



Discover Who's
Who in the DE's
Tax Ditch World
(Pages 2 & 4)

Changes to Sediment
& Stormwater permit
application process
(Page 3)



Online tools to
help you access
information faster
(Page 1)



Check out the latest information with this NEW yearly newsletter.

DNREC's Annual Tax Ditch Update

December 2020

Leveraging Resources: Staff, Websites and Relationships

Tax Ditch Officers,

Welcome to the first issue of the Delaware Department of Natural Resources' (DNREC) Tax Ditch Program's newsletter! From here on out we plan to provide yearly updates to you with any changes in tax ditch policies, DNREC staffing, resources and even a few fun facts, and boy have we had some changes recently to our staffing.

In order to serve you more efficiently we have done a little bit of in-house reorganization, hiring of new staff, and are in the process of back-filling some open positions within our team. To become familiar with our staff and what we do, see page 2 of this newsletter.

Additionally, providing you, as a Tax Ditch Officer, the information you need, when you need it, is a priority and we are continually innovating new ways to improve our ability to do so. Some of these ways you may already know about, such as this newsletter for one, but also the online version of the tax ditch map (de.gov/taxditchmap) and the ability to request a formal letter with tax ditch right-of-way information (de.gov/taxditchrow). What you may not know, is that **we have updated our website** (de.gov/taxditch) and are developing new tools to submit, catalog, and share information about tax ditch structures and maintenance needs.

We have also been getting into the weeds with how our processes work and how we can improve their efficiency. Land development reviews where tax ditches are concerned have been at the forefront of this effort as we look to not only improve our processes, but how we integrate into county planning and permitting efforts.

There is a lot going on in the tax ditch world, and we're here, along with the Conservation Districts to assist your organization. Thank you for volunteering to support Delaware's tax ditch systems and the services you provide to Delawareans.

Melissa Hubert

Program Manager II
DNREC Tax Ditch Program

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Tax Ditch, Right-of-Way & Watershed Location Information On Demand

de.gov/taxditchmap

Visit the website link above to view a map that can be searched by address, parcel, or tax ditch watershed to view relevant tax ditch information.



This screen capture shows the tax ditch channel (blue line), tax ditch name (purple text), and the right-of-way on either side (yellow lines).

DNREC Drainage Program

21309 Berlin Road, Unit 6, Georgetown, DE 19947
302-855-1930 DNREC_Drainage@delaware.gov de.gov/taxditch

DNREC Tax Ditch Program



Melissa Hubert
Program Manager II
Melissa.Hubert@delaware.gov

Responsibilities: Provides overall Tax Ditch Program direction, Manages Program staff, Fields questions, Performs site visits in Kent & New Castle Counties, Approves commercial and residential land development letter of no objections (LONO) & court order changes (COC)



Brittany Haywood
Program Manager I
Brittany.Haywood@delaware.gov

Responsibilities: Manages Tax Ditch Program staff, Fields questions, Performs site visits in Sussex County, Oversees Tax Ditch Program process planning and improvements, Reviews commercial land development projects



Allison Wheatley
Environmental Planner
Allison.Wheatley@delaware.gov

Responsibilities: Identifies and improves Tax Ditch Program processes, Assists with DNREC sediment & stormwater permits, Coordinates commercial land development review projects & letters of no objection (LONO)



Michele Garner
Environmental Planner
Michele.Garner@delaware.gov

Responsibilities: Coordinates commercial & residential land development court order changes (COC), Consults with Tax Ditch Officers, Assists with Tax Ditch Organization banking issues/concerns, Provides bonding guidance, Processes tax ditch warrants



Aaron Gorka
Environmental Planner
Aaron.Gorka@delaware.gov

Responsibilities: Assists Tax Ditch Organizations by obtaining permitting for maintenance activities, Provides consultation for requested tax ditch crossings, Field inspection of tax ditches



Heather Hitchens
**Environmental Planning
Survey Technician**
Heather.Hitchens@delaware.gov

Responsibilities: Handles tax ditch right-of-way inquiries, Coordinates residential court order changes, Assists Tax Ditch Officers with legal filings, audits, financial services, information housing, and administrative support for meetings



John Inkster
Sr. Application Support Specialist
John.Inkster@delaware.gov

Responsibilities: Maintains and develops Tax Ditch Program geographic information system (GIS) resources, Supplies and updates assessment information as required and requested



Jordan Watson
**Environmental Planning
Survey Technician**

Responsibilities: Field inspection of tax ditches, Certified Construction Site Reviewer (CCR), Prepares mower/ right-of-way (ROW) maps of tax ditch systems, Investigates ROW obstructions

Tax Ditch Organization Audits

Due to COVID-19, changes to office policies have been made to make sure we can stay safe and healthy while still providing our services. If your Tax Ditch Organization would like to have our Program perform an audit of your tax ditch records, please call our office at 302-855-1930 or email Heather.Hitchens@delaware.gov to coordinate a time to drop off and pick up your records with a member of our staff.



