



FROM THE CONSERVATION CHAIR

Delaware Audubon is active on a wide range of issues that are important to our state and to our members. Although involvement in these issues is often difficult and time consuming, the state conservation community is more united and coordinated with genuine grassroots efforts than at any time in recent memory. This serves as a real source of inspiration and motivation to all of us.

Texaco Case

20-Year Court Battle Against Texaco Ends; Oil Giant Held Accountable Settlement Agreement Requires Texaco to Fund Environmental Projects in Delaware

NEW YORK (October, 2007) – On the eve of a contempt trial and after nearly 20 years of legal wrangling, Texaco agreed to settle a case brought by the Natural Resources Defense Council (NRDC) and Delaware Audubon Society for repeated violations of water pollution limits and Court Orders. The groups had taken Texaco to court five separate times over the previous two decades in order to stop the oil company from polluting the Delaware River.

“Texaco waged a war of attrition, clearly expecting that NRDC and Delaware Audubon would blink first,” said NRDC attorney Mitchell Bernard. “But for 20 years, we didn’t give up and we didn’t go away. Today we are holding Texaco accountable for its environmental lawbreaking, and making sure that they do right by the communities that have had to live with Texaco’s pollution.”

The settlement agreement requires Texaco (and its successor corporation Motiva) to fund \$2.25 million in environmental benefit projects in the Delaware City area. More than \$1 million will go to Delaware State Parks projects, including reforestation, invasive species control, and installation of a remote camera and video display terminals at the Pea Patch Island Heronry. \$675,000 will be provided to Main Street Delaware City, Inc. to support several projects under their Eco-Tourism Program.

“The areas around Delaware City represent some of the most important ecosystems in the state and the region,” said Nick DiPasquale, Conservation Chair for Delaware Audubon. “Over the past half century, this area has suffered significantly as a result of environmental assaults from the Delaware City industrial complex. Nonetheless, these ecosystems have survived. The environmental projects funded by this settlement will go a long way toward restoring the ecology of the area and enhancing public access to some of Delaware’s most remarkable natural resources.”

The settlement stems from a contempt motion filed against Texaco by NRDC and Delaware Audubon in 2005. The contempt motion alleged the oil giant violated elements of a court order requiring the company to study the impacts of its unlawful pollution discharges on the Delaware River. Under the pressure of an imminent trial, Texaco conceded to a settlement.

The original action was filed against Texaco in 1988 by Delaware Audubon and NRDC as a citizen suit under the federal Clean Water Act for water discharge violations at the Delaware City Refinery.

NRDC and Delaware Audubon won the first of three court trials against Texaco in 1992, after NRDC scientists uncovered evidence from the oil company’s own internal reports that it had

been knowingly discharging oil, grease and other highly toxic pollutants into the Delaware since 1983, in excess of what its permit allowed. A federal judge, calling the case “practically unassailable,” determined that Texaco had violated the Clean Water Act on a total 3,360 days.

The company was ordered to pay a fine of \$1.68 million, to fully comply with water pollution laws and to ascertain the damage it had caused to the fragile Delaware River ecosystem. However, Texaco repeatedly defied court orders to take full responsibility for illegally dumping highly toxic pollutants into the river. Over the next 15 years, Delaware Audubon and NRDC took Texaco back to court on multiple occasions to enforce the terms of the original court orders.

In This Issue

Texaco Case - 20-Year Court Battle Against Texaco Ends

Challenge to Court Ruling to Overturn HSC Moratorium

Prime Hook NWR Litigation

Sustainable Energy Utility

BWW Offshore Wind Energy Project

Bald Eagle Protection

Donation from Schell Foundation

The lawsuit was initiated at the urging of Grace Pierce-Beck, a long-time environmental activist and former Conservation Chair for Delaware Audubon.

“In many respects, this settlement agreement is a testament and tribute to the work of Grace and many of her local and national colleagues, who, despite some pretty overwhelming odds, took on a corporate Goliath,” said Mark Martell, President of Delaware Audubon. “We are proud to honor their efforts through a settlement that will result in tangible environmental benefits for Delaware and the Delaware City community.”

