

## Protecting Lands for Conservation and Recreation

*Goal: To maintain and enhance the interconnected network of natural areas, open spaces, parks, and conservation lands*

Land use changes due to human activity have a great effect on ecological resources. Scattered patterns of 50-plus years of modern development in Delaware, especially the construction of low-density residential housing subdivisions, consumes excessive amounts of land and fragments natural landscapes. Wildlife habitat and migration corridors are lost, and normal ecosystem functions are disturbed or destroyed. When natural spaces are converted for human use, the population of species dependent on the lost habitat may decrease below the threshold needed for long-term persistence. Habitat loss and fragmentation are perhaps the greatest threat to forest wildlife, and the primary cause for species extinction by restricting the movement of plants and animals. Ecosystems with lower diversity are generally less desirable and can affect the availability of outdoor recreation opportunities.

Many species of greatest conservation need are “area-sensitive” requiring relatively large areas of mostly unbroken habitat to ensure their viability. Protecting areas of conservation need will provide an interconnected network of forests, uplands and wetlands for wildlife habitat and associated recreation activities. State, Federal and non-governmental conservation lands, which generally make up the largest parcels in preservation networks, are particularly critical for meeting the needs of sensitive species and associated low impact recreational demand. Landscape scale planning among all agencies and organizations will be necessary to comprehensively identify those areas with greatest conservation need.

The basic building blocks of a conservation network include not only those larger core areas but also natural wildlife corridors. Wildlife corridors are those linear features that provide adequate cover sufficient for the movement of wildlife. These corridors preserve the connectivity of undeveloped lands within developing areas, preserving connections between different habitats and/or large habitat blocks. Corridors are also an excellent means of providing people with connections between large open spaces. In many instances, corridors can support low impact human

activities such as hiking, biking, kayak/canoeing, wildlife viewing and nature observation.

***Recommendations:***

*Identify and prioritize lands for acquisition that protect and maintain large scale landscapes and avoid fragmentation of resources.*

*Manage core natural areas to minimize direct disturbances and the introduction and spread of non-native and invasive species.*

*Protect land through conservation easement or fee simple purchase to create conservation corridors.*



Strategically planned and managed networks of natural lands, working landscapes, and other open spaces that conserve ecosystem functions and provide associated quality of life benefits provide a systematic approach to land conservation.

A network of interconnected green spaces can provide vital habitat for wildlife, protect water supplies, improve air and water quality, and provide low impact outdoor experiences for recreation enthusiasts. The end result is a healthier environment and a better quality of life for residents. These environmental benefits can be achieved through proper planning and robust funding for land conservation. More often than not, the benefits of open land are not given adequate attention in the land use planning, engineering, and development processes. Conservation lands and residential development are not mutually exclusive. Incorporating natural spaces, wildlife habitat, and conservation corridors early in the planning process can greatly enhance the quality of a residential development or a community as a whole. Strong collaborations between private entities, local governments, non-profit organizations and conservation groups can serve as a springboard to protect and connect natural spaces throughout the state.

***Recommendations:***

*Identify conservation opportunity areas for inclusion and protection in the natural resource element of local comprehensive land use plans.*

*Protect rare landscape elements, cultural resources, and sensitive areas and associated species.*

*Leverage partnerships with state and federal agencies, conservation organizations and private landowners.*

*Develop a guide for local governments and conservation organizations that outlines available funding sources and incentives available to help protect high priority conservation and recreation areas.*

***Local Parks***

In 1986, the state enacted the Delaware Land and Water Conservation Trust Fund Act (DTF), a state law that mirrors the federal LWCF Program (30 Del. Code, Chapter 54). The DTF is a matching grant program administered by the State Division of Parks and Recreation within the Department of Natural Resources and Environmental Control that assists county and municipal governments and park

districts with park land acquisition and outdoor recreation facility development. Annually, \$1 million of Real Estate Transfer Tax is deposited into the Trust with the principal intact. Trust-generated income is divided equally between park and trail projects.

DTF assistance is available for parkland, open space or greenway acquisition, planning and outdoor recreation facility development projects. Up to 50% funding is available for eligible projects while a sponsor and match may be derived from the agency's budget, other grants, in-kind sources or donations. Sponsoring agencies must agree to dedicate the project site to public outdoor recreation use in perpetuity and assume responsibility for continuing operation and maintenance of the area. To date the DTF Program has assisted 44 eligible agencies with over 300 completed projects. The \$21M of DTF assistance has leveraged \$56 million. More than three quarters of the projects (237) have been for park development, 48 for acquisition projects and 27 for planning projects have been funded.





### *Delaware's Open Space Program*

One effective way the State is creating this network of conservation and recreation lands is through the Open Space Program. The Open Space Program coordinates the acquisition of various state lands: parks, fish and wildlife management areas, forests, nature preserves, and cultural sites. Protection efforts build on existing state, federal, local and private conservation organization lands and inholdings. Lands acquired under this Program are protected through fee simple acquisitions, bargain sales, donations, and conservation easements.

While state land conservation started in the 1920s, a cohesive effort with dedicated funding formally began with the passage of the Delaware Land Protection Act (7 Del. Code, Chapter 75) in July 1990. The law established the Open Space Program to acquire interest in real property to carry out conservation programs of the State. Under the purpose of the law, the State is “to protect and conserve all forms of natural and cultural resources; to protect and conserve the biological diversity of plants and animals and their habitat; to protect existing or planned parks, forests, wildlife areas, nature preserves or other recreation, conservation or cultural sites by controlling the use of contiguous nearby lands; to preserve sites of special natural, cultural or geological interest; to connect existing open spaces into a cohesive system of [conservation] greenways and resource areas; to provide for public outdoor recreation; and to allow for water resource conservation”.

