

# FIRST ANNUAL REPORT OF THE DELAWARE NATIVE SPECIES COMMISSION

ESTABLISHED UNDER SENATE BILL NO. 153 OF THE  
149<sup>TH</sup> GENERAL ASSEMBLY

RESPECTFULLY SUBMITTED TO THE GOVERNOR, PRESIDENT  
PRO TEMPORE OF THE SENATE AND SPEAKER OF THE HOUSE

DECEMBER 31, 2018

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**REPORT TO THE GENERAL ASSEMBLY FROM THE DELAWARE NATIVE SPECIES  
COMMISSION**

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## **Members of the Commission**

	<b>Member</b>	<b>Organization</b>
1	James White, Chair	Delaware Nature Society
2	Robert Thornton, Vice Chair	Home Builders Association/Silverstock Developers
3	David Saveikis	DNREC, Division of Fish & Wildlife
4	Jessica Inhof	Department of Agriculture
5	Tracy Surlles	New Castle County, County Executive Appointee
6	Michael Petit de Mange	Kent County, County Administrator Appointee
7	Michael Costello	Sussex County, County Administrator Appointee
8	Sarah Cooksey	Delaware Nature Conservancy
9	Christopher Heckscher	Delaware State University
10	Ashley Kennedy	University of Delaware
11	Jeffrey Downing	Mt. Cuba Center
12	Katherine Holtz	Delaware Farm Bureau
13	James McCulley	Watershed Eco, LLC
14	Janice Truitt	Delaware African American Farmers Association
15	Lorene Athey	Guided Path, LLC
	Faith Kuehn (retired 9/2018)	Department of Agriculture

## **Introduction**

The Delaware Native Species Commission (“the Commission”) was formed by an action of Delaware’s 149<sup>th</sup> General Assembly, Senate Bill 153, to implement the recommendations of the Statewide Ecological Extinction Task Force (formed and authorized under Senate Concurrent Resolution 20) and report back to the General Assembly on a yearly basis. The membership reflects a balance of interests between environmental, professionals, government, and other stakeholders, and meets six times annually as determined by the Commission. The Commission will sunset ten (10) years after enactment, in 2027, unless reauthorized by the General Assembly.

The overall goals of the Commission are to:

- Reverse the decline and extinction of native plant and animal species within Delaware;
- Implement the actions outlined in the Final Report of the Statewide Ecological Extinction Task Force;
- Provide expertise and assistance to all stakeholders;
- Educate the general public, industry professionals, state and local government decision makers, and educators on issues concerning the conservation of Delaware’s native species and their habitats.

## **Commission Activities**

In the short time since its creation in June 2018, the Commission has met four times. An overview of each meeting is presented separately below. In addition to electing a Chair and Vice-Chair, setting up meeting frequency, and discussing the general operation of the Commission, the Commission performed the following activities since its first meeting in July 2018:

- The Commission reviewed the recommendations from the Statewide Ecological Extinction Task Force and ranked them to create a “Top Ten” list in order to focus on certain tasks first.
- Two (2) subcommittees were formed: the Education Subcommittee, initially charged with compiling a list of relevant educational resources and materials on native species; and the Legislative and Regulatory Subcommittee, initially charged with compiling laws and regulations regarding how undeveloped habitats are regulated and how developed landscapes are regulated in regards to native and invasive species.
- The Commission met with subject matter experts regarding invasive species in Delaware.
- A website was created for the Native Species Commission under the Department of Natural Resources and Environmental Control’s Division of Fish & Wildlife:  
<https://dnrec.alpha.delaware.gov/delaware-native-species-commission/>

## **Overview of Meetings**

**July 31, 2018**

*1<sup>st</sup> Meeting of the Native Species Commission*

- Commission member introductions
- Senator Hansen outlined the background and origin of commission
- Discussions on best approach to completing Task Force recommendations

**August 24, 2018**

*2<sup>nd</sup> Meeting of the Native Species Commission*

- James White was elected chair of the commission and Robert Thornton was elected vice-chair
- Commission reviewed their “top ten” list of recommendations to complete first
- Commission created two subcommittees: the Legislative and Regulatory Summary Subcommittee and the Education Subcommittee

**October 17, 2018**

*3<sup>rd</sup> Meeting of the Native Species Commission*

- The Commission continued to review the “top ten” list of recommendations
- Reports from each subcommittee were read and discussed
- The Commission discussed invasive plant species with William McAvoy, botanist for the Division of Fish & Wildlife

**December 19, 2018**

*4<sup>th</sup> Meeting of the Native Species Commission*

- The Commission reviewed a draft of the report for the General Assembly
- Reports from the Education Subcommittee were read and discussed
- The Commission determined their “top ten” recommendations to complete
- The Commission reviewed their meeting schedule for 2019

## **Goals for 2019**

The 2019 goals of the Commission are as follows:

- Approve a list of invasive species which will then serve as the base list for legislation to ban the sale, distribution or propagation of invasive species found in Delaware.
- Develop a budget and find funding for projects and operational support (mileage, etc.) relative to the Commission.
- Assist with the coordination of an Environmental Symposium to be held in partnership with Mount Cuba, the Delaware Nature Society, and others regarding the promotion of native species and practices.
- Develop a branded public relations educational/awareness campaign to promote native species and practices
- Begin completing the Commission’s “Top Ten” List of recommendations from the Statewide Ecological Extinction Task Force.

## Appendix A: Senate House Bill 153



SPONSOR: Sen. Hansen & Rep. Heffernan  
Sens. Ennis, Henry, McDowell,  
Sokola, Townsend; Reps. Baumbach,  
Gray, Hudson, Kenton, Mitchell,  
Osienski,  
M. Smith, Viola

DELAWARE STATE SENATE  
149th GENERAL ASSEMBLY  
SENATE BILL NO. 153  
AS AMENDED BY  
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE  
DELAWARE NATIVE SPECIES COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

WHEREAS, Senate Concurrent Resolution No. 20 passed by the 149th General Assembly created the bi-partisan Statewide Ecological Extinction Task Force (“Task Force”); and

WHEREAS, the Task Force was charged with studying the extinction of local plant and animal species in Delaware and reporting its findings and recommendations for action to the President Pro Tempore of the Senate and the Speaker of the House of Representatives for distribution to the members of the General Assembly, with a copy to the Governor and others by December 1, 2017; and

WHEREAS, the Task Force was comprised of environmental experts with an understanding of species extinction, stakeholders in land development, local government officials from all 3 counties, the agricultural community, and the business community; and

WHEREAS, the Task Force heard testimony from experts and developed findings and recommendations for action in order to reverse the trend of extinction and extirpation of our local plant and animal native species; and

WHEREAS, the findings and recommendations for action were numerous and wide ranging; and

WHEREAS, the Task Force issued the “Final Report of the Statewide Ecological Extinction Task Force” on December 1, 2017, incorporating its findings and recommendations for action; and

WHEREAS, the Task Force recommended the creation of the Delaware Native Species Commission reflecting a balance of interests between environmental professionals, government, and other stakeholders in order to implement the recommendations of the Task Force.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 80, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter III. Delaware Native Species Commission.

§ 8071. Purpose.

The Delaware Native Species Commission is created to do all of the following:

- (1) Reverse the trend of decline and extinction of our local plant and animal native species.
- (2) Diligently pursue and perform those things necessary and proper in order that the recommendations in the Final Report of the Statewide Ecological Extinction Task Force be fully implemented.
- (3) Provide state and local lawmakers, policy makers, educators, and other stakeholders with expertise and assistance in projects meeting the goals and purposes of this subchapter.
- (4) Report back to the General Assembly on a yearly basis regarding the implementation of the Task Force recommendations.

§ 8072. Definitions.

For purposes of this subchapter:

- (1) “Appointed member” means an individual appointed by the Governor under § 8073(a)(2) of this subchapter.
- (2) “Commission” means the Delaware Native Species Commission.
- (3) “DNREC” means the Department of Natural Resources and Environmental

Control.

- (4) “Task Force recommendations” means the recommendations in the Final Report of the Statewide Ecological Extinction Task Force established by Senate Concurrent Resolution No. 20 of the 149th General Assembly.

§ 8073. Commission membership; qualifications; term of office.

(a) The Commission is composed of 15 members, as follows:

(1) Five members serving by virtue of position, or a designee appointed by the member, as follows:

- a. The Secretary of the DNREC.
- b. The Secretary of the Department of Agriculture.
- c. The County Executive of New Castle County.
- d. The County Administrator for Kent County.
- e. The County Administrator for Sussex County.

(2) Ten members who are citizens of the State and appointed by the Governor, as follows:

- a. Five individuals who represent environmental organizations or Delaware institutions of higher education, with expertise regarding Delaware plant or animal species.
- b. Five individuals who represent stakeholder commercial interests, such as land development, farming, and business.

