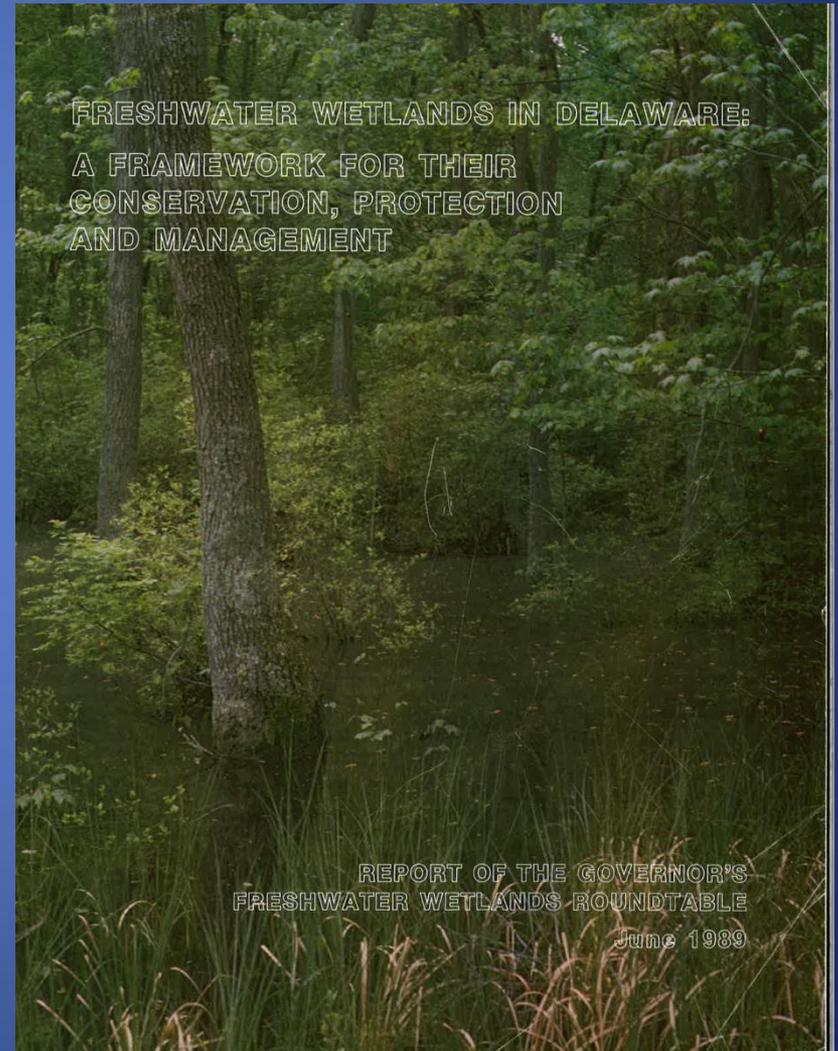


1989 Governor's Wetland Roundtable: Process and Report

- Created by Governor Castle's E.O. 56
- Charged Roundtable with three tasks



1989 Governor's Wetland Roundtable: Process and Report

- The Tasks:
 - Develop a workable definition of FWW. (pp. 3-4)
 - Recommend a FWW conservation program for privately held lands. (pp. 8-11)
 - Report on the budgetary ramifications of such a program and recommend a time table for implementation. (pp. 3,5,10 &12)

Governor Castle encouraged the Roundtable to establish a goal of stabilizing FWW acreage.

1989 Roundtable Membership

- E.O. had Roundtable members appointed by Governor.
- Membership represented various stakeholder groups.
- Groups represented included: development interests, environmental groups, local government, academia, forestry and agriculture.

1989 Roundtable: The Process

- RT organized itself into working groups to address specific issues.
- Each working group was responsible for drafting a background paper on an assigned topic and report back its findings to the full RT.
- RT then discussed issues and findings; formulated “consensus” recommendations; and presented them in the 1989 report.

1989 Roundtable: The Process – Emphasized Joint Fact Finding

- RT recognized the need to develop a shared information base from which to develop recommendation.
- RT held meetings over a 4 month period to solicit input from federal and state regulatory agencies, private consultants and affected publics.
- RT reviewed existing reports and conducted field trips to wetland sites during the fact finding process.

Best Question asked by a Governor during a RT field trip

- How far do I need to walk into this wetland to fully appreciate its functions and values?



