

Vickers Charles R. (DNREC)

MAY 05 2006

From: NicholasDi@aol.com
Sent: Wednesday, May 03, 2006 9:16 PM
To: Vickers Charles R. (DNREC)
Cc: gfjahn@netzero.net; borky@ravenet.com; Kmtidball@aol.com; mmartell@internetcapital.com; jdk1963@comcast.net; Rydgren@aol.com; fbreukelman1@comcast.net; ThomasShuey@comcast.net; NicholasDi@aol.com; wrightej1@yahoo.com; carlsolberg@mail.com; higginte@dmv.com; CZ111252@aol.com; chazz18@verizon.net; dlehmann@oldcastlematerials.com; Dorothy.Lehmann@pennsysupply.com; Gfisheriv@aol.com; KBell@desu.edu; Donald_Holden@mml.com; Kate.Rohrer@mail.house.gov
Subject: DE Audubon Comments on Proposed SRAs
Attachments: AlternativeandProposedSRA.pdf; SRAadditionsshort.doc; AlternativeProposedSRA.pdf; ecosystem services.pdf; Microsoft Word - DE Audubon SRA Comments.pdf

Ron, please find attached DE Audubon Comments on the Proposed SRAs. Hard copy to follow.

Thanks, Nick

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May 4, 2006

Division of Parks & Recreation
Director's Office

Mr. Charles Vickers
Division of Parks and Recreation
DNREC
89 Kings Highway
Dover, DE 19901

RE: State Resource Area Maps Comments
Sussex County Tax Parcel No. 1-33-16-81-01 & 1-33-16-81-04

Dear Mr. Vickers:

This correspondence is submitted with the intent that it be considered as part of the hearing record for The Open Space Council's and/or DNREC's adoption of the proposed State Resource Areas and Natural Areas maps. I am the owner of the above cited parcels. The parcels are not currently under evaluation for subdivision but I would like the opportunity in the future, if I see fit. The interactive maps located at <http://www.dnrec.delaware.gov/GI/GISRAMaps.htm> indicate that the Open Space Council and/or DNREC propose to identify all, or a portion, of this property as a State Resource Area and/or a Natural Area. This designation may be new or may be a continuation of what was already in previous maps.

It is my understanding that the legal authority cited by the Open Space Council and/or DNREC for the adoption of amended maps is Title 7 Chapter 75, Delaware Land Protection Act. These comments are based in large part on exactly what authority is provided by that Act. Therefore, it is appropriate to review what the Act actually states.

Section 7502, entitled "Declaration of policy," states in part:

"The General Assembly finds that:

- (6) It is the public policy of the State and its political subdivisions that preservation of open spaces shall be accomplished through the acquisition of interests or rights in real property, or donation of said lands, and that said acquisition constitutes a public purpose for which public funds have been expended or advances and should be continued."

Section 7503, entitled "Purpose" further states in part:

"(a) State agencies may acquire any interest in real property for the following purposes, to carry out and expand on the intent of the conservation program described in Volume 65, Chapter 212 of the Laws of Delaware:"

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“(b) State agencies may acquire property or rights in real property pursuant to this chapter by the use of direct acquisition for cash, by purchase money mortgage, by installment sale or by other methods or incentives as determined by the Secretary after consultation with the Secretary of Finance. State agencies shall not exercise the "right of eminent domain" to carry out the provisions of this chapter.”

Section 7504, entitled “Definitions” further states in part:

“(8) "Permanent protection" means the acquisition by purchase, gift, grant, bequest, devise or otherwise the fee or any lesser interest, development right, easement, covenant or other contractual right in real property in perpetuity necessary to achieve the purposes of this chapter.”

“(9) "Project" means the planning for, and the acquisition and development of property, undertaken to achieve the purposes of this chapter.”

