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May 5, 2006

Received

VIA TELECOPY AND REGULAR MAIL

Mr. Charles Vickers
Division of Parks and Recreation
Dept. of Natural Resources and Environmental Control
89 Kings Highway
Dover, DE 19901

MAY 05 2006

Division of Parks & Recreation
Education Office

RE: State Resource Area Maps Comments

Dear Mr. Vickers:

We represent Farmers For Fairness, an unincorporated association of Kent County farmers. This letter is written to raise issues and concerns of these farmers as regards The Open Space Council's and/or DNREC's possible adoption of proposed State Resource Areas and Natural Areas maps.

It is our understanding that the Open Space Council and/or DNREC intend to adopt the currently pending proposed maps. In attempting to do so, we have several concerns, including:

-- **Lack Of Notice.** Although there may have been some newspaper advertisements concerning these maps, the fact is that many property owners who will be directly impacted by these proposed maps have received no direct notice of any kind and are, we suspect, completely unaware that their properties are proposed to be included in the maps and, even more importantly, are unaware of the possible effects of such inclusion. In the absence of direct notice, property owners' due process rights are being violated. *See, e.g., Bohemia Mill Pond v. New Castle County Planning Board*, Del.Super., C.A.No. 01A-03-007, Alford, J. (Oct. 1, 2001) (newspaper notice insufficient; notice to individual property owners required in order to comply with procedural due process rights).

-- **Last Minute Reports.** At this past Monday's hearing, numerous DNREC reports, technical reports, and other submissions were made a part of the record. Citizens have had no opportunity to review and respond to these reports and submissions. To include these

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voluminous materials in the record at the last minute, with no meaningful opportunity for review or comment is inappropriate. Further time should be given the public to review all of these submissions so the public can comment appropriately.

-- **Lack of a Quorum.** Although this past Monday's hearing was purportedly a public hearing, we note that only one member of the Open Space Council was present. Thus, anyone who did speak was not able to address even a bare quorum of the Council. It is absurd to suggest that the comments of those who spoke at Monday's hearing will be considered by the Council when all but one member of the Council were not even there. A full public hearing, with a majority of the Council, should be provided.

-- **Impact on Affected Property Owners.** We note that very little, if anything, has been said about the potentially devastating impact these maps could have on affected property owners. Unless and until the State is able to completely and fully explain the effect these maps will have on property owners, no action should be taken.

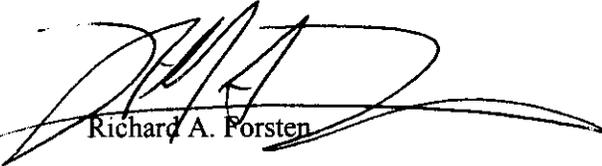
For these reasons alone, we submit that any effort by the Open Space Council to adopt the proposed maps is premature. We would ask that the Council delay any action unless and until: (i) notice is provided to all affected property owners, (ii) the public is afforded an adequate opportunity to review the voluminous materials submitted earlier this week, and (iii) the full Open Space Council, or a significant portion thereof, conducts a new public hearing in lieu of last Monday.

Received

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Division of Parks & Recreation
Inland Office

Very truly yours,



Richard A. Forsten