

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER NUMBER SIXTY-ONE

RE: GREEN INFRASTRUCTURE

WHEREAS, I established the Livable Delaware Agenda in 2001 to preserve the high quality of life for current and future generations of Delawareans; and

WHEREAS, as part of Livable Delaware, the Advisory Council on Planning Coordination was created to advise me on implementing Livable Delaware and convened a Green Infrastructure Subcommittee; and

WHEREAS, green infrastructure is defined as Delaware's natural life support system of parks and preserves, woodlands and wildlife areas, wetlands and waterways, productive agricultural and forest land, greenways, cultural, historic and recreational sites and other natural areas all with conservation value; and

WHEREAS, preserving Delaware's Green Infrastructure network will support and enhance biodiversity and functional ecosystems, protect native plant and animal species, improve air and water quality, prevent flooding, lessen the disruption to natural landscapes, provide opportunities for profitable farming and forestry enterprises, limit invasive species, and foster ecotourism; and

WHEREAS, the Advisory Council on Planning Coordination has adopted guiding principles, long term conservation acreage targets and focus areas based on a statewide assessment and courses of action for the conservation and management of Delaware's Green Infrastructure that will conserve an interconnected network of green spaces that benefit people and wildlife; and

WHEREAS, voluntary stewardship by private landowners is essential to green infrastructure conservation in Delaware, since approximately 80 percent of the State's land base is in private hands; and

WHEREAS, it is essential that the conservation of the green infrastructure of the State be accomplished in a workable and practicable manner.

NOW, THEREFORE, I, Ruth Ann Minner, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order that:

1. The Livable Delaware Green Infrastructure maps, as incorporated into the *Strategies for State Policies and Spending*, shall be used as a guideline for the determinations made pursuant to this order.
2. The Department of Natural Resources and Environmental Control ("DNREC") is directed to establish an inventory of all State-owned green infrastructure and the environmental values and functions associated with each parcel.
3. The Secretary of DNREC in conjunction with the Department of Agriculture, shall:
 - a. Develop a statewide green infrastructure conservation and management strategy based on science-based assessments and a long-term vision of the State's conservation needs.
 - b. Identify key habitats and natural community types that are of particular ecosystem-wide importance including areas essential to particular species at critical stages of the life cycle (e.g., spawning or nursery areas).
 - c. Develop a green infrastructure public education and outreach program designed and implemented for all ages and walks of life,

- including policy makers, K-12 public school children, university students and the general public.
- d. Provide assistance to local governments in conserving green infrastructure.
 - e. Improve the effectiveness of the State's stewardship of plants, animals and their habitats on public lands.
 - f. Improve coordination among State agencies and other conservation partners in collecting and managing green infrastructure information.
 - g. Continue and expand ongoing ecoregional conservation assessments by public and private conservation partners that identify the full range of green infrastructure in a given region as well as priorities to conserve.
 - h. Advance the use of and access to non-regulatory stewardship incentives by private landowners.
4. Each State department and agency shall minimize the adverse effects to green infrastructure identified in paragraph 1 and conserve and enhance the environmental values and functions of that green infrastructure in carrying out the agency's responsibilities.
 5. Each State agency, to the extent permitted by law, shall avoid undertaking or providing financial assistance for construction located in green infrastructure identified in paragraph 1 which will substantially degrade or destroy the use and function of that area as green infrastructure, unless the head of the agency, through consultation with DNREC, files written findings with DNREC that (a) there is no reasonable alternative to such construction, and that the proposed action includes all practicable measures to minimize undesirable impacts to green infrastructure which may result from such use, or (b) that the request is consistent with the procedures and policies established under the provisions of paragraph 6 herein. In making this finding the head of the agency and DNREC may take into account social, economic, environmental and other pertinent factors.
 6. The Secretary of DNREC, in conjunction with the Department of Agriculture, the Delaware Economic Development Office and the Department of Transportation, shall establish policy and procedures including a mechanism for consultation and interagency discussions that will ensure the consideration of the public health, safety and welfare, the active management of green infrastructure systems, and the uses of green infrastructure including ecological enhancement, recreation, economic, scientific and cultural uses. DNREC may approve standard conservation plans and procedures for use by any State agency or local unit of government that has similar type of activities that may affect a parcel more than one time and/or affect more than one site.

7. Any requests for new authorizations, appropriations, or grants of State operating or capital funds, or for State loan assistance or guarantees shall indicate, based on best available information, if an action to be proposed will be located in or will adversely affect green infrastructure identified in paragraph 1 and whether the proposed action is in accord with this order.
8. When State-owned green infrastructure identified in paragraph 1 is proposed for lease, easement, right-of-way or disposal to public or private parties, the State agency shall (a) attach restrictions appropriate to this order to the uses of properties by the grantee or purchaser and any successor, except where prohibited by law or (b) withhold such properties from disposal.
9. The Secretary of DNREC shall appoint a Green Infrastructure Conservation Coordinator and such additional staff as may be necessary to support implementation of this order and to provide operational support and expertise in resolving conservation management needs not addressed elsewhere in this order for the Secretaries of Natural Resources and Environmental Control, Agriculture and Transportation. The Conservation Coordinator shall consult regularly with representatives of the environmental community, agricultural community, business community, civic groups, academic community and State and local government including their various advisory bodies for open space, forest stewardship, farmland preservation, recreational sites and other elements of green infrastructure that have conservation value. The Conservation Coordinator shall prepare an annual report that describes the progress that has been achieved in implementation of the provisions of this order and the attainment of the conservation acreage targets adopted by the Advisory Council on Planning Coordination.

APPROVED this 28th day of October 2004.



Ruth Ann Minner
Governor

ATTEST:

Harriet Smith Windsor
Secretary of State