



# VIRGINIA

Original Wetland Acreage	Remaining Wetland Acreage	Acreage Lost	% Lost
1,849,000	1,074,613	774,387	-42%

**Virginia Wetlands:** Palustrine wetlands comprise about 72 percent of the wetland area of Virginia. Estuarine wetlands comprise about 23 percent of the State’s wetlands. Lacustrine wetlands in freshwater ponds comprise most of the remaining 5 percent. Only a few hundred acres of marine and riverine wetlands exist in Virginia. Palustrine forested wetlands (swamps) are the most abundant type of wetland in Virginia, accounting for about 60 percent of the total wetland area in the State. Estuarine emergent wetlands (tidal marshes) are the second-most abundant type of wetland, comprising about 8 percent of the wetlands in the State.

<a href="#">Summary</a>	<a href="#">Individual Features</a>	<a href="#">Regulation</a>	<a href="#">Water Quality Standards</a>	<a href="#">Mitigation</a>	<a href="#">Monitoring and Assessment</a>	<a href="#">Restoration</a>	<a href="#">Public/Private Partnerships</a>
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(Please click on heading above to go to that section.)

## SUMMARY

Virginia Department of Environmental Quality website on wetland programs:  
<http://www.deq.virginia.gov/wetlands/>.

### Overall Program:

Impacts to tidal wetlands, including vegetated tidal wetlands and non-vegetated shoreline between mean low and mean high water, are regulated under the Virginia Tidal Wetlands Act (Title 28.2, Chapter 13 of the Code of Virginia) enacted in 1972 and revised in 1982. The Virginia Marine Resources Commission (VMRC) is the regulating authority for the tidal wetlands laws; localities in Tidewater Virginia have the option to regulate their own tidal wetlands through citizen Wetlands Boards with oversight from VMRC. The Virginia Department of Environmental Quality (DEQ) is responsible for providing Section 401 Certification of Clean Water Act for Section 404 federal permits for both tidal and nontidal wetlands and water withdrawals, through the Virginia Water Protection Permit (VWPP) Program first developed in 1992. In 2000, Virginia passed a Nontidal Wetlands Act that amended Section 62.1-44.15:5 of the Code of Virginia relating to wetlands. The Nontidal Wetlands Act mandates that the Commonwealth implement a nontidal wetlands regulatory program to achieve no net loss of existing wetland acreage and function, and to develop voluntary and incentive based programs to achieve a net resource gain in wetlands. Amendments to the VWPP program, fully implemented in October 2001, provide additional state jurisdiction and require a state permit for the following activities in a wetland: excavation, filling or dumping, activities in a wetland that cause drainage or otherwise significantly alter or degrade existing wetland acreage or function, and permanent flooding or impounding. The VWPP can serve as the Section 401 certification of a federal permit or as a state permit when no federal permit is required. The permit process for both tidal and nontidal wetlands relies on a Joint Permit Application (JPA) which receives independent and concurrent review by local wetlands boards, VMRC, DEQ and the U.S. Army Corps of Engineers (Corps), as appropriate.

## **Innovative Features and New Programs/Initiatives:**

The Nontidal Wetlands Act, passed by the Virginia General Assembly in 2000, has allowed Virginia to regulate impacts to all wetlands within the state, including those that may not currently be under federal jurisdiction. In November 2002 the Corps' Norfolk District put into effect a State Programmatic General Permit (SPGP-01) for wetlands and stream impacts from development and transportation projects, and suspended NWP 39 and the nontidal portion of NWP 14. Under the SPGP-01, the Commonwealth has the primary responsibility for issuance of development permits for impacts less than one-half acre; the Corps has a 15-day review for permits for impacts between one-half to one acre; and transportation permits for impacts less than one-third acre.

In 2002 the General Assembly passed a voluntary certification program for professional wetland delineators, effective July 2004, and expanded the Board of Certified Soil Scientists to include wetland professionals, thus forming the Board of Certified Soil Scientists and Wetland Professionals.

Virginia is just completing an electronic Joint Permit Application (eJPA) with the Corps' Norfolk District Regulatory Branch. The eJPA will allow web-based submittals of permit applications and attachments.

