseshoe crab counts
2. Ecological effects of marsh erosion on Pasture Point Cove at Indian River Bay

3. Enhancement of a historically ditched salt marsh in Delaware's Inland Bays

The next meeting of the Scientific & Technical Advisory Committee is scheduled for Friday, 21 AUG.

Executive Committee

The Executive Committee met on 28 MAY. The Citizens' Advisory Committee membership diversity plan was discussed.

Board Updates

Delaware Department of Natural Resources and Environmental Control (DNREC):

Chair Rick Eakle welcomed new DNREC Secretary Collin O'Mara, who provided an update for the Department. As might be suspected, much attention is being dedicated to the proposed FY2010 State operating budget. Sec. O'Mara hinted that CIB's funding appeared to be left untouched by the Joint Finance Committee, but this could change as the close of the legislative session draws nearer. The Secretary expressed his interest and support for the cooperative project between CIB and the Division of Parks & Recreation to install wind turbines at Delaware Seashore State Park. He also suggested that it might be helpful for CIB to have a presence in Legislative Hall during the final days of the current session.

Sec. O'Mara indicated that Dr. Kathy Bunting-Howarth, Director of the Division of Water Resources, was involved in roundtable discussions on the Clean Water Restoration Act, which is focusing on resolving issues concerning jurisdiction over "navigable waterways" and freshwater wetlands protections. He also commented on the recent Chesapeake Bay Executive Order. Delaware has made some aggressive commitments to executing the provisions of that order. Sec. O'Mara suggested that outcomes of the Executive Order will include increased federal enforcement actions and more attention from Washington, D.C on Bay restoration. Assessments are underway to consider the economic impacts of implementing the order and its outcomes.

Department of Agriculture:

Secretary Kee reported that the State has now enrolled 500 farms in the Agricultural Preservation Program with more than 93,000 acres of farmland preserved. Approximately 40,000 acres have been placed in permanent preservation easements in Sussex County. Delaware is #1 in the nation in percentage of agricultural lands preserved and #6 with regard to total acreage. Secretary Kee stated that the best way to preserve farm land is to ensure that the industry remains profitable. He expressed his belief that building a diverse agricultural economy is critical to achieving profitability and he acknowledged local coastal municipalities for their interest and support for the growth of farmers' markets in the region.

Secretary Kee advised that Delaware Department of Agriculture and DNREC are in negotiations with EPA regarding some technical and administrative differences related to the CAFO (Concentrated Animal Feeding Operations) regulations. Efforts are being

made to determine whether Delaware's Nutrient Management Law is consistent with provisions in the 1972 Clean Water Act. A December deadline has been established for this determination and it is hoped that the conflict with Environmental Protection Agency will be resolved by that time.

Secretary Kee recognized Secretary O'Mara for the "good working relationship" that he is establishing with the agricultural community. Sec. O'Mara has been integral in discussions concerning on-farm energy issues that might result in significant savings for agricultural operators. Sec. Kee also identified the critical role that Delaware's farmers play in preserving open space. He reported that 42% of the land in Delaware is privately owned by farmers.

Dr. McGowan asked Sec. Kee to comment on the significance of the vegetable processing industry. Sec. Kee informed the Board that there are approximately 60,000 acres of vegetables planted in Delaware out of a total of 500,000 acres devoted to production agriculture. About 40,000 acres are planted with process vegetables. Process vegetables provide more revenue than grain crops, but they are also a riskier venture. Currently, J.G. Townsend is the biggest vegetable producer in the Inland Bays watershed. Vegetable processing employs about 3,000 people. Sec. Kee informed the Board that Vlastic (Pinnacle Foods) in Millsboro produces about 70 million jars of pickles annually and employs 300 people year-round. He also commented on the 1999 nutrient trading agreement between Vlastic and the state that allows the company to continue to discharge its effluent into the tidal Indian River. This brine discharge is the same salinity as the receiving waters, which is the reason that Millsboro was selected as an ideal site for the processing plant. Ed Lewandowski commented that the Inland Bays Tributary Action Team was involved in dialogue and deliberations with the State and the Vlastic plant concerning nutrient offsets and it was understood that the operation serves a "pump and treat" function that essentially removes nutrients from the groundwater that is used in the manufacturing process.

Sussex Conservation District (SCD):

Dr. McGowan provided the update from the Sussex Conservation District. The District has been involved in efforts to inspect existing septic systems in the Inland Bays watershed. This includes an on-site review and report for each system inspected. He also reported on the District's assessment of the sophisticated stormwater treatment system located at the Giant supermarket on DE-1N (Coastal Highway) near Rehoboth. Mayor Dell Tush inquired whether the District was inspecting municipal stormwater systems as well. Dr. McGowan suggested that Mayor Tush should contact the District's engineer, Jessica Watson. Mrs. Tush asked if there existed a formal maintenance program for stormwater systems. Dr. McGowan responded that there is collaboration between the Sussex Conservation District, Department of Natural Resources & Environmental Control and DelDOT for stormwater system maintenance. Mayor Tush expressed her concern about the quantity of debris that collects in some stormwater facilities and suggested that there is a need for cleaning many of these systems.