(b) An appointed member serves for a term of up to 3 years and is eligible for reappointment. The Governor shall appoint members for staggered terms so that no more than 5 members’ terms expire in any 1 calendar year.

(c) If an appointed member fails to attend 3 successive meetings of the Commission without just cause, that member’s position may be deemed vacant and the Governor may appoint a replacement.

(d) Members of the Commission serve without compensation, except that the Commission may reimburse members for reasonable and necessary mileage and tolls incident to duties as members of the Commission.

§ 8074. Authority; staffing.



(a) The Commission shall be placed within DNREC and shall have such powers, duties, and functions as described in this subchapter and such other duties and functions as may be referred to it by the Governor, the Secretary of DNREC, or the General Assembly.

(b) The Secretary of DNREC shall provide staff support to the Commission.

§ 8075. Chair and Vice Chair; selection and duties.

(a) The Commission shall elect a Chair and Vice Chair at its first meeting and the Chair and Vice Chair shall serve until a replacement is elected. If the Chair becomes vacant, the Vice Chair shall fulfill the duties of the Chair contained in subsection (b) of this section until a replacement is elected at its next meeting.

(b) The Chair of the Commission shall do all of the following:

(1) Set a date, time, and place for the meetings of the Commission.

(2) Supervise the preparation and distribution of meeting notices, agendas, minutes, and other documents prepared by or on behalf of the Commission.

§ 8076. Quorum and conduct of business.

(a) A majority of the membership of the Commission constitutes a quorum to conduct official business. Official action by the Commission, including making findings and recommendations, requires the approval of a majority of the members of the Commission present at a meeting with quorum.

(b) The Commission may adopt rules necessary for its operation.

(c) The Commission may undertake the following functions to implement the Task Force recommendations and to further the goals and purposes of the Commission:

(1) Establish subcommittees.

(2) Engage with other organizations to exchange ideas and information and to provide those other organizations with the opportunity to engage with the Commission.

(3) Study, research, plan, and make advisory recommendations to the Governor, the Secretary of State, the Secretary of DNREC, the Department of Agriculture, or the General Assembly.

(d) In carrying out the Commission's duties under this subchapter, the Commission shall consider any related plans and programs developed by other organizations with expertise in native species conservation or protection, or in the eradication of invasive species, and may designate representatives to serve on special committees, organizations, or other

entities to plan, develop, and coordinate specific activities.

§ 8077. Annual Report.

On or before December 31, 2018, and on or before every December 31 thereafter, the Commission shall submit to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives for distribution to the members of the General Assembly, an annual report of the Commission's activities for the previous year and goals for the upcoming year. The report may also include proposals for legislation, administrative action, or other policy changes the Commission considers necessary to carry out its implementation of the Task Force recommendations or further the goals and purposes of this subchapter.

Section 2. The Secretary of DNREC shall set the date, time, and place for the initial organizational meeting and the Commission shall hold its first meeting no later than August 1, 2018.

Section 3. This Act expires 10 years after its enactment into law, unless otherwise provided by a subsequent act of the General Assembly.

## Appendix B: Composition of Commission and Member Biographies

The Commission is composed of fifteen (15) members: five members serving by virtue of position, or an appointed designee; five members who represent environmental organizations or Delaware institutions of higher education, with expertise regarding Delaware plant or animal species; and five members who represent stakeholder commercial interests, such as land development, farming and business.

By Virtue of Position or designee:

I. David Saveikis- Director, Division of Fish & Wildlife, designee for Secretary of DNREC

David (Dave) Saveikis currently serves as the Director of the Delaware Division of Fish and Wildlife, having been appointed to the position on February 1, 2011. He has worked in natural resource management since 1978 in both the public and private sectors, holding positions with the Delaware Division of Fish and Wildlife, Delaware Division of Water Resources and Maryland Department of Agriculture, and as a private environmental consultant. Mr. Saveikis has held biologist, environmental scientist and management positions involving fish and wildlife research, habitat restoration, aquatic resource monitoring, wetlands regulation and policy and water resources policy.

Dave received a B.S. in Biological Sciences from Salisbury University, Salisbury Maryland. He is an avid angler, waterfowl enthusiast and naturalist, with a passion for tidal river largemouth bass fishing and light tackle saltwater fishing.

II. Jessica Inhof- Environmental Program Administrator, Plant Industries Section, designee for Secretary of Department of Agriculture

Jessica Inhof serves as the Environmental Program Administrator for the Delaware Department of Agriculture's Plant Industries section. In her role as Administrator, Ms. Inhof is the State Plant Regulatory Official as well as a member of the Eastern Plant Board and the National Plant Board. The mission of the Plant Industries Section is to prevent the introduction, establishment, or spread of plant and honeybee pests, and suppress, control abate, or eradicate those pests that are dangerously injurious to the agricultural, horticultural, and forestry interests of the state. The Section also enforces the Plant Pests Law, the Nurseries and Nursery Stock Law, the Noxious Weeds Law, the Beekeeping Law, the Seed Law, and the Grain Testing Devices Law.

Holding a degree in Agricultural Science with an emphasis in Soils and Agronomy from Penn State University, Ms. Inhof has worked with the farming community on the Delmarva Peninsula for over 22 years. She is a Certified

Crop Advisor, a Nutrient Management Planner in Delaware and Maryland, a member of the Delaware Farm Bureau, and a former member of the Delaware Nutrient Management Commission. Prior to working for the State, she was a Senior Agronomist and part owner of AET Consulting, Inc.

III. Tracey Surles- designee for County Executive of New Castle County

Tracy Surles is the General Manager of New Castle County's Department of Public Works. As the General Manager, Ms. Surles oversees the planning, design construction and maintenance of over 6,000 acres of County parkland and open space, the sanitary sewer system, the storm sewer system, over 60 county buildings and the County's fleet. Ms. Surles has served the County for almost twenty years in various roles prior to her current position including serving as an Assistant County Attorney, Senior Manager for Public Works, Deputy Chief Administrative Officer and Chief Administrative Officer. Ms. Surles has a B.S. in Civil Engineering and is also a member of the Delaware Bar. Prior to working for the County, she practiced environmental law in Wilmington and in Washington DC.

IV. Michael Petit de Mange- County Administrator for Kent County

Michael J. Petit de Mange, AICP, became the County Administrator for Kent County, Delaware on April 8, 2007 after serving as the County's Planning Director for nearly 5 years. Prior to joining Kent County, he served as Director of Planning & Inspections for the City of Dover, Delaware and as an Associate/Branch Manager for Landmark Engineering, Incorporated. While with the City of Dover, Mr. Petit de Mange also served a four (4) year term on the Kent County Regional Planning Commission. He has over 29 years of experience in municipal management and regional planning.

V. Michael Costello- designee for County Administrator for Sussex County

Michael Costello worked at the Delaware Department of Natural Resources and Environmental Control in the Environmental Crimes Unit until joining Sussex County Government as the Chief Code Enforcement Officer in 2014. In October of 2016, Mike moved to the position of Government Affairs Manager where he currently serves. Mike has degrees in Emergency Management and Organizational Management.

Representing environmental organizations or Delaware institutions of higher education

VI. Sarah Cooksey- Delaware Nature Conservancy

Sarah Cooksey is currently the Director of Conservation for the Delaware Chapter of The Nature Conservancy, where she defines and oversees the implementation of the strategic priorities and strategies for the Chapter's

conservation work, providing leadership and oversight of land, water oceans and climate initiatives. Ms. Cooksey is past Administrator of the Delaware Coastal Programs where she was responsible for both the coastal zone management program and the Delaware National Estuarine Research Reserve. She coordinated with federal, state and local governments on coastal resource issues such as tidal and freshwater wetlands, energy policy, non-point source pollution, coastal hazards, essential fish habitat, ocean planning, biodiversity, sustainable development, and dredging issues. She is past President of the Coastal States Stewardship Foundation, a 501(3) (c) formed to assist state governments with pressing coastal management issues and past Chair of MARCO – the Mid-Atlantic Regional Council of the Ocean – a five state initiative to focus on offshore issues related to renewable energy, water quality, habitat protection and climate change adaptation. Prior to her work in The Nature Conservancy and the State of Delaware she spent several years in EPA's Office of Water in Washington DC working with states on water issues. Sarah has a Master of Science degree in Biology and enjoys spending time at the beach with her husband and two sons, bird watching and gardening.

