



State Highlights in Conservation: Delaware

Profile of State Program(s)

Delaware Department of Agriculture – Agricultural Lands Preservation Program: The Delaware Agricultural Lands Preservation Program was established in July 1991. The program enables any landowner(s) of at least 200 contiguous acres of farmland to apply for and establish an Agricultural Preservation District, within which land use is restricted to farming for at least 10 years. Once a District is established, the landowner(s) are eligible for tax benefits, right-to-farm protection, and to sell development rights of their property to impose a permanent agricultural conservation easement on the land. A landowner who sells development rights will receive compensation through the state Agricultural Lands Preservation Program. The program was funded initially by the Twenty-First Century Fund, created in 1995 with proceeds from a settlement from the Delaware v. New York Supreme Court litigation. The program is prescribed \$10 million annually in realty transfer tax proceeds through the Delaware Land and Water Conservation Trust Fund (DTF). The program received full funding only twice since 2012, and the proposed FY 2017 budget includes only \$3 million for Agricultural Lands Preservation. Funding for the past five years was as follows (from Delaware Department of Agriculture) FY 2016: \$3 million FY 2015: \$2 million FY 2014: \$6 million FY 2013: \$10 million FY 2012: \$10 million.

Delaware Department of Agriculture – Forestland Preservation Program: Signed into law in July 2005, the Delaware Forestland Preservation Program uses perpetual conservation easements to protect forest areas and working forests of a minimum 10 acres. Easement restrictions require landowners to follow a forest management plan, but do allow forest management activities including timber harvests. Landowners receive additional financial benefits including state tax reductions and relief from realty transfer tax when the property is sold. The Forestland Preservation Program is currently funded with general state appropriations when possible. In 2009, the program received \$1 million from the state and an additional \$500,000 from The Nature Conservancy. No funds have been appropriated since.

Delaware Department of Natural Resources and Environmental Control – Open Space Program: The Delaware Open Space Program was established in 1990 through the Delaware Land Protection Act. The Program is funded by an annual transfer of \$9 million into the Endowment Account, one of two accounts within the Delaware Land and Water Conservation Trust Fund (DTF). Note: Due to budget constraints, this transfer was waived for fiscal year ending June 30, 2016. For the Open Space Program, funds are intended for planning, acquisition, and development of property.

Delaware Department of Natural Resources and Environmental Control – Park, Greenways, and Trails Grants: In addition to funding the Agricultural Lands Preservation Program and Open Space Program, the Delaware Land and Water Conservation Trust Fund (DTF), established in 1986, provides matching grants to county and municipal governments and park districts. These grants may be for acquisition of parkland, open space, or greenways; and for planning and development of outdoor recreation facilities. The DTF is funded by the state realty transfer tax. Annual interest earned on the DTF account is used for grants. Available grant funds are split between park projects and gateway/trail projects. Grants are administered by the Division of Parks and Recreation within the Department of Natural Resources and Environmental Control. County and municipal governments are eligible for up to a 50% match; park districts are eligible for up to a 75% match. Data for this program has not yet been collected for inclusion in the Conservation Almanac.

Substantial State Investment

The State of Delaware has several sources of dedicated funding for land conservation. Through the Delaware Land and Water Conservation Trust Fund (DTF), the state realty transfer tax funds the Delaware Agricultural Lands Preservation Program (\$10 million annually), and the Open Space Program (\$9 million annually). Recent budget restrictions statewide have far reduced these annual appropriations. Delaware offers a land conservation tax credit under the Delaware Land and Historic Resources Protection Incentives Act of 1999.

State Incentive for Local Conservation Funding

The Delaware Land and Water Conservation Trust Fund (DTF) provides matching grants to county and municipal governments and park districts for acquisition of parkland, open space, or greenways; and for planning and development of outdoor recreation facilities. The DTF is funded by the state realty transfer tax. Annual interest earned on the DTF account is used for grants. These funds are split between park projects and greenway/trail projects. Grants are administered by the Division of Parks and Recreation within the Department of Natural Resources and Environmental Control. County and municipal governments are eligible for up to a 50% match; park districts are eligible for up to a 75% match.

Conservation Tax Credits

Delaware offers a land conservation tax credit under the Delaware Land and Historic Resources Protection Incentives Act of 1999. Landowners may receive a credit of up to 40% of fair market value (\$50,000 max.) for land or a conservation easement donated for open space, natural resources and/or biodiversity conservation, or historic preservation. Unused credits may carry over for 5 years.

Local Financing Enabled

Counties in Delaware may issue general obligation bonds for the acquisition of land; a referendum is not required. Municipalities in Delaware operate under Home Rule and are therefore governed by individual charters with their own policies for funding land acquisition and parks. In 1990, residents of Newark voted in favor of a request by the Mayor and City Council to issue bonds to fund open space acquisition. With the funds the city purchased nearly 80 acres of active and passive open spaces.

Local Programs Included

No county-level conservation finance measures have been approved by voters in Delaware. For more information on municipal measures in the state, visit www.landvote.org.

Federal Partnerships

Federal agencies and programs that have conserved land in Delaware include:

- U.S. Fish and Wildlife Service
- U.S. Forest Service – Forest Legacy Program (FLP)
- U.S. Natural Resources Conservation Service – Farm and Ranch Lands Protection Program (FRPP)



The Trust for Public Land creates parks and protects land for people, ensuring healthy, livable communities for generations to come.

The Conservation Almanac

A comprehensive database of land conservation and public conservation funding in America, the Conservation Almanac provides a context for assessing impacts of conservation and the growing conservation finance movement. The Almanac offers information on public dollars spent and acres conserved, details on local, state, and federal conservation programs, and geospatial mapping of conserved land.

