

Implications of Sackett on Delaware Wetlands

Division of Watershed Stewardship

Wetland Monitoring and
Assessment Program



Calculating Impacts of Sackett decision



Spatial Analysis

- Using 2017 statewide wetland maps
- Wetlands lacking a continuous surface connection to downstream TNW
- Privately owned wetlands
- Freshwater wetlands only
- BPJ without field specifications

Results

Nontidal wetlands left federally unprotected

Rapanos (2006)	NWPR (2020)	Sackett (2023)
~3,500 acres	~30,000 acres	~75,000 acres

75,000 acres =

45% of Delaware's nontidal wetlands

40% increase from NWPR

20-fold increase from Rapanos

Unprotected Wetland Types

Freshwater Wetlands in Delaware with No Direct Surface Water Connection

Isolated Freshwater Wetlands in Delaware



Delmarva Bay/Vernal Pool in spring (left) and fall (right).



Coastal plain seasonal pond.



Inner dune depression meadow.



Forested headwater flat.



Groundwater seep depression/swamp.



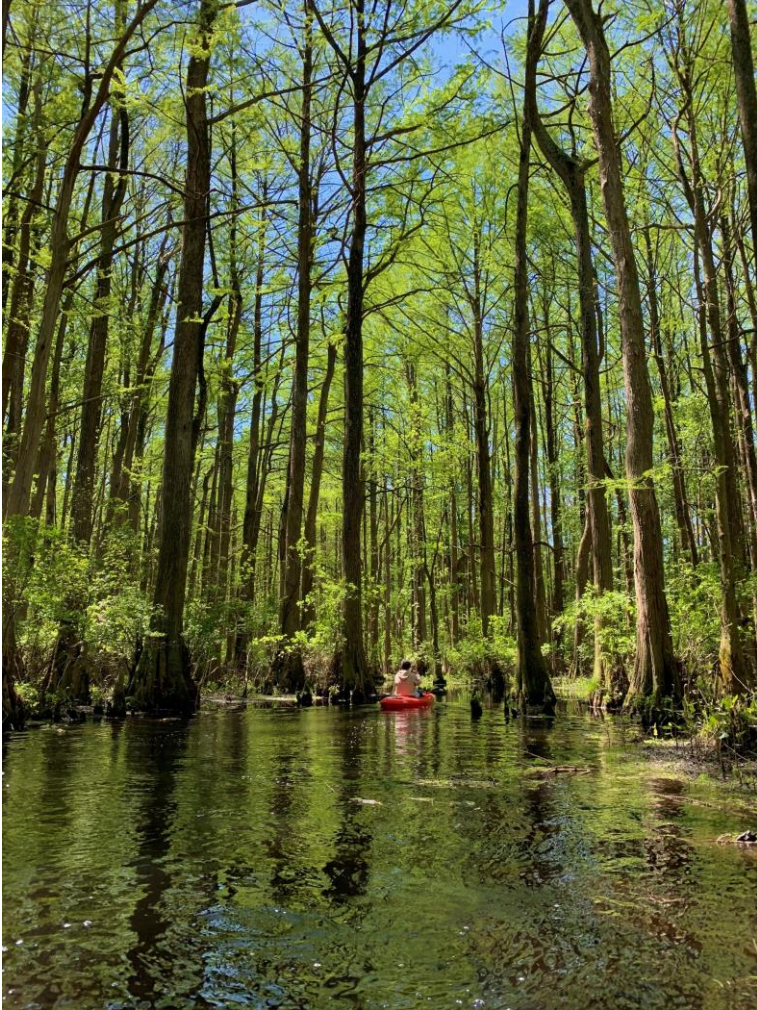
Black ash groundwater seep swamp.



Groundwater seep swale.



What Now?



- Support current efforts to establish FWW state program
 - Comprehensive program using SPGP process
 - + Nonfederal wetlands (fill the gap)
 - In addition to tidal wetlands
 - 3-4 year process
- Educate about wetland values
- Encourage voluntary stewardship
- Provide clarity on regulatory process

Thank You!

alison.rogerson@delaware.gov

Follow us!



@DNRECwetlands



DELAWARE DEPARTMENT OF
NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL