

Guidelines to Evaluate Land Being Considered For Permanent Protection

The State agencies¹ shall use these guidelines to evaluate lands which a landowner has offered for permanent protection to ensure that permanently protecting the land furthers the purposes of the Land Protection Act, 7 Del. C. Chapter 75.

| ECOLOGICAL VALUE | 20 points | 15 points | 10 points | 5 points | 0 points |
|--|---|---|--|---|---|
| Plants | Federally listed or candidate species, globally rare, or proposed state listed species documented on site or adjacent lands that may benefit from habitat protection | S1 species ² documented on site or adjacent lands that may benefit from habitat protection | S2 species ³ documented on site or adjacent lands that may benefit from habitat protection | S3 species ⁴ documented on site or adjacent lands that may benefit from habitat protection | S1-S3 species not likely to benefit from habitat protection |
| Animals | Federally listed or candidate species, globally rare, state listed or proposed state listed species documented on site or adjacent lands that may benefit from habitat protection | S1 species documented on site or adjacent lands that may benefit from habitat protection | S2 species documented on site or adjacent lands that may benefit from habitat protection | At least 1 SGCN ⁵ likely to benefit from habitat protection | SGCN not likely to benefit from habitat protection |
| Habitat of Conservation Concern (HCC) ⁶ | Protects an existing HCC documented on site | Protects a corridor connecting two HCCs | Protects land adjacent to an HCC (potential for expansion of HCC through restoration) | Potential for establishing an HCC (must be in close proximity to other HCCs) | No potential for establishing a HCC |
| Fisheries Resource Protection Areas | Protects critical nursery or spawning habitat for anadromous fish, bivalves, and shellfish | Adjacent to critical nursery or spawning habitat for anadromous fish, bivalves, and shellfish | Potential to protect and/or improve nursery or spawning habitat for anadromous fish, bivalves, and shellfish | | |

¹ 7 Del. C. § 7504 - The Department of Natural Resources and Environmental Control, Divisions of Parks and Recreation and Fish and Wildlife; the Delaware Department of Agriculture, Delaware Forest Service; and the Department of State, Division of Historic and Cultural Affairs

² S1 Species- Extremely rare with typically 5 or fewer occurrences statewide.

³ S2 Species- Very rare with typically 6 to 20 occurrences statewide.

⁴ S3 Species- Rare to uncommon with approximately 21 to 100 occurrences statewide.

⁵ SGCN, or Species of Greatest Conservation Need, are identified according to a set of criteria provided in the *Delaware Wildlife Action Plan*. SGCN are species indicative of the overall diversity and health of the State's wildlife resources. Some may be rare or declining, may be vital components of certain habitats, and/or may have a significant portion of their population in Delaware.

⁶ HCC, or Habitat of Conservation Concern, are habitats that are rare, have special significance in Delaware, are particularly sensitive to disturbance, and/or have a high diversity of rare plants. Because of these factors, they are known – or expected – to harbor SGCN, especially insects that are often dependent on specific host plants.

| ECOLOGICAL VALUE | 20 points | 15 points | 10 points | 5 points | 0 points |
|-------------------------------------|-----------|-----------|-----------|----------|----------|
| Forest/Non-Forested Wetland % Cover | 76-100 | 51-75 | 26-50 | 10-25 | <10 |
| ESH ⁷ % Cover | | 76-100 | 51-75 | 26-50 | |
| Total (115) | | | | | |

| LAND USE | 20 points | 15 points | 10 points | 0 points | -10 points |
|--|--|--|--|---|--|
| Proximity to Existing Preserved Lands | Inholding/ Adjacent to existing protected lands | Provides a corridor between existing protected lands | Potential connector or corridor between existing protected lands | Stand alone | |
| Development Pressure | Takes away the potential of developing >5 residences on site | | | | Proposed/approved development on property being considered (not cost effective) |
| On-site Buildings | | | Property with no building | Property with 1 building | Property with >1 building |
| Size of Property | >200 acres | 100 - 199 acres | 25 - 99 acres | < 25 acres | |
| Use of Property | Primarily in a natural state (>50%) | Primarily agricultural lands (>50%) | Residential/commercial use (<25% land disturbance) | Residential/commercial use (>25% land disturbance) | Intense residential use, borrow pits, waste treatment facilities, spray irrigation, landfills etc. |
| Access | | Access exists; no improvements necessary | Access exists but improvements necessary | Poor access | No access |
| Public Utilities ⁸ | | | | | Above ground utilities present |
| Sea Level Rise (SLR) Adaptation ⁹ | Provides for inland migration | | | Predicted to be under water based on current models | Currently under water at MHW ¹⁰ |
| Total (125) | | | | | |

| CULTURAL/HISTORICAL RESOURCES | 40 points | 20 points | 10 points |
|-------------------------------|-----------|-----------|-----------|
|-------------------------------|-----------|-----------|-----------|

⁷ ESH – Early Successional Habitat, including mixed stand of grasses and forbs, old field habitat, pastureland, and shrubland.

