



# **NONTIDAL WETLAND COMPENSATION FUND FOUR-YEAR REPORT FISCAL YEAR 2006 – FISCAL YEAR 2009**

*Prepared for the  
Maryland General Assembly*



Lynn Farm Wetland Mitigation Site

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FOUR-YEAR REPORT  
FISCAL YEAR 2006 – FISCAL YEAR 2009**

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# **NONTIDAL WETLAND COMPENSATION FUND**

## **REQUIREMENT**

Section 5-909 (c) (5) of the Environment Article, Annotated Code of Maryland, states that at the end of the fiscal year, the Department shall prepare an annual report on the Nontidal Wetland Compensation Fund that includes an accounting of all financial receipts and expenditures to and from the Fund and shall provide a copy of the report to the General Assembly, as provided under § 2-1246 of the State Government Article. This report covers the four year period from Fiscal Year 2006 through Fiscal Year 2009.

## **FUND USE**

The use of the Nontidal Wetland Compensation Fund is established under Section 5-909 (c) (3) and (4) of the Environment Article, Annotated Code of Maryland, which states:

- (3) Funds in the Nontidal Wetland Compensation Fund may be used only for the creation, restoration, or enhancement of nontidal wetlands, including:
  - (i) Acquisition of land;
  - (ii) Acquisition of easements;
  - (iii) Maintenance of mitigation sites;
  - (iv) Purchase of credits in mitigation banks; and
  - (v) Contractual services necessary to accomplish the intent of this paragraph.
  
- (4) Funds credited and any interest accrued to the Fund:
  - (i) Shall remain available until expended; and
  - (ii) May not be reverted to the General Fund under any other provision of law.

## **BACKGROUND**

Maryland's nontidal wetlands are inland freshwater areas not subject to tidal influence. They typically have water-saturated soils or periodic high groundwater levels and vegetation adapted to wet conditions and periodic flooding. Nontidal wetlands are commonly known as marshes, swamps, bogs, wet meadows, and bottomland forests. There are between 440,000 and 460,000 acres of vegetated nontidal wetlands in Maryland, comprising 7 to 7.4 percent of the State's land mass.

Nontidal wetlands help protect the Chesapeake Bay, the Coastal Bays, and streams by filtering phosphorus, nitrogen and other pollutants from upland runoff. They form natural flood retention areas able to store floodwaters and slowly release them downstream, reducing flood damages. Wetland vegetation helps stabilize streambanks and reduce streambank erosion. Nontidal

wetlands provide organic material for the food chain and habitat for fish and wildlife, some of which are endangered. Wetlands are also the exclusive home to many rare plants. They are areas of scenic beauty and provide recreational opportunities for many Marylanders.

### **Nontidal Wetlands Protection Act**

The 1987 Chesapeake Bay Agreement included a commitment to increase the protection of nontidal wetlands. To honor its commitment, Maryland created a special task force to develop a comprehensive wetland protection policy. Due to continued wetland losses and an existing inefficient regulatory framework, the task force recommended a new State law. In 1989, the Maryland General Assembly endorsed the task force recommendation by enacting the Nontidal Wetlands Protection Act.

The law was one of the first state laws to declare a goal of "no net loss" of wetland acreage and function and to strive for a net gain in wetlands over time. Additional legislative goals included:

- Protection of waters of the State;
- Prevention of further degradation and losses of nontidal wetlands due to human activity by regulating all activities that may impact a nontidal wetland;
- Mitigation or compensation for authorized nontidal wetland losses; and
- Expedient project reviews by instituting a coordinated application review process and imposing strict application review deadlines.

Since the beginning of Maryland's regulatory program on January 1, 1991 through June 30, 2009, authorized nontidal wetland losses have averaged approximately 45 acres per year. More importantly, however, the program has been able to achieve a net gain in nontidal wetland acreage.

### **Mitigation Program**

Maryland achieves its "no net loss" goal through a variety of mechanisms including voluntary efforts of private landowners, State initiatives, and the regulatory program. Success often requires consideration of wetland types and values. In the regulatory process, wetland types and values can dictate the extent of avoidance and minimization prior to consideration of compensatory mitigation. The regulatory program achieves "no net loss" through two types of mitigation efforts designed to replace lost wetland acreage and function:

- Permittee mitigation, which represents 80% of regulatory mitigation efforts, requires a permittee to create, restore, or enhance nontidal wetlands. In instances where a permittee demonstrates that it is impractical to mitigate for wetland losses associated with a project, a permittee may be allowed to pay a specified amount into the State Nontidal Wetland Compensation Fund. Permittee mitigation is generally required for wetland impacts exceeding 5,000 square feet.
- Programmatic mitigation, which represents 20% of regulatory mitigation efforts, is performed by the State for nontidal wetland losses generally less than 5,000 square feet or for permittees who have paid into the Nontidal Wetland Compensation Fund.

This report summarizes the use of the Nontidal Wetland Compensation Fund for mitigation activities undertaken by the Maryland Department of the Environment (Department or MDE) during the four year period beginning in Fiscal Year 2006 and ending in Fiscal Year 2009.

### **Monitoring Program**

The State is constantly striving to improve its mitigation program. Prior to implementation of Maryland's program, failure of mitigation projects was largely due to insufficient monitoring for hydrology, poor design, and the lack of follow-up by regulatory agencies. The State has analyzed these factors to ensure enhanced success of mitigation projects. To address these issues, the State requires the following:

- Monitoring hydrology to determine suitability of site;
- Design review;
- Five (5) years of post-construction monitoring;
- 85% success rate on vegetative cover; and
- Long-term protection mechanisms for the site.

In addition, MDE completed a comprehensive evaluation of its compensatory mitigation program in 2007. As a result of the evaluation, MDE has assigned additional staff to perform mitigation responsibilities and improve administrative and technical supervision of mitigation requirements. The Department has also expanded a formal assessment protocol to evaluate and document success of mitigation sites, including functional replacement.

