

## **Keeping Delaware Wetlands Out of Dry Dock**

### **Issue (Who cares and why?)**

Thirty percent (350,000 acres) of Delaware is covered by wetlands. Since the 1970s, both state and federal governments have protected most types of wetlands; the results of two recent U.S. Supreme Court decisions (the *Solid Waste* and *Tahoe* cases), however, could jeopardize freshwater wetlands in the state. Development, waste disposal and agriculture pose the greatest threats to wetland preservation.

### **What has been done?**

In 2002 scientists in Food and Resource Economics conducted a study to assess the possible future legal environments of freshwater isolated wetlands regulation, which is likely to emerge at the state level in the ensuing years. The study included an analysis of impact of the U.S. Supreme Court decisions and an examination of the Delaware Legislature's recent failure to create new wetlands legislation for the First State.

### **Impact**

Landowner uncertainty about using these lands for production is prevalent. While a state policy for all freshwater wetlands would lead to more consistent and effective regulation, the study found it is in the best interest of landowners to act quickly if the Legislature intends to regulate isolated wetlands. Legislature could authorize a moratorium on development of isolated wetlands or abandon efforts to exert authority. A moratorium would be one possible solution to the difficulties in crafting swift legislation.

### **Funding**

Delaware Water Resources Council

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