Wetlands Regulatory Advisory Committee (RAC) Meeting
09:00 AM - 01:00 PM Wednesday November 04, 2026
Division of Water / Natural Resources and Environmental Control

Meeting Package: de.gov/wetlandsrac
Public Comments DNREC_Wetlands_RAC@delaware.gov

Hello, I am [redacted] from Middletown, Delaware. Thank you for this opportunity to share. Prior to the meeting, I sent extensive information regarding the effects of off-shore wind projects on habitat and wildlife; including birds, sharks, vertebrae, crustaceans, and more. This information is evidence-based and scientifically vetted and states that the noise of offshore wind projects, including mostly the construction process, is infinitely destructive to wetlands, beaches, and the ocean. Today, as you work to determine if tidal wetlands are exceptional, I am here to say the answer is yes. SB9 states that exceptional wetlands include endangered areas, which in Delaware this definition applies to tidal wetlands for various, well defined and well documented reasons through several agencies and organizations, some of which are regional.

Furthermore, Maryland, New York, Pennsylvania, North Carolina, and Virginia have all agreed that tidal wetlands are indeed of exceptional type value and therefore need stricter protections in comparison to other wetlands within their States. Each State has made strict protections in their 2026-2030 Wetland Program.

There is research from 2026 that is published and approved regarding wetlands. **The accelerating loss and shifting dynamics of US tidal wetlands** states that "Tidal wetlands are critical ecosystems for coastal sustainability, yet despite growing regulatory protection, they continue to decline globally. Their long-term resilience to interacting chronic stressors and extreme events remains uncertain, in part because comprehensive, high-frequency monitoring has been lacking. While direct land-use conversion has been substantially restricted in the United States, the true trajectory of these protected habitats has remained unclear." The study utilized four decades of satellite records to examine tidal wetlands in the United States, which reveal a widespread and previously unquantified acceleration in the rate of tidal wetland loss, amounting to a net loss. These findings indicate that the resilience of these protected

ecosystems is declining. It provides an urgent warning that existing conservation strategies, initially concerned with direct human impacts and increasingly focused on relative sea level rise as a slow-moving pressure, are ill-equipped for a future of increasing extreme weather events and highlights the need to redesign adaptation policies. Therefore, I implore you to consider tidal wetlands as exceptional for these reasons.

Respectfully,

[redacted]

A. Under historical framework like the **Delaware Coastal Zone Act** (1971) or the **Wetlands Act of 1973**, tidal wetlands are strictly regulated at the state level by the Delaware Department of Natural Resources and Environmental Control (DNREC), but they are not categorically termed "exceptional" by default. [1, 2]

B. Instead, the classification of "**Exceptional Value Wetlands" (EVWs)** is a modern regulatory addition introduced via **Senate Bill 9 (The Freshwater Wetlands Stewardship Act)**. Under this updated program, a wetland—whether tidal or nontidal—is classified as "Exceptional Value" based on specific criteria established in 7 Del. C. § 6603(g) rather than its tidal status alone

1.) "Exceptional Value Wetlands" shall be defined by regulations, and shall include: wetlands that are: (i) Unique or high functioning; (ii) wetlands that, based upon documented and appropriate habitat criteria, support flora or fauna listed as endangered or threatened under the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq. or listed as endangered pursuant to § 601 of this title (iii) wetlands located in public water supply Source Water Protection Areas; and (iv) wetlands located within designated natural areas. With regard to

the second listed criteria, the regulations shall provide guidance on how a landowner can rebut any presumption that a particular wetland supports any given species of concern. This presumption may be rebutted through a "Presence/Probable Absence Study" that will, using standardized field methods and survey efforts, determine whether any particular species of concern is detected or, if not detected, can be treated as probably absent.

2. Tidal Wetlands Status Rating:

FAIR

…but getting worse

Here's Why:

Many acres of tidal wetlands, which are vital ecosystems in the Delaware Estuary, are lost due to sea-level rise and other human-related stressors. These systems are threatened and need adaptive regulations, funding, and educational initiatives to safeguard their future.

3. Tidal wetlands are one of the Delaware Estuary's most important and characteristic habitats. They are ecological powerhouses that blur the boundaries between land and water and provide many benefits. Yet, the sad reality is they are being lost at accelerated rates in the Delaware Estuary due to rising sea levels and human-induced stressors such as development and nutrient overloading.

4. Wetlands are considered the kidneys of our waterways, helping to trap sediments, store carbon, and purify water. They are a place where fish and wildlife live, feed, and reproduce, making them crucial to their survival. However, rising sea levels and excessive human interference have strained these resilient ecosystems, resulting in significant degradation and loss. To safeguard the health of these habitats, we need to understand how they respond to threats and keep pace with rising sea levels to maintain their structure and function. This section discusses the importance of tidal wetlands, the threats they face, and potential strategies for safeguarding their future.

5. As nature's powerhouses, tidal wetlands provide numerous ecosystem services including trapping sediments, storing carbon, and removing contaminants from the water. Wetlands shield communities from intense storms, and provide habitat and nesting areas for many unique plant and animal species. Home to a unique variety of plant species, and bound by frequent wet conditions with periodic tidal flooding, these wetlands are sculpted by sediments — tiny particles of minerals and decaying organic matter.

6. Sediments settle at the water's bottom, forming a semi-solid substrate for plants to take root, while creating a habitat and home for turtles, herons, muskrats, fish, mollusks, and more. Unfortunately, these resilient ecosystems are facing compounding challenges. Rising sea levels and human-induced stressors such as development, and nutrient pollution, have led to significant losses in the Delaware Estuary's tidal wetlands. Overstressed wetlands are more prone to degradation and erosion, undermining their resilience against climate change and sea-level rise which affects both humans and animals alike.

