From: [redacted]
Subject: [External] Wetlands Stewardship Act – Time-Sensitive Assistance Resolving Barriers to WRE Restoration
Date: Tuesday, November 3, 2026 12:12:28 PM

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Good afternoon [redacted],

I recently learned about the Wetlands Stewardship Act and the Wetlands Regulatory Advisory Committee established under Governor Meyer's administration. I am reaching out regarding an issue involving wetland restoration on our farm in Kent County, Delaware, that I believe deserves consideration during tomorrow's November 4 committee meeting, particularly as discussions move forward regarding wetland mitigation and incentives.

I would respectfully ask that our situation be brought to the committee's attention during tomorrow's discussions, if possible. Our experience highlights a potentially significant obstacle to the very restoration efforts Delaware is working to encourage. If the state is actively promoting voluntary wetland restoration and developing incentives to support landowner participation, it seems equally important to identify and address situations where existing state preservation programs unintentionally prevent those same landowners from participating in federally funded restoration opportunities.

Our farm consists of approximately 67 acres. The property contains Delmarva bay wetland features, and we have been working with USDA-NRCS (Elena Stewart) to enroll eligible portions of the property in the Wetland Reserve Easement (WRE) program. Our goal is to restore the wetlands, improve wildlife habitat, and permanently protect the land through a federal conservation easement.

Unfortunately, we have encountered an unexpected conflict involving the Delaware portion of our property's enrollment in the Agricultural Preservation District program.

I want to clarify an important distinction: We have not sold or conveyed any permanent agricultural conservation easement rights to the State of Delaware through its farmland preservation program, nor have we received compensation for the sale of development rights. Our property is enrolled only in the Agricultural Preservation District program under its voluntary temporary preservation agreement. We are not attempting to undo a purchased conservation easement or recover development rights previously sold to the state. Instead, we are trying to move forward with a permanent federal conservation easement specifically intended for wetland restoration.

I specifically discussed our intentions to enroll in WRE with the Delaware Department of Agriculture and was informed that other properties had previously participated in both programs without issue. On February 3, 2026, Milton Melendez confirmed in writing that our proposed wetland restoration complied with the Department's guidelines and regulations and

that the Department supported our request.

However, federal NRCS has since determined that certain language within the Agricultural Preservation District agreement conflicts with federal WRE requirements, particularly provisions concerning subdivision rights and potential restrictions on restoration activities.

I want to emphasize that I do not fault the Department of Agriculture for this unforeseen conflict. I understand that federal interpretation and requirements can evolve. However, I do believe situations like ours highlight an unfortunate disconnect between Delaware's conservation programs and the state's broader environmental goals.

With Governor Meyer making wetland protection and restoration a priority, it seems particularly unfortunate that landowners who are voluntarily pursuing permanent wetland restoration, with the Department of Agriculture's prior written support, are encountering administrative and legal barriers that could ultimately prevent the project from moving forward. I would hope that resolving situations like this could serve as a positive example of how Delaware's agencies can work together to accomplish the very conservation goals the Governor is promoting.

I also want to stress that this matter is time-sensitive. USDA-NRCS operates on annual application and funding cycles, each with established deadlines. If this conflict is not resolved in time for the next applicable WRE cutoff and associated eligibility reviews, we risk losing the opportunity to have our property considered for that funding cycle, potentially delaying restoration for another year or longer. This is especially frustrating given that we began the process with the understanding that the programs were compatible and received written support from the Department of Agriculture. We are hoping to avoid losing valuable time and funding opportunities while attempting to resolve a conflict that was not anticipated when we began pursuing WRE.

We are actively pursuing several avenues to resolve this issue, including discussions with individuals familiar with Delaware's agricultural preservation program, other state contacts, and USDA-NRCS. Our intention is to work cooperatively with everyone involved to identify a reasonable solution, whether that involves a waiver, an amendment to the existing agreement, or a release specifically allowing participation in WRE.

We recognize that the committee may not have direct authority to resolve an individual Agricultural Preservation District agreement. However, we believe this situation raises a broader policy concern that deserves attention as Delaware develops its wetland restoration and incentive strategies. We would appreciate the opportunity for this issue to be acknowledged during tomorrow's meeting and, if appropriate, referred to the individuals or agencies positioned to help resolve it.

Would you also be willing to connect us with someone within DNREC or the Governor's administration who could assist in facilitating a resolution? Given the approaching program timelines, we would greatly appreciate any guidance or assistance as soon as reasonably possible.

We would be happy to provide the written correspondence from the Department of Agriculture, documentation from NRCS, and additional details about the proposed restoration.

Thank you for your time and consideration. We appreciate the efforts being made to advance

wetland restoration in Delaware and sincerely hope our project can ultimately become an example of those efforts succeeding.

Best regards,

[redacted]