### **Additional Mitigation Opportunities for Nontidal Wetlands**

Other tools available to offset wetland losses are mitigation banking and consolidated mitigation. Mitigation banking is the restoration, creation or enhancement of wetlands undertaken expressly for the purpose of providing compensation credits for wetland losses from future activities. In 1993, the General Assembly enacted legislation to develop standards and adopt regulations for the establishment and operation of nontidal wetlands mitigation banks. In addition, MDE adopted mitigation banking regulations in October 1994. Unfortunately, mitigation banking remains an untapped resource in Maryland's wetland protection program.

Consolidated mitigation has also been promoted as an alternative that includes some of the benefits of mitigation banking, while addressing the perceived disadvantages. In this approach, mitigation for several different projects and different permittees may be located at a single site. Individual permittees, however, are still responsible for success of the mitigation project. Consolidated mitigation will be eliminated as a mitigation option after available acreage at existing sites is exhausted, and replaced by sites approved through a formal mitigation banking process.

## **SUMMARY**

The Nontidal Wetland Compensation Fund is a special revenue fund, which was created by the action of the 1989 General Assembly. The fund began receiving revenue in 1991, when the Nontidal Wetlands Regulatory Program went into effect.

Nontidal Wetland Compensation Fund revenues are derived primarily from contributions made to the Fund for permitted wetland losses for which the Department has determined that mitigation is not a feasible alternative.

## **FISCAL YEAR 2006 PROGRAMMATIC MITIGATION PROJECTS**

### **McGuigan Farm Wetland Restoration Project, Harford County**

McGuigan Farm is a 6-acre forested wetland restoration project initiated in Fiscal Year 2005. The project is located within the Lower Susquehanna River - Broad Creek (02-12-02-05) watershed of Harford County. In a coordinated effort between the Maryland Department of the Environment (MDE) and Harford Soil Conservation District, this prior converted cropland was graded and planted to restore the nontidal wetlands. This site provides many valuable wetland functions, including filtering sediment and other pollutants, discharging/recharging groundwater, and providing habitat for wetland dependent species and amphibians. Field observations confirmed the presence of deer, fox, American toads, Leopard frogs, and Red-winged blackbirds.



McGuigan Nontidal Wetland Restoration - 2007

Project Contract	\$180,137.00
Fiscal Year 2005 Payment	\$153,757.00
Fiscal Year 2006 Payment	\$ 24,695.66
Fiscal Year 2006 Reversion	1,684.34

### **Blackwater National Wildlife Refuge/Parsons Creek, Dorchester County**

The Parsons Creek project, which is located within the Little Choptank (02-13-04-02) watershed of Dorchester County, was initiated in Fiscal Year 2005. A low drainage divide was breached many years ago between the tidal saltwater of Parsons Creek north of the Blackwater National Wildlife Refuge and freshwater ponds at the headwaters of the Blackwater River. This breach resulted in increased salinity in the upper reaches of the Blackwater River, which has altered the habitat from a freshwater to a brackish water environment. The main channel of Parsons Creek is comprised of Stewart's Canal, a historic structure dug by slaves in 1809 to allow access to the woodland areas along the creek for timbering. The project consists of two related, but distinct components. First, the U.S. Geological Survey (USGS) monitored the tidal stage and salinity at Parsons Creek and Stewart's Canal. The purpose of the monitoring was to provide data on hydrologic characteristics of the upper reaches of the Blackwater River prior to, during, and after construction of a barricade to restore the Blackwater/Parsons watershed divide. Second, MDE, in cooperation with the Department of Natural Resources (DNR), the Maryland Eastern Shore

Resource Conservation and Development Council (MD Eastern Shore RC&D) and U.S. Fish and Wildlife Service (USFWS) repaired the breach and restored freshwater hydrology to several thousand acres of marsh.

Project Contract	\$253,997.00
Fiscal Year 2005 Payment (USGS)	\$ 2,757.00
Fiscal Year 2006 Payment (RC&D)	\$168,000.00
Fiscal Year 2006 Payment (USGS)	\$ 26,775.00
Fiscal Year 2006 Reversion	\$ 56,465.00

**Amish Road, Garrett County**

Amish Road is an acid mine drainage remediation project located in the North Branch of the Casselman River (05-02-02-04) in Garrett County. The project, which was initiated in Fiscal Year 2005, included the enhancement of one-acre emergent wetland. Under an earlier contract with MDE’s Mining Program, the Western Maryland Resource Conservation and Development Council (Western MD RC&D) secured design and construction contracts for the remediation project. Under this contract, RC&D purchased trees, shrubs and wetland species and arranged for their planting at the site. The site provides many valuable wetland functions, including filtering sediment and other pollutants, discharging groundwater, and providing habitat for nontidal wetland dependent species (e.g. woodducks).

Project Contract	\$50,000.00
Fiscal Year 2006 Payment	\$50,000.00



Amish Road Site during construction – 2005



Amish Road Nontidal Wetland Mitigation Site – 2007

**Radcliffe Creek School**

Radcliffe Creek School is a wetland creation project designed to dramatically improve the functioning of an existing stormwater management facility. The facility was providing minimal

water quality improvements and virtually no other beneficial functions associated with nontidal wetlands. Through minor grading and planting, a created wetland now provides excellent water filtering, wildlife habitat, and educational opportunities. Students planted the entire area and are monitoring the project as part of their science curriculum. The Department provided funding for construction, equipment, materials, supplies and plants. Technical assistance was provided by USFWS. The project is located within the Chester River - Middle Chester River (02-13-05-09) watershed of Kent County.

Project Contract	\$8,077.30
Fiscal Year 2006 Payments	\$8,077.30



Radcliffe Creek Site during construction – 2006



Radcliffe Creek Site during construction – 2006



Students planting mitigation site - 2006



Radcliffe Creek wetland mitigation – 2008

**Hall and Allison Properties**

Through a partnership with the Charles County Soil Conservation District that began in Fiscal Year 2005, 3.6 acres of previously drained cropland were restored on two properties in Charles

County. The restored areas, located in Zekiah Swamp (02-14-01-08) watershed, were part of a larger nontidal wetland restoration effort.

Project Contract	\$12,684.00
Fiscal Year 2005 Payment	\$8,000.00
Fiscal Year 2006 Payment	\$4,684.00

### **Yough Glades Elementary School**

The Yough Glades Elementary School project is a 1-acre enhancement of an existing emergent wetland. The site is located within the Little Youghiogheny River (05-02-02-02) watershed of Garrett County. While it had been used for educational activities, the site was in need of enhancement. The functions provided by this site include habitat, water quality improvements, flood water storage, and educational opportunities. Project partners include MDE, Yough Glades Elementary School and Garrett Soil Conservation District.

