

SUPPORTING WETLANDS PROTECTION & RESTORATION

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WHY IT MATTERS

Wetlands filter water, store floodwater, sequester carbon, and provide habitat. Development has been the primary cause of wetland loss in Virginia for decades, and it remains a major threat. What is new are two additional threats to these precious resources.

Virginia's wetlands are physically threatened by rising sea levels that may drown them out. Coastal Virginia has the highest rate of relative sea level rise on the Atlantic.¹ Researchers map **ghost forests**, stands of salt-killed trees, across eastern Virginia, where the same **saltwater intrusion** is reaching cropland and well water.² Under high sea level rise scenarios, the draft **Coastal Resilience Master Plan Phase II** projects a net loss of roughly 96,000 acres, about half of existing tidal wetlands, even after counting new marsh formed inland.³ The **Virginia Institute of Marine Science** finds **tidal marshes** and **living shorelines** generate nearly \$90 million annually in economic value for the Middle Peninsula alone, 3.3% of the region's **Gross Domestic Product**. If marshes have room to migrate inland, those benefits could reach \$168 million by 2050.

Nontidal wetlands are threatened by sea level rise (51% by 2080⁴) and loss of legal protection. The 2023 **Sackett v. EPA** decision narrowed which wetlands the Clean Water Act covers; the pending **Waters of the United States (WOTUS)** final rule⁵ will set how narrow. Analysis⁶ shows that roughly 80% of nontidal wetlands, about 900,000 acres, would fall outside federal jurisdiction.⁷ Virginia's **no-net-loss requirement** would still apply to those acres. What changes is the review: the Army Corps of Engineers and EPA, which evaluate permits alongside DEQ, would have no role, and DEQ would carry that work alone.

CURRENT LANDSCAPE

Virginia's wetlands policy is anchored in a long-standing "no net loss" commitment, a goal that development that destroys wetlands should be offset with the creation of new wetlands as close to the disturbance as possible. Recent legislative activity reflects renewed attention to maintaining the current wetland acreage. In 2025, House Bill (HB) 2034 created the **Wetlands Policy Task Force** to evaluate existing policies and recommend any changes necessary to accelerate wetlands protection, restoration, creation, and mitigation in the Commonwealth.⁸ The task force report⁹ thoroughly documented the current policy landscape but stopped short of recommending changes, leaving decision-makers well-informed about where things stand but without a roadmap for

what comes next.

Most of the state's concrete 2026 action centered on tidal wetlands. HB 237 required the inclusion of marsh migration corridors in the state's resilience plans, enabling smarter decisions about conservation, development, and flood protection.¹⁰ HB 521 codified no-net-loss requirements when reviewing permits,¹¹ and HB 52 made it Commonwealth policy to reuse dredged material for beneficial secondary uses, such as using the material in the construction of **nature-based solutions**, including wetlands restoration and elevation enhancement.¹² Additionally, HB 390 created the **Habitat Policy Oversight Committee** within the **Virginia Marine Resources Commission (VMRC)** to support pathways for innovative projects that are consistent with state resilience plans.¹³

For nontidal wetlands, the picture is defined less by new state law than by federal uncertainty. With the final Waters of the United States (WOTUS) rule still pending, how Virginia chooses to respond will shape whether these inland acres retain meaningful oversight.

OPPORTUNITIES

Virginia has strong foundational policies supporting its wetlands, and encouraging momentum is building. The Wetlands Policy Task Force and Habitat Policy Oversight Committee are laying the groundwork that could translate into clearer direction over the coming years. Across both tidal and nontidal wetlands, the common thread is capacity: the agencies carrying out this work need adequate staffing, specialized expertise, and reliable funding to succeed.

For nontidal wetlands, the central challenge is oversight. With up to 900,000 acres¹⁴ potentially losing federal protection, state and local responsibility for permitting, delineation quality control, and enforcement could grow substantially. Investment in the **Department of Environmental Quality (DEQ)** before the final WOTUS rule takes effect would cost less than a backlog after it does. Consistent, reliable funding for the **Virginia Conservation Assistance Program**, which supports wetland restoration on private property, would further strengthen restoration on nontidal lands (*see Improving Stormwater Management, page 9 and Supporting Agriculture, page 45*).

For tidal wetlands, the need is direction as much as capacity. VMRC and its workgroups are taking on never-before-done adaptation work, which requires staff with specialized expertise to turn emerging recommendations into action.

Looking ahead, Virginia needs a single, cohesive

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statewide plan to keep its tidal and nontidal wetlands as robust as possible under ongoing development pressure and the mounting pressures of climate change. Today, this work is scattered across separate workgroups and initiatives, each advancing its own piece in isolation. A single statewide strategy, integrated across state agencies and weaving together every available tool, legislation, sustainable financing, voluntary landowner action, and local government support, would align priorities and give the entire effort a shared direction.

ENDNOTES

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TOP TAKEAWAYS

Under the proposed WOTUS rule, potentially up to 80% of Virginia's nontidal wetlands would fall outside federal Clean Water Act protection, shifting that review entirely onto DEQ.

Even with the potential for marsh migration, modeling and planning scenarios indicate that Virginia may still lose 50% of its tidal wetlands due to development, degradation, and sea-level rise.

Virginia has the science, statutory foundation, and institutional momentum to develop a coordinated statewide roadmap for wetlands protection and restoration.