This legislation also established a nine member Open Space Council which advises the Secretary of the Department of Natural Resources and Environmental Control as to the administration, implementation and financing of the program. Seven members of the Council are public members appointed by the Governor, one member is appointed by the Speaker of the House of Representatives and one member is appointed by the President Pro Tempore of the Senate. Ex-Officio members of the Council are the Secretary of Agriculture, the Secretary of State, the Director of the Delaware Economic Development Office, and the State Liaison Officer for the Federal Land and Water Conservation Fund.



Quarterly meetings are held to review properties brought before the Council for consideration for acquisition. These properties are first selected as priority projects by the land managing agencies that qualify for funding under the program: Division of Fish and Wildlife, Division of Parks and Recreation, Division of Historical and Cultural Affairs, and the Delaware Forest Service. Then the land project is recommended to an Interagency Working Group, comprised of state and county agency staffs. This group reviews the specific natural, cultural and recreational information for each site and decides which projects are taken to the Open Space Council for its consideration.

Assessing the priority of a given property for preservation is a process that involves ranking and descriptive evaluation. The ranking process is intended to provide a strategic way of preserving open space by evaluating a property on its own features and against other similarly ranked properties in order to maximize resource benefits and leverage all relevant funding sources. Additionally the property is reviewed against existing resource plans.

This ranking process is supported by science, management priorities and public needs. The ranking criteria assign points across five broad areas: ecological value, land

use, water quality, recreation, and cultural resources. Once ranked, the property is evaluated qualitatively by describing other potential benefits, challenges or factors affecting preservation of the land. The recreation potential of a project is reviewed for high priority recreation needs as defined in the SCORP. Specific conservation issues are based on species and habitat inventories and ecological modeling. The Open Space Program Property Ranking Process is found in Appendix E.

The funding for the acquisition of open space properties has come from a variety of sources, including State Conservation Revenue Bonds, a portion of the State’s realty transfer tax and legislative appropriations. The original funding mechanism, also passed in 1990, was a new subchapter to the Realty Transfer Tax Act (30 Del. Code, Chapter 54, Subchapter II). Most of the funding today comes from a portion of the realty transfer tax which is imposed on the sale of real estate. The current level of funding is \$9.0 million annually. These State funds are often used to match or leverage federal funding from a variety of programs in the U.S. Fish and Wildlife Service, the National Park Service and the U.S. Forest Service. In addition private foundation funds are matched with state dollars.

From July 1990 through November 2012 the Open Space Program completed 351 fee simple acquisition, donation and conservation easement projects, resulting in the permanent protection of 53,669 acres. Over \$246,469,536 of Open Space funds and \$73,973,661 of other funds were expended on these projects. A breakdown by county is included here. A complete listing of projects is in Appendix F.

<p align="center"><b>Open Space Program Summary By County 1990-2012</b></p>					
County	Projects	Acres	Open Space Funds	Other Funds	Total Cost
New Castle	131	11,822	\$130,960,601	\$34,577,794	\$165,538,395
Kent	64	9,194	\$16,635,634	\$4,496,812	\$21,132,446
Sussex	156	32,653	\$98,873,301	\$34,899,055	\$133,772,356
Total	351	53,669	\$246,469,536	\$73,973,661	\$320,443,197

The Open Space Program will strive to build on its successes. With consistent support from the general public as reflected in many SCORP-related surveys over the years, the protection of open lands for recreation and conservation is a priority through all regions of the state. Challenges will include maintaining a consistent funding source in slow-growth economic times and developing the capacity to effectively manage the currently protected lands. The emphasis will be on making vital connections/corridors between and among conserved lands and analyzing these actions from a larger landscape perspective. The Open Space Program will continue to add to the State's outdoor recreation and conservation estate and assist in maintaining the quality of life for Delaware's citizens and visitors.

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<i>RECOMMENDATIONS</i>	<i>IMPLEMENTERS</i>	<i>AGO</i>
1. Identify and prioritize lands for acquisition to protect and maintain large landscapes and avoid fragmentation of resources.	<i>Open Space Council, Greenways &amp; Trails Council, DNREC, DE Dept. of Agriculture, Private conservation organizations</i>	
2. Identify conservation opportunity areas for inclusion in the natural resource element of local comprehensive land use plans.	<i>DNREC, OSPC, County and Local officials, environmental advocates</i>	
3. Protect rare landscape elements, cultural resources, sensitive areas, and associated species.	<i>DNREC, DE Dept. of Agriculture, Delaware Historical and Cultural Affairs, USFWS</i>	
4. Balance resource protection with resource use.	<i>DNREC, DE Dept. of Agriculture, USFWS, DPH, local parks and recreation departments Private recreation and conservation organizations</i>	
5. Protect land to create conservation corridors.	<i>DNREC, DE Dept. of Agriculture, private conservation organizations</i>	
6. Leverage partnerships with state and federal agencies, conservation organizations and private landowners.	<i>State and Federal Environmental agencies, conservation organizations and private landowners</i>	
7. Develop a guide to funding sources and incentives to protect high priority	<i>DNREC, De Dept. of Agriculture, private industry</i>	

conservation and recreation areas.		
8. Manage core natural areas to minimize direct disturbances and the introduction and spread of non-native and invasive species.	<i>Federal, State, and local land managers, private landowners, volunteer groups</i>	