Best Answer Offered by Staff

- Keep walking Governor until your boots leak or the water over tops you hip waders.

1989 Roundtable: The Result

- The Roundtable concluded that the recommendations in *its report should be the basis for the development of a legislative package titled, **The Freshwater Wetlands Conservation, Protection, and Management Act of 1990**, to be submitted to the General Assembly for consideration next session.*

1989 Roundtable: My View from the Back Forty



1989 Roundtable: Assessed

- Over-reaching;
- Under-achiever; or
- Got it just about right?

FWW Legislative Initiatives Since 1989

- There have been two Senate efforts to pass a ***Freshwater Wetlands Act*** during the respective 136th and 137th General Assembly. (1992 and 1993)
- One effort by the House to pass a bill to amend ***Chapter 66, Title 7 of the Delaware Code Relating to the Protection of Wetlands*** by the 141st General. (2002)
- Circa 2005, one bill drafted by Dr. Jerry Kaufman/ENGO. Titled ***Freshwater Wetlands Act*** based on NJ's wetland law known as the Ogden Act.
- One bill drafted in 2011 (DNREC and/or AG?) amending Delaware Code to establish a ***Program for the Regulation and Protection of Freshwater (Nontidal) Wetlands***.

Evaluation of these Legislative efforts

- To date there has not been a systematic side-by-side evaluation of these efforts. Such an analysis along with some legislative history would help us understand what worked, what did not and why.

To wit:

- Those who don't know history are destined to repeat it.
Edmund Burke
- Study history, study history. In history lies all the secrets of statecraft. Winston Churchill

Comparison of these Legislative efforts

- Recommendation (again, my view only from the back forty): *That all the previously noted legislation and any other wetland bills from 1990 to present be reviewed and presented.*
- *This presentation, along with a brief synopsis of the bill's respective legislative history be provided in a side-by-side analysis to the WAC at its next meeting.*

What do the owners of FWW think?

- Attitudes and Opinions of landowners do matter.
- Why?

BECAUSE

*Approximately 80% of
our State's wetlands
are privately owned.*

*Landowners with wetlands on their property
can serve as stewards of these rich natural
resources by voluntarily enrolling in
conservation and restoration opportunities
for their land. Everyone has a role to play in
wetland conservation and everyone can make
a difference!*



What do the owners of FWW think?

- Recommendation (again, my view only from the back forty): *DNREC with input from WAC address this gap in information with a study that helps us understand landowner values, attitudes and opinions related to the conservation, protection, restoration and regulation of FWW.*

Why Now: What is missing?

- Why Now?
- Physical attributes for water management.
- There is a body of information from which to build.
- The current technology and science is better.
- Important legal decisions of Federal jurisdiction need to be defined locally for better implementation.
- We have the right partners and stakeholders.
- It's time for an actionable plan.

Source: September 25, 2013 Welcome Power Point O'Mara/Piorko

Leadership and Ownership

- How will the administration commit to this effort?
- Will the protection and regulation of FWW be a legislative priority for DNREC?

Leadership and Ownership of an Issue Counts

- In 2008, then candidate governor Jack Markell declared that he would make infrastructure development for walking and biking a priority.
- In 2013, the League of American Bicyclists ranked Delaware 5th for infrastructure and being one of the bicycle friendliest states in the country.