#

The Natural Resources Defense Council is a national, non-profit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has 1.2 million members and online activists, served from offices in New York, Washington, Chicago, Los Angeles, San Francisco and Beijing.

The Case Chronology

1988, May

Delaware Audubon and the Natural Resources Defense Council (NRDC) filed a citizen suit against Texaco Refining and Marketing, Inc. for over 300 violations of its National Pollutant Discharge Elimination System (NPDES).

1989, August

In the U.S. District Court for the District of Delaware, Judge Jane Roth found Texaco violated wastewater discharge limits 369 times between March 1983 and January 1989.

1992, August

Judge Roth ruled in favor of Delaware Audubon and NRDC. Texaco was ordered to pay a penalty of more than \$1.5 million.

1994, January

Delaware Audubon and NRDC informed Judge Longobardi that Texaco had violated its NPDES permit seven times. Five of the violations constituted contempt of the August 1992 and November 1993 orders of the court.

1994, May

Delaware Audubon and NRDC filed a contempt motion.

1994, December

A settlement agreement on the contempt motion was finalized. Texaco agreed to pay \$361,000. These funds went to Delaware Wildlands and the Delaware Nature Society for environmental projects.

1995, April

Delaware Audubon and NRDC requested permission to file a motion to compel Texaco to comply with the monitoring requirement embodied in the U.S. District Court’s orders in August, 1992 and November, 1993, requiring Texaco to determine the nature and impact of non-complying discharges from the Delaware City refinery.

1996, March

Judge Longobardi heard arguments on the above request of Delaware Audubon and NRDC. He granted the request.

1998

Trial on remedy for Texaco’s violation of court order

1998, September

Judge Longobardi ruled Texaco must comply with court orders to do the monitoring program set forth by the court. Texaco appealed this to the Third Circuit Court.

1999, May

Texaco lost the appeal. The Third Circuit Court ruled that Texaco must accept the monitoring program OK’d by Judge Longobardi.

1999, September

Delaware Audubon and NRDC filed motions to require Texaco to implement the court ordered monitoring plan and to clarify injunctions.

2000, January

Trial on remedy for Texaco’s failure to implement court-ordered monitoring plan

2000, February

The Court issued a Stipulated Order to Texaco requiring it to implement the monitoring plan and carry out the environmental studies.

2005, July

Delaware Audubon and NRDC filed a motion to enforce the terms of the Court’s Opinion and Order of September 1, 1998 and the February 23, 2000 Stipulated Order.

2005, September

Texaco filed a motion for relief from the Court’s injunction.

2006, March 1

The Court conducted an oral hearing on the motions.

Be An ActiVoice in Delaware

2006, August 31

The Court issues an Order scheduling an evidentiary hearing to “examine whether Texaco’s data is reliable and whether it demonstrates compliance with the Stipulated Order. . .”

2007, September

Delaware Audubon and NRDC enter into a Settlement Agreement and Release requiring Texaco to pay \$2,250,000 for Environmental Benefit Projects.

Environmental Benefit Projects

Delaware State Parks

\$1,075,000

For reforestation planting, invasive species control, and installation of a remote camera and video display terminals at the Pea Patch Island Heronry.

Main Street Delaware City, Inc.

\$675,000

To support several projects under their Eco-Tourism Program, including wetland restoration, reforestation, invasive species control, meadow management and signage and interpretation at Dragon Run Park, the Grassdale Center, and the Branch Canal. Funding also will be provided for program management and administration.

Tri-State Bird Rescue and Research

\$100,000

Toward construction of a new oil spill-response and training facility.

Delaware City

\$350,000

For use in the C&D/Branch Canal Connector project which will establish Delaware City as the trailhead for Congressman Castle’s 14-mile C&D Canal Recreational Trail Project.

The Delaware Native Plant Society

\$25,000

To repair their greenhouse, purchase plant stock, tools and equipment for greenhouse operations and tree planting programs.

Delmarva Ornithological Society

\$25,000

To support their Ashland Hawk Watch Program and Osprey Nest Platform Project.