Project Contract	\$8,500.00
Fiscal Year 2006 Payment	\$8,500.00

### **Hidden Pond, Anne Arundel County**

Through a cooperative effort between MDE and DNR, this 2.5-acre *Phragmites* dominated dam breach delta fan was converted into an emergent wetland containing both nontidal and tidal systems. The primary functions of this Anne Arundel County site, located in the Severn River (02-13-10-02) watershed, are wildlife habitat and water quality. Some of the interesting species planted at this site include Atlantic white cedar and cranberry.



Hidden Pond mitigation site during construction - 2004

Project Contract	\$48,200.00
Fiscal Year 2006 Payment	\$48,200.00



Hidden Pond Nontidal Mitigation Site in April 2009.



Atlantic White Cedar planted at Hidden Pond

**Beaver Creek, Washington County**

The Beaver Creek Stream Restoration Project involved restoring 1,700 linear feet of degraded stream banks within the Upper Potomac River - Antietam Creek (02-14-05-02) watershed of Washington County. Project partners included MDE, Western MD RC&D and the landowner.

Project Contract	\$62,605.00
Fiscal Year 2006 Payment	\$62,605.00

**Middletown Elementary School, Frederick County**

The Middletown Elementary School site is a 0.7 acre emergent wetland created through grading and planting, as part of a schoolyard education program. It is located at a new school in the Middle Potomac River – Catoclin Creek (02-14-03-05) watershed of Frederick County.

Project Contract	\$28,073.00
Fiscal Year 2006 Payment	\$0.00
Fiscal Year 2006 Encumbrance	\$28,073.00*

\* This project was completed in Fiscal Year 2007.



Middletown Site during construction - 2006



Middletown Nontidal Wetland Mitigation Site - June 2007

<b>STATEMENT OF REVENUES AND EXPENDITURES</b>	
<b>FISCAL YEAR 2006</b>	
<b>July 1, 2005 - June 30, 2006</b>	
<b>REVENUES</b>	
Fund Balance as of June 30, 2005	2,498,395.38
Fiscal Year 2006 Revenues	394,049.19
Fiscal Year 2006 Earned Interest	109,624.11
Fiscal Year 2006 Accrued Revenues	0.00
<b>Total Fiscal Year 2006 Revenues</b>	<b>3,002,068.68</b>
<b>EXPENDITURES</b>	
Total Fiscal Year 2006 Expenditures	491,036.68
<b>NONTIDAL WETLAND COMPENSATION FUND</b>	
<b>BALANCE AS OF JUNE 30, 2006</b>	<b>2,511,032.00</b>

## **FISCAL YEAR 2007 PROGRAMMATIC MITIGATION PROJECTS**

### **University of Maryland - Field Monitoring of Mitigation Sites**

Under the guidance of Dr. David Tilley, a team of undergraduate students (Team C.R.A.B.S) participating in the University of Maryland Gemstone Program conducted an assessment of the water quality, soil characteristics, land use and vegetation of 13 constructed nontidal wetlands. The assessment provided baseline data to MDE to determine a strategy for meeting future wetland assessment requirements. Team CRABS collected data on the surrounding land use of each wetland and assessed Escherichia coli (E. coli) and total coliform concentrations and the resistance of E. coli in wetlands to commonly used pharmaceutical and agricultural antibiotics.

Project Contract	\$41,283.23
Fiscal Year 2007 Payment	\$22,532.34
Fiscal Year 2007 Encumbrance	\$18,750.89*

\*This project was completed in Fiscal Year 2008.

### **Marshyhope Fish Passage /Puckum Branch Nontidal Wetland Project, Dorchester County**

The Puckum Branch Project involved the removal of a dam to provide fish passage and the creation of 6 acres of emergent/scrub-shrub nontidal wetlands. The site is on DNR property located in the Nanticoke River - Marshyhope Creek (02-13-03-06) watershed of Dorchester County. The project was constructed through the combined efforts of the MDE, DNR, Eastern Shore Resource Conservation & Development (RC&D) Council, and the USFWS.

Project Contract	\$13,125.00
Fiscal Year 2007 Payment	\$13,125.00

### **Lynn Farm Property, Harford County**

Lynn Farm is an 8-acre forested nontidal wetland restoration site located in the Lower Susquehanna River - Deer Creek (02-12-02-02) watershed of Harford County. The Department, in conjunction with its contractor, Harford Soil Conservation District, and the landowner restored a nontidal wetland within an existing pasture through minor grading and restoration plantings. Since DNR identified the site as potential bog turtle habitat, the project design incorporated open areas for the turtles. The site provides important wetland functions such as furnishing organic matter to the aquatic food web, filtering sediment and other pollutants, reducing floodwater flow, and providing habitat for fish, frogs, and other wetland and non-wetland dependent wildlife.

Project Contract	\$116,237.00
Fiscal Year 2007 Payment	\$105,000.00

Fiscal Year 2007 Encumbrance \$ 11,237.00\*

\*This project was completed in Fiscal Year 2008.



Lynn Farm Site during construction – 2007



Ditch plug slows water from leaving the site



Lynn Farm wetland mitigation site – 2008



Lynn Farm Wetland Mitigation Site potential bog turtle

### **Federalsburg Repair Project, Caroline County**

Federalsburg is a 12-acre forested, shrub and emergent restoration project in the Marshyhope Creek watershed (02-13-03-06) that was constructed between 1998 and 1999. An erosion problem was observed on the site along the adjacent Marshyhope Creek. The site was stabilized by the Eastern Shore Resource Conservation and Development Council under contract to the Department.

Project Contractual Cost \$33,652.00  
Fiscal Year 2007 Encumbrance \$33,652.00\*

\*This project was completed in Fiscal Year 2008.

