

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER
NUMBER Fifty Six

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: FRESHWATER WETLANDS

WHEREAS, the majority of Delaware's wetlands are freshwater wetlands which consist of primarily freshwater marshes, swamps and bottomland forests; and

WHEREAS, freshwater wetlands are assets to society with benefits to critical habitats for fish and wildlife, water quality maintenance and improvements, flood and storm damage protection, sediment and erosion control, surface water supply and groundwater recharge, harvest of natural products such as timber or furs, aesthetics, and recreational activities; and

WHEREAS, it is essential that the conservation of the soil, water, wetlands and other resources of the State be accomplished in a workable and practicable manner.

NOW, THEREFORE, I MICHAEL N. CASTLE, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order that;

1. Each state agency shall minimize the adverse effects to freshwater wetlands and conserve and enhance the environmental values and functions of freshwater wetlands in carrying out the agency's responsibilities.

2. Each state agency, to the extent permitted by law, shall avoid undertaking or providing financial assistance for construction located in freshwater wetlands which will substantially degrade or destroy for long or permanent duration

the use and function of an altered area as a wetland environment, unless the head of the agency, through consultation with the Department of Natural Resources and Environmental Control (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 freshwater wetlands which may result from such use, or (b) that the request is consistent with the procedures and policies established under the provisions of paragraph 3 herein. In making this finding the head of the agency and DNREC may take into account social, economic, environmental and other pertinent factors.

3. The Secretary of the DNREC in conjunction with the Department of Agriculture, the Delaware 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 wetlands systems, and the uses of freshwater wetlands including wetland enhancement, recreation, economic, scientific and cultural uses. DNREC may approve standard plans and procedures that shall be followed by a state agency that has similar type of activities that may affect a wetlands more than one time and/or affect more than one wetland site.

4. 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 freshwater wetlands, whether the proposed action is in accord with this order. The U.S. Fish and Wildlife Service's National Wetlands inventory maps shall be used as a guideline for freshwater wetlands determinations.

5. When State-owned freshwater wetlands are proposed for lease, easement, right-of-way or disposal to non-state 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.

6. The Department of Natural Resources and Environmental Control will establish an inventory of all state-owned freshwater wetlands and the values (assets) associated with each wetland.

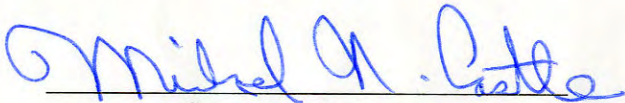
7. A Freshwater Wetlands Roundtable shall be established for the purpose of resolving management needs not addressed elsewhere in this order. The Roundtable shall be charged with:

- a. Developing and recommending workable definitions for freshwater wetlands;
- b. Recommending a freshwater wetlands conservation program for privately held lands; and
- c. Reporting the financial ramifications of such a program on the state's budget and recommend a timetable for implementation.


8. The Roundtable shall be comprised of a broadly inclusive group representative of the environmental community, agricultural community, business community, academic community and state and local government. The chairperson and other members of the Roundtable shall be appointed by the Governor.

The Roundtable shall make its final recommendation to the Governor by June 1, 1989.

APPROVED this 26th day of May, 1988.



Governor



Secretary of State