Challenge to Court Ruling to Overturn HSC Moratorium

On June 9, 2007 the Superior Court of Sussex County overturned the 2-year moratorium on horseshoe crab harvesting adopted by the Department of Natural Resources and Environmental Control (DNREC). DNREC has chosen not to appeal the decision. Delaware Audubon, along with the Delaware Riverkeeper, New Jersey Audubon and the American Littoral Society, appealed the Superior Court decision to overturn the moratorium. The Superior Court denied our petition to appeal. We now have appealed this decision and the decision to overturn the moratorium to the Delaware Supreme Court where the matter is still pending.

Delaware Audubon along with these and other co-plaintiffs, including the American Bird Conservancy, Defenders of Wildlife, National Audubon and others, previously filed a lawsuit against the US FWS under the federal Administrative Procedures Act (APA) and the federal Endangered Species Act (ESA) for failure to perform an emergency listing of the Red Knot. This matter is currently pending in the federal courts.

HSC Harvesting Rule

A public hearing was held on Monday, September 24, 2007 in the DNREC Auditorium at 89 Kings Highway. The public record was held open until September 30, 2007 to receive additional written testimony. Delaware Audubon, along with a coalition of local, regional and national conservation groups, submitted joint testimony on the rulemaking requesting the imposition of a 2-year moratorium on all harvesting of horseshoe crabs. New information supporting the need for a moratorium was entered into the record. Although the Red Knot has been designated as a “candidate species” for listing under the federal Endangered Species Act, it will take years before this process will result in a listing that would lead to more stringent management measures to protect the bird. The population of Red Knots continues to decline.

DNREC’s proposed rule called for a prohibition on all horseshoe crab harvesting from January 1 to June 7 and allows for the harvesting of male crabs only from June 8 through December 31. The harvesting of female crabs is prohibited for two years. The proposed rule did not include an option for a full moratorium. Final regulations were published in the State Register on November 1, 2007 and became effective on November 11th. The final rule was essentially unchanged from the proposed rule.

Prime Hook NWR Litigation

Be An ActiVoice in Delaware

A legal brief and request for declaratory judgment was filed with the US District Court of Delaware. In reviewing the administrative record that was provided to the plaintiffs by the US Department of Interior, it appears clear that Prime Hook National Wildlife Refuge and the US FWS did not comply with National Wildlife Refuge System Administration Act and the Wildlife Refuge Improvement Act in that it failed to conduct the appropriate Compatibility Determinations (CDs) and Environmental Assessments (EAs/EIS) for farming and the use of genetically modified organisms (GMO) on the Refuge. Delaware Audubon and our co-plaintiffs have asked the court for a declaratory judgment in the case. The Department of Interior filed a reply brief in early October arguing that, since they voluntarily suspended farming operations pending the development and issuance of the Comprehensive Conservation Plan (CCP), the matter at issue is essentially moot. Delaware Audubon and the other co-plaintiffs, arguing through its legal counsel, Ken Kristl of the Widener Environmental Law Clinic, assert with great confidence based on previous case law that the concept of mootness has no applicability to such voluntary actions. The issue is still pending with the court.

Prime Hook NWR CCP Update

Although the US FWS established a schedule for the issuance of a Comprehensive Conservation Plan for the Prime Hook National Wildlife Refuge, no plan or draft plan has been developed or circulated to date. These plans are intended to guide decision making on each National Wildlife Refuge to insure they operate in a manner that meets the purposes for which they were established. A lack of political will and financial resources have plagued the system under the Bush administration. The CCP process has been floundering since enactment of the Refuge Improvement Act in 1997, a law which was intended to serve as an “organic” statute governing the operation of the refuge system. Delaware Audubon has been actively involved in the CCP process at Prime Hook, such as it is.

Sustainable Energy Utility

Legislation to establish a Sustainable Energy Utility (SEU) passed the General Assembly and was signed by the Governor in the 2007 legislative session. According to the bill summary, Senate Bill 18 creates the SEU program to coordinate and promote the sustainable use of energy in Delaware. The SEU will use competitive markets and leveraged private-financing to deliver cost-effective end-use energy services that allow Delawareans to save 30% of their annual energy usage. The SEU will coordinate services that target residential, commercial, industrial, and transportation energy end-users in all energy markets, including electricity, heating

fuels, green buildings, clean vehicles, customer-sited renewable energy, and affordable energy. The SEU may also obtain funding through the auctioning of carbon allowances through the Regional Greenhouse Gas Initiative (RGGI), of which Delaware is a member.