**University of Maryland – Indicator of Reduction in Soils (IRIS) Tubes**

MDE installed IRIS tubes at several mitigation sites. This was done as part of a study to evaluate the effectiveness of the MDE’s nontidal wetland mitigation program and to evaluate the use of IRIS tubes in monitoring mitigation sites. IRIS tubes measure the amount of reduction in a soil, an important indicator of hydric soils and a functioning nontidal wetland. IRIS tubes may be especially useful in evaluating the success of wetland mitigation sites, where it may take a long time to develop hydric soils



Installing IRIS tubes at a mitigation site with questionable soil reduction

Project Cost	\$20,000.00
Fiscal Year 2007 Payment	\$20,000.00

<b>STATEMENT OF REVENUES AND EXPENDITURES</b>	
<b>FISCAL YEAR 2007</b>	
<b>July 1, 2006 - June 30, 2007</b>	
<b>REVENUES</b>	
Adjusted Fund Balance as of June 30, 2006	2,511,032.00
Fiscal Year 2007 Revenues	544,923.35
Fiscal Year 2007 Earned Interest	156,436.07
Fiscal Year 2007 Accrued Revenues	0.00
<b>Total Fiscal Year 2007 Revenues</b>	<b>3,212,391.42</b>
<b>EXPENDITURES</b>	
Total Fiscal Year 2007 Expenditures	293,411.04
<b>NONTIDAL WETLAND COMPENSATION FUND BALANCE AS OF JUNE 30, 2007</b>	<b>2,918,980.38</b>

## **FISCAL YEAR 2008 PROGRAMMATIC MITIGATION PROJECTS**

### **Dunn Swamp Farm, Worcester County**

Dunn Swamp Farm is a 20-acre restoration site, which is located in the Pocomoke River - Lower Pocomoke River (02-13-02-02) watershed of Worcester County. The site also lies within the Chesapeake Forest Land tract purchased by DNR. The Department, in cooperation with DNR and the Worcester Soil Conservation District, restored hydrology by grading the site to create small berms and plugging a drainage ditch. The site was then planted with appropriate nontidal wetland vegetation. The manipulation of these agricultural fields restored 13 acres of forested nontidal wetlands and 7 acres emergent nontidal wetlands.

Project Contract	\$66,315.00
Fiscal Year 2008 Payments	\$58,315.00
Fiscal Year 2008 Encumbrance	\$ 8,000.00*

\* This balance was reverted back to the Fund in Fiscal Year 2009.

### **Maryland Environmental Service - Technical and Environmental Assistance**

The Maryland Environmental Service (MES) has completed various tasks for the Wetlands and Waterways division to improve the Mitigation program. They are programming a comprehensive database system to store and organize all of the mitigation data. This should allow the operation of the division to move more smoothly, reduce time spent on data entry, and allow for easy tracking of progress towards No Net Loss. Additionally, MES analyzed soil samples taken as part of the division's detailed mitigation site monitoring effort.

Project Contract	\$32,220.00
Fiscal Year 2008 Payments	\$26,155.00
Fiscal Year 2008 Encumbrance	\$ 6,065.00*

\*This amount was reverted back to the Fund in Fiscal Year 2009.

### **Bathymetric Survey of Jennifer Lake, Frederick County**

Jennifer Lake is a 7-acre lake located in the Lower Monocacy (02-14-03-02) watershed of Frederick County. The Department's Dam Safety Division identified the Jennifer Lake Dam as a high risk for failure, which would create significant environmental damage to the receiving stream. The Homeowners Association (Association) that owns the lake approached MDE's Nontidal Wetlands and Waterways Division (Division) to determine if the dam could be breached and the area behind the dam converted to nontidal wetlands. To determine the feasibility of converting the lake into nontidal wetlands, the Division contracted with the

Maryland Environmental Service to conduct a bathymetric survey. Although the survey showed that wetland creation was a feasible option, the Association has decided not to pursue the project at this time.

Project Contract	\$11,193.52
Fiscal Year 2008 Payments	\$11,193.52

**Mudford Farm, Queen Anne’s County**

Mudford Farm is a 10.3 acre forested wetland restoration located in the Upper Chester River (02-13-05-10) watershed. Through various construction techniques and appropriate plantings, the Department, Queen Anne’s County Soil Conservation District, the Biophilia Foundation, and Chesapeake Wildlife Heritage restored this agricultural land and created a functioning nontidal wetlands.

Project Contractual Cost	\$112,829.00
Fiscal Year 2008 Payment	\$ 0.00
Fiscal Year 2008 Encumbrance	\$112,829.00*

\* Payments of \$101,481.10 and a reversion to the Fund of \$11,347.90 were made in Fiscal Year 2009.

<b>STATEMENT OF REVENUES AND EXPENDITURES</b>	
<b>FISCAL YEAR 2008</b>	
<b>July 1, 2007 - June 30, 2008</b>	
<b>REVENUES</b>	
Adjusted Fund Balance as of June 30, 2007	2,918,980.38
Fiscal Year 2008 Revenues	164,465.72
Fiscal Year 2008 Earned Interest	165,109.22
Fiscal Year 2008 Accrued Revenues	8,700.20
<b>Total Fiscal Year 2008 Revenues</b>	<b>3,257,255.52</b>
<b>EXPENDITURES</b>	
<b>Total Fiscal Year 2008 Expenditures</b>	<b>271,928.54</b>
<b>NONTIDAL WETLAND COMPENSATION FUND</b>	
<b>BALANCE AS OF JUNE 30, 2008</b>	<b>2,985,326.98</b>

## FISCAL YEAR 2009 PROGRAMMATIC MITIGATION PROJECTS

### Benito Lake Family Farm

Benito Lake Family Farm is located within the Transquaking River watershed (02-13-03-08) of Dorchester County. Through a cooperative effort between MDE, the Dorchester Soil Conservation District, and the landowner, a 20-acre agricultural field was restored into forested wetlands through minor excavation and planting.



Benito Lake Family Farm Site during construction –

Project Contract	\$308,411.00
Fiscal Year 2009 Payments	\$230,000.00
Fiscal Year 2009 Encumbrance	\$ 78,411.00

### Showell Project, Worcester County

The Showell Project is located within the Isle of Wight watershed (02-13-01-03) of Worcester County. The Department, in cooperation with the Worcester Soil Conservation District restored an abandoned agricultural field by creating approximately five acres of forested nontidal wetlands. Construction of the project was completed in the summer of 2009 and consisted of impeding drainage through minor excavation, plugging drainage ditches, and planting woody nontidal wetland species.