#### VII. Christopher Heckscher- Delaware State University

Christopher (Kitt) Heckscher earned a Ph.d. and M. S. in Entomology and Wildlife Ecology, from the University of Delaware. He also holds a B.S. in Wildlife Biology from Colorado State University. He was the Delaware state Zoologist for the The Nature Conservancy and the Delaware Division of Fish and Wildlife's Delaware Natural Heritage Program from 1993 to 2008 where he was responsible for developing and maintaining the state's zoological database. In 2009, he became an Associate Professor of Environmental Science at Delaware State University (DSU). Prior to 1993, he worked as a Preserve Manager for The Nature Conservancy and a Wildlife Biologist for the U.S. Forest Service. His research at DSU primarily focuses on the ecology of migratory forest songbirds. Dr. Heckscher also has extensive expertise in the inventory and conservation needs of rare invertebrate species of high conservation concern. He has 30 years of professional experience in the collection of rare species information for the purposes of informing wise land management decisions for both private landowners and public agencies.

#### VIII. Ashley Kennedy- University of Delaware

Ashley Kennedy is a PhD candidate in the Department of Entomology and Wildlife Ecology at the University of Delaware. Her dissertation research focuses on bird-insect food webs, specifically, investigating which insects are the most important in birds' diets, which will help guide avian conservation efforts. Ashley graduated in 2009 from Johns Hopkins University, where she studied vervet monkeys for her undergraduate thesis research. She completed internships/seasonal positions at the Smithsonian Environmental Research Center, the National Zoo, and the Smithsonian Conservation Biology Institute

between her undergraduate and graduate studies. In 2010, she began a MS project on delphacid planthopper taxonomy at the University of Delaware, describing several new species in the process. After receiving her MS in 2013, she worked as an educator for the Delaware Nature Society and a taxonomist for Delaware Mosquito Control. In 2015, she began her current position in Doug Tallamy's lab. She is also a Science Policy Fellow of the Entomological Society of America and a 2018 recipient of the Entomological Society of America John Henry Comstock Graduate Student Award.

IX. Jeffery Downing- Mt. Cuba Center

Jeffery (Jeff) Downing is executive director of Mt. Cuba Center, a botanical garden in Hockessin, Delaware that inspires an appreciation of the beauty and value of native plants, and a commitment to conserve the habitats that sustain them. Prior to his arrival at Mt. Cuba Center in 2012, Jeff spent thirteen years at The New York Botanical Garden working in education as a manager, director, and finally as Vice President for Education from 2007 to 2012. Jeff earned a Bachelor of Arts in economics at Trinity College in Hartford, CT and a Master of Arts in Religion at Yale University in New Haven, CT.

X. James White- Delaware Nature Society

James (Jim) White has worked at Delaware Nature Society since 1982. In his role, he oversees Delaware Nature Society's land. A native Delawarean, he graduated from the Salesianum High School and the University of Delaware. Jim's natural history interests include birds, insects, amphibians and reptiles. He teaches herpetology at University of Delaware and with his wife has published a field guide to the amphibians and reptiles of the Delmarva Peninsula. Jim also leads natural history trips to many natural areas in the US and in Central and South America.

Representing stakeholder commercial interests, such as land development, farming and business

XI. Lorene Athey- Guided Path LLC

Lorene (Lori) Athey is a registered Landscape Architect in Delaware and a Certified National Wildlife Federation Host. During her career as a planner and landscape architect, she has worked with or for a variety of organizations and homeowners throughout Delaware including: Delaware Department of Natural Resources & Environmental Control, Delaware Department of Transportation, New Castle County Land Use, City of Wilmington Public Works, City of Lewes, Delaware Nature Society, Delaware Center for Horticulture, University of Delaware Institute for Public Administration, Irwin Landscaping, and the Delaware Agricultural Museum. In addition to design and planning, she monitors conservation easements, and is a teacher and speaker on native plants and gardening for wildlife topics. Ms. Athey is former President of the

Delaware Board of Landscape Architects and former Chair of the New Castle County Resource Protection Area Technical Advisory Committee. She earned a Master of Landscape Architecture from the University of Illinois and a Bachelor of Science in Architecture from the University of Virginia. A native Delawarean, she grew up in Smyrna, and currently gardens in the City of Newark.

XII. Katherine Holtz- Delaware Farm Bureau

Katherine (Kitty) and her husband, Dave Holtz, have owned and operated Holtz Farms since 1969 and recently expanded the operation to include their youngest son, Brent, in 2013 as Holtz Farms, LLC. Dave and Kitty have three children and two grandchildren. Their home farm of 250 acres is located near Clayton and Kenton Delaware. They grow corn, soybeans and wheat. Holtz Farms, LLC farm approximately 1,800 acres within Kent County.

Kitty also worked for the State of Delaware for twenty years and was active with 4-H for ten years. She has been a member of Delaware Farm Bureau since 1976, and took a more active role within the organization in 2003, serving on the state and county boards for eleven years. She was president of Kent County Farm Bureau for two years before being elected the State Farm Bureau President in 2014.

Kitty enjoys spending time with her grandchildren sharing in their many sport activities and other school events, and enjoys traveling as time permits.

XIII. James McCulley- Watershed Eco. LLC

James (Jim) McCulley is the current president of the Home Builders Association of Delaware. He also serves as Life Director of the National Association of Home Builders and the Home Builders Association of Delaware. He is an Environmental Scientist with over 30 years of experience performing natural resource studies in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, Florida, Georgia, Ohio and Indiana. He previously served on the National Academy of Sciences, Wetlands Advisory Committee which authored "Wetlands: Characteristics and Boundaries". He has also served on numerous local, State and National committees involved in Natural Resource Policy.

XIV. Robert Thornton- Home Builders Association

Robert Thornton serves on the Board of Directors for the National Association of Home Builders and is the State Director for the Home Builders Association of Delaware. He also serves on the Board of Directors of Home Innovation Research Labs, which wrote and developed the National Green Building Standard (NGBS). He has the first certified Green Home in the nation under the NGBS in 2009, and in 2010 was the state of Delaware's "Builder of the Year."

Thornton is frequently a guest speaker at the International Builders Show (IBS) in Las Vegas and Orlando on the topic of green sustainable building.

XV. Janice Truitt- Delaware African American Farmers Association, Delaware Agricultural Lands Preservation Foundation

Ms. Truitt resides in the hamlet of Hartly, as a local organic produce farmer. She is the Founding Director of Delaware African American Farmers Association and the first African American ever to be appointed as a Trustee to Delaware Agricultural Lands Preservation Foundation Board. Currently, Ms. Truitt serves as a Governor's appointee to the Delaware State Medical Licensure and Disciplinary Board. Ms. Truitt has worked and visited seventy-two (72) countries world-wide including thirty-two (32) nations in Africa. She is a graduate of Delaware State University and is a current professor there, teaching Global Societies.

Beginning in 1991, Delaware farmland preservation program has two major components, agriculture preservation districts and agricultural conservation easements, in addition to a Young Farmers Program to assist the next generation of farmers. Agricultural easements are purchases of development rights by the foundation, placing a permanent agriculture conservation easement on the farm or forest land. To date, the foundation has preserved approximately 124,784 acres of farmland.

Retired member of the commission (served July 2018-September 2018):

Faith Kuehn- Department of Agriculture's Plant Industries

Faith B. Kuehn served as Environmental Program Administrator for the Delaware Department of Agriculture's Plant Industries from October 2001 until September 2018. Specific program responsibilities include nursery, apiary, noxious weeds, and invasive species. In 2006, the Department received a Sustainable Agriculture Research and Education (SARE) grant to catalog native bees in Delaware's vegetable production areas, and work with farmers to establish bee conservation practices on their farms. In 2010, Faith began a project to develop community and therapeutic gardens at the State's Holloway Campus, and Delaware Psychiatric Center. This project has grown to become Planting Hope Urban Farm, with a Campus Market, CSA, Planting Hope Apiary and a program with Terry Children's Psychiatric Center. In 2015, she received a grant from the USDA to develop and implement Delaware's Pollinator Protection Plan. In 2017, together with a Delaware farm family, she received a SARE grant to establish pollinator buffers on their poultry farm. Faith represents Delaware on the National Plant Board.



## **Appendix C: Minutes from Task Force Meetings**

Native Species Commission  
July 31, 2018 at 10 am  
100 W Water Street, Dover, Delaware  
First Floor Training Room

Minutes approved on: December 19, 2018

### **Members Present**

Sarah Cooksey  
Michael Costello  
Jeffery Downing  
Ashley Kennedy  
Faith Kuehn  
James McCulley  
Michael Petit de Mange  
David Saveikis, Interim Chair  
Tracy Surles  
Robert Thornton  
James White

### **Members Absent**

Christopher Heckscher  
Katherine Holtz

### **Administrative Staff**

Jennifer Childears, Administrative Specialist III

### **Also Present**

Stephanie Hansen, State Senator  
Terri Tipping  
Ralph Downard  
Erin Goldner

### **Call to Order**

Mr. Saveikis called the meeting to order at 10:05 a.m.

### **Review and Approval of Minutes**

This being the first meeting of the Commission, there were no minutes to review or approve.

### **Unfinished Business**

This being the first meeting of the Commission, there was no unfinished business.