## **State Wetland Conservation Plan**

Executive Order 72(00), issued on October 20, 2000, requests that all land-holding state agencies and institutions of higher education participate in wetland restoration by taking the following steps:

(1) Identify areas suitable for wetland restoration, establishment, or preservation on the land owned by the agency or institution; (2) Develop measurable indicators for wetland conservation, restoration, and establishment; (3) Identify resources that can be used to establish or restore wetlands on state property; and (4) Establish or restore wetlands as appropriate on state lands.

Also, as part of the Chesapeake 2000 Agreement, the Commonwealth has agreed to provide information and assistance to local governments and community groups for the development and implementation of wetlands preservation plans as a component of locally based integrated watershed management plans within the Bay watershed, and to establish a goal of implementing the wetlands plan component in 25 percent of Virginia's Chesapeake Bay watershed by 2010.

## **No Net Loss/Net Gain Goal**

Section 62.1-44.15:5 of the Code of Virginia, relating to wetlands, mandates by statute that the Commonwealth implement a nontidal wetlands regulatory program to achieve no net loss of existing wetland acreage and function, and to develop voluntary and incentive based programs to achieve a net resource gain in wetlands. This mandate is reflected in the VWPP Regulation (9 VAC 25-210). In addition, Virginia is a signatory to the 2000 Chesapeake Bay Agreement, which states that the signatories' regulatory programs must achieve a no net loss of existing wetland acreage and function, and that by June 2010 Virginia must achieve a net resource gain by restoring 10,000 acres of wetlands in the Commonwealth.

## **INDIVIDUAL FEATURES:**

### **Regulation**

#### **Wetland Regulatory Statutes and Administrative Rules**

1. Virginia Tidal Wetlands Act (Title 28.2, Chapter 13 of the Code of Virginia): The Virginia Marine Resources Commission has the responsibility for issuing tidal wetlands permits under Chapters 12 and 13 of Title 28.2 of the Code of Virginia. Chapter 12 activities may also require a separate VWPP, depending on the nature and extent of impacts. Chapter 13 activities only require a separate VWP permit if 401 Certification is required. In some instances when a U.S. Army Corps of Engineers nationwide or regional

permit is also issued on the same Chapter 12 or 13 activity permitted by Virginia Marine Resources Commission, DEQ may provide the 401 Certification through a letter agreement, thereby concurring that the U.S. Army Corps of Engineers permit conditions meet State regulatory goals, or waive the requirement for a VWP permit altogether.

2. The VWPP Program regulates impacts to tidal and nontidal state waters, including wetlands. This permit program also serves as Virginia's Section 401 certification program for federal Section 404 permits. Application is made through the joint permitting application process for concurrent federal and state project review. See <http://www.deq.virginia.gov/wetlands/permitfees.html>. In 2000, the Virginia General Assembly removed the dependence of the State's nontidal wetlands program on the issuance of a Federal permit, thus enabling DEQ to use the VWPP program to regulate activities in all wetlands that meet the scientific definition. Certain types of excavation in wetlands and fill in isolated wetlands (which may not be regulated under Federal jurisdiction) were added to the activities already regulated through the Section 401 Certification process. DEQ can provide Section 401 Certification through issuing a VWP individual or general permit or by certifying U.S. Army Corps of Engineers nationwide or regional permits. Activities requiring a permit include dredging, filling, or discharging any pollutant into or adjacent to surface waters, or otherwise altering the physical, chemical or biological properties of surface waters, excavating in wetlands, or on or after October 1, 2001, conducting the following activities in a wetland: new activities to cause draining that significantly alters or degrades existing wetland acreage or functions; filling or dumping; permanent flooding or impounding; new activities that cause significant alteration or degradation of existing wetland acreage or functions. This would include any project that requires a Clean Water Act Section 404 permit or a Rivers and Harbors Act Section 10 permit, or a water withdrawal that also requires a Section 404 permit or a Federal Energy Regulatory Commission license or license re-issuance, as well as the same projects that do not require a Federal permit.

