Exceptional Value Wetland Subcommittee
Report Out to the Regulatory Advisory Committee
October 7, 2026

1. The Subcommittee determined to focus first on defining exceptional value wetlands with a plan to develop options for RAC consideration at its next meeting on November 4th. This definition will incorporate the elements of a definition included in Chapter 66, subsection 6603(g) of Delaware Code (the codified SB 9).
2. The Subcommittee also acknowledged that many nearby states have already wrestled with the question of exceptional value wetland definition and have included elements we may wish to incorporate into a Delaware definition.
3. The Subcommittee focused on functions that might define a "unique or high functioning" wetland, a key component of the definition included in subsection 6603(g). These might include functions identified by nearby states, including:
    a. Protecting Federal or state endangered or threatened species by preserving their habitats (e.g., VA, PA);
    b. Providing exceptional ecological or educational value (e.g., MD);
    c. Incorporating iconic or unique wetland species (see Alison slide—if we're including slides));
    d. Protecting water quality for drinking water supply (e.g., areas within Source Water Protection Areas), and reducing the flow of sediments and nutrients into surface or groundwater;
    e. Mitigating flooding from extreme precipitation events, extreme tides and storm surges;
    f. Sequestering carbon from the atmosphere;
    g. Shoreline protection from wave action, excessive flows associated with extreme precipitation events, sea level rise, and storm surges; and
    h. Preserving scenic beauty.
4. The Subcommittee also acknowledged that a "Presence/Probable Absence Study" as a rebuttal to a presumption of the presence of a species of concern in a given wetland will require some special attention.