## **New Business**

### Welcome and Introductions

Mr. Saveikis welcomed all members and the public to the first meeting of the Commission and reviewed the breakdown of members as five members serving by virtue of position and ten members appointed by the Governor from the public representing environmental organizations, Delaware institutions of higher learning and commercial interests. Members of the Commission introduced themselves.

No appointed member had taken their oath of office at the time of the meeting, so no voting actions would be (were) taken.

### Background and Origin of Commission

Senator Hansen addressed the Commission to explain why Senate Bill 153 was created and why the commission was formed. Many members of the Commission were also on the Statewide Ecological Extinction Task Force. The Task Force worked through the process of acknowledging the loss of native species in Delaware at an alarming rate and identified several pathways and actions to address this loss, including the creation of a Native Species Commission. The Commission is to take the recommendations of the Task Force, discuss and implement ways to meet the recommendations and report back to the General Assembly each year for the next 10 years.

Senator Hansen pledged her support of the Commission and will act as a point person in the General Assembly.

Administrative support for the Commission falls to the Department of Natural Resources and Environmental Control, with David Saveikis, director of the Division of Fish & Wildlife, serving as DNREC Secretary Shawn Garvin's designee and Director Saveikis' administrative specialist, Jennifer Childears, providing administrative support for the Commission.

### Commission Purpose and Charge as Established by SB 153

Mr. Saveikis read the following Commission purpose and charge, with informal discussions held regarding some:

- a) Reverse decline and extinction of native plant and animal species
- b) Implementation of Final Report of the Statewide Ecological Extinction Task Force
- c) Provide expertise and assistance to stakeholders

Mr. Costello raised the question of bringing in subject matter experts to present to the Commission on matters relevant to its purpose and charge. Several Commission members were able to positively say that they had subject matter experts available for future meetings.

- d) Annual report to General Assembly (1<sup>st</sup> report due December 31, 2018)

Mr. Saveikis stated the need to become organized quickly and look at "low hanging fruit" options first to have something of substance for the first report given the short time frame. Mr. Thornton mentioned creating a PDF for educational purposes that Commission members could take back to their respective areas to help make the public more aware of the Commission and its goals.

### Commission Governance

Mr. Saveikis noted that members of the Commission could be reimbursed for mileage and tolls, but there was not a form or process in place at the time of the meeting and members should start tracking this information.

Due to the appointed members present not having taken the required oath of office, a quorum was not in attendance and actions to elect a Commission chair, establish rules of order and discuss the need for by-laws were postponed.

### Initial Commission Actions

Informal discussions were held in reference to reviewing the Statewide Ecological Extinction Task Force recommendations and establishing priorities. The Task Force established nine categories in their final report to the General Assembly, one of which has been completed with the formation of the Native Species Commission. The remaining eight categories were discussed by the members. Many members are currently involved in several of the recommendations and there seemed to be overlap between county governments, commercial interests and environmental organizations. It was suggested and agreed upon that for the next meeting, each Commission member would provide their ranking of priorities as well as what skill sets and expertise they can offer.

### **Public Comment**

Ms. Tipping discussed the value of volunteers to accomplish removal of invasive plant species throughout the state and the lack of guidance or help from environmental organizations.

Commission members discussed the difficulty in having enough staff to dedicate to volunteer efforts, but acknowledged Ms. Tipping's statement about the value of volunteers and the desire to utilize them.

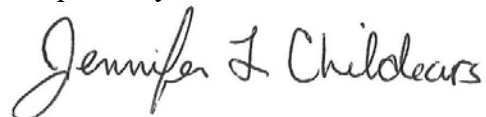
### **Next Meeting Date and Location**

Ms. Childears will send a Doodle Poll to establish the date of the next meeting in August. It was suggested that the Commission should meet every other month.

### **Adjournment**

The meeting ended at 11:40 am

Respectfully Submitted,



Jennifer Childears, Administrative Specialist III  
DNREC, Division of Fish & Wildlife

## Meeting Minutes

Native Species Commission  
August 24, 2018 at 10 am  
100 W Water Street, Dover, Delaware  
First Floor Training Room

Minutes approved on: October 17, 2018 by all present

### **Members Present**

Sarah Cooksey  
Jeffery Downing  
Ashley Kennedy  
James McCulley  
Michael Petit de Mange  
David Saveikis, Interim Chair  
Robert Thornton  
Christopher Heckscher  
Faith Kuehn (arrived at 10:45)  
Katherine Holtz  
Lori Athey

### **Members Absent**

James White  
Janice Truitt  
Michael Costello  
Tracy Surles

### **Administrative Staff**

Jennifer Childears, Administrative Specialist III

### **Public Present**

Jerrod Taylor  
Terry Harvey  
Shelia Smith  
Alice Mohrman

### **Call to Order**

Mr. Saveikis called the meeting to order at 10:08 a.m. Additional introductions were made as new commission members were in attendance. A majority of members present had taken their oath of office, which allowed for a quorum.

### **Review and Approval of Minutes**

The commission reviewed the minutes of the July 31, 2018 meeting. There was not a quorum of eligible commission members that had attended the last meeting to approve the meeting minutes, so no motion was made or approved.

## **Unfinished Business**

### Commission Governance

#### Elect Chair

Mr. Saveikis opened to floor to nominations for chair and vice-chair of the commission. Mr. McCulley requested that both the environmental/educational groups and the commercial interest groups be represented.

Mr. McCulley, made a motion, seconded by Mr. Thornton, to nominate James White as Commission Chair, contingent upon his approval (Mr. White was not present at the meeting to accept nomination). The motion carried unanimously.

Ms. Kennedy made a motion, seconded by Ms. Cooksey, to nominate Robert Thornton as Commission Vice-Chair. Mr. Thornton accepted the nomination. Mr. Petit de Mange made a motion, seconded by Ms. Cooksey to close the nomination. The motion carried unanimously. The motion to have Mr. Thornton as Vice-Chair also carried unanimously.

Vice Chair Thornton requested that Mr. Saveikis continue running the meeting as the Interim Chair.

#### Establish Rules of Order

Ms. Cooksey made a motion, seconded by Mr. McCulley to adopt Robert's Rules of Order, recognizing the Commission can suspend the rules as necessary during Commission meetings. The motion carried unanimously.

#### Need for Bylaws

The question was raised by Mr. Saveikis as to the need for Commission by-laws. After discussions surrounding quorum and voting scenarios, it was requested that voting rules be written out for future reference and to avoid confusion. Formal by-laws are not needed at this time. If clarification on more items are needed going forward, the matter of by-laws will be readdressed.

## **New Business**

### Commission Actions

#### Rank top ten ecological extinction task force recommendations

Ms. Childears reviewed with the commission the results of the top ten priorities ranking assignment by Commission members. It was evident that the commission feels strongly about legislation being introduced to ban the sale of invasive species in the state. Before that can happen, however, the commission will need to make a decision on which species are invasive species or non-native and must also consider animal species in the narrative. At least three definitive lists would need to be made: 1) Invasive Species; 2) Non-Native Species that are on sale in Delaware; and 3) Native species. Bill McAvoy, Division of Fish & Wildlife botanist, will be invited to the next commission meeting to discuss his vast knowledge of flora with the commission. Dr. Douglas Tallamy, University of Delaware professor, was also mentioned as someone to meet with the commission. Finally, a point was made to include the Delaware Nursery industry in discussions as their businesses would be effected by any legislation.

After further discussion, the commission decided that creating a framework on how they intend to create the list of species to ban would be best at this time. Points were made by multiple commission members about the need for educating the commission, the public, and the General Assembly about invasive species first before asking for legislation to ban them.

Mr. Saveikis suggested a three-fold approach to action: 1) Determining education aspects; 2) Assessment of invasive species to have a legitimate, defensible list; and 3) Reviewing ordinances that speak to invasive or native species.

Mr. McCulley made a motion, seconded by Mr. Petit de Mange, to create a Legislative and Regulatory Summary subcommittee for the purpose of compiling laws and regulations regarding how undeveloped habitats are regulated and how developed landscapes are regulated regarding native and invasive species. Subcommittee members are Michael Petit de Mange (chair), David Saveikis, Faith Kuehn, Tracy Surlis, , Michael Costello, James McCulley, Robert Thornton, and Katherine Holtz. The motion carried unanimously.

Mr. Downing made a motion, seconded by Ms. Holtz to create an Education Subcommittee to compile a list of relevant educational resources and materials on native species for eventual use in educating the public and decision makers on the importance of native species and related issues. Subcommittee members are Jeff Downing (chair), James White, Ashley Kennedy, Sarah Cooksey, Faith Kuehn, David Saveikis, and Lori Athey. The motion carried unanimously.

Mr. McCulley made a motion that the commission review and compile a list of native, non-native, and invasive animal and plant species. There was no second. The motion did not carry.