### **Wetland Definition and/or Delineation; Comparability With Federal Definition**

By statute and by regulation, Virginia uses the same definition of wetlands as the federal definition, and requires that wetlands be defined in the field using the Corps' 1987 Manual. Specifically, wetlands are defined as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas." Wetlands are part of state waters, which are defined as "all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands."

Tidal wetlands are defined to include tidally influenced areas within Tidewater Virginia contiguous to mean low water extending landward to an elevation 1 1/2 times the mean tide range at a site and upon which is growing certain listed plant species. They also include "nonvegetated wetlands" which include unvegetated lands between mean low water and mean high water tides.

Section 62.1-44.15:5 of the Code of Virginia specifies that the state utilize the Corps' Wetlands Delineation Manual (Technical Report Y-87-1, January 1987, Final Report) as the approved method for delineating wetlands, and that the state shall adopt appropriate guidance and regulations to ensure consistency with the Corps' implementation of delineation practices.

### **Evaluation Methodology**

Applicants for a VWP permit must provide a functional assessment for wetland impacts greater than one acre and for all water withdrawals. The assessment of functional values of the affected surface waters must include information on existing beneficial uses of the surface waters and information on fish and wildlife resources and habitat at the proposed project location. Functional values may include: water quality, floodflow desynchronization, nutrient import or export, stormwater retention or detention, groundwater recharge or discharge, fish and wildlife habitat, recreation, education, and aesthetics. These values can be assessed using any of several acceptable methods appropriate for the type of impacted resource. This

information is used to determine the type of compensatory mitigation required to ensure no net loss of wetland functions.

## **Regulated and Exempted Activities**

Under the VWPP program, the following activities are regulated:

Dredge, fill or discharge of any pollutant into, or adjacent to surface waters;  
Other alteration of the physical, chemical or biological properties of surface waters;  
Excavation in wetlands; and

On or after October 1, 2001, conduct the following activities in a wetland:

1. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;
2. Filling or dumping;
3. Permanent flooding or impounding; or
4. New activities that cause significant alteration or degradation of existing wetland acreage or functions.

The following activities are exempt from the requirement for a VWPP, but may require other permits under state and federal law:

1. Discharges of dredged or fill material into state waters, excepting wetlands, which are addressed under a Corps Regional, General or Nationwide Permit, and for which no §401 Water Quality Certificate is required.
2. Any discharge, other than an activity in a surface water governed by §62.1-44.15:5 of the Code of Virginia, permitted by a Virginia Pollutant Discharge Elimination System permit in accordance with 9VAC25-31-10 et seq.
3. Any activity, other than an activity in a surface water governed by §62.1-44.15:5 of the Code of Virginia, permitted by a Virginia Pollution Abatement permit in accordance with 9VAC25-32-10 et seq.
4. Septic tanks, when authorized by a state Department of Health permit.
5. Any activity permitted under Chapter 13 (§28.2-1300 et seq.) of Title 28.2 of the Code of Virginia, unless state certification is required by §401 of the Clean Water Act.
6. Normal residential gardening, lawn and landscape maintenance.
7. Normal agriculture and silviculture activities (see below).
8. Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, groins, levees, dams, riprap breakwaters, causeways, bridge abutments or approaches, and transportation and utility structures.
9. Construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance (but not construction) of drainage ditches. Discharge associated with siphons, pumps, headgates, wingwalls, weirs, diversion structures, and such other facilities as are appurtenant and functionally related to irrigation ditches are included in this exclusion. The maintenance dredging of existing ditches is included in this exclusion provided that the final dimensions of the maintained ditch do not exceed the average dimensions of the original ditch. This exclusion does not apply to the construction of new ditches or to the channelization of streams.
10. Construction of temporary sedimentation basins on a construction site which does not include the placement of fill materials into surface waters or excavation in wetlands.
11. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained in accordance with applicable best management practices (BMPs) set forth in either Forestry Best Management Practices for Water Quality in Virginia, Technical Guide, Third Edition, 1997, or Virginia Agricultural BMP Manual, 2000, to ensure that flow and circulation patterns and chemical and biological characteristics of surface waters are not impaired, that the reach of such waters is not reduced, and that any adverse effect on the aquatic environment will otherwise be minimized.