PERMIT UPDATE & COMMON TAX DITCH TERMS

Maintenance Dip-Out Permits A New Process for All

Tax ditches who are performing dip-out maintenance must submit sediment and stormwater permits; a Notice of Intent (NOI) before starting the work and a Notice of Termination (NOT) when the project is completed and stabilized. These permit requirements are based on an U.S. Environmental Protection Agency (EPA) regulation delegated to the DNREC Sediment and Stormwater Program (dnrec.alpha.delaware.gov/water/surface-water/npdes/enoi/).

Previously, permits were obtained by submitting paper forms. **Now, the tax ditch dip-out permit requests MUST all be entered and submitted online through the Electronic Notice of Intent (eNOI) portal.**

We have begun contacting Tax Ditch Organizations who have requested dip-out work for the upcoming season and assisting them with the enrollment process. Each Tax Ditch Organization must create an eNOI account to obtain permits for future dip-outs. We encourage you to enroll now to prevent delays.

To create an eNOI account visit apps.dnrec.delaware.gov/eNOI/default.aspx. Select a permit type then select New User and follow the steps to create an account. The Chairperson and Secretary-Treasurer will have to physically sign the Electronic Signature document and return it by mail to DNREC Drainage Program, 21309 Berlin Rd. Unit 6, Georgetown, DE 19947.

For eNOI questions please contact Allison Wheatley at 302-608-5522 or allison.wheatley@delaware.gov.

If you have tax ditch permit related questions, please contact Aaron Gorka at 302-855-1940 or aaron.gorka@delaware.gov.



Our office can provide a list of known contractors for your county. In addition, Sussex Conservation District works both in Kent & Sussex Counties. For the list, contact heather.hitchens@delaware.gov.

What is This? A Few Common Terms in the Tax Ditch World

Bonding: The Secretary-Treasurer of each tax ditch shall be bonded. This is an insurance type policy for which the officer will, in-good-faith, perform his/her duties in relation to tax ditch funds. Contact our office for more information to get bonded!

Construction & Major/Minor Maintenance Right-of-Way (ROW): These are areas of land for which development is restricted. They allow access for official tax ditch business for the construction/reconstruction of the tax ditch, including the piling of debris or deposition of spoil, and/or mowing, inspection, vegetation management, removal of debris and obstructions, pipe repairs and installation of crossings for access.

Court Order Change (COC): A legal document that amends the original Ditch Order and records any changes made to the tax ditch, right-of-way, or responsible parties for maintenance. Our office assists in the facilitation of this documentation, it may be approved by the Tax Ditch Officers, and contain signatures of affected landowners and the DNREC Division of Watershed Stewardship Director.

Geographic Information System (GIS): GIS is a map based tool that serves many purposes in the Tax Ditch Program including the: calculation of assessments, development of information collecting and sharing tools, and analysis of various tax ditch topics.

Land Development Review: DNREC's Tax Ditch Program provides plan reviews on behalf of the Tax Ditch Organizations for landowners who have tax ditches or a right-of-way on their property and are planning to develop lands, install utilities under a tax ditch or discharge to a tax ditch.

Letter of No Objection (LONO): A document that notifies a commercial or residential land development project requestor that no issues exist with the proposed project as it has satisfied or fallen outside the legal rights or jurisdiction of the tax ditch. In addition, it may include project recommendations that would benefit the tax ditch. All Tax Ditch Officers are notified when this document is sent.

Special Access Right-of-Way (SAR): This a designated area of land that allows access for official tax ditch business that serves only as a path to travel from one point of a tax ditch to another.

Tax Ditch Standard Plan: A construction sediment and stormwater management plan that is prepared by DNREC's Tax Ditch Program on behalf of the Tax Ditch Officers for maintenance dip-outs of the ditch channel. The approved plan must be signed by the Tax Ditch Officer and given to the hired contractor for display during construction.

Warrant: A document authorizing and requesting the collection of ditch taxes executed to the Treasurer and Receiver of Taxes for each county.

Working Together

DNREC & Conservation Districts

WHO DOES THIS?
WE DO THAT!

DNREC's Tax Ditch Program works closely with the Conservation Districts to assist Tax Ditch Organizations. Here are some of the areas in which the Conservation District directly assist tax ditches in their county.