As owner of the above cited tax parcel, I have no intention of selling, gifting, granting, bequeathing or otherwise providing any State Agency any interest in the real property to achieve the purposes of Title 7 Chapter 75. That being the case, there is no legal basis provided by Title 7 Chapter 75 for either the Open Space Council and/or DNREC to identify any portion of this parcel in the amended maps as State Resource Area and/or Natural Area. Therefore, I specifically request that all indications of State Resource Areas and/or Open Space areas be removed from the above cited parcel prior to the adoption of the amended maps.

Sincerely:

Jeffrey S. Burton
24139 Fishers Point
Millsboro, DE 19966

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Director's Office

DELAWARE AUDUBON SOCIETY

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May 3, 2006

Lynn W. Williams, Chair
Delaware Open Space Advisory Council
c/o Ron Vickers, Division of State Parks
Department of Natural Resources &
Environmental Control
89 Kings Highway
Dover, Delaware 19901

RE: Proposed State Resources Area Maps

Dear Lynn:

It was an absolute pleasure to see you again at the public hearing on the proposed State Resource Area maps which was held on Monday, May 1, 2006 in Dover at DNREC's Auditorium. On behalf of the Board of Directors of Delaware Audubon, I would like to express our gratitude to the Department of Natural Resources and the Open Space Advisory Council for conducting public workshops in each county, holding special meetings at the request of various interest groups and conducting a hearing to take public comment. Clearly, the Department and the Open Space Council have taken extraordinary steps to ensure that members of the public, private landowners and other interested and affected parties have the opportunity to provide input in this process.

Delaware Audubon believes that the State Resource Area maps will provide greater definition and focus for state and local land use planners, landowners, developers and conservation organizations in identifying the highest priority areas for protection, preservation and restoration. We were pleased to learn that almost two-thirds of the lands identified for inclusion in the SRA maps already have been protected.

Although there has been much concern expressed about the extent of acreage covered by the proposed SRA's, in fact, they represent less than one-quarter of the state's land mass. Delaware Audubon believes that additional lands should be identified as State Resource Areas and encourages the Open Space Council to define these areas more broadly by using the maps previously generated by the Governor's Green Infrastructure Committee as a

Lynn W. Williams
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Division Office

guide. This ensures that the ecological values and services provided by these areas will benefit from the additional protections we hope will be adopted under subsequent county ordinances. In doing so, ecologically important areas in the Nanticoke Watershed, the Blackbird-Millington Corridor and the forested-wetlands of Redden and Ellendale potentially will be afforded additional protection (See enclosed Background Information and maps).

Delaware Audubon also recommends that lands identified under other programs, such as the Northern Delaware Wetlands Rehabilitation Program, be incorporated into the SRA maps. The Department has already identified over 10,000 acres of tidal marsh for restoration because of the important ecological functions they provide. While many of these wetlands already may have been included as SRA's, we believe that all wetlands, waterways and uplands identified for restoration by this and other programs should be included.

Delaware Audubon also believes that it is important for local officials to appreciate the magnitude of the economic savings that taxpayers enjoy by the ecological services these areas provide in the form of improved water and air quality, flood control, soil erosion control, climate moderation, pollination and seed dispersal, decomposition and detoxification of wastes, etc. The economic value of these services should be factored into land use decision-making. Enclosed you will find a brief outline of ecosystem services prepared by the Ecological Society of America (ESA).

Finally, Delaware Audubon supports the Department's efforts to provide technical assistance to the counties as they initiate the process of developing and adopting ordinances to provide higher levels of protection for these critically important areas.

Delaware Audubon commends you for your many years of personal and professional dedication to conservation and ecological protection in the larger public interest. We also appreciate the opportunity to provide comments to the members of the Open Space Advisory Council as they deliberate on this issue. Please feel free to call on us if we can be of any additional assistance.