Leadership and Ownership of an Issue Counts

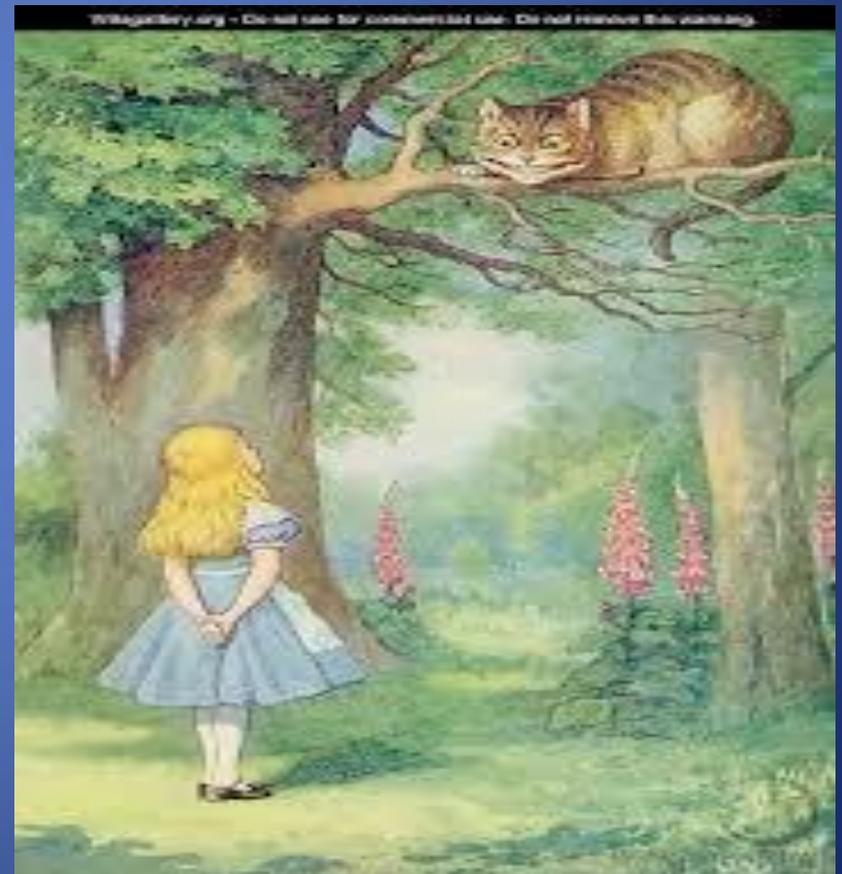
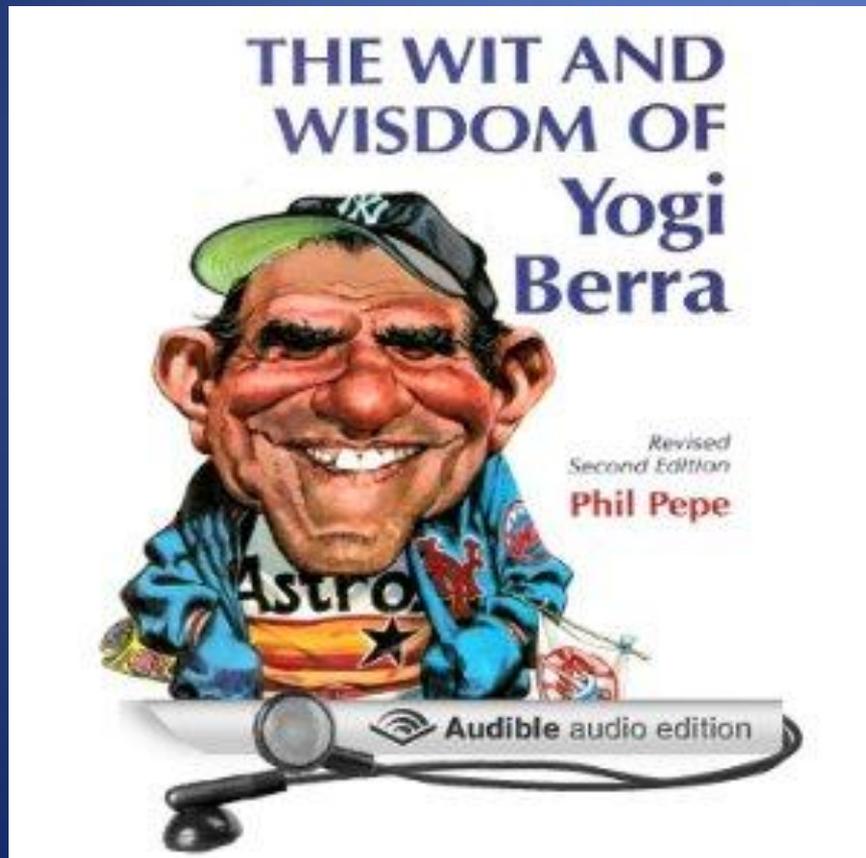
- In 2008, candidate Markell noted that protecting freshwater wetlands takes commitment and leadership from the top.
- What's the Governor's shoe size?



Are at a fork in the road?

It's like deja-vu, all over again.

“Tell me, please, which way ought I go from here” –
“That depends a good deal on where you want to get to”



References

- My somewhat fuzzy recollection of a process that was undertaken over 24 years ago.
- Various conversations with former colleagues.
- Bills and other references noted in previous slides.
- Review of: Rorner, Mark. 1992. **Statewide Wetlands Strategies**. World Wildlife Fund. Island Press.