Dr. McGowan also reported that the District is currently engaged in Pre-sidedress Nitrogen Testing on corn to determine the available nitrogen for plant growth.

Sussex County Association of Towns:

Mayor Tush said that the SCAT is also very concerned about the current budget crisis in the State. One item of particular concern is the anticipated retirement of Delaware State Police personnel, which might impact enforcement coverage for local municipalities. She again commented on some of the stormwater issues in the local municipalities.

Environmental Protection Agency:

Sue McDowell indicated that each local estuary program will be receiving a \$600,000 award from Section 320 funding for the next fiscal year. EPA has committed to providing that award by 30 SEP 2009.

Region III has taken the lead on coordinating a rain garden campaign designed for implementation in the mid-Atlantic NEPs. This program will address the need for stormwater best management practices on commercial and residential properties. Financial support for the campaign is derived from the 319 (Non-point Source) funding to the states. Region III has provided \$50K in support for the program. A web site is being designed for the rain garden campaign. Partners in Delaware include the CIB and the Partnership for the Delaware Estuary. Sue recognized Sally Boswell for her leadership with the Rain Gardens for the Bays program.

Nancy Laurson, Headquarters Coordinator for CIB, provided a PowerPoint presentation that described the initial findings from the EPA's Program Evaluation for the Delaware Inland Bays Estuary Program (a copy of the presentation is available upon request). EPA identified a few items that will require attention from the CIB prior to the next Program Evaluation. Although EPA does not normally do so, it recognized the Executive Director and his entire staff for exemplary work and production throughout the entire review period. Most importantly, the CIB received a "PASS" from the assessment and remains eligible for federal support under Section 320 of the Clean Water Act.

Old Business

Joanne Cabry initiated a discussion about Advocacy and the role of the National Estuary Program. Mrs. Cabry stated that she had reviewed the Inland Bays CCMP and the word "advocate" does appear in the Center's mission statement. Nancy Laurson suggested that the term "advocate" might mean "educate and promote." Joanne said she believed that CIB's testimony before the Delaware Senate in support of HCR7 was an "appropriate" advocacy action for the organization. Ms. Laurson said that one of the strengths of the CIB is its ability to serve as an "honest broker" and its capacity to use sound science in its policy determinations. She also counseled that each National Estuary Program is unique in structure and that the level of advocacy depends on each program's comfort level. Nancy also expressed that the role of the National Estuary Program is to serve as a "neutral forum" for watershed issues.

Joanne Cabry responded that the structure of the Board of Directors serves the “neutral forum” function. Nancy recommended that the Board might consider developing a process for advocacy or protocols for how the organization will engage stakeholders on public policy issues. She suggested that not having such a process in place puts the program in the position of “chasing issues” while jeopardizing organizational purpose.

Dr. Huerta recalled the comments of former EPA Administrator Whitman, who highlighted the virtues of the National Estuary Program, which include cooperation and collaboration rather than lobbying efforts. Nancy Laurson advised that the use of Section 320 funding precludes a program from engaging in lobbying. Mrs. Cabry asserted that the decision of the CIB to testify in support of HCR7 was based on the facts and it should not be considered lobbying.

Secretary Kee indicated that he agreed with Nancy Laurson’s suggestion that the CIB should develop a process for advocacy. He also recommended that in order for the CIB to preserve its credibility, it must maintain its objectivity or the organization may be perceived as becoming irrelevant in policy discussions. Secretary Kee suggested that the CIB could accomplish this by providing a forum for a balanced and reasoned discussion on policy matters. Ms. Laurson offered her affirmation of Sec. Kee’s concerns regarding the need for the CIB to preserve its credibility. She offered EPA’s assistance to CIB to develop protocols for advocacy. Harry Haon asked for clarification about the use of the word “protocols.” Nancy responded that she thought the term “decision-making process” was a suitable explanation. Rick Eakle proposed that the Board consider an autumn retreat to engage in further discussion about advocacy, the activities of the Citizens' Advisory Committee, and the role of the CIB. He asked the Executive Director to begin consideration of scheduling and organizing this retreat in collaboration with the Executive Committee.

New Business

A ceremony recognizing Pat Campbell-White for her many years of service to the CIB and Delaware’s Inland Bays was conducted. State Representative George Carey honored Mrs. Campbell-White with tributes prepared by both the House and the Senate. Ed Lewandowski presented a “Plug the Pipe” award to Pat Campbell-White and acknowledged her years of interest and devotion to restoration and protection of the Inland Bays.

Adjournment

The Chair suggested that any Board members who wished to stay after adjournment were welcomed to remain to continue the discussion on the matter of advocacy. Dr. McGowan moved to adjourn the Board meeting; Mayor Tush seconded the motion and the meeting was adjourned at 10:52 a.m.

Respectfully submitted,

Ron Wuslich, Secretary
RW/eal&sm