Appendix H: Public Comment Form for Draft Report

COMMENT SHEET

DRAFT Coastal Zone Conversion Permit Act Process Recommendations Report

Please share your feedback on the draft Coastal Zone Conversion Permit Act (CZCPA) Process Recommendations Report. Your feedback will be incorporated into a final version of this Report. Your feedback will help DNREC set up a Regulatory Advisory Committee (RAC) for development of regulations for Coastal Zone Conversion Permits.

Comments should be emailed to CZA_Conversion_Permits@state.de.us. You can also submit your own typed comments to DNREC at this email address. Comments received by DNREC by January 19, 2018 will be incorporated into the final Report.

(1) What specific feedback do you have on the 13 recommendations listed in the draft Report? Please write specific feedback about each recommendation you wish to comment on under the corresponding header.

Scope

Recommendation #1: The RAC would focus solely on changes to existing regulations or the creation of additional regulations necessary to implement the CZCPA. The RAC would not be charged with amending or revising the regulations already in place for existing permits.

Stakeholder Groups

Recommendation #2: The Secretary should provide for representation by three broad stakeholder categories and one "other" category for those who may not fit clearly in one of those three categories: 1) environment, environmental justice, and public health; 2) community including fenceline communities; 3) business and labor; and 4) other.

Committee Size and Balance

Recommendation #3: The Secretary should target a RAC of 15-20 members and allow for the following: 1) five to six members (5 to 6) from each of the three categories noted above, in equal balance of numbers for each of the three main stakeholder categories; 2) one to three (1 to 3) additional seats for those who do not fit within those three categories, if needed; 3) one (1) full member seat for DNREC; and 4) alternates should be allowed.

Criteria for Membership

Recommendation #4: The Secretary should establish clear criteria for membership and require that nominees to the RAC complete a nomination and disclosure form that is made publicly available.

Membership Selection

Recommendation #5: The Secretary should establish a transparent nomination process for each stakeholder category. Interested parties would nominate potential representatives (self-nominations would be accepted as well) to the RAC during a period of time in early 2018. The DNREC Secretary would review the nominations and select members and alternates from the pool of nominees within a committee structure decided by the Secretary as informed by the Report.

Workgroups and Technical Expertise

Recommendation #6: The Secretary should allow for the formation of RAC subcommittees or technical workgroups that can take on detailed analysis and discussion of specific topics. These may include non-member technical experts. Workgroups would be for deliberation, exploration, and option generation but any and all decisions should rest solely with the full RAC.

Community Outreach

Recommendation #7: The Secretary and the RAC should make a concerted effort to reach out to, communicate with, and build working relationships with marginalized and potentially impacted communities, neighborhoods, and groups. The RAC should consider forming a workgroup to address the needs of marginalized, environmental justice, and fenceline communities and groups in the development of regulations.

Committee Transparency

Recommendation #8: The Secretary should ensure RAC transparency by considering the time, place, and form of its meetings and any associated public outreach and engagement to provide for public access and participation.

Committee Product

Recommendation #9: The Secretary should instruct the RAC to write prescriptive guidance (Option #2) and review regulatory language drafted by DNREC (Option #4) when possible. This would allow for the RAC to draft detailed, prescriptive guidance to provide DNREC with the conceptual approach and many details for drafting actual regulations. Wherever possible, the RAC should have the opportunity to review and comment on specific draft regulatory language as it is developed by DNREC during the process.

Membership Expectations

Recommendation #10: The Secretary should establish expectations for participation. RAC members should review, revise as needed, and adopt such expectations as formal groundrules for participation.

Committee Decision Rule

Recommendation #11: The Secretary should allow the RAC to utilize a "consensus" approach, which seeks to identify a final package of recommendations that all or almost all RAC members can "live with". The Committee would issue a final report with consensus as defined generally above to the greatest extent possible within the time and resources allocated to the Committee.

Role of DNREC on the Committee

Recommendation #12: DNREC should participate as a full member of the RAC and its representative should serve as the committee chair to ensure forward progress. DNREC staff will participate in RAC meetings and support the chair as necessary. If resources allow, a non-partisan facilitator would facilitate meetings and support the RAC and the chair throughout the process.

Issues to Cover in the Deliberations

Recommendation #13: DNREC should develop a draft work plan and timeline based on these issues identified in the assessment and the RAC should review, revise as needed, and adopt the work plan and timeline at one of its first meetings.

(2) Do you have additional thoughts or feedback you would like to share about this draft Report, this process, the RAC, or any other subject you would like to comment on?