Project Contract	\$36,190.00
Fiscal Year 2009 Payments	\$0.00
Fiscal Year 2009 Encumbrance	36,190.00



Minor grading at Showell Project - August 2009



Ditch plugs installed at Showell Project - August 2009.

<b>STATEMENT OF REVENUES AND EXPENDITURES</b>	
<b>FISCAL YEAR 2009</b>	
<b>July 1, 2008 - June 30, 2009</b>	
<b>REVENUES</b>	
Adjusted Fund Balance as of June 30, 2008	2,985,326.98
Fiscal Year 2009 Revenues	251,987.30
Fiscal Year 2009 Earned Interest	118,778.18
Fiscal Year 2009 Accrued Revenues	-5,400.20
<b>Total Fiscal Year 2009 Revenues</b>	<b>3,350,692.26</b>
<b>EXPENDITURES</b>	
Total Fiscal Year 2009 Expenditures	458,867.77
<b>NONTIDAL WETLAND COMPENSATION FUND BALANCE AS OF JUNE 30, 2009</b>	<b>2,891,824.49</b>

**VOLUNTARY WETLAND GAINS IN MARYLAND  
1998-2009**

ACTIVITY AND WETLAND TYPE	YEAR						TOTAL
	1998-2004	2005	2006	2007	2008	2009	
Restoration Forest Nontidal Wetland	4,900.59	1.5	315.1	15.5		199.74	5432.43
Restoration Shrub Nontidal Wetland		62.95	10.5	18		19.34	110.79
Restoration Emergent Nontidal Wetland	3230.75	134.1	77.5	216.5	83	22.25	3764.1
Restoration Unknown Nontidal Wetland Type	41	79.75	20		63.7	9.8	214.25
Restoration Tidal Wetland		23.11	7.2			2.82	33.13
Creation Forested Nontidal Wetland	1.75			232.1			233.85
Creation Emergent Nontidal Wetland	140	100.8	24.3	186.4	1.6		453.1
Creation Shrub Nontidal Wetland						21	21
Creation Unknown Nontidal Wetland Type	.14	101	44.4	4.4	87.4		237.34
Creation Tidal Wetland	114.64	47	5.6	14.9	9.07	76.096	267.306
Enhancement Forested Nontidal Wetland	1210.26	52.5	357.8	24.8	252.3	251	2148.66
Enhancement Shrub Nontidal Wetland			6	2			8
Enhancement Emergent Nontidal Wetland	497.89	286.6	66.7	9.2	7.5	182	1049.89

**VOLUNTARY WETLAND GAINS IN MARYLAND, CONTINUED  
1998-2009**

ACTIVITY AND WETLAND TYPE	YEAR						TOTAL
	1998-2004	2005	2006	2007	2008	2009	
Enhancement Unknown Nontidal Wetland Type	175.4	70	70	100	373.9	760	1549.3
Enhancement Tidal Wetland	42,444.01	17,890.5	20,501	29,539.7	11,427.58	772	122,574.79
<b>TOTAL</b>	52,756.43	18,849.81	21,506.1	30,363.5	12,306.05	1556.046	138,097.9

# NONTIDAL WETLAND IMPACT DATA BY WATERSHED SEGMENT (IN ACRES)

1/1/1991 - 6/30/2009

Basin-Code	Watershed Segment	Permanent Impact	Permittee Mitigation	Programmatic Gains	Other Gains	NET
02-05-03-01	CONAWEGO CREEK AREA DRAINAGE	0.00	0.00	0.00	0.00	0.00
<b>02-05-03-00</b>	<b>CONAWEGO CREEK AREA</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
02-12-02-01	LOWER SUSQUEHANNA RIVER AREA DRAINAGE	-1.94	1.54	0.00	0.00	-0.40
02-12-02-02	DEER CREEK DRAINAGE	-1.04	4.08	8.00	5.91	16.95
02-12-02-03	OCTORARO CREEK DRAINAGE	0.00	0.00	2.00	0.00	2.00
02-12-02-04	CONOWINGO DAM SUSQUEHANNA RIVER AREA	-0.09	0.00	0.00	0.00	-0.09
02-12-02-05	BROAD CREEK DRAINAGE	-0.42	0.00	6.00	0.00	5.58
<b>02-12-02-00</b>	<b>LOWER SUSQUEHANNA RIVER AREA</b>	<b>-3.49</b>	<b>5.62</b>	<b>16.00</b>	<b>5.91</b>	<b>24.04</b>
02-13-01-01	ATLANTIC OCEAN	0.00	0.00	0.00	0.00	0.00
02-13-01-02	ASSAWOMAN BAY DRAINAGE	-0.80	0.00	0.00	0.00	-0.80
02-13-01-03	ISLE OF WIGHT BAY DRAINAGE	-77.34	52.44	5.00	1.17	-18.73
02-13-01-04	SINEPUXENT BAY DRAINAGE	-6.59	4.09	0.90	0.09	-1.51
02-13-01-05	NEWPORT BAY DRAINAGE	-6.97	3.45	0.50	0.90	-2.12
02-13-01-06	CHINCOTEAGUE BAY DRAINAGE	-2.13	0.00	16.70	3.92	18.49
<b>02-13-01-00</b>	<b>COASTAL AREA</b>	<b>-93.83</b>	<b>59.98</b>	<b>23.10</b>	<b>6.08</b>	<b>-4.67</b>
02-13-02-01	POCOMOKE SOUND AREA DRAINAGE	-0.57	0.00	0.00	0.00	-0.57
02-13-02-02	LOWER POCOMOKE RIVER AREA DRAINAGE	-8.69	4.77	41.30	0.41	37.79
02-13-02-03	UPPER POCOMOKE RIVER AREA DRAINAGE	-4.40	3.04	50.00	0.00	48.64
02-13-02-04	DIVIDING CREEK DRAINAGE	-0.11	0.00	0.00	0.00	-0.11
02-13-02-05	NASSAWANGO CREEK DRAINAGE	-0.42	0.00	0.00	0.00	-0.42

