



SPONSOR: Rep. Cathcart & Sen. Simpson  
& Sen. Sokola; Reps. Buckworth,  
Carey, DiPinto, Fallon, Lavelle,  
Reynolds, Valihura, Wagner, Gilligan,  
Houghton, Keeley, Viola; Sens.  
Amick, Connor, Sorenson

HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE BILL NO. 340

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO WETLANDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 6603(h), Title 7 of the Delaware Code by deleting the word "and" between "(T. latifolia)"  
2 and the phrase "those lands not" and inserting in lieu thereof ";".

3 Section 2. Amend § 6603(h), Title 7 of the Delaware Code by deleting the period "." at the end of the sentence  
4 and inserting in lieu thereof the following:

5 "; and unique isolated wetlands as designated by the Department."

6 Section 3. Amend § 6607(d), Title 7 of the Delaware Code by deleting the period "." at the end of paragraph (3)  
7 and inserting in lieu thereof a semicolon ";".

8 Section 4. Amend § 6607(d), Title 7 of the Delaware Code by renumbering paragraph (4) as paragraph (6) and  
9 inserting new paragraphs as follows:

10 "(4) Designating up to 50,000 acres as unique isolated wetlands as freshwater wetlands such as  
11 Delmarva bays, dune swale wetlands, Atlantic white-cedar swamps, bald cypress swamps, and sea-level fens that  
12 represent exceptional ecological communities necessary to provide habitats for unique plant and animal  
13 species."

14 (5) Setting forth procedures for the purposes of delineating the boundaries of unique isolated wetlands.  
15 The Secretary shall consider the procedures contained in the wetlands delineation manual published by the U.S.  
16 Army Corps of Engineers. (1987 edition)."

## SYNOPSIS

The federal government administers a regulatory program pursuant to the Clean Water Act for protecting wetlands in Delaware. On January 9, 2001, the U.S. Supreme Court ruled the federal government had exceeded its statutory authority over isolated, freshwater wetlands. As a result of this Supreme Court decision Delaware's ecologically important isolated wetlands such as Delmarva bays, dune swale wetlands, Atlantic white-cedar swamps, bald cypress swamps, and sea-level fens no longer receive any federal protection. This Act is intended to address the recent decision by giving the Department of Natural Resources and Environmental Control the authority to designate up to 50,000 acres to protect Delaware's most unique wetlands such as Delmarva bays, dune-swale wetlands, Atlantic white-cedar swamps, bald cypress swamps, and sea-level fens certain ecologically important freshwater wetlands that are no longer under the jurisdiction of the federal government. The Secretary of the Department is required to adopt maps designating the location of, and procedures for, delineating these unique wetlands.