Permits are required from the VMRC to encroach upon or over state owned bottomlands, which includes tidal and nontidal rivers and streams as well as tidal wetlands. VMRC personnel weigh each individual application received to determine that they are in the public interest. This evaluation is accomplished to

ensure that projects are necessary – that there are no reasonable alternatives requiring less environmental disruption — and that adverse effects do not unreasonably interfere with other private and public rights to the use of waterways and bottomlands. Particular emphasis in this regard has been applied to the reduction of unnecessary filling of State-owned bottomland, the reduction of obstructions or hazards to navigation, and the prevention of structures encroaching into adjoining riparian areas.

### **Special Provisions for Agriculture and Forestry**

State exemptions for agriculture and silviculture follow the federal exemptions. This includes normal agriculture and silviculture activities such as plowing, seeding, cultivating, minor drainage and harvesting for the production of food, fiber and forest products, or upland soil and water conservation practices; provided that the activities are part of an established (i.e., ongoing) agriculture or silviculture, operation, and must be in accordance with applicable best management practices set forth in either Forestry Best Management Practices for Water Quality in Virginia Technical Guide (Third Edition, 1997) or Virginia Agricultural BMP Manual (2000), which facilitate compliance with the §404(b)(1) Guidelines (40 CFR Part 230). Activities on areas lying fallow as part of a conventional rotational cycle are part of an established operation.

### **Penalties and Enforcement**

The Commonwealth of Virginia is responsible, through its agencies, for enforcement of permits for tidal and nontidal wetland activities, and can assess both civil and criminal penalties. The vast majority of enforcement actions are resolved voluntarily. Most minor wetlands infractions are resolved informally by means of a *Request for Corrective Action or Warning Letter* issued by DEQ to the alleged violator, or by a *Letter of Agreement* signed by DEQ and the alleged violator. *Requests for Corrective Action, Warning Letters*, and *Letters of Agreement* require the alleged violator to take whatever actions are necessary to come into compliance with its permit or regulations. For more serious wetlands violations, DEQ issues a *Notice of Violation* (NOV) to the alleged violator. In most cases, NOV's are resolved by a *Consent Order* entered into between DEQ, on behalf of the State Water Control Board, and the alleged violator, subject to the approval of the Board. A *Consent Order* requires the alleged violator to come into compliance with its permit or regulations, but in addition usually imposes a civil penalty calculated pursuant to DEQ's Enforcement Manual penalty matrix. Wetland violators can be subject to a civil penalty of up to \$25,000 per day per violation under State Water Control Law (§ 62.1-44.32). In cases where DEQ cannot reach an agreement with an alleged violator over a NOV, DEQ may refer the case to the state Office of the Attorney General for judicial civil enforcement. In the alternative, State Administrative Law (§ 10.1-1186) authorizes DEQ's Director to issue an order against a violator following an informal administrative proceeding imposing up to a \$10,000 civil penalty and injunctive relief that can be performed within one year.

### **Permit Tracking**

The Virginia Institute of Marine Sciences (VIMS) has an on-line GIS-based tracking system for tidal wetland permits and mitigation, and is developing a similar system for nontidal wetlands (see <http://ccrm.vims.edu/wetlands.html>). DEQ has an Oracle-based permit tracking system (CEDS) that has information on permit applications, issuances and enforcement, including impacts and compensation, by location.

### **State General Permit (PGP or SPGP) for 404**

On November 1, 2002, the Corps' Norfolk District issued SPGP-01, for residential, commercial, and institutional developments and linear transportation projects in nontidal waters and wetlands within the Commonwealth of Virginia. Also effective on November 1, 2002, the District Engineer, Colonel David L. Hansen, suspended Nationwide 39 and the nontidal portion of Nationwide Permit 14. All projects previously verified under Nationwide Permit 39 and 14 remain in effect until their expiration date. All other Corps Nationwide Permits remain in effect. Details of the SPGP-01 can be found at <http://www.nao.usace.army.mil/Regulatory/RBregional.htm>.

In general, development activities impacting up to one-half acre of nontidal wetlands or 300 l.f. stream bed will be reviewed primarily by DEQ; those projects impacting between one-half to one acre, and up to 2,000 l.f. stream bed will be reviewed by DEQ and the Corps, with most permit issuances by DEQ. For transportation projects impacting up to one-third acre of wetlands, DEQ will be the primary agency for permit review and issuance.