Most sincerely,



Nicholas A. DiPasquale
Conservation Chair

Enclosures

pc: Delaware Audubon Board of Directors
Kent County Conservancy Board of Directors
Secretary John A. Hughes

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**Background Information for proposed
Nanticoke and Blackbird-Millington SRA additions**

Division of Parks & Recreation
Dulles Office

Nanticoke

Much of the Nanticoke watershed is still undeveloped and large stands of intact forested wetlands exist along the river. The watershed harbors more rare plants than any other landscape on the Delmarva Peninsula, including pitcher plants, box huckleberry, spreading pogonia orchid, wild lupine, reindeer moss, Parker's pipewort, seaside alder and reversed bladderwort. The Delmarva fox squirrel is one of the rare animals that makes its home here. Rare amphibians include the carpenter frog and the eastern tiger salamander. And, the forests and shallow marshes of the Nanticoke River provide important habitat for numerous birds, including bald eagles and Peregrine falcons. Many species of neotropical songbirds, including warblers such as the American redstart, rely on the watershed's forests during their annual migrations and nesting.

Rare plants

- 150 occurrences of 71 species of rare grasses, forbs, shrubs and trees

Rare animals

- 57 occurrences of 77 species of rare invertebrates and vertebrates

Key wildlife habitats

- 350 occurrences of 13 key wildlife habitats covering 8,292 acres
(these figures are for the Nanticoke Conservation Area as defined by TNC)

Blackbird-Millington

The Blackbird-Millington Corridor is a landscape of forests, farm fields, streams and tidal marshes that spans the Delmarva Peninsula from the Delaware Bay to the Cypress Branch headwaters of the Chester River in Maryland. South of Middletown and north of Smyrna, the Corridor is home to a wonderful diversity of plants, animals and rare ecological systems. This area is recognized by The Nature Conservancy and other conservation organizations as a regional conservation priority based on three factors:

1. There is a concentration of important natural communities: Mixed Hardwood Coastal Matrix Forest, Tidal Wetlands and Waters, Coastal Plain Pond Complexes (the largest concentration on the Delmarva Peninsula), and Riparian Corridors.
2. Private landowners have a history of balanced stewardship in the Corridor: the Corridor has retained much of its natural heritage and unique physical features through careful stewardship by farming families and woodlot owners and far-sighted public investment.
3. There is a solid foundation for conservation: approximately 10,000 acres in the Corridor are owned and managed by public agencies for a variety of conservation purposes. Another 10,000 acres are owned and managed privately for conservation or agricultural preservation purposes, either by conservation organizations or individual landowners.

