



# Agricultural Land Preservation Program Howard County, Maryland



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## CONSERVATION PRACTICES OVERLAY

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The purpose of this policy is to allow for the enhancement of environmental conditions on preserved farmland while protecting the intent of the Howard County Agricultural Land Preservation Program (ALPP) easement. This policy was approved by the Agricultural Preservation Board (APB) on February 25<sup>th</sup>, 2019. All Conservation Practices Overlay proposals will be reviewed by the APB for consistency with this policy.

**POLICY:** Stream restoration and wetland creation, enhancement, and restoration are important water resource conservation practices (“Conservation Practices”) that can improve the quality of groundwater, streams, and habitats while reducing eroding soils and nutrient and sediment runoff. Under certain conditions, properties encumbered by an agricultural land preservation easement may be allowed to establish Conservation Practice areas with an overlay easement to include planted buffers. This Conservation Practice overlay easement policy applies to both projects that are for the purposes of mitigation, as well as non-mitigation related projects, such as water quality or stormwater efforts. Areas that fall within the County’s Green Infrastructure Network should be a priority for Conservation Practices and buffer planting activities. Due to the complexity and site specific nature of Conservation Practices, 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 Conservation Practice area. The APB will consider 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 Conservation Practices’ boundary, determine whether conditions on the site are suitable and opine as to whether there is any negative impact on the farming operation.

The SCD will consider issues such as Conservation Practices’ boundaries and access to farmable land in their review. A Conservation Practice 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 or stream buffer planting on adjacent, relatively well-drained soils. The amount of land suitable for pasture or cropping that is included in a Conservation Practices plan easement area should be kept to a minimum, and should be justifiable based on sound management practices.

Conservation Practice projects should not create isolated pockets of crop or pasture land that are cut off from the remainder of the farm, if possible. Likewise, Conservation Practice areas should be contiguous. In its review of any Conservation Practices proposal, the SCD will ensure that all farmable areas of the property have sufficient access for farm equipment across, around, or through the Conservation Practices area. If this is not possible, the applicant will have to reconfigure the Conservation Practices 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 APB for consideration. The ALPP Administrator will work with the applicant and the SCD to resolve any issues prior to APB review.

The following procedures and criteria shall be used:

1. A complete Conservation Practices plan will be submitted to the SCD for review by the applicant, and the evaluation will include site specific soil and hydrology features, and a plan showing proposed boundaries, actions to be taken to restore the stream or wetland areas, and concept designs. As part of the evaluation process, the anticipated limit of the Conservation Practices area 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 without ensuring sufficient alternative sources. Hydrologic features shall not be vastly altered above what is needed for the Conservation Practices. No impacts or diversions to hydrologic features or land downstream should occur.
3. Conservation Practice 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 Conservation Practices boundary can be retired from use by the creation of a Conservation Practices 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 and additional buffer plantings may be considered to expand Conservation Practice areas in order to straighten field boundary lines or to avoid creation of isolated Conservation Practice pockets.
5. Wetland creation may be considered within a larger stream or wetland restoration project, or as a stand-alone project, should conditions be suitable.
6. Small, isolated non- Conservation Practice areas that adjoin woodland, wetland, or natural stream channels may qualify to be reforested, and may, where appropriate, be used to provide a buffer or Green Infrastructure Network expansion, if consistent with the APB Forest Conservation Planting policy.
7. All Conservation Practice areas to be protected from future pasturing shall be fenced at time of project implementation, with at least temporary fencing. Permanent fencing must be installed at the conclusion of construction and planting.
8. Adjustments to farm road elevations or locations may be required to address proposed changes in groundwater elevations.
9. Stream restoration or other mitigating riparian actions required to raise groundwater levels to previous levels are permitted under this policy.
10. 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.
11. If the proposed Conservation Practices easement overlay is approved, the APB recognizes that the final easement boundaries are subject to slight modification during construction and allows up to a 10% adjustment in the final easement overlay size.
12. Conservation Practice areas should include buffer plantings in accordance with the APB Forest Conservation Planting policy with minimums of:
  - a. Stream buffers – at least 35’ on each side of stream from top of bank for cropland, pastures and fencing and 50’ on each side of stream from top of bank for buildings, structures and roadways.
  - b. Wetlands – at least 25’ from edge of wetland.

This policy applies to County ALPP easement properties only. The Maryland Agricultural Land Preservation Foundation (MALPF) has its own policy regarding similar practices, entitled Water Resources Easement Projects. These proposals require review by the County Agricultural Preservation Advisory Board (APAB) prior to MALPF Board review.

#### **For More Information**

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