Almanac data collection efforts focus on land conserved using public dollars; contributions funded by private and non-governmental organizations are not tracked comprehensively. Federal data is complete from 1998-2017. State and local data is complete from 1998-2015. In the tables and charts below, acres are allocated to each program proportionate to the size of the contributions to each acquisition. For example, if an acquisition had two contributions, and each program contributed equal dollar amounts, each program receives 50% of the acres. If you have questions or want to provide updated information, please contact Jessica Welch at jessica.welch@tpl.org.

www.tpl.org

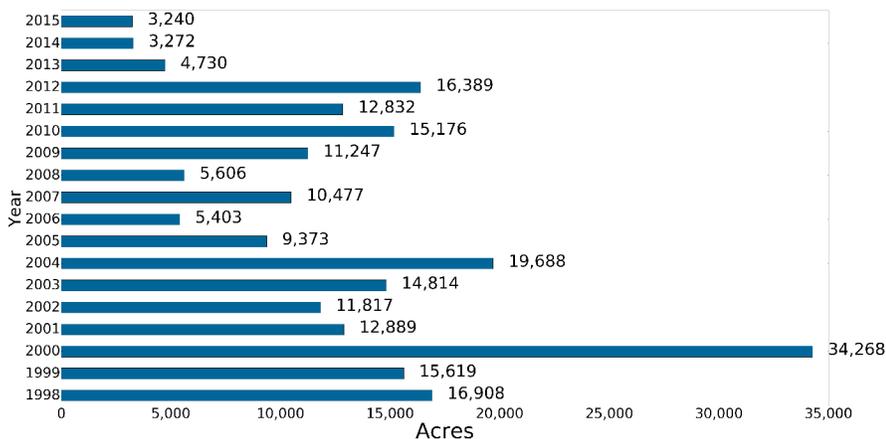
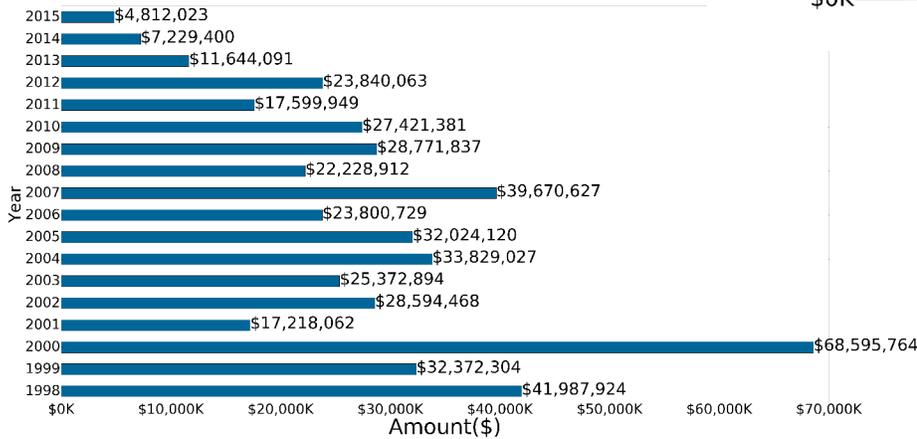
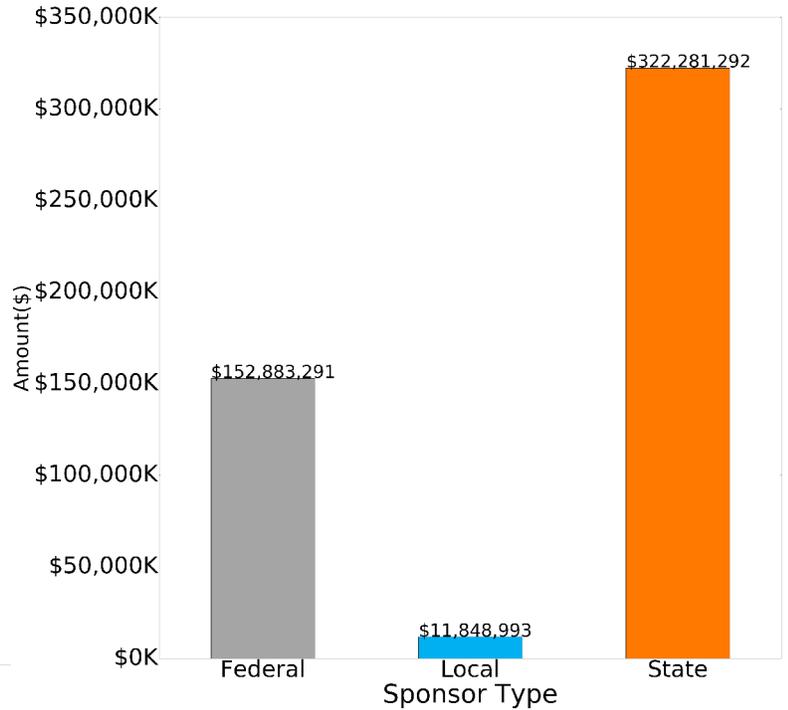
www.conservationalmanac.org

State Conservation Report Delaware



CONSERVATION ALMANAC
Tracking Investments in Protected Lands

November 20, 2020



The data in the Conservation Almanac track the impacts of public spending on land conservation. Created by The Trust for Public Land, the Conservation Almanac brings those data together along with state policy profiles, current conservation finance news, and an interactive map, to provide a powerful online tool.