The commission requested that those members who had not submitted a top ten ranking of the recommendations, to do so.

Review Ecological Extinction Task Force recommendations currently being implemented  
More members have input to share and in the interest of time, this topic was postponed until the next meeting.

#### Prioritize Commission next actions

Creating the two subcommittees is the start of the commission's next actions.

#### **Public Comment**

Public members spoke throughout the meeting, reminding the commission of the Delaware Nursery and Landscaping Association and other stakeholders that would have valuable input on topics discussed during the meeting.

#### **Next Meeting Date and Location**

Mr. Thornton made a motion, seconded by Mr. Downing, to hold future commission meetings on the third Wednesday of every other month at 10 am starting with October 17, 2018 in the Dover area. The motion carried unanimously.

**Adjournment**

There being no further business, Mr. Saveikis made a motion, seconded by Mr. Petit de Mange to adjourn the meeting. The motion carried unanimously. The meeting adjourned at 12:04 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Jennifer I. Childears". The signature is written in a cursive, flowing style.

Jennifer Childears, Administrative Specialist III  
DNREC, Division of Fish & Wildlife

## Meeting Minutes

Native Species Commission  
October 17, 2018 at 10 am  
Haslet Armory  
122 Martin Luther King Jr Blvd, Dover, DE  
Room 133

Minutes approved on: December 19, 2018

### **Members Present**

James White, Chair  
Robert Thornton, Vice-Chair (arrived 10:25)  
Jeffery Downing  
James McCulley  
Michael Petit de Mange  
David Saveikis  
Tracy Surlles- via phone  
Christopher Heckscher  
Janice Truitt  
Katherine Holtz  
Lori Athey

### **Members Absent**

Michael Costello  
Sarah Cooksey  
Ashley Kennedy

### **Administrative Staff**

Jennifer Childears, Administrative Specialist III

### **Public Present**

Stephanie Hansen, State Senator  
Bill McAvoy, Division of F&W  
Elizabeth Nalle  
Michael McFarlin  
Kendall Sommers- via phone  
Shelia Smith  
Faith Kuehn

### **Call to Order**

Mr. White called the meeting to order at 10:09 a.m. He thanked the commission members for their confidence in voting him in as chair.



## **Review and Approval of Minutes**

The commission reviewed the minutes of the July 31, 2018 meeting. There was not a quorum of eligible commission members that had attended the July meeting to approve the meeting minutes, so no motion was made or approved.

The commission reviewed the minutes of the August 24, 2018 meeting. Ms. Holtz made a motion, seconded by Mr. Thornton to accept the minutes as written. The motion carried unanimously by the eligible commission member.

## **Unfinished Business**

### Review ranking of top ten task force recommendations

Ms. Childears handed out a list of recommendations in order of the number of responses each recommendations received, not in a priority ranking order. It was apparent that the education recommendations were popular among the commission members. Mr. Downing noted that some of the education recommendations could be lumped together into one action. Mr. White asked Mr. Downing to do that for the next meeting. Mr. McCulley made a motion, seconded by Mr. Saveikis, to revisit the recommendation list using those that had 3 or more responses and create a top ten list from those, with the other recommendation to be addressed in the future. The motion carried unanimously.

### Review task force recommendations currently in progress

Ms. Childears handed out a document that included information about what certain commission members' organizations or businesses were already doing in relation to the recommendations. Mr. Saveikis noted this was a living document that can change. This document was for information purposes.

### Other unfinished business

Mr. Saveikis handed out the Proposed Quorum Voting Rules. At the previous meetings, the commission request that voting rules be set in writing to help with any future questions should arise. The proposed rules included the following:

- A quorum consists of eight commission members
- Action of the Commission requires a simple majority vote of commission members present at the meeting (e.g., concurrence of five of eight commission members)
- The commission chair does not vote on commission actions except to break a tie commission vote or constitute a quorum.

Also noted was that members cannot use proxy votes or vote by email prior to or after a meeting. Mr. McCulley made a motion, seconded by Mr. Petit de Mange to accept the proposed rules as written. The motion carried unanimously.

## **New Business**

### Education Subcommittee Report

The Education Subcommittee met on September 12 to assess the available education material and to discuss how the education material could be used. The conclusion was that educational outreach should be used to motivate, support and educate the public about Delaware native species and the harmful effects of invasive species. Mr. Downing, subcommittee chair, had an

online portal created to house pertinent education material. The address for the portal is <https://cbhl.libguides.com/taskforce/education>.

Other questions the subcommittee addressed was “what is the support we want?” and “what action do we want people to do?” Answering these questions will help route the path the education subcommittee will take with the materials they have.

Senator Hansen noted her agreement and discussed several activities she was involved with over the last few weeks that highlight different types of groups and presentations that can take place. Senator Hansen presented a PowerPoint to about 350 7<sup>th</sup> graders at Springer Middle School that was very well received. This is something that could be shared with all the 7<sup>th</sup> grades throughout the state as it fits in well with the state science curriculum. Senator Hansen also met with a group of communities downstate that wanted to convert their open space into meadows. Senator Hansen talked with them about why it was important to do this and how to get that initiative started. Finally, Senator Hansen talked during a maintenance seminar about the issues of converting open spaces. The Native Species Commission is generating interest and there are various groups of citizens that can benefit from the commission’s work and those who want to get involved and help the commission with their goals.

Ms. Surles commented that native species education does fit in with 7<sup>th</sup> grade curriculum and Mr. Downing remarked that he would include it in the subcommittee’s efforts for outreach.

Ms. Smith from the public audience mentioned that Delaware Nature Society has a curriculum expert on staff that works and that it should be easy to match up and implement a native species lesson.

Ms. Athey asked if the PowerPoint presentation could be added to the education portal, which it can be.

Mr. Petit de Mange stated that he attended one of Senator Hansen’s talks and knows there are a lot of citizen led efforts to reduce invasive species and that home owner associates are also a group that would benefit from educational outreach.

Ms. Kuehn, now in the public audience remembered several pamphlets that would be a great resource for the public. Ms. Athey had several of those in her bag.

Senator Hansen mentioned that she was asked to put together a symposium in the spring around the topic of Native species in Delaware and that the commission should also be involved in that effort. Mr. Downing mentioned that Mt. Cuba had discussed doing a symposium also and that combining efforts would be a good idea.

Mr. McFarlin from the public audience mentioned that there are so few people that understand what is going on and that the education process is necessary.

Mr. McAvoy, botanist with the Division of Fish & Wildlife noted his list of plant species would be an excellent resource. See minutes below for in depth discussion.

Ms. Nalle from the public audience mentioned that as a business that specializes in selling only native Delaware species, it would be a huge help to have state support and educational handouts for customers.

Ms. Truitt questioned the commission about the economic impact of banning invasive species and how the state would help citizens and businesses with removal of invasive species and supplementing them with non-invasive and native species. Are we including the businesses in our discussions and decisions? Ms. Athey answered that Delaware Nursery and Landscaping Association is not represented on the commission but are aware of it and supports banning invasive species as it would level the field. Businesses that currently do not sell invasive species lose business to those that do sell them. Mr. Saveikis mentioned that free market would help to supplement those with invasive species because only non-invasive or native species would be available.

Mr. Saveikis mentioned that at the last meeting there was discussion of moving forward with legislative but that was yet to be determined how to get there. Mr. Thornton stated that we create a framework towards banning the sale of invasive species with a future date. It would not work to ban sales immediately but if you put a date in the future as to when the ban would take effect, it will garner more support and be possible to achieve. The commission has to provide alternatives and pathways to reach the goal of selling only non-invasive and native species.

Mr. Downing stated that the commission's educational objectives for 2019 should be to establish and hold workshops and education forums throughout the state. Senator Hansen mentioned working with the three Counties to bring them on board as partners. Many groups want to replace the invasive species and create natural, native sites but they run into roadblocks with County codes.

Mr. Downing made a motion, seconded by Ms. Holtz, that the commission charge the education subcommittee to come up with educational seminars for the state. The motion carried unanimously.

#### Law and Regulations Subcommittee Report

The Law and Regulations Subcommittee met Oct 5<sup>th</sup> to discuss the task of gathering and reviewing local, state and county laws that impact natural habitats and landscapes in respect to native, non-native and invasive species.

Mr. Petit de Mange, subcommittee chair, noted that there are regulations that hinder the ability of home owners and businesses to develop open space meadows. A review of County Codes is needed to update any lists that may inadvertently contain invasive species on their allowable plant lists. Also needing review are codes relating to mowing and control of grass and weeds. New Castle County has an executive order requiring all new plantings to be native species and that is leading the way. Also there are some municipalities that are not regulated by the county so the subcommittee needs to review their regulations also.

Mr. McCulley discussed inviting representatives from Solitude Lake Management to speak to the subcommittee about its work with homeowner association in promoting ecological balance within the community.