### **Assumption of Section 404 Powers**

The Commonwealth of Virginia is not pursuing assumption of Section 404.

### **Joint Permitting**

All agencies use the **Joint Permit Application**, which is submitted to the Virginia Marine Resources Commission. They assign a permit number and distribute to participating federal, state, and local agencies, which decide separately whether they need to issue a permit for the proposal. Each agency responds separately to the applicant.

### **Special Area Management Plans and Advanced Identification Plans**

The Chesapeake Bay Local Assistance Department works with localities within Tidewater Virginia to set up protection ordinances within the Chesapeake Bay area. Resource Protection Areas (RPAs) are established in each locality and consist of tidal water and wetlands, non-tidal perennial tributaries and their adjacent non-tidal wetlands, and a 100-foot landward buffer. In general only water dependent development and redevelopment can take place in RPAs, as specified by each locality's ordinances. Wetlands not identified above, as well as other environmentally sensitive areas, are included in Resource Management Areas which can be developed under certain restrictions.

Special Area Management Plans have been developed for certain areas within Virginia's Coastal Zone, including the Dragon Run watershed and the Southern Watersheds.

### **Role of Local Governments**

Local governments are involved in issuing tidal wetland permits through their Wetlands Boards. Local administration of the Chesapeake Bay ordinances can affect permit issuance for tidal and nontidal wetlands.

### **Staffing (Regulatory Staff)**

The DEQ has about 30 FTEs involved in wetland permitting, inspection and enforcement. VMRC has about 10 FTEs to issue tidal wetland permits and permits for other uses of state owned bottomland; they are assisted with technical review by staff at VIMS.

### **Water Quality Standards**

Virginia's water quality standards for wetlands are the same as for other surface waters.

### **Wetlands and Water Quality Standards**

See <http://www.deq.state.va.us/wqs/> for information on Virginia's water quality standards regulations.

### **Wetland Definition**

There is no specific wetland definition in Virginia's Water Quality Standards regulation 9 VAC 25-260. A definition of swamp waters is being proposed in 9 VAC 25-260-5. However, wetlands are included in the definition of state waters in the Water Quality Standards.

## **Designated Uses**

The designated uses for wetlands are the same as all other surface waters in 9 VAC 25-260-10 (fishable/swimmable). See <http://www.deq.virginia.gov/wqs/designated.html>.

## **Narrative and/or Numeric Criteria**

The current narrative wetland criteria are the same as all other surface waters in 9 VAC 25-260-20 ("free forms"). See <http://www.deq.virginia.gov/wqs/criteria.html>.

## **Antidegradation Policy**

The antidegradation policy for wetlands is the same as all other surface waters in 9 VAC 25-260-30. See <http://www.deq.virginia.gov/wqs/antideg.html> .

## **Other**

As part of the triennial review of water quality standards Virginia is proposing to develop a special category for swamp waters as low pH waters, with pH of 4/3 to 9. See <http://www.deq.virginia.gov/wqs/rule.html#TR>.

## **Staffing (Wetland Water Quality Staff)**

None.

## **Mitigation**

### **Mitigation Policy**

Virginia's Nontidal Wetland Act states that "[p]ermits shall address avoidance and minimization of wetland impacts to the maximum extent practicable." Further, "permits [issued for impacting nontidal wetlands] shall contain requirements for compensating impacts on wetlands. Such compensation requirements shall be sufficient to achieve no net loss of existing wetland acreage and functions, and may be met through wetland creation or restoration, purchase or use of mitigation bank credits...or contributing to a fund that is approved by the [State Water Control] Board and is dedicated to achieving no net loss of wetland acreage and functions. When utilized in conjunction with creation, restoration or mitigation bank credits, compensation may incorporate (i) preservation or restoration of upland buffers adjacent to wetlands or other state waters or (ii) preservation of wetlands."