Basin-Code	Watershed Segment	Permanant Impact	Permittee Mitigation	Programmatic Gains	Other Gains	NET
02-13-02-06	TANGIER SOUND AREA DRAINAGE	-0.54	0.00	0.00	0.04	-0.50
02-13-02-07	BIG ANNEMESSEX RIVER DRAINAGE	-3.04	3.45	0.00	0.00	0.41
02-13-02-08	MANOKIN RIVER DRAINAGE	-2.87	0.77	0.00	0.38	-1.72
<b>02-13-02-00</b>	<b>POCOMOKE RIVER AREA</b>	<b>-20.64</b>	<b>12.03</b>	<b>91.30</b>	<b>0.83</b>	<b>83.52</b>
02-13-03-01	LOWER WICOMICO RIVER AREA DRAINAGE	-41.44	46.38	0.00	1.57	6.51
02-13-03-02	MONIE BAY DRAINAGE	-0.34	0.00	0.00	0.00	-0.34
02-13-03-03	WICOMICO CREEK DRAINAGE	-0.26	0.00	0.00	0.00	-0.26
02-13-03-04	WICOMICO RIVER HEADWATERS AREA	-7.16	3.93	0.00	0.00	-3.23
02-13-03-05	NANTICOKE RIVER AREA DRAINAGE	-3.13	4.37	0.00	2.16	3.40
02-13-03-06	MARSHHOPE CREEK DRAINAGE	-3.28	4.86	26.50	0.03	28.11
02-13-03-07	FISHING BAY AREA DRAINAGE	-6.53	12.56	0.00	0.59	6.62
02-13-03-08	TRANSQUAKING RIVER AREA DRAINAGE	-1.23	6.64	0.00	0.19	5.60
<b>02-13-03-00</b>	<b>NANTICOKE RIVER AREA</b>	<b>-63.37</b>	<b>78.74</b>	<b>26.50</b>	<b>4.54</b>	<b>46.41</b>
02-13-04-01	HONGA RIVER DRAINAGE	-0.83	0.00	0.00	0.01	-0.82
02-13-04-02	LITTLE CHOPTANK RIVER DRAINAGE	-14.42	16.68	3.00	12.72	17.98
02-13-04-03	LOWER CHOPTANK RIVER AREA DRAINAGE	-26.29	12.40	14.00	11.81	11.92
02-13-04-04	UPPER CHOPTANK RIVER AREA DRAINAGE	-15.02	15.49	92.00	12.63	105.10
02-13-04-05	TUCKAHOE CREEK DRAINAGE	-2.25	1.68	2.30	0.00	1.73
<b>02-13-04-00</b>	<b>CHOPTANK RIVER AREA</b>	<b>-58.81</b>	<b>46.25</b>	<b>111.30</b>	<b>37.17</b>	<b>135.91</b>
02-13-05-01	EASTERN BAY AREA DRAINAGE	-8.27	3.00	1.18	0.02	-4.07
02-13-05-02	MILES RIVER DRAINAGE	-7.31	0.59	0.00	0.33	-6.39
02-13-05-03	WYE RIVER DRAINAGE	-1.95	0.61	6.00	0.00	4.66
02-13-05-04	KENT NARROWS - PROSPECT BAY DRAINAGE	-2.28	0.93	0.00	0.00	-1.35
02-13-05-05	LOWER CHESTER RIVER AREA DRAINAGE	-6.39	1.44	1.50	2.90	-0.55

Basin-Code	Watershed Segment	Permanent Impact	Permittee Mitigation	Programmatic Gains	Other Gains	NET
02-13-05-06	LANGFORD CREEK DRAINAGE	-0.54	0.00	0.00	1.50	0.96
02-13-05-07	CORSICA RIVER DRAINAGE	-1.80	1.12	0.00	0.15	-0.53
02-13-05-08	SOUTHEAST CREEK DRAINAGE	-1.33	0.61	0.00	1.40	0.68
02-13-05-09	MIDDLE CHESTER RIVER AREA DRAINAGE	-1.40	0.00	0.20	8.69	7.49
02-13-05-10	UPPER CHESTER RIVER AREA DRAINAGE	-2.31	0.19	16.00	8.34	22.22
02-13-05-11	KENT ISLAND BAY AREA DRAINAGE	-6.41	4.08	11.40	1.00	10.07
<b>02-13-05-00</b>	<b>CHESTER RIVER AREA</b>	<b>-39.99</b>	<b>12.57</b>	<b>36.28</b>	<b>24.33</b>	<b>33.19</b>
02-13-06-01	LOWER ELK RIVER AREA DRAINAGE	-0.29	0.10	0.00	0.00	-0.19
02-13-06-02	BOHEMIA RIVER DRAINAGE	0.00	0.00	0.00	0.00	0.00
02-13-06-03	UPPER ELK RIVER AREA DRAINAGE	-0.72	0.00	0.00	0.00	-0.72
02-13-06-04	BACK CREEK DRAINAGE	-0.11	0.00	0.00	0.00	-0.11
02-13-06-05	LITTLE ELK CREEK DRAINAGE	-1.05	0.21	0.00	0.00	-0.84
02-13-06-06	BIG ELK CREEK DRAINAGE	-1.53	3.66	0.00	0.45	2.58
02-13-06-07	CHRISTINA RIVER DRAINAGE	-1.17	0.87	0.00	0.00	-0.30
02-13-06-08	NORTHEAST RIVER DRAINAGE	-4.80	1.84	0.00	0.21	-2.75
02-13-06-09	FURNACE BAY DRAINAGE	-2.14	2.45	0.00	0.00	0.31
02-13-06-10	SASSAFRAS RIVER DRAINAGE	-0.38	0.00	0.00	0.36	-0.02
02-13-06-11	STILLPOND - FAIRLEE AREA DRAINAGE	-0.33	0.00	0.00	0.50	0.17
<b>02-13-06-00</b>	<b>ELK RIVER AREA</b>	<b>-12.52</b>	<b>9.13</b>	<b>0.00</b>	<b>1.52</b>	<b>-1.87</b>
02-13-07-01	BUSH RIVER DRAINAGE	-10.07	11.60	0.00	0.76	2.29
02-13-07-02	LOWER WINTERS RUN DRAINAGE	-3.73	8.94	0.00	0.00	5.21
02-13-07-03	ATKISSON RESERVOIR DRAINAGE	-5.32	9.36	0.00	0.00	4.04
02-13-07-04	BYNUM RUN DRAINAGE	-8.58	6.58	0.00	0.00	-2.00
02-13-07-05	ABERDEEN PROVING GROUND AREA DRAINAGE	-34.59	50.97	0.00	0.00	16.38
02-13-07-06	SWAN CREEK DRAINAGE	-5.97	7.85	2.20	0.00	4.08