7. DNREC:https://documents.dnrec.delaware.gov/Watershed/Wetlands/Plans-Strategies/2026-2030-Delaware-Wetland-Program-Plan.pdf

   2026-2030 Delaware Wetland Program Plan

   A guidance for developing and refining a state of Delaware wetland program.

   Management Plan: The Delaware Department of Natural Resources and Environmental Control (DNREC) emphasizes restoring tidal wetlands to improve habitat value, storm protection, and coastal resilience through its **2026–2030 Delaware Wetland Program Plan**

8. 

9. Understanding the looming threat of rising sea levels is critical for determining the fate of tidal wetlands in the Delaware Estuary. We lost more than 840 acres of tidal wetlands between 1996 and 2016. Models suggest that a sea level rise rate of 10 millimeters

(mm) per year might be too much for tidal wetlands to keep pace with changing flood patterns.

10. Worst-case scenario models project a sea-level rise of 1.77 feet between 2000 and 2050 (10.8 mm/yr) and 6.56 feet between 2000 and 2100 (20 mm/yr) in the Delaware Estuary. This could culminate in a 14 percent loss of tidal wetlands by the year 2100.

11. If sea levels rise 3.28 feet by 2100, we could lose another 44,500 acres of wetland habitat over the next 80 years if nothing is done to slow these losses.

12. Ensuring the survival of our tidal wetlands will take adaptive regulations, substantial funding for research and restoration, and ongoing educational initiatives to enable communities to protect these vital ecosystems.

13. **The 2026-2030 Wetland Program Plan** has a vision to achieve an increase in wetland acreage and improve wetland conditions to support the wealth of services and functions wetlands provide.

14. The plan also identifies and prioritizes areas where information or action is needed to advance wetland management statewide.

15. This effort is intended to outline gaps and needs to develop and refine a wetland program in Delaware. The plan organization aligns with the Core Element Framework. for wetland planning from the U.S. Environmental Protection Agency and will be referenced over the five-year span to direct projects and prioritization.

16. Delaware's wetland resources are still vulnerable to the same threats they have faced for the past 45 years, such as conversion

to agriculture or development, prioritization differences among decision makers and a lack of awareness or appreciation of wetland value. Other challenges are becoming more prominent, such as conversion to open water and saltwater intrusion due to increasingly elevated coastal waters.

Any program working in or around wetlands is encouraged to reference the action items listed in the plan to generate and justify project ideas.

17.

DNREC staff conducting a vegetation survey of a long-term monitoring site within the Inland Bays.

Objectives and Goals

The Wetland Monitoring and Assessment Program (WMAP) uses goals and action items to prioritize and select future projects to strengthen Delaware's capacity to conserve and improve wetlands.

Objectives

18. Objective 1: Monitoring and Assessment

Gather data on the status and trends of wetlands (quantity, quality, functions and services) to track wetland condition and function over time.

19. Objective 2: Regulatory Activities

Avoid, minimize and replace impacts to wetland extent and function through effective regulation, efficient permitting and appropriate mitigation.

20. Objective 3: Voluntary Restoration and Protection

Protect and restore wetlands through voluntary and long-term actions that uphold and elevate wetland extent and value.

Objective 4: Education and Outreach

21. 

Inform the citizens and visitors of Delaware about the function, services and critical importance of wetlands. Collaborate with a variety of partners to improve efficiency and effectiveness of educational materials, platforms for outreach, and public events.

Goals

Under each objective there are focused goals. The 2026-2030 plan outlines 41 action items organized under seven goals:

22. Goal A: Geospatial Analysis

Use geospatial analysis tools to gather information and develop resources about the extent of wetlands in Delaware.

23. Goal B: Monitoring

Increase monitoring efficiency and effort to provide insight into current wetland condition and function and changes occurring over time.

24. ## Goal C: Regulatory

Use wetland data and findings to support establishing and developing an effective state wetland protection program.

25. 

A coastal wetland and shoreline restoration project in Millsboro, Delaware.

26. ## Goal D: Restoration

Advance wetland restoration practices through research and demonstration to stem loss and create gain in acreage and function.

27. ## Goal E: Protection

Protect and improve wetlands through voluntarily stewardship and actions that increase function and value.

28. ### Goal F: Education

    Enhance education efforts to broaden wetland understanding and strengthen environmental stewardship among the public and a variety of wetland stakeholders.

29. ### Goal G: Outreach

    Improve reach to varying audiences, increase project sharing with practitioners and facilitate collaboration with partners.

Previous Plans and Strategies

30. **The 2021-2025 Delaware Wetland Program Plan** had the same seven goals as the 2015 plan and addressed better protection and restoration of wetland resources in Delaware. It also focused on the impacts from climate change, project implementation and developing stronger wetland education and outreach.

31. **The 2015 Delaware Wetland Management Plan** covered 2016-2020 and included 45 action items under the seven goals as the 2021-2025 plan. By the close of 2020, 30 of those action items were either complete or in progress.

32. **The 2011 Delaware Wetland Monitoring Strategy** was a part of the State's overall Water Monitoring Strategy to help direct the State's efforts to assess the conditions of all waters

33. **The 2008 Delaware Wetlands Conservation Strategy** covered 2006-2008 and outlined six goals similar to succeeding plans. This initial conservation strategy grew out of the recognition of needs to develop a comprehensive plan for the future of Delaware's wetlands.
34.