Rare plants

- 197 occurrences of 71 species of rare grasses, forbs, shrubs and trees

Rare animals

- 44 occurrences of 20 species of rare invertebrates and vertebrates

Key wildlife habitats

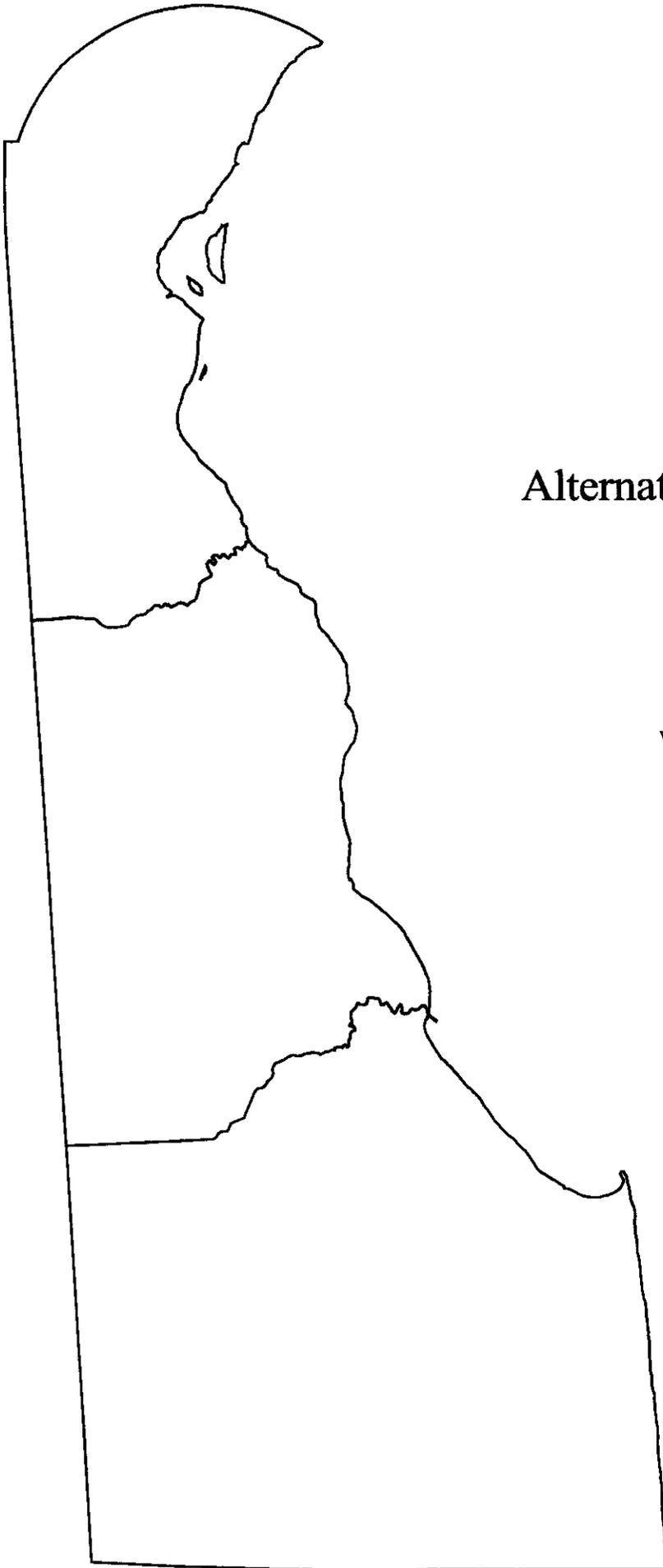
- 1038 occurrences of 13 key wildlife habitats covering 7,149 acres
(these figures are for the Blackbird-Millington Conservation Corridor as defined by TNC)

