



Agricultural Land Preservation Program Howard County, Maryland



NONTIDAL WETLAND MITIGATION

The purpose of this policy is to allow for the enhancement of environmental conditions on preserved farmland while protecting the intent of the agricultural easement. This policy was approved by the Agricultural Land Preservation Board (ALPB) on February 16, 2010.

POLICY: Nontidal wetland (NTW) mitigation is the creation, restoration or enhancement of nontidal wetlands that were, or will be, lost due to regulated urban or agricultural activities. Under certain conditions, properties encumbered by an agricultural land preservation easement may be allowed to establish wetland mitigation areas, including off-site mitigation for a single site or banking for multiple sites. *To avoid incursions onto productive land, wetland restoration and/or enhancement projects would generally be appropriate and wetland creation projects would not.* Due to the complexity and site specific nature of wetland mitigation, this policy is meant to provide guidelines so that each request can be adequately evaluated on its own merits.

A complete Soil Conservation and Water Quality (SC&WQ) Plan, prepared by the Soil Conservation District (SCD), is required on any agricultural easement farm proposing to establish a wetland mitigation area. The ALPB will consider mitigation requests only after the SCD has had the opportunity to review a proposal and ensure that it is consistent with the SC&WQ Plan. Upon submission of the proposal, SCD staff will validate the proposed wetland boundary, determine whether conditions on the mitigation site are suitable and opine as to whether there is any negative impact on the farming operation.

The SCD will consider issues such as mitigation boundaries and access to farmable land in their review. A mitigation project boundary should be kept as straight as possible to allow for the fencing of livestock and for the efficient operation of farm machinery. This may necessitate allowing wetland creation on adjacent, relatively well-drained soils. The amount of land suitable for pasture or cropping that is included in a wetland mitigation plan should be kept to a minimum, and should be justifiable based on sound management practices.

Wetland mitigation projects should not create isolated pockets of crop or pasture land that are cut off from the remainder of the farm. In its review of any mitigation proposal, the SCD will ensure that all farmable areas of the property have sufficient access for farm equipment across, around or through the mitigation area. If this is not possible, the applicant will have to reconfigure the mitigation area to provide sufficient access.

Once the SCD has completed its review and determined that the project is consistent with the SC&WQ Plan, comments will be provided to the ALPP Administrator, who will then present the project to the ALPB for consideration. The ALPP Administrator will work with the applicant and the SCD to resolve any issues prior to ALPB review.

The following procedures and criteria shall be used:

1. A complete wetland evaluation will be submitted to the SCD for review, and the evaluation will include site specific soil and hydrology features, and a plan showing proposed boundaries. Proposed mitigation sites will be evaluated for the absence of wetland criteria, and the proposal should specify the actions to be taken to restore those deficiencies. As part of the evaluation process, the anticipated limit of the restored wetland shall be delineated in the field by the applicant, and the proposal should provide the basis for the delineation.
2. Projects should not alter hydrology in a way that diverts water from pasture, cropland or other farm water resources. Hydrology sources shall be consistent with, and limited to, the prior undisturbed condition of the original natural wetland.

3. Mandated wetland buffers that adjoin open pasture or cropland shall be confined to within the project boundary. With the exception of the situations detailed in #4 below, no soils outside of the wetland boundary can be retired from use by the creation of a wetland buffer. If the project becomes subject to the Howard County Subdivision and Land Development Regulations, a 25-foot wetland buffer may be required; in such case, the project limit shall be revised so that the buffer does not encroach into pasture or cropland.
4. Wetland creation may only be considered to expand wetland restoration areas in order to straighten field boundary lines or to avoid creation of isolated non-NTW pockets.
5. Small, isolated non-mitigation areas that adjoin woodland or natural stream channels may qualify to be reforested, and may, where appropriate, be used to provide a buffer, if consistent with the ALPB reforestation policy.
6. All wetlands to be protected from future pasturing shall be fenced at time of project implementation.
7. Adjustments to farm road elevations or locations may be required to address proposed changes in groundwater elevations.
8. Stream restoration or other mitigating riparian actions required to raise groundwater levels to previous levels are permitted under this policy.
9. All work shall have authorization of all regulating agencies, and no lands outside of the approved proposal delineation may be encumbered by any regulation specific to this activity.

This Policy applies to County agricultural easement properties. For all properties in the State agricultural preservation program, approval of a wetland mitigation proposal is required by the Maryland Agricultural Land Preservation Foundation (MALPF). MALPF has its own policy regarding wetland mitigation projects, which requires review by the County Agricultural Land Advisory Board (APAB). The APAB will forward the proposal to MALPF for review only if all County requirements are met.

For More Information

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