The SEU will use competitively selected Implementation Contractors to deliver services utilizing performance based contracts. This Act creates a Fiscal Agent to serve, under contract to the Energy Office, as the SEU’s “treasury.” The Act also creates an Oversight Board to ensure that the SEU meets responsibilities and performance targets enumerated in its contract with the Energy Office. The “Utility” will be governed by the original Task Force members (mainly legislators) who developed the legislation. They will serve as a de facto Board of Directors until or unless they decide to recommend a specific Board make up. Delaware Audubon testified in support of establishing the SEU, but suggested that the composition of the Board be diversified and expanded and that representatives of Delaware’s environmental and conservation community that have long supported energy conservation and efficiency measures should be invited to serve on the Board.

This Act creates initial performance targets for the SEU as well as evaluation and monitoring mechanisms to ensure that SEU energy savings are verifiable. The SEU Contract Administrator may receive performance incentives such that if it exceeds program targets by 120% it will receive a bonus, and if it achieves less than 80% of program targets it will be penalized.

Even with the most optimistic estimates for energy conservation, efficiency improvements and the aggressive development of renewable energy options, reaching a national carbon reduction goal of 80% by 2050 to avoid the most destructive impacts from global warming will be a challenge.

BWW Offshore Wind Energy Project

Over the past several months, the offshore wind energy project proposed by Bluewater Wind (BWW) has wound its way through a negotiation and review process in fits and starts. With every objection or concern, real or contrived, by Delmarva Power, which has made no attempt to hide or disguise its contempt for this proposal, BWW has responded patiently, professionally and effectively.

The following background information comes from the Introduction section of the PSC Staff Report on the Power Purchase Agreement (PPA) between Delmarva and BWW. The full report can be found at:

<http://depsec.delaware.gov/electric/irp/staffreport121407.pdf>

Background

Be An ActiVoice in Delaware

In March 2006, the Delaware General Assembly introduced House Bill No. 6¹ (“the EURCSA”) in response to extensive consumer outrage occasioned by the announcement of imminent and significant rate increases resulting from the higher cost of fuel used to generate electricity and the shift to PJM market-based prices. The cumulative effect of these increases was felt by Delmarva Power & Light Company (“Delmarva”) customers at one time due to the expiration of rate freezes established with deregulation of Delaware’s electric supply industry. The purpose of the EURCSA was to spread out the impact of the rate increases and enable certain state agencies to explore alternative options of SOS² procurement at reasonable and stable prices. The legislation specifically required Delmarva to develop an Integrated Resource Plan (“IRP”) and “investigate all possible opportunities for a more diverse supply at the lowest reasonable cost.”³ On or before August 1, 2006, as part of its IRP, Delmarva was required to file a proposal to obtain long-term contracts, including a proposed Request for Proposal (“RFP”) for the construction of new generation resources within Delaware to serve its SOS customers.

The EURCSA specifically directed the Delaware Public Service Commission (“the Commission”), in conjunction with the Delaware Energy Office, the Controller General, and the Director of the Office of Management and Budget (collectively “the State Agencies”), to evaluate the proposals received pursuant to the RFP and “determine to approve one or more of such proposals that result in the greatest long-term system benefits ... in the most cost-effective manner.”⁴ The State Agencies retained an Independent Consultant (“the IC”), a consulting team led by New Energy Opportunities, Inc., to oversee development of the RFP and assist the State Agencies during the bid evaluation.

Following the EURCSA’s mandate, Delmarva filed its proposed RFP on August 1, 2006. In October 2006, the Commission and Energy Office adopted a “big funnel” approach and developed the criteria to be included in Delmarva’s RFP that would guide the evaluation of the potential bids. On December 21, 2006, Conectiv Energy Supply, Inc. (“Conectiv”) submitted a primary and alternate bid for a 180 MW combined cycle gas turbine (“CCGT”) located at its Hay Road site in Edgemoor, Delaware. The following day, Bluewater Wind LLC (“Bluewater”) submitted twelve variations of a bid proposal that included both 20- and 25- year terms and (1) a 600 MW capacity plant with a 400 MW energy limit or (2) a sale of two-thirds of the energy from a 600 MW plant. That same day, NRG Energy Inc. (“NRG”) submitted a proposal to sell energy and unforced capacity credits from 400 MW of a 600 MW coal-fired integrated gasification combined cycle (“IGCC”) facility to be constructed at its Indian River site.

