



STATE OF DELAWARE

OFFICE OF THE GOVERNOR

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GOVERNOR

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April 2, 2014

Dear Wetland Advisory Committee Members,

First, let me offer my sincere thanks for making time in your busy schedules to help develop the best path forward for freshwater wetland conservation and protection in Delaware. Wetlands are one of Delaware's most important ecological and economic resources, providing clean water, flood protection, important habitat for waterfowl and many other species, and support for a thriving recreational economy.

I remain concerned that we do not have the authority or legal ability to manage our own freshwater wetland resources in Delaware. We are the only state in our region that has not come up with ways to more efficiently protect and administer these valuable resources. With your help, we can both minimize the impacts for those who have to deal with permitting and more effectively protect these valuable resources.

As you know, if a property owner in Delaware wants to conduct an activity that may involve a freshwater wetland, to obtain a determination of jurisdiction or a permit for the work, they must work through the U.S. Army Corps of Engineers. Like so many federal agencies, the Corps is struggling to maintain their workload with the limited resources they are allocated. These resource issues slow the permitting process considerably. In addition, there are concerns about the federal program lacking in predictability from changing definitions of jurisdiction and providing limited opportunities for property owners to challenge wetland permitting decisions.

We can do it better in Delaware.

As committee members, you have the opportunity to recommend a state program that would create an efficient one-stop shop and coordinate the process so that we may improve the turnaround for jurisdictional determinations and permits. This is our chance to develop a program for freshwater wetland management the way that we Delawareans would like to see it managed with more accountability, predictability, and clear appeal rights.

Thanks to improvements within DNREC over the past five years, our tidal wetland permitting program has reduced the time for a permit to be completed to an average of 41 days. This is a significant improvement in efficiency and predictability in a just short amount of time without additional resources. I am confident that the same program improvements DNREC has implemented in the tidal wetlands program will be replicated in an efficient freshwater wetlands program. This effort will be bolstered by close collaboration with the Delaware Department of

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Agriculture, which will provide expertise in both agriculture and forestry. The benefits of a local program will reduce frustrations, costs, and uncertainties for developers, landowners, and businesses, which will in turn lessen the strain on the economy experienced when projects are delayed due to an unpredictable and confusing federal permitting process.

I am reaching out today to ask that you support a state wetlands program that includes both strong landowner incentives and a regulatory component by voting yes on the questions before the committee. We cannot meet our goals of protecting Delaware's wetlands with incentives alone. A permitting program, combined with incentives, is necessary. Such a program will be designed to maximize efficiencies for predictability and timeliness, while preventing any future regulatory over-reach.

I know that we in Delaware can work together, as we often do across agriculture, business, government and environmental interests, to provide conservation and protection for our wetlands in ways that strengthen our economy, enhance our environment, and respect private property use. I believe that the best way to accomplish our mutual goals for Delaware's wetland conservation and protection is to provide the service at the local, rather than federal level, and to strike a balance with a program that includes both incentives and permitting. I ask that you join us in this effort. Let us be proactive and protect our wetlands today so that future generations will be able to benefit from the natural services wetlands provide and continue to enjoy these resources as part of Delaware's heritage.

Sincerely,

A handwritten signature in blue ink, appearing to be 'JAM', written over a horizontal line.

Jack A. Markell
Governor