

## B. Non-Regulatory Tools, Guidance, and Support Programs

### Delaware

#### Nutrient Management Planning Assistance



Delaware requires nutrient management plan (NMP) development and implementation for:

- All animal feeding operations (AFO) with greater than eight animal units (an animal unit is equal to 1000 pounds of live weight), or
- Any person who owns, leases or otherwise controls property in excess of 10 acres upon which nutrients are applied ([3 Del. C. §2247](#)).

Delaware supports this requirement with free or cost-shared nutrient management planning ([3 Del. C. §2247.j](#)).

#### **3 Del.C. §2247**

(j) The State shall make nutrient consultants available through the conservation districts to provide free nutrient management plans assistance to anyone requesting such assistance. For those persons wishing to hire private nutrient consultants, the State, through the conservation districts, shall reimburse any person establishing a nutrient management plan or updating an established nutrient management plan at a rate and amount that shall be determined annually by the [Delaware Nutrient Management] Commission and subject to annual appropriations.

If a farmer chooses to hire a private nutrient management consultant instead of using the local conservation district for free nutrient management planning, NMP expenses are reimbursed according to the number of acres in the plan and whether the plan covers one or three years. NMP reimbursement rates are prorated, the first 500 acres are reimbursed \$1.90 per acre for a one year plan (\$5.70 per acre for a three year plan), the next 500 acres (501 to 1,000 acres) are paid \$1.50 per acre for a one year plan (\$4.50 per acre, three year plan), the next thousand acres (1,001 to 2,000 acres) are paid \$1.30 per acre for a one year plan (\$3.90 per acre, three year plan), and anything over 2,000 acres is reimbursed at \$1.10 per acre for a one year plan and \$3.30 per acre for a three year plan ([DNMP 2005](#)).

For example, the average 200-acre Delaware farm is eligible for \$380 in reimbursement for a one year plan or \$1,140 for a three year plan. A 750-acre Delaware farm is eligible for \$1,325 in reimbursement for a one year plan or \$3,975 for a three year plan. Because the rate is prorated according to total acres in the NMP, the 750 acre farm's first 500 acres is reimbursed at \$1.90 per acre (one year plan) and the next 250 acres is reimbursed at \$1.50 per acre (one year plan) for an average rate of \$1.77 per acre.

#### **Implementation**

In 2014, Delaware reimbursed 145 farms representing 79,869 acres for nutrient management planning. During 2013, Delaware farmers applied and were approved for a total of 88,381 acres of nutrient management planning. Total acreage covered by nutrient management planning reimbursement during 2014, including farms approved during 2012 and 2013, was 260,371 acres ([DDA 2014](#)).

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## Results

Delaware regulates more than 1,000 AFOs and crop farms under the state's Nutrient Management Law. The Delaware Nutrient Management Commission reports that in 2015 100% of nutrient-applied acres were managed under a current NMP developed by a certified consultant ([EPA Region 3 2015](#)). Research demonstrating the high rate of NMP implementation attributable to nutrient management planning cost-share assistance is not available. EPA Region 3, however, suggests that due to Delaware's low threshold for requiring NMP development and implementation, the availability of cost-share funds is a valuable approach in furthering the implementation of nutrient management planning.

## References

- DDA (Delaware Department of Agriculture). 2014. *Delaware Nutrient Management Commission Annual Report 2014*. [http://dda.delaware.gov/nutrients/downloads/annual\\_report\\_2014.pdf](http://dda.delaware.gov/nutrients/downloads/annual_report_2014.pdf). Accessed December 29, 2015.
- DNMP (Delaware Nutrient Management Program). 2005. *Nutrient Management Planning Claim for Payment*. [http://dda.delaware.gov/nutrients/forms/NM\\_Plan\\_Claim\\_for\\_Payment\\_2005.pdf](http://dda.delaware.gov/nutrients/forms/NM_Plan_Claim_for_Payment_2005.pdf). Accessed December 29, 2015.
- DNMP (Delaware Nutrient Management Program). No date. *Delaware Conservation Practice Standard Nutrient Management Relocation*. [http://dda.delaware.gov/nutrients/downloads/Draft\\_TechStandards/Nutrient\\_Man\\_Relocation.pdf](http://dda.delaware.gov/nutrients/downloads/Draft_TechStandards/Nutrient_Man_Relocation.pdf). Accessed on December 29, 2015.
- EPA Region III (U.S. Environmental Protection Agency, Region III). 2015, August. *Delaware Animal Agriculture Program Assessment, Final*. [http://www.chesapeakebay.net/channel\\_files/22592/delawareanimalagricultureprogramassessment.pdf](http://www.chesapeakebay.net/channel_files/22592/delawareanimalagricultureprogramassessment.pdf). Accessed December 29, 2015.
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