Ms. Holtz discussed how a large scale plan needs to be developed in regard to noxious weeds. Farmers are doing their part to control noxious weeds on their farm properties but the weeds are not controlled on public or private areas so the agricultural community is fighting a losing battle.

The subcommittee's next steps are to have the three counties review their codes to identify areas that impact native species and determine what changes can or should be made. Also, Mr. Petit de Mange will invite a representative from the Office of State Planning Coordination to the next subcommittee meeting to address how local land use regulations may address the protection and promotion of native species.

Mr. Saveikis asked the subcommittee if they assessed the broader impact of invasive species on land use to which Mr. Petit de Mange replied that it will be address with State Planning.

#### Discussion with Bill McAvoy

Mr. White requested the Mr. McAvoy, botanist with the Division of Fish & Wildlife talk with the commission about his list of invasive plant species in Delaware. The commission wishes to have a definitive list of invasive plant species and Mr. McAvoy has a very comprehensive list available. The Delaware Invasive Species Council (DISC) also has a list of invasive plant species. DISC's list is a smaller list taken from Mr. McAvoy's list. Mr. McAvoy's list is updated yearly, whereas DISC's list is not. However DISC's list is going to be revised in the near future and will also include invasive animal species.

Ms. Athey requested that a user friendly version of the list be made available and Mr. White asked that it be on the portal. Mr. Saveikis remarked that a link to the education portal can be put on the Native Species webpage, which is found within the Division of Fish & Wildlife's website.

Ms. Keuhn, who is also involved with DISC mentioned that they will be looking at noxious weeds and what is sold in the Nursery Trade when revising the new DISC list.

Senator Hansen discussed when a statute is passed banning the sale of invasive species, their will need to be a link to the list of invasive species that will need to be updated through public process so that there can be fines associated with the ban. Mr. Saveikis asked Mr. McAvoy how often is the list updated substantially? Mr. McAvoy answered he updates the list yearly but sometimes only to add one species. Over the course of 5 years, the list could change substantially.

There was discussion on having a list for homeowners, what is being sold versus what is non-native in nature, the need to have the list include animal species and a need to have a definitive list of both plant and animal species.

Mr. Saveikis made a point to not adopt Mr. McAvoy's list in the event Mr. McAvoy retires or his position is no longer funded. Mr. Downing commented that the commission should have

protecting funding for positions like Mr. McAvoy's as part of the commission's recommendations.

Mr. White stated he was in favor of using DISC's list when it is revised but will need to revisit this topic again. It was suggested that Marcia Fox, part of DISC be invited to the next meeting.

#### Annual Report to General Assembly

Mr. Saveikis mentioned that the commission must submit a report to the General Assembly by December 31<sup>st</sup>. Senator Hansen suggested following the format used by the Task Force. Mr. Thornton requested that an outline of the report be made available for the December 19<sup>th</sup> meeting.

#### **Public Comment**

Public members spoke throughout the meeting. There was no additional comments at this time.

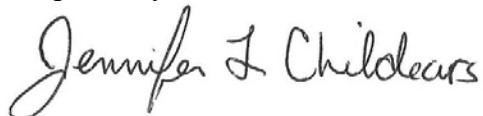
#### **Next Meeting Date and Location**

The next meeting is set for December 19<sup>th</sup>. Location to be determined but will be DNREC's State Street Commons or a conference room at the Kent County offices on Bay Road.

#### **Adjournment**

There being no further business, Ms. Athey made a motion, seconded by Ms. Holtz to adjourn the meeting. The motion carried unanimously. The meeting adjourned at 12:00 pm.

Respectfully Submitted,



Jennifer Childears, Administrative Specialist III  
DNREC, Division of Fish & Wildlife

Meeting Minutes  
**DRAFT**  
Native Species Commission  
December 19, 2018 at 10 am  
Kent County Administrative Building, 555 Bay Road, Dover, Delaware  
Room 221

Minutes approved on:

**Members Present**

James White, Chair  
Robert Thornton, Vice-Chair (arrived 10:25)  
Jeffery Downing  
James McCulley  
Michael Petit de Mange  
David Saveikis  
Tracy Surlles- via phone  
Christopher Heckscher  
Lori Athey  
Ashley Kennedy  
Michael Costello

**Members Absent**

Sarah Cooksey  
Janice Truitt  
Katherine Holtz

**Administrative Staff**

Jennifer Childears, Administrative Specialist III

**Public Present**

Stephanie Hansen, State Senator  
Lian Marie Colon  
Elaine Schmerly  
Marcia Fox  
Carol Larson  
Flavia Rutkosky  
Bill McAvoy  
Elizabeth Nalle  
Shelia Smith

**Call to Order**

Mr. White called the meeting to order at 10:02 a.m.

## **Review and Approval of Minutes**

Discussion on how to approve minutes if quorum of attendees at the meeting are not present at following meeting when minutes are reviewed. The Freedom of Information Act (FOIA) does not address meeting minutes however Mr. Saveikis discussed the matter with DNREC's DAG who found that Roberts Rules of Order does say only members present at the meeting in question should vote on the minutes. The commission can also provide rules for voting on minutes by establishing bylaw. Mr. Thornton spoke about keeping the process informal and creating a procedure where if the member was not present at the meeting, they can say they read the minutes and find no issue with them, if their vote was needed to provide a quorum of votes to have the minutes approved. Mr. White proposed following Roberts Rules that you have to present at the previous meeting to vote on the minutes. Mr. Thornton made a motion, seconded by Mr. Saveikis to follow Roberts Rule of Order stating that you must have been present at the meeting to vote on that meeting's minutes. The motion carried unanimously.

The commission reviewed the minutes of the July 31, 2018 meeting. Ms. Kennedy made a motion, seconded by Mr. McCulley to accept the minutes as written. The motion carried unanimously by the eligible commission members.

The commission reviewed the minutes of the October, 17, 2018 meeting. Ms. Athey made a motion, seconded by Mr. McCulley to accept the minutes as written. The motion carried unanimously by the eligible commission members.

## **Unfinished Business**

Mr. Saveikis spoke to DNREC's DAG on the matter of commission members participating/attending via telephone. This manner is not allowed under FOIA rules. Video conferencing is allowed as a remote option but the commission discussed the practicality of doing so. There has to be video conferencing capabilities that are open to the public where the commission member would call in and there has to be video conferencing capabilities at the location of the meeting. At this time, the location for the commission's meetings does not provide for video conferencing.

Senator Hansen noted that the FOIA law that prohibits teleconferencing should be changed as it is detrimental to holding meetings and getting work done as a commission. Ms. Childers mentioned it could be possible to allow for teleconferencing if the commission created bylaws. Mr. White suggested looking into creating bylaws and charged Mr. Saveikis with following up to see if creating a bylaw to allow teleconferencing was allowed and how to create bylaws.

## **New Business**

### Welcome new members

Mr. White welcomed Ms. Jessica Inhof, the new designee for the Department of Agriculture who took over for Ms. Kuehn after her retirement in September. Ms. Truitt was not in attendance but she is also a new commission member.

### Review of Report to the General Assembly

Senate Bill 153 requires an annual report to the General Assembly by Dec 31. Senator Hansen had suggested in a previous meeting to follow the format of the Task Force's final report. Ms.

Childears completed several sections of the report and had a draft on the screen for review. The introduction needed to be completed by Mr. White. Further discussions centered on what other information to include, how and who to send the report. Senator Hansen suggested sending an electronic copy to all the members of the general assembly in case the offices of the senate and house do not distribute. Adding Goals for 2019 to the report was needed and discussion followed regarding the invasive species list, educating the public, legislators and business community, creating legislation to ban invasive species. Several suggestions from the public and commission members regarding how to roll out an education/public relations campaign were discussed.

Mr. Saveikis pointed out the need to set procedures on dealing with the final report since the commission was not meeting again before December 31. Mr. Thornton made a motion, seconded by Mr. McCulley, to have the commission members review the report via email and defer to the commission chair (Mr. White) for final decisions on the report. The motion carried unanimously.

#### Marcia Fox, DISC

Chair of the Delaware Invasive Species Council, Marcia Fox, spoke to the commission about DISC's latest activities. DISC is currently looking at surrounding states' publications and reassessing their list of invasive species to include animals. DISC is meeting with more subject matter experts to create a better list. Ms. Fox noted that Mr. McAvoy's list is very comprehensive and similar to what surrounding states are noting as invasive species. The next meeting of the council is in February and if any commission members want to attend, they should contact Mr. Fox for information.

Mr. White commented that the commission needs to look at invasive animals as well as plants.

#### Law and Regulations Subcommittee Report

Mr. Petit de Mange reported that the subcommittee has not met since their initial Oct meeting but will meet in January. Mr. Petit de Mange noted that he had spoken with the State Planning Office and they expressed willingness to work with the subcommittee to review laws that may be impeding native species growth.