Virginia has incorporated the Section 404(b)(1) guidelines for avoidance and minimization. In order to meet no net loss of acreage, a minimum of 1 for 1 replacement of wetland acreage through creation or restoration is required; additional compensation in the form of creation, restoration, preservation or enhancement is used to address no net loss of wetland function. See <http://www.deq.virginia.gov/wetlands/mitigate.html>.

### **Mitigation Banks**

By statute and regulation, mitigation banks are an acceptable form of off-site compensation provided they are approved and operating in accordance with applicable federal and state guidance, laws or regulations for the establishment, use and operation of mitigation banks, and are in the same or adjacent U.S. Geological Survey (USGS) cataloging unit, as defined by the Hydrologic Unit Map of the United States (USGS 1980), within the same river watershed as the impacted site. DEQ is authorized to serve as a signatory to agreements governing the operation of wetland mitigation banks.

As of December 31, 2004, there are 35 approved mitigation banks having credits available for sale; of these 35 banks, 5 are single user, public agency banks and the remaining 30 are private sector banks. In addition, there are three banks that have sold all available credits, but are still being monitored for success. Further, there are 16 proposed private-sector mitigation banks under review. There are one or more mitigation banks in most of the major watersheds where wetland impacts occur.

### **In Lieu Fee Program**

Virginia's wetlands regulations allow for the use of in lieu fee programs provided they are approved by DEQ through a public comment process. There are two in lieu fee program currently approved for use by DEQ. First, the Virginia Wetlands Restoration Trust Fund (the Trust Fund) is a partnership between The Nature Conservancy and the Corps' Norfolk District. The fund is one of several compensation options available for permitted impacts to wetlands, and is typically considered the last compensation option when other options (e.g. on-site, off-site, or purchase of mitigation bank credits) have been exhausted. The fund has been in operation since 1995. According to the Trust Fund's 2003 activity report, 368 permits have been issued for 147.60 acres of wetland impacts since 1995, generating just over \$11 million in available funds. As mitigation for 147.60 acres of wetland impacts, 387 acres of wetlands have been restored, 1631 acres of existing wetlands have been preserved, 540 acres of existing wetlands have been enhanced, and 352 acres of upland buffers have been restored and/or preserved. Most of the Trust Fund's activities have been in the lower Coastal Plain, with some activity in the upper Coastal Plain and Piedmont regions.

Second, the Elizabeth River Restoration Trust was approved in 2004, and is a compensation option available to offset Corps or DEQ permitted impacts that cannot be avoided, with the goal of achieving, at a minimum, an offset to permitted project impacts affecting the environmental health of the Elizabeth River watershed. Impacts must be within the Elizabeth River Watershed. The Corps and DEQ must approve fund expenditures.

### **Ad Hoc Arrangements**

Virginia does not currently participate in ad hoc mitigation arrangements that are outside of the typical mitigation options. If on-site or off-site mitigation is not practicable or feasible, then purchase of mitigation bank credits or contributions to the Trust Fund would be required.

### **Mitigation Database**

Permitted wetland losses and wetland compensation for those losses are tracked through DEQ's permit database by latitude/longitude and HUC. We are in the process of developing a searchable database that will report on tidal and nontidal wetland gains/losses by watershed.

### **Staffing (Mitigation Staff)**

Virginia has one-half FTE devoted to providing mitigation guidance and serving as the state representative on Mitigation Bank Review Teams.

### **Monitoring and Assessment**

#### **Mapping /Inventory**

The National Wetlands Inventory (NWI) maps have been updated using the new classification system for most of Virginia. GIS mapping has been prepared for coastal wetlands by the VIMS. Virginia is working on a Level 1 Assessment of nontidal wetlands within a GIS platform using the NWI maps along with selected groundtruthing that will be housed at VIMS.

## **Wetland Classification and Assessment**

VIMS has developed educational materials for coastal wetlands which relate wetland types to functional value. DEQ, through a grant from the U.S. Environmental Protection Agency (EPA), will be working on a Level 2 Assessment of wetland quality on select watershed in the state.

## **Overall Wetland Gain and Loss Tracking System**

Virginia is required to report on wetlands gains and losses, and is in the process of developing a centralized database that will report this information for regulatory and non-regulatory programs for both tidal and non tidal wetlands.