On February 21, 2007, Delmarva and the IC filed bid evaluation reports. Both Delmarva and the IC ranked the bids as follows: (1) Conectiv; (2) Bluewater; and (3) NRG. Delmarva concluded that none of the bids achieved the EURCSA’s objective because each bid was above the market forecast and produced minimal price stability. Delmarva asserted that the EURCSA’s objectives could be satisfied with demand side management (“DSM”) programs and energy purchases from the regional market. The IC recommended deferring a financial decision on the proposals pending Staff’s analysis of reliability and economics. The IC also suggested employing a market test to evaluate other regional options.

On May 3, 2007, Staff issued the “PSC Staff Review and Recommendations on Generation Bid Proposals,” (“Generation Bid Report”) in which it recommended that the State Agencies adopt a portfolio approach to energy planning that would involve the addition of new generation assets in southern Delaware, development of DSM and energy efficiency programs, renewable distributed generation, short- and long-term bilateral contracts, and market purchases. With respect to the generation bids, Staff recommended that the State Agencies direct Delmarva to negotiate with both Conectiv and Bluewater for a hybrid energy supply that would combine a 200-300 MW offshore wind farm with a 150-200 MW synchronous condenser CCGT in Sussex County.

On May 22, 2007, by Order No. 7199, the State Agencies accepted Staff’s proposed energy supply portfolio and directed Delmarva to negotiate in good faith with Bluewater for a long-term power purchase agreement (“PPA”) for the provision of offshore wind power. The Order further instructed Delmarva to negotiate independently with both Conectiv and NRG to provide any necessary backup firm power to ensure reliability when wind power is not available and directed that the negotiations for the backup power be conducted at the same time as the Bluewater-Delmarva negotiations. The Order provided that the negotiations conclude within a 60-day time frame, but the State Agencies indicated their flexibility in extending this deadline, if necessary, to the extent that there was continuing progress in the PPA negotiations. The State Agencies also directed the Staff to retain a third party to oversee the progress of the negotiations and report back periodically to the State Agencies regarding the status of the negotiations and the efforts of all parties to negotiate the PPAs in good faith as well as to conform with the EURCSA. Staff hired Lawrence A. Hamer-mesh, Esquire, to perform this oversight function as directed by the State Agencies.

Be An ActiVoice in Delaware

During the summer months of 2007, the parties engaged in PPA negotiations and provided a status report to the State Agencies on August 7, 2007. Aspiring for completed PPAs Delmarva filed all three Term Sheets as directed on September 14, 2007. by the end of 2007, the State Agencies directed Delmarva to circulate detailed Term Sheets outlining the material terms of arrangements with Bluewater and the backup firm providers by September 14, 2007.⁵ Delmarva filed all three Term Sheets as directed by September 14, 2007.

On October 29, 2007, Staff issued the “PSC Staff Report On the Term Sheets for Proposed Power Sales to Delmarva Power” (“the Term Sheet Report”), in which it recommended that the State Agencies deny approval of all three Term Sheets, consider the Bluewater proposal under specific parameters that would address the concerns raised by Staff, and continue exploration of portfolio energy supply options in the ongoing IRP process. Staff determined that Bluewater’s revised proposal in the Term Sheet did not achieve the greatest long-term system benefits in the most cost-effective manner in light of the significant risk and cost imposed on the SOS ratepayers by the asymmetrical pricing escalator combined with the delay in the timing of the revised proposal. In response to the Term Sheet Report, Bluewater withdrew the pricing escalator from its proposal on November 6, 2007.

Following extensive comment from the participants and the public regarding the merits of the Term Sheets, the State Agencies directed Bluewater and Delmarva to continue negotiations for a finalized contract for the procurement of offshore wind power in Delaware.⁶ The State Agencies limited the scope of the Bluewater-Delmarva negotiations to issues regarding price, non-conforming terms, and disputed contract terms. The State Agencies further empowered Mr. Hamermesh to resolve all outstanding issues in the proposed contract that would be brought before the State Agencies on December 18, 2007 for their final decision on the offshore wind proposal. This is Staff’s report regarding the State Agencies’ options with respect to the finalized Bluewater-Delmarva PPA submitted on December 10, 2007.