⁸ Utilities – aboveground public utilities that serve more than one entity (e.g. electric transmission/distribution lines, fiber optic/cable lines, cell tower, solar panel array).

⁹ DNREC Sea Level Rise Scenarios. Adaptations allow for landward migration of a resource or loss of land due to sea level rise.

¹⁰ MHW = Mean High Water

| | | | |
|---|--|---|---------------------------------|
| Cultural/Historical Resources ¹¹ | Listed on National Register of Historic Places | Eligible for listing on National Register | Some cultural/historic interest |
| Threat to Cultural Resources | Immediate – approved subdivision | Potential – submitted subdivision | |
| Total (80) | | | |

| WATER FEATURES | 25 points | 15 points | 5 points | 0 points |
|---|-----------------------------------|---------------------------------------|--|-------------------------|
| Water Features Present | Unchannelized, buffered | Unchannelized, unbuffered | Channelized, buffered | Channelized, unbuffered |
| Waterway Frontage | >1000 linear feet | 500-999 linear feet | 250-499 linear feet | 0-249 linear feet |
| Buffer Size | >200' | 100-199' | 50-100' | 0-50' |
| Wetlands on Site | Freshwater | Other | | |
| Water Quality Improvement Potential | Potential for wetland restoration | Potential to restore degraded streams | Potential for enhancement and/or buffering | |
| Nutrient Management Critical Priority Areas ¹² | Low | Medium | | High |
| ERES Waters ¹³ | Within ERES waters | | Adjacent to ERES waters | Outside ERES waters |
| Watershed Impairment ¹⁴ | 0-50% | 50-74% | 75-99% | 100% |
| Total (200) | | | | |

| RECREATION (Must not adversely affect ecological resources to receive points) | 20 points | 15 points |
|--|-----------|-----------|
| Potential for High Priority Outdoor Recreation Needs as Defined in the SCORP ¹⁵ | 3+ | 1-2 |
| Recreational Uses (see below) | 3+ | 1-2 |
| Proximity to Population Base ¹⁶ | Level 1 | Level 2 |
| Within a Fisheries Access Area ¹⁷ | Yes | |

¹¹Cultural/Historic resources means those structures, improvements, sites or lands that are listed as significant in or eligible for listing in the National Register of Historic Places, either as individual listings or as contribution elements in listed or eligible historic districts (30 Del. C. §1803).

¹² The Delaware Nutrient Management Act (3 Del. C. Ch.22) was enacted in June 1999 as part of an effort to address water quality concerns in Delaware. Nutrient management critical area priorities were established to help the Delaware Nutrient Management Commission decide where to focus their efforts with respect to their Nutrient Management Planning and Nutrient Relocation programs.

¹³ The designation requiring the highest level of protection is for waters that are of “Exceptional Recreation or Ecological Significance” (ERES). These waterways are important habitats for a multitude of wildlife and are also popular recreation destinations.

¹⁴ Section 305(b) of the Clean Water Act (CWA) requires reporting of the conditions of the waters of the State. Section 303(d) of the CWA requires listing of the impaired waters (waters that do not meet their standards). If monitoring reveals that a stream has high pollutant levels that prevent it from achieving all of its designated uses, it is considered impaired and will be placed on the 303(d) list. This information is organized by watershed, or the land area draining to a particular water body.

¹⁵ Statewide Comprehensive Outdoor Recreation Plan (SCORP) is a planning and policy document that identifies needs in outdoor recreation throughout the state of Delaware.

¹⁶ [Strategies for State Policies and Spending](#) - Level 1 and Level 2 Areas of Investment.

¹⁷ An area where fish could be caught, such as a shoreline or pier or somewhere a boat could get access to the water for the purpose of fishing.

| | | |
|---|------------------|------------------|
| RECREATION (Must not adversely affect ecological resources to receive points) | 20 points | 15 points |
| Total (80) | | |

| RECREATIONAL USES (Must not adversely affect ecological resources to receive points) | Check All That Apply |
|--|-----------------------------|
| Hunting | |
| Fishing | |
| Wildlife viewing (unique species or habitat) | |
| Boating/kayak access (ramps and/or parking) | |
| Walking, jogging or bike paths/ATV, hiking, mountain biking or equestrian trails | |
| Sport courts | |
| Multi-purpose fields | |
| Water park/swimming pool | |
| Dog park/dog training areas | |
| Beach access | |
| Access to historic sites | |
| Disc golf courses | |
| Golf courses | |
| Playgrounds | |
| Picnic areas | |
| Camping areas | |
| Rollerblading, roller skating or roller hockey areas/skate parks | |
| Total Number of Recreational Uses | |

| Total Points For All Categories | Total Points |
|--|---------------------|
| Ecological Value (/115) | |
| Land Use (/125) | |
| Cultural/Historical (/80) | |
| Water Features (/200) | |
| Recreation (/80) | |

DESCRIPTIVE EVALUATION/PROJECT-SPECIFIC QUESTIONS

Does the acquisition support state or regional preservation and restoration priorities or management plan goals?

(e.g., Atlantic States Marine Fisheries Council's Interstate Fisheries Management Plans, Bayshore Initiative, Bird Conservation Region 30, Blackbird-Millington Corridor Plan, Captain John Smith Chesapeake National Historic Trail, Chesapeake Watershed Implementation Plan, , Delaware Forest Action Plan, Delaware Bayshore Initiative, Delaware Wildlife Action Plan, Forest Action Plan, Inland Bays Watershed Restoration Plan, Nanticoke Watershed Restoration Plan, North American Wetlands Conservation Act, Partners in Flight Priority Species, National Fish and Wildlife Foundation, SCORP, Wildlife Action Plan)

List Regional Priorities and/or Management Plan Goals here:

Describe why the property is considered for preservation. (e.g., critical wildlife habitat, water quality protection, recreational opportunities, cultural resource preservation)

Are preservation/management goals best achieved through fee title or conservation easement, and why?

Is there a discount offered on the purchase price?

Are there opportunities to leverage non-Open Space Program funds? If so, identify the funding sources and percentages.

Describe any potential management challenges and/or costs.

Is there a near term plan for development?

For stand-alone sites, are the resources on the property significant enough to justify preservation?

Describe geological features of interest on site.

| |
|--|
| Will preserving this property protect a viewshed? If so, describe the viewshed? |
| Is this property on the State Registry of Natural Areas? |
| Is there public interest in acquiring the property? |
| Is the owner requesting provisions in the contract/easement that would reduce the property's primary conservation values or appropriate management? |
| Is the property a potential restoration site? |
| Does the property contain a floodway? Is it in the 100 year floodplain? |
| Other comments: |

PROJECT SUMMARY

GENERAL PROPERTY INFORMATION

Owner Contact Information:

Tax Parcel:

Acreage:

Uplands:

Wetlands:

Watershed:

Agency Contact:

Ranking Score:

ACQUISITION DATA

Full Fair Market Purchase: _____ Bargain Sale: _____ Donation: _____

Leveraged Funds:

Endowment/Monitoring Contribution:

Contract Price:

Comments:

APPRAISAL DATA

Appraiser:

Date of Appraisal:

Appraised Value:

Per Acre Value:

Uplands:

Wetlands:



Landowner Permission to Access Land/Limitations on Use and Disclosure of Data

Agreement

As required by 7 Del. Code § 7507B, a representative of the State agency may access land being considered for permanent protection only after the landowner executes a written permission form granting State agency representative permission to access the land. This form shall serve as that written permission.

Any data collected during this visit shall not be used for any of the following purposes:

- (1) To incorporate the data into a comprehensive plan; overlay zoning ordinance; guideline; specific or technically-based performance standard, design criterion, or mitigation requirement; or for any other restrictions on land use.
- (2) To deny, delay, or recommend the denial or delay of a permit or license.
- (3) To place any condition or restriction on a permit or license.
- (4) To charge additional fees on a permit or license.

Nothing shall prohibit the State agency representative from reporting to the proper authorities any information or data obtained about the property concerning a violation of any environmental, public health, or safety laws or regulations or information that is otherwise required to be reported.

Data collected under this section related to negotiations that do not result in the permanent protection of land are not public records and may not be disclosed under Chapter 100, Title 29.

Name and agency of representative: _____

Signature: _____

Date: _____

Landowner Permission Form (Agency representative to retain)

This certifies that _____ (and _____ additional staff) is/are authorized
Name of agency representative

to enter upon the property of _____ located at _____
Landowner's full name Property address or description

for the purpose of examining the property for its suitability for permanent protection by the State of Delaware.

Name of Landowner: _____

Signature: _____

Date: _____

Contact information: _____