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Alternative Proposed SRA

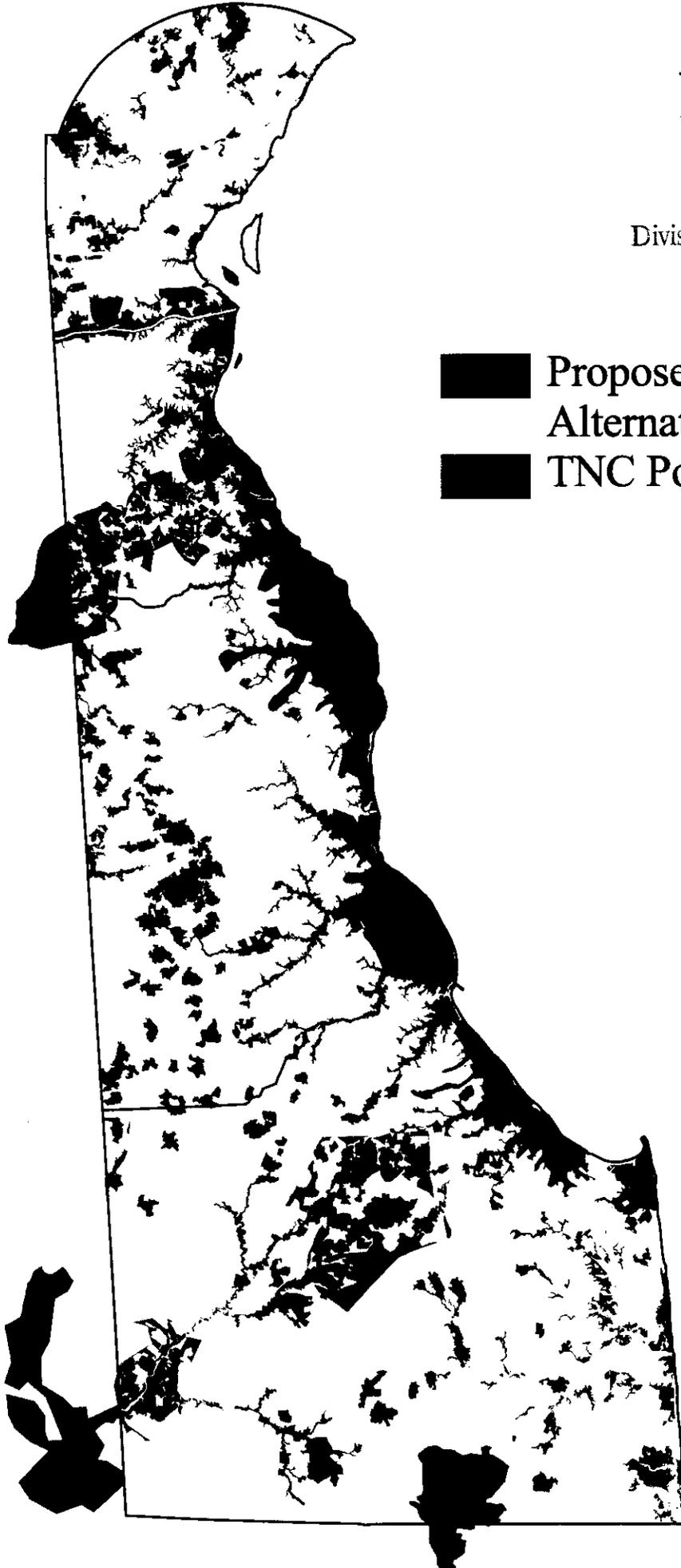


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Electors Office

-  Proposed SRA
-  Alternative Proposed SRA
-  TNC Portfolio Sites



ECOSYSTEM SERVICES

Have you ever considered that the cereal you eat is brought to you each morning by the wind, or that the glass of clear, cold, clean water drawn from your faucet may have been purified for you by a wetland or perhaps the root system of an entire forest? Trees in your front yard work to trap dust, dirt, and harmful gases from the air you breathe. The bright fire of oak logs you light to keep warm on cold nights and the medicine you take to ease the pain of an ailment come to you from Nature's warehouse of services. Natural ecosystems perform fundamental life-support services upon which human civilization depends. Unless human activities are carefully planned and managed, valuable ecosystems will continue to be impaired or destroyed.



Ecological Society of America

WHAT ARE ECOSYSTEM SERVICES?

Ecosystem Services are the processes by which the environment produces resources that we often take for granted such as clean water, timber, and habitat for fisheries, and pollination of native and agricultural plants. Whether we find ourselves in the city or a rural area, the ecosystems in which humans live provide goods and services that are very familiar to us.



Ecosystems provide "services" that:

- moderate weather extremes and their impacts
- disperse seeds
- mitigate drought and floods
- protect people from the sun's harmful ultraviolet rays
- cycle and move nutrients
- protect stream and river channels and coastal shores from erosion
- detoxify and decompose wastes
- control agricultural pests
- maintain biodiversity
- generate and preserve soils and renew their fertility
- contribute to climate stability
- purify the air and water
- regulate disease carrying organisms
- pollinate crops and natural vegetation



Courtesy of David Inouye

WHAT IS AN ECOSYSTEM?

An ecosystem is a community of animals and plants interacting with one another and with their physical environment. Ecosystems include physical and chemical components, such as soils, water, and nutrients that support the organisms living within them. These organisms may range from large animals and plants to microscopic bacteria. Ecosystems include the interactions among all organisms in a given habitat. People are part of ecosystems. The health and well-being of human populations depends upon the services provided by ecosystems and their components - organisms, soil, water, and nutrients.

WHAT ARE ECOSYSTEM SERVICES WORTH?

Natural ecosystems and the plants and animals within them provide humans with services that would be very difficult to duplicate. While it is often impossible to place an accurate monetary amount on ecosystem services, we can calculate some of the financial values. Many of these services are performed seemingly for "free", yet are worth many trillions of dollars, for example:

- Much of the Mississippi River Valley's natural flood protection services were destroyed when adjacent wetlands were drained and channels altered. As a result, the 1993 floods resulted in property damages estimated at twelve billion dollars partially from the inability of the Valley to lessen the impacts of the high volumes of water.
- Eighty percent of the world's population relies upon natural medicinal products. Of the top 150 prescription drugs used in the U.S., 118 originate from natural sources: 74 percent from plants, 18 percent from fungi, 5 percent from bacteria, and 3 percent from one vertebrate (snake species). Nine of the top 10 drugs originate from natural plant products.
- Over 100,000 different animal species - including bats, bees, flies, moths, beetles, birds, and butterflies - provide free pollination services. One third of human food comes from plants pollinated by wild pollinators. The value of pollination services from wild pollinators in the U.S. alone is estimated at four to six billion dollars per year.

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Before it became overwhelmed by agricultural and sewage runoff, the watershed of the Catskill Mountains provided New York City with water ranked among the best in the Nation by Consumer Reports. When the water fell below quality standards, the City investigated what it would cost to install an artificial filtration plant. The estimated price tag for this new facility was six to eight billion dollars, plus annual operating costs of 300 million dollars - a high price to pay for what once was free. New York City decided instead to invest a fraction of that cost (\$660M) in restoring the natural capital it had in the Catskill's watershed. In 1997, the City raised an Environmental Bond Issue and is currently using the funds to purchase land and halt development in the watershed, to compensate property owners for development restrictions on their land, and to subsidize the improvement of septic systems.

HOW ARE ECOSYSTEM SERVICES "CUT OFF" ?

Ecosystem services are so fundamental to life that they are easy to take for granted and so large in scale that it is hard to imagine that human activities could destroy them. Nevertheless, ecosystem services are severely threatened through (1) growth in the scale of human enterprise (population size, per-capita consumption, and effects of technologies to produce goods for consumption) and (2) a mismatch between short-term needs and long-term societal well-being.

Many human activities disrupt, impair, or reengineer ecosystems every day including:

- runoff of pesticides, fertilizers, and animal wastes
- pollution of land, water, and air resources
- introduction of non-native species
- overharvesting fisheries
- destruction of wetlands
- erosion of soils
- deforestation
- urban sprawl



ECOLOGY AND ECOSYSTEM SERVICES

Ecologists work to help us understand the interconnection and interdependence of the many plant and animal communities within ecosystems. Although substantial understanding of many ecosystem services and the scientific principles underlying them already exists, there is still much to learn. The tradeoffs among different services within an ecosystem, the role of biodiversity in maintaining services, and the effects of long and short-term perturbations are just some of the questions that need to be further explored. The answers to such questions will provide information critical to the development of management strategies that will protect ecosystems and help maintain the provisions of the services upon which we depend.

The choices we make today in how we use land and water resources will have enormous consequences on the future sustainability of earth's ecosystems and the services they provide.

FOR MORE INFORMATION

Issues in Ecology, "Ecosystem Services: Benefits Supplied to Human Societies by Natural Ecosystems, No. 2, Spring, 1997, Ecological Society of America. <http://www.esa.org/sbi/issue2.htm>.

Nature's Services, Societal Dependence on Natural Ecosystems, Gretchen C. Daily, Editor, Island Press, 1997.

Communicating Ecosystem Services: Tools for Scientists to Engage the Public, a Project of the Ecological Society of America and the Union of Concerned Scientists. <http://www.esa.org/ecoservices.htm>.

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 Directors Office