¹ HB 6 is codified in the Electric Utility Retail Customer Supply Act of 2006, 26 Del. C. §§ 1001-1019.

² SOS refers to Delmarva customers who do not receive their energy supply from a third-party electric provider. 26 Del. C. § 1001(18).

³ 26 Del. C. § 1007(c)(1)b.

⁴ *Id.* at § 1007(d)(3).

⁵ See PSC Order No. 7277 (September 4, 2007).

⁶ See PSC Order No. 7328 (December 4, 2007).

###

So Where Are We Now?

On December 18, 2007 the PSC and other deciding Agency representatives met to vote on the PPA. Before the issue could be brought up for discussion, OMB Director Jennifer Davis made a preliminary motion to table the decision. Controller General Larson seconded the motion and it was approved by the voting members. When asked how long this issue would be tabled, PSC Chair Arnetta McRae responded “indefinitely.”

Clearly this is not the way government should work. Several of the decision-makers suggested that had the issue been taken up for discussion and a vote, the outcome would not have been a positive one for BWV. Although the reasons for this extraordinary action were not explained, it appears some members of the legislative leadership had “questions and concerns” about approving the PPA. This is really quite curious, since they had a representative who sat in on all of the meetings, the issue has been widely covered in the media, and the PSC has done a truly remarkable job making information easily available through its web site. With a decision this big and this important to the state, you would expect elected officials to be paying attention and keeping themselves informed. One is left to wonder if there isn’t something else going on here.

What Can be Done?

The issue is inarguably ready for a decision. The PSC Staff and the Independent Consultant (IC) have recommended approval of the PPA. The Staff Report concludes “Within the conceptual framework of the EURCSA, Staff concludes that a balancing of the benefits and risks associated with the PPA reveals that the long-term arrangement between Bluewater and Delmarva for the procurement of offshore wind power – with the equitable conditions recommended by Staff – is the preferred solution to promote long-term system benefits in the most-cost effective manner. We reiterate that the uncertainty regarding Delaware’s energy future is the major consideration underlying Staff’s decision. The PPA provides parameters of certainty and stability to this uncertain energy future and, accordingly, ***Bluewater’s project is a cost-effective mechanism that takes control of Delaware’s energy needs and provides a price hedge against the unpredictable and volatile movement of the PJM market*** (emphasis added). Although this certainty comes at a price, Staff believes that it is more likely that the future will bring higher electricity prices in light of PJM market power, volatile fuel prices, the scarcity of new generating facilities in Delaware, pending regulations regarding carbon emissions, and rising energy demand in Delaware.”

Similarly, the IC's overall assessment of the PPA is that "(T)he PPA as a whole is a reasonable commercial document in terms of its risk allocation between Bluewater and Delmarva. There are underlying risks associated with Bluewater's ability to develop and build the project with its uncertain permitting regime, long lead times, and technological, economic and financial challenges. However, the PPA (a) reasonably mitigates the risks to Delmarva and its ratepayers of Bluewater's non-performance or delayed performance through liquidated damages and security while (b) doing so in a commercially reasonable manner that would enable Bluewater to make the considerable investments required in reliance on the PPA."

There has been an unprecedented level of support among the general public for this project. The regulators and expert technical staff recommend its approval based on a complete record. The project is unquestionably in the best interest of the state and its citizens.

It's time to take action.

Contact your elected state representative and senator to let them know you support this project and want to see it move forward. Send them a letter or e-mail message, call their office or visit them at Legislative Hall in Dover.

It's time to take control of our energy future!

House Contact Information:

<http://legis.delaware.gov/legislature.nsf/Reps?openview&Count=75&nav=house>

Senate Contact Information:

<http://legis.delaware.gov/legislature.nsf/sen?openview&nav=senate>

Bald Eagle Protection

The Bald Eagle has been removed from the Endangered Species List and is now protected under the Bald and Golden Eagle Protection Act. The US FWS has promulgated guidance under the act which provides less protection for the bird and its habitat. Delaware Audubon, the Delaware Nature Society and representatives of other Delaware conservation organizations petitioned DNREC to extend or maintain the same level of protection as previously existed under the ESA. We have been working with DNREC to develop suitable regulatory language and expect to have a proposed rule ready for promulgation early in 2008.