Basin-Code	Watershed Segment	Permanent Impact	Permittee Mitigation	Programmatic Gains	Other Gains	NET
02-13-07-00	BUSH RIVER AREA	-68.26	95.30	2.20	0.76	30.00
02-13-08-01	GUNPOWDER RIVER AREA DRAINAGE	-2.04	9.87	0.00	0.00	7.83
02-13-08-02	LOWER GUNPOWDER FALLS DRAINAGE	-2.59	4.15	0.00	0.02	1.58
02-13-08-03	BIRD RIVER DRAINAGE	-31.81	54.13	0.00	0.00	22.32
02-13-08-04	LITTLE GUNPOWDER FALLS DRAINAGE	-2.06	1.92	7.00	0.00	6.86
02-13-08-05	LOCH RAVEN RESERVOIR DRAINAGE	-1.84	1.19	0.00	0.08	-0.57
02-13-08-06	PRETTYBOY RESERVOIR DRAINAGE	-0.70	0.36	0.00	0.00	-0.34
02-13-08-07	MIDDLE RIVER - BROWNS CREEK DRAINAGE	-2.61	1.90	0.00	0.00	-0.71
02-13-08-00	GUNPOWDER RIVER AREA	-43.65	73.52	7.00	0.10	36.97
02-13-09-01	BACK RIVER DRAINAGE	-8.89	6.42	0.00	0.03	-2.44
02-13-09-02	BODKIN CREEK DRAINAGE	-0.12	0.40	0.00	0.00	0.28
02-13-09-03	BALTIMORE HARBOR AREA DRAINAGE	-15.90	10.14	8.50	0.00	2.74
02-13-09-04	JONES FALLS DRAINAGE	-3.56	12.18	10.00	0.59	19.21
02-13-09-05	GWYNNS FALLS DRAINAGE	-7.38	7.71	0.00	0.63	0.96
02-13-09-06	PATAPSCO RIVER - LOWER N. BRANCH AREA	-18.98	28.07	0.00	0.21	9.30
02-13-09-07	LIBERTY RESERVOIR DRAINAGE	-8.86	8.37	0.00	0.00	-0.49
02-13-09-08	SOUTH BRANCH PATAPSCO RIVER DRAINAGE	-2.51	2.04	3.00	0.00	2.53
02-13-09-00	PATAPSCO RIVER AREA	-66.20	75.33	21.50	1.46	32.09
02-13-10-01	MAGOTHY RIVER AREA DRAINAGE	-2.53	1.18	0.00	0.50	-0.85
02-13-10-02	SEVERN RIVER AREA DRAINAGE	-4.85	0.28	2.50	0.67	-1.40
02-13-10-03	SOUTH RIVER AREA DRAINAGE	-4.86	0.43	0.00	0.37	-4.06
02-13-10-04	WEST RIVER AREA DRAINAGE	-3.43	2.85	0.00	0.00	-0.58
02-13-10-05	OTHER DRAINAGE WEST CHESAPEAKE AREA	-10.36	20.06	1.30	0.00	11.00

Basin-Code	Watershed Segment	Permanent Impact	Permittee Mitigation	Programmatic Gains	Other Gains	NET
02-13-10-00	WEST CHESAPEAKE BAY AREA	-26.03	24.80	3.80	1.54	4.11
02-13-11-01	PATUXENT RIVER LOWER AREA DRAINAGE	-18.33	13.33	0.00	0.15	-4.85
02-13-11-02	PATUXENT RIVER MIDDLE AREA DRAINAGE	-3.76	6.09	9.00	0.00	11.33
02-13-11-03	WESTERN BRANCH DRAINAGE	-21.71	20.10	0.00	4.16	2.55
02-13-11-04	PATUXENT RIVER UPPER AREA DRAINAGE	-7.20	21.89	0.00	0.05	14.74
02-13-11-05	LITTLE PATUXENT RIVER DRAINAGE	-28.48	46.41	2.75	0.71	21.39
02-13-11-06	MIDDLE PATUXENT RIVER DRAINAGE	-9.20	19.51	0.00	0.01	10.32
02-13-11-07	ROCKY GORGE DAM AREA DRAINAGE	-2.79	3.89	0.00	0.00	1.10
02-13-11-08	BRIGHTON DAM AREA DRAINAGE	-0.57	0.67	0.00	0.00	0.10
02-13-11-00	PATUXENT RIVER AREA	-92.04	131.89	11.75	5.08	56.68
02-13-99-96	UPPER CHESAPEAKE BAY	0.00	0.00	0.00	0.00	0.00
02-13-99-97	MIDDLE CHESAPEAKE BAY	0.00	0.00	0.00	0.00	0.00
02-13-99-98	LOWER CHESAPEAKE BAY	0.00	0.00	0.00	0.00	0.00
02-13-99-00	CHESAPEAKE BAY	0.00	0.00	0.00	0.00	0.00
02-14-01-01	POTOMAC RIVER LOWER TIDAL DRAINAGE	-2.43	2.56	0.00	0.00	0.13
02-14-01-02	POTOMAC RIVER MIDDLE AREA DRAINAGE	-0.39	0.00	0.00	0.00	-0.39
02-14-01-03	ST. MARY'S RIVER AREA DRAINAGE	-6.09	6.24	0.00	0.51	0.66
02-14-01-04	BRETON BAY DRAINAGE	-1.61	2.59	0.00	0.00	0.98
02-14-01-05	ST. CLEMENT BAY DRAINAGE	-0.62	0.00	0.00	0.00	-0.62
02-14-01-06	WICOMICO RIVER DRAINAGE	-1.06	0.00	0.00	0.00	-1.06
02-14-01-07	GILBERT SWAMP DRAINAGE	-0.79	2.70	3.60	0.21	5.72
02-14-01-08	ZEKIAH SWAMP DRAINAGE	-7.65	13.57	0.00	2.03	7.95
02-14-01-09	PORT TOBACCO RIVER DRAINAGE	-8.68	33.54	0.00	0.00	24.86
02-14-01-10	NANJEMOY CREEK DRAINAGE	-0.44	0.65	0.00	0.00	0.21