New Castle Conservation District

Address: 2430 Old County Road
Newark, DE 19702

Phone: 302-365-8970

Website: newcastlecd.org

Point of Contact: Rick Mickowski

Title: Conservation Planner

Direct Contact: 302-365-8979

Email: rick.mickowski@delaware.gov



Conservation District staff:

- Assist DNREC in performing site visits, evaluations, and resolutions of tax ditch drainage concerns in New Castle County from either Tax Ditch Officers or the public
- Assist New Castle County Tax Ditch Officers in the development of maintenance plans
- Attend Tax Ditch annual meetings as requested by Tax Ditch Officers
- Provide financial assistance for tax ditch maintenance based on need and availability of funding with \$3921 Funds from DNREC; priority given to tax ditch groups that hold annual meetings, provide financial documents for audit and where officers have been bonded
- Perform audits of Tax Ditch Organizations as requested by the Tax Ditch Officer



Mowing of the Guthrie Tax Ditch.
Photo: New Castle Conservation District.

HISTORY OF DELAWARE'S DITCHES

In the Beginning Ditches Were Dug

with pairs of hands, a shovel, and back breaking labor.

Oh, and a stick of dynamite.

In the late 1700s Delaware's landscape consisted of approximately 75% wetlands, but with growing populations and the demand for food on the rise a need for agriculturally productive lands was seen. Ditches were the solution to this puzzle and the creation and maintenance of such systems were identified as a priority at the state and Federal government levels. The earliest origins of Delaware ditch systems can be traced all the way back to 1794 in the Marshyhope watershed.

In 1816 the first "ditch law" was enacted, and by the late 1800s drainage corporations or ditch companies were starting to appear across Delaware. Examples include the Agricultural Canal Co., Inc (1861), Beaverdam Ditch Co. (1866), Batson Branch (1879), and Bear Hole, Inc. (1887).

During the Great Depression in the 1930's, and through President Roosevelt's New Deal initiative, the Civil Conservation Corps (CCC) was formed. The CCC created job opportunities, and in Delaware one of these prospects consisted of ditch work intended to reduce mosquito populations.



Clearing ditch after blast, Wyoming Civilian
Conservations Corps (CCC), Delaware Public Archives



Explosion of dynamite placed by Mosquito
Control Division in Tappahanna Ditch, Kent
County, 1931, Delaware Public Archives

It wasn't until 1951 when the current Tax Ditch Law created Tax Ditch Organizations and mandated the Division of Soil and Water Conservation (now DNREC Division of Watershed Stewardship) and Conservation Districts to assist in the administration, planning, construction and maintenance of these ditch systems. This law has been updated over the years but is still the basis for how tax ditches operate today.

No matter where you look in past records, a need for efficiently reducing flooding is prevalent. In recent history, the necessity for healthy waters and restoring functions that were lost when wetlands were removed from the landscape has become more apparent. Today tax ditch partners are working together to develop solutions and bridge this gap between moving water off lands quickly and improving water quality.

Content referenced in this article is from an excerpt "It All Began" & "Tax Ditch" about
Sussex Conservation District.

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Kent Conservation District

Address: 1679 S. Dupont Highway
Dover, DE 19901

Phone: 302-608-5370

Website: kentcd.org

Email: taxditch@kentcd.org

Point of Contact: Gene Vanderwende

Title: Field Coordinator

Direct Contact: 302-608-5372

Mobile: 302-363-4420

Email: gene.vanderwende@delaware.gov



Dipping out tax ditch.
Photo: Kent Conservation District

Conservation District staff:

- Assist DNREC in performing site visits, evaluations, and resolutions of tax ditch drainage concerns in Kent County from either Tax Ditch Officers or the public
- Assist Kent County Tax Ditch Officers in the development of maintenance plans
- Conduct construction stakeout of Kent County Tax Ditch maintenance work
- Attend Tax Ditch annual meetings as requested by Tax Ditch Officers
- Administer Tax Ditch Cost-Share Program for tax ditches in Kent County with \$3921 Funds from DNREC and Kent County Levy Court
- Perform audits of Tax Ditch Organizations as requested by the Tax Ditch Officers

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Sussex Conservation District

Address: 23818 Shortly Road
Georgetown, DE 19947

Phone: 302-856-2105

Website: sussexconservation.org

Point of Contact: Jason Strauss

Title: Project Manager

Direct Contact: 302-396-7620

Email: jason.strauss@sussexconservation.org



SCD can provide tax ditch maintenance in Kent and Sussex County. Photo is of the Marshyhope dip-out with long arm excavator. Credit: Sussex Conservation District (SCD)

Conservation District staff:

- Assist DNREC in performing site visits, evaluations, and resolutions of tax ditch drainage concerns in Sussex County from either Tax Ditch Officers or the public
- Administer Tax Ditch Cost-Share Program for tax ditches in Sussex County with \$3921 Funds from DNREC
- Offers maintenance assistance in the form of dip-outs, spoil spreading, emergency repairs, pipe installations and replacement and invasive species management in Kent and Sussex County

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