Donation From The Schell Family Foundation To Support Offshore Wind Energy Project In Delaware

Mark Martell, President of Delaware Audubon, announced that the Schell Family Foundation has donated \$5,000 to the organization to help support efforts to inform the public about the benefits of the proposed wind energy project off the coast of Rehoboth Beach. The funds will be used by Delaware Audubon, in consultation with Citizens for Clean Power (CCP), to educate the public on the economic, health and environmental benefits of offshore wind energy and to promote the wind energy project proposed by Bluewater Wind. "Delaware Audubon and CCP are citizen-based organizations with limited resources. This donation provides financial support to help communicate the importance of renewable energy and inform the decision-making process," said Martell.

In making this donation, Preston Schell, co-founder of Schell Brothers LLC and President of Ocean Atlantic Associates noted, "We at the Schell Family Foundation are happy to donate funds in support of the Bluewater Wind project through Delaware Audubon. We firmly believe in supporting projects to further advance clean air and healthy environment initiative in southern Delaware. Our collective family has been, and plans on remaining, longtime residents of this area and we want to help in any way possible to sustain a healthy and happy way of life for the residents of Sussex County. We are excited and energized by the clean energy-generating possibilities of the wind power project and hope to see Bluewater Wind plans produce a very positive environmental result for our area."

Speaking on behalf of Citizens for Clean Power, Kit Zak commented, "This issue has galvanized Delaware's environmental community and generated support from members of general public like no other issue we have ever witnessed. We greatly appreciate this generous donation from the Schell Family Foundation. It is a clear statement in support of a better energy future from an important family in Delaware's business community. We applaud their vision and commitment and we are grateful for their support."

Be An ActiVoice in Delaware

From the President's Desk

There is much going on in your organization these days as people transition internally into performing different tasks. This newsletter is the last one to be performed by Susan Martell, my wife, as we transition the newsletter to the team of Fred and Steve Breukelman, our dynamic father and son duo that runs and maintains our wonderful website. Much kudos goes to Sue for taking on the newsletter task as we transitioned from Ann Rydgren and her award-winning team.

On another note, we have received a grant from the National Audubon Society for the underwriting of our purchase of Nancy Carol Willis's children's book "Red Knot: A Shorebird's Incredible Journey" in disseminating this wonderful educational piece to Delaware's schoolchildren. The distribution of this book to Science classrooms around the State last year was met with great enthusiasm and trying to make this an annual program goal for Audubon is part of my mission for our organization.

If you are looking to purchase this book for yourself, you can click on the Amazon.com button on our website, where all purchases will result in a small donation to Delaware Audubon Society, and proceed to: <http://www.amazon.com/Red-Knot-Shorebirds-Incredible-Journey/dp/0966276159> to purchase the book and review editorial comments provided.

Finally, it is clear that the BlueWater Wind proposal hangs by a thread in our legislature. What remains to be seen is how our government reacts to the demands by the people for open discourse. It is hard to advocate for a position or a cause if the powers that be play "hide the decision makers" from the populace. Delaware has a real chance to become the first state to weigh in on offshore wind power, and I for one feel it is time for us to get on board. I have been 100% wind power over the last year or so myself (through purchasing green wind power through Washington Gas and Electric) with Delmarva Power serving as the delivery conduit of power to my home. Yes, it is much more expensive than traditional coal and gas, but with the new wind power proposal off our shores, I believe the cost per KWH will go down over time adjusted for inflation. The key is to absorb the up front investment in the building of the original system. Spread out over the life of the project, given the fact that wind power is scalable offshore with less NIMBY-ism, this project can take us into the future cheaply and grow as necessary. Please contact your local legislators and let them know of your desire to go green!

Mark. B. Martell
President

Delaware Audubon Society
P.O. Box 1713
Wilmington, DE 18988

Non-Profit Organization
PAID
Permit No. 428
Wilmington, Delaware