Senator Hansen requested that Ms. Surlles talk about New Castle County's activities. Ms. Surlles reported that the Land Use office is revising code to make it easier for maintenance corporations to change open space to meadows.

#### Education Subcommittee Report

Mr. Downing reported that subcommittee met Nov 2. There is a wealth of educational information and resources available and the subcommittee will work towards simplifying and narrowing down what to use. They will use "choose native plants", "avoid invasive plants", "use water wisely", "use chemicals sparingly", and "reduce lawn size" as their focus messages when disseminating materials. The committee also discussed how to reach a broader audience, developing a sharable native species presentation, and developing a branded conservation initiative.



The commission members and members of the public shared their ideas and thoughts on reaching different groups of people such as inner city groups, new home owners and Habitat for Humanity.

Mr. Petit de Mange raised the question of a budget to create and hold such presentations and Senator Hansen stated she could look for money. Mr. Saveikis noted that if a budget request were to happen that the commission also consider asking for operational support money, such as mileage reimbursement and other administrative costs.

Ms. Surles mentioned she would like to be added to the subcommittee as New Castle County is working with its county libraries and parks to integrate native species education.

Senator Hansen spoke about the environmental symposium that she would like to hold possibly at Delaware Technical College. Originally slated for the spring, it may now be moved to the fall in part to see how New Castle County's changing laws regarding open space work out. Mr. Downing offered the subcommittee's assistance with the symposium and would provide a proposal for the committee to review when the time came.

#### Review of the Top Ten Ranking

Ms. Childears presented the results of the second round of ranking. Education and creating legislation to ban invasive species were at the top. Mr. Thornton stated that wording for a ban would need to be specific and discussion followed on how it could be worded.

Mr. McCulley made a motion, seconded by Dr. Heckscher, to use all recommendations that received 6 or more responses as the Top 10 list. The motion carried unanimously.

Senator Hansen suggested adding the Top 10 list to the general assembly report and members of the public would like the list to be available on-line.

#### Creating a list of Professional Contacts

Ms. Kennedy had shared via email a contact she thought would be good to have for the commission. Ms. Childears stated she could create and keep a list of professional contacts for the commission. Dr. Heckscher had questions about such a list and requested the matter be put on the agenda for discussion.

Dr. Heckscher questioned how the list would be used, if it would be online and public or kept private. Ms. Kennedy noted that she did not intend for the list to be public but that the commission could benefit from having a list of professionals outside of Delaware and the list should solely be used as a resource for the members to use if needed. Mr. White agreed that the list should be kept private for internal use if needed by commission members and if anyone wanted to add to the list to contact Ms. Childears.

#### Meeting dates for 2019, locations

Ms. Childears provided a list of all the meeting dates for 2019, which fall on the third Wednesday of every other month, starting in February. Mr. Petit de Mange was confident that a

meeting space would be available at the Kent County Administrative Building and would confirm with Ms. Childears as to what room the Commission would utilize.

### **Public Comment**

The public commented throughout the meeting in addition to the following comments made during this time. The members of the public did not introduce themselves as they spoke so their names are not recorded here.

There was a request for a public service announcement campaign for home owners associations to understand converting open space to meadows. Mr. White commented that many of the natural educational agencies are working towards that. Also a comment on the importance of planting trees.

A comment on the feral cat community and their effect on small animal and bird species. MR. Thornton commented on his involvement with an organization that works to neuter/spay feral cats.

A question if a certain species of plant will be added to the invasive species list. Ms. Fox from the public stated it would be added to the updated DISC list.

A statement that there should be a funding source to help homeowners and businesses remove invasive species from their property. Mr. White commented that the Commission could include that in any budget they create.

Discussion about coordinating with the State Education Department to include curriculum on native/natural habitats as the 6-8 grade science curriculum is not focusing on that in the coming year.

Discussions on possible tax benefits for using native species in landscape.

Questions about how the Commission envisions the ban (law) on invasive species “going down”. Mr. White mentioned that there would stakeholder meetings and discussions and a phase out portion to assist nurseries and other retail businesses. There will also be an enforcement aspect to any bill created.

Ms. Fox mentioned that DISC has a grant program though the Division of Watershed Stewardship and that requests for proposals was opening up. A recent grant awarded helped with bamboo removal in the City of Newark.

Mr. Saveikis took a moment to ask if the Commission wanted to have the upcoming meetings announced through a DNREC Press Release. The Commission thought that would be a good idea. Ms. Childears will arrange for press releases to be issued for future meetings.

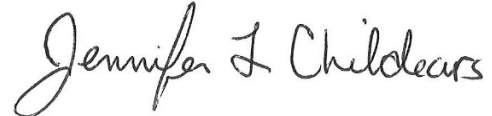
### **Next Meeting Date and Location**

The next meeting is scheduled for February 20, 2019 at 10:00 am.

**Adjournment**

There being no further business, Mr. Thornton made a motion, seconded by Mr. McCulley to adjourn the meeting. The motion carried unanimously. The meeting adjourned at 12:03 pm.

Respectfully Submitted,

A handwritten signature in black ink that reads "Jennifer F. Childears". The signature is written in a cursive, flowing style.

Jennifer Childears, Administrative Specialist III  
DNREC, Division of Fish & Wildlife

## Appendix D: Delaware Native Species Commission Top Ten List and Recommendations

The Statewide Ecological Extinction Task Force (Task Force) identified a series of recommendations to be considered by the Delaware Native Species Commission. The Commission is tasked with completing or assisting with the completion of all recommendations. To provide a focal point, the Commission, over the course of 5 months, created a “top ten” list of recommendations to start working on. The list below reflects the Commission’s “top ten” with the remaining recommendations listed in no particular order. Bold text following recommendation refers to the Task Force’s original categorizing of the recommendations.

### Top Ten

1. Recommend the Task force promote the distribution of a list of native plants and trees that are easy to grow in our area. (*Please note that the Commission assumes this recommendation should read Recommend the Commission promote..*) **Education**
2. Make the sale of invasive plants illegal in Delaware, allowing an appropriate phase-out period after legislation passes. (A) Invasive species are those on the Delaware Invasive Species Council plant list, as periodically amended. (B) The Delaware Invasive Species Council plant list must be reviewed and amended if necessary on a regular basis. **Legislation to Prohibit the Sale of Invasive Species**
3. Educational material should be developed, tailored to the specific target audience, which will explain the benefit of native species as well as the effect of non-native and invasive species proliferation, and their contribution to the decline of our local species. **Education**
4. Encourage the preservation of the remaining intact forest habitat (largest tracts should receive highest priority). **Incentivizing Private Landowners**
5. All Delaware state facilities and departments should set the example, reducing lawn and replacing with native plants or pollinator gardens, and revising land management practices to be more pollinator friendly. **Government Leads by Example**
6. Encourage municipalities to adopt native landscaping in their codes. **Government Leads by Example**
7. Encourage new public facilities to use native plants in landscaping. **Government Leads by Example**
8. Encourage protection of Delaware’s rarest plant communities such as Atlantic White Cedar Swamps, Coastal Plain Ponds, Interdunal Swales, Sea-level Fens, Piedmont Streamside Seepage Wetland, and Piedmont Tuliptree Rich Woods. **Legislation Affecting Development**
9. Encourage all counties to adopt environmental design standards for development projects in order to protect key wildlife habitats and species of greatest conservation need (SGCN). **Legislation Affecting Development**
10. Fund the Delaware Open Space Program at the level required by statute. **Funding Open Space Program at Statutory Level**

## *Education*

11. Educational material should be developed, tailored to the specific audience, on the preservation and management of open spaces within communities, on private property, and on public property.
12. Educational material should be developed to specifically guide property owners on the identification of non-native and invasive species, the native species alternatives, and proper management of property landscaping.
13. A curriculum should be developed to bring the educational material into our children's classrooms and various outreach programs.
14. The educational material should be distributed to professional organizations having responsibility in property development such as engineers, landscape design professionals, landscape contractors, and professional builders.
15. Encourage incorporating the educational material in obtaining or maintaining professional licensing.
16. The educational material should be distributed to homeowner associations and property management associations. This will not only inform those organizations, but this should be encouraged as one method of subsequent distribution to the individual homeowners.
17. (A) The educational material should be available to individual property owners through home and garden centers, state and local government, and other organizations as available.  
(B) Recommend to the Delaware Real Estate Commission to add a line on the Sellers Disclosure forms directing homeowners to a webpage of educational material.
18. The educational material should form the basis of training seminars and trade symposiums geared toward local government officials involved in land use planning.
19. Education through media outlets should be investigated and implemented. Examples include advertising and discussion on social media, radio and television (including local cable television and New Castle County's television station).
20. Education through demonstration projects by local government, business owners, non-profits and others should be encouraged and properly recognized. Signage associated with the project is critical and should be encouraged.
21. Education through public presentations to interested groups and organizations should be encouraged.
22. Methods of funding centered on implementing the educational initiatives recommended by the Task Force should be explored, including public/private arrangements.
23. Educational campaigns centered around informing the public on the value of wildlife and how wildlife and their native habitats benefit humans including how all three are interconnected should be encouraged.
24. A program to either educate landowners on living/green shoreline options and their benefits and/or a program to train engineers in living/green shoreline construction including the pros and cons of various options to minimize shoreline erosion should be encouraged.
25. Encourage landscape contractors to remove, manage, and control invasive plants and replant with native species.
26. Promote/follow Delaware Livable Lawns practices on lawns in Delaware.  
(<https://www.delawarelivablelawns.org/>).