## **Staffing (Monitoring and Assessment Staff)**

Virginia does not have separate wetlands monitoring and assessment staff. Much of this work is done under grants using academic institutions.

## **Restoration**

### **Program Description**

Virginia does not have a separate state run restoration program. Many non-profit organizations operate in Virginia to restore wetland acreage. Virginia has a grant from EPA to consolidate information from all the restoration programs and opportunities within the Commonwealth. The Department of Conservation and Recreation operates programs under the Farm Bill designed to promote and fund wetland restoration. The Department of Game and Inland Fisheries participates in the Partners in Wildlife program.

### **Restoration Program Goals**

Through the Chesapeake 2000 agreement, Virginia has agreed to restore 10,000 acres of wetlands in the Commonwealth by 2010.

### **Eligibility Criteria**

Each organization and program has its own eligibility criteria.

### **Restoration Database**

Virginia does not have a centralized restoration database; it is intended that restoration data be included in the database under development for tracking wetlands losses and gains by watershed.

### **Staffing (Wetland Restoration Program Staff)**

About 1 to 2 FTEs at DCR working with set aside programs.

## **Public/Private Partnerships**

### **Acquisition Program**

Virginia currently has no separate program for wetland acquisition. Wetlands are often acquired as part of state parkland or natural areas preserves, but these programs are not specific to wetlands. The Department of Conservation and Recreation would be the lead agency.

## **Public Outreach/Education**

Virginia Naturally is a statewide environmental education program, operated by DEQ that includes educational brochures and programs on wetlands. Many non-profit organizations within the state provide wetland informational programs and field opportunities.

## **Tax Incentives**

Incentives are provided through several non-profit conservation organizations (e.g. The Nature Conservancy, The Conservation Fund, the Trust for Public Lands and others) and two state organizations — the Virginia Land Trust and the Virginia Outdoor Foundation — that work with private citizens to preserve and protect all lands through donations and easements. Generally, easement donors can apply one-half of the value of their easement against their state income tax. Any unused credits from the easement donations may be carried forward for five years.

## **Technical Assistance**

The Department of Conservation and Recreation and the Department of Game and Inland Fisheries have staff to provide assistance to landowners in wetland management.

## **Other Nonregulatory Incentives for Private Landowners**

No additional programs identified.

## **Wetland Training and Education**

Programs are provided through non-profit organizations and through academic institutions such as the VIMS and through the Virginia Commonwealth University Center for Environmental Studies.

## **Watershed Planning**

Virginia's state agencies are working together on watershed planning efforts, most notably through the tributary strategies being developed under the Chesapeake Bay Program.

## **Special Problems**

Virginia has over one million acres of wetlands including the Dismal Swamp, one of the few Atlantic white cedar wetlands remaining on the East Coast. Over 58 percent of these wetlands are located within the urban crescent between Washington, D.C. to Norfolk, an area experiencing unprecedented development pressure. While we have relatively large amounts of permitted impacts, we have a strong state program that protects all wetlands and requires that permits provide for no net loss of wetland acreage and function through effective compensatory mitigation.

## **Coordination**

There is currently no one interagency state wetland team, but one is under consideration. We currently have an interagency Chesapeake Bay Program group and a Coastal Policy Team that deal with wetlands issues, among other topics.

## **Contact Person(s)**

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## **Contact Points**

Virginia wetland program contacts: <http://www.mrc.state.va.us/page1e1.htm>  
Virginia Marine Resources Commission website: <http://www.mrc.state.va.us/hmoverview.htm>  
Corps' Norfolk District Website: <http://www.nao.usace.army.mil/Regulatory/Regulatory.html>

## **Guidebooks, Brochures, Websites, Other Educational Materials**

N/A

## **Websites**

Virginia State Home Page: <http://www.virginia.gov/cmsportal/>

Virginia Department of Environmental Quality Page: <http://www.deq.virginia.gov/water/>

Virginia Legislative Page: <http://legis.state.va.us/>

Wetland and Water Regulations: <http://leg1.state.va.us/000/reg/TOC09025.HTM#C0210>

Joint Permit Application: <http://www.nao.usace.army.mil/Regulatory/PN/JPA.html>