27. Recommend that education and incentives be used to encourage property owners to plant and or convert to native plants and trees on their properties.
28. Prepare several examples of single family home landscape plans that use native trees and plants (+ or - 75% of those chosen) to show how native plants and trees may provide an aesthetically pleasing yard and one that is easy to maintain.
29. Encourage the development of a training course and/or seminar that developers, landscape professionals, and others may attend to provide education and a forum for collaboration of ideas to promote the planting of native trees and plants.
30. Governmental, educational, and environmental organizations should work together to develop a comprehensive, environmental education program regarding using native species versus non-native and invasive species.

### *Incentivizing Private Landowners*

31. Method of Incentivizing: Establish incentives such as expedited permitting and density bonuses for environmentally sensitive landscape design practices such as those included in Sustainable Sites, the National Green Building Standard, Energy Star, Leadership in Energy and Environmental Design (LEED) certification, or green technology best management practices.
32. Incentivize land development applicants to incorporate DNREC's PLUS recommendations regarding specific potential impacts to state rare and federally listed species and their habitats into their development plans.
33. Create incentives for reducing lawn area and replacing it with native plants.
34. Encourage the incorporation of pollinator and other insect habitat into incentive programs.
35. Provide incentives for home buyers with native landscaping such as the Green4Green program.
36. Seek funding to cost share native habitat improvements on private lands.
37. Incentivize homeowners and developers to retain tree species of high wildlife value (e.g. oaks, hickories).
38. Encourage the funding of the Forestland Preservation easement program.
39. Explore opportunities to provide state-level add-on incentives and best management practices to targeted species via NRCS and FSA programs.
40. Explore opportunities to provide state income tax exemptions for state or federal conservation incentive payments.
41. Encourage tax ditch associations to implement BMPs that minimize impacts to key habitats.
42. Encourage the development of and/or marketing of biodiversity certification programs for private forestland and farmland.
43. Encourage enrollment in the Backyard Wildlife Habitat Certification Program.
44. Increase access to prescribed fire as a management tool.
45. Encourage support of the Landowner Incentives Program.
46. Preserve or otherwise conserve and manage as much of the remaining (*non-tidal*) freshwater wetlands as possible – e.g. Delmarva Bays (Coastal Plain Ponds).

## *Government Leads by Example*

47. Create incentives for using native plants on public property.
48. Provide funding/incentives for the removal of invasive plants on public property and, where appropriate, replant with native species.
49. Provide incentives/requirements for reduced lawn areas in passive open space public landscapes.
50. Provide funding/incentives for demonstration landscapes on public land to demonstrate sustainable landscape practices including reduced lawn, use of native plants, reduced mulch, etc.
51. On all highway medians, mow a strip of grass adjacent to the roadway (beauty strip) and allow the rest of the vegetation to grow. Mow median once or twice a year in late fall or early spring.\*
52. On all highway roadsides, mow one mower pass above the ditch line to allow for designed drainage function. Mow the rest of the right of way once or twice a year in early Spring or late Fall as needed to control invasive species. Woody vegetation may be allowed to grow on some rights of way if invasives are controlled.\*
53. On highway cloverleaves created by on/off ramps, mow one mower pass adjacent to the ramp/roadway. Mow the rest of the cloverleaf one or two times a year as needed to control height, visibility and invasive species. Woody vegetation may be allowed to grow on some rights of way if invasive species are controlled.
54. On secondary roads, apply reduced mowing standards whenever feasible.
55. Encourage the removal and stump treatment of woody invasive plants on DelDOT rights of way.
56. On new highway projects that involve landscaping, plant predominantly native species.
57. Develop model legislation or policy to make it easier for state or local government to make changes, such as adopting legislation or policy requiring native species of new government buildings and parks.
58. Encourage state and local governments to make better use of existing land by creating better habitats on available land. Examples could include creating native meadows, creation of wetlands, reforestation, etc.
59. Review DelDOT's policies and work collaboratively to enhance the role of DelDOT in species conservation, without reducing highway safety, by: (A) designating reduced salt use in environmentally sensitive areas (B) native plantings (C) increased collaborative management of ROWs and water control structures (D) Coordinate timing of mowing and construction to minimize impacts (E) Integrate key habitat and Species of Greatest Conservation Need (SGCN) conservation into long-range transportation planning.
60. Given the State of Delaware owns a large percentage of land in the state, we recommend increasing funding, staffing, and better management practices of state owned lands.
61. Work with DNREC and the individual Tax Ditch Organizations to explore the feasibility of establishing landscape buffers along tax ditches in order to reduce erosion along ditch banks, reduce maintenance requirements, and improve water quality.

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\* Ideally, if mowing once per year, mowing should take place in early spring, with late fall being a less desirable alternative. The second mowing, if desired, should occur in late June. (Technical clarification provided by Susan Barton, Delaware Landscape and Nursery Association)

### *Legislation Affecting Development*

62. Review existing regulations to determine their effectiveness in protecting state-endangered species.
63. Look for linkages and connectivity between native habitats in existing and new development to connect native habitat in subdivision site plans.
64. Encourage drafting of legislation for use by local governments that would provide exemptions for common areas, buffer zones, and open space areas from tall weeds/grass property code violations, when maintained in accordance with an approved plan.
65. Encourage Kent and Sussex Counties to adopt overlay zoning ordinances incorporating sensitive natural resources.
66. Encourage the revisitation of wetlands regulations to ensure protection of freshwater non-tidal wetlands via regulation and incentives.
67. Ensure that all State, County, and local codes allow for managed meadow areas as defined by neatly mowed edges, mowed paths, and management plans.

### *Funding Open Space Program at Statutory Level*

68. Open Space Program funds should be used for purchasing high-quality habitats with native plants and trees, especially those habitats required for species of special concern and those that connect existing protected lands.
69. Continue dedicating funds toward the Agricultural Land Preservation Program as finances permit.

### *Deer Management*

70. Encourage the review of county code or local ordinances that may be inhibiting adequate deer harvest.
71. Encourage land owners and land managers to increase deer harvest as necessary to reduce impacts to key habitats.
72. Promote the availability of deer damage permits to non-agricultural land owners.
73. Encourage farmers to utilize their crop damage tags by allowing hunting on their property.
74. The sign-up process for the DE Severe Damage Program should be streamlined and more user-friendly.

### *Recovering America's Wildlife Act*

75. By offering support of the Recovering America's Wildlife Act, the Delaware Ecological Extinction Task Force supports the efforts of the Blue Ribbon Panel to identify an adequate and sustainable source of money dedicated to the conservation of species in greatest conservation need in an effort to prevent further population declines in some species of wildlife thus reducing the risk of more species becoming endangered.
76. The Delaware Ecological Extinction Task Force supports the efforts of the Blue Ribbon Panel to identify an adequate and sustainable source of money dedicated to the conservation of species in greatest conservation need and offers support of this effort by



joining the Recovering America's Wildlife Sign-On Letter which can be found here:  
[https://docs.google.com/forms/d/e/1FAIpQLScvMgnygWgk\\_nLeygYJ4tTVpX4bCDpFG\\_cbbZ\\_tOPA\\_JRwUlg/viewform](https://docs.google.com/forms/d/e/1FAIpQLScvMgnygWgk_nLeygYJ4tTVpX4bCDpFG_cbbZ_tOPA_JRwUlg/viewform)

77. Following the introduction of the Recovering America's Wildlife Act a letter on behalf of the Delaware Ecological Extinction Task Force shall be sent to Representative Lisa Blunt-Rochester and Senators Thomas R. Carper and Christopher A. Coons requesting their support for the legislation.

*Formation of the Delaware Native Species Commission* **COMPLETE**

78. The Delaware Native Species Commission should be formed by an action of the General Assembly to implement the recommendations of the Task Force and report back to the General Assembly on a yearly basis. Its membership should reflect a balance of interests between environmental professionals, government, and other stakeholders, and meet on a regular basis to be determined by the Commission. The Commission will sunset ten (10) years after enactment unless reauthorized by the General Assembly.