Basin-Code	Watershed Segment	Permanent Impact	Permittee Mitigation	Programmatic Gains	Other Gains	NET
02-14-01-11	MATTAWOMAN CREEK DRAINAGE	-27.42	45.39	13.50	0.00	31.47
02-14-01-12	LOWER POTOMAC RIVER - VIRGINIA DRG.	0.00	0.00	0.00	0.00	0.00
<b>02-14-01-00</b>	<b>LOWER POTOMAC RIVER AREA</b>	<b>-57.18</b>	<b>107.24</b>	<b>17.10</b>	<b>2.75</b>	<b>69.91</b>
02-14-02-01	POTOMAC RIVER UPPER AREA DRAINAGE	-5.89	1.50	0.00	0.00	-4.39
02-14-02-02	POTOMAC RIVER MONTGOMERY COUNTY AREA	-3.99	1.38	6.00	11.39	14.78
02-14-02-03	PISCATAWAY CREEK DRAINAGE	-5.83	14.18	2.20	0.00	10.55
02-14-02-04	OXON CREEK DRAINAGE	-0.47	0.00	0.00	0.00	-0.47
02-14-02-05	ANACOSTIA RIVER DRAINAGE	-26.92	32.91	0.00	1.31	7.30
02-14-02-06	ROCK CREEK DRAINAGE	-1.97	3.35	0.00	0.25	1.63
02-14-02-07	CABIN JOHN CREEK DRAINAGE	-1.77	1.12	0.00	0.00	-0.65
02-14-02-08	SENECA CREEK DRAINAGE	-7.55	14.85	0.00	0.83	8.13
02-14-02-09	WASHINGTON METROPOLITAN AREA - VIRGINIA DR	0.00	0.00	0.00	0.00	0.00
<b>02-14-02-00</b>	<b>WASHINGTON METROPOLITAN AREA</b>	<b>-54.39</b>	<b>69.29</b>	<b>8.20</b>	<b>13.78</b>	<b>36.88</b>
02-14-03-01	POTOMAC RIVER FREDERICK CO. AREA	-0.35	0.00	0.00	0.00	-0.35
02-14-03-02	LOWER MONOCACY RIVER DRAINAGE	-5.21	6.73	37.50	0.38	39.40
02-14-03-03	UPPER MONOCACY RIVER DRAINAGE	-2.06	1.97	0.00	0.00	-0.09
02-14-03-04	DOUBLE PIPE CREEK DRAINAGE	-3.61	4.29	18.58	0.00	19.26
02-14-03-05	CATOCTIN CREEK DRAINAGE	-1.00	0.00	0.66	0.17	-0.17
02-14-03-06	MIDDLE POTOMAC RIVER AREA - VIRGINIA DRG.	0.00	0.00	0.00	0.00	0.00
<b>02-14-03-00</b>	<b>MIDDLE POTOMAC RIVER AREA</b>	<b>-12.23</b>	<b>12.99</b>	<b>56.74</b>	<b>0.55</b>	<b>58.05</b>
02-14-05-01	POTOMAC RIVER WASHINGTON CO. AREA	-1.48	0.13	0.00	0.00	-1.35
02-14-05-02	ANTIETAM CREEK DRAINAGE	-0.48	0.00	1.00	0.00	0.52
02-14-05-03	MARSH RUN DRAINAGE	-0.11	0.00	0.00	0.00	-0.11
02-14-05-04	CONOCOCHEAQUE CREEK DRAINAGE	-0.95	0.82	0.00	0.00	-0.13

Basin-Code	Watershed Segment	Permanent Impact	Permittee Mitigation	Programmatic Gains	Other Gains	NET
02-14-05-05	LITTLE CONOCOHEAGUE CREEK DRAINAGE	0.00	0.00	0.00	0.00	0.00
02-14-05-06	LICKING CREEK DRAINAGE	0.00	0.00	0.00	0.00	0.00
02-14-05-07	TONOLOWAY CREEK	-0.03	0.00	0.00	0.00	-0.03
02-14-05-08	POTOMAC RIVER ALLEGANY CO. AREA	0.00	0.00	0.00	0.00	0.00
02-14-05-09	LITTLE TONOLOWAY CREEK DRAINAGE	0.00	0.00	0.00	0.00	0.00
02-14-05-10	SIDELING HILL CREEK DRAINAGE	0.00	0.00	0.00	0.00	0.00
02-14-05-11	FIFTEEN MILE CREEK	0.00	0.00	0.00	0.00	0.00
02-14-05-12	TOWN CREEK DRAINAGE	-0.25	0.00	0.00	0.00	-0.25
02-14-05-13	UPPER POTOMAC RIVER AREA - W. VIRGINIA	0.00	0.00	0.00	0.00	0.00
<b>02-14-05-00</b>	<b>UPPER POTOMAC RIVER AREA</b>	<b>-3.30</b>	<b>0.95</b>	<b>1.00</b>	<b>0.00</b>	<b>-1.35</b>
02-14-10-01	LOWER NORTH BRANCH POTOMAC RIVER AREA	-5.14	6.77	0.00	0.05	1.68
02-14-10-02	EVITTS CREEK DRAINAGE	-1.31	1.55	0.50	2.40	3.14
02-14-10-03	WILLS CREEK DRAINAGE	-0.74	0.42	0.00	0.00	-0.32
02-14-10-04	GEORGES CREEK DRAINAGE	-1.24	0.92	0.00	0.00	-0.32
02-14-10-05	UPPER N. BRANCH POTOMAC RIVER AREA	-0.24	0.22	0.00	4.20	4.18
02-14-10-06	SAVAGE RIVER DRAINAGE	-0.63	0.00	0.00	0.55	-0.08
02-14-10-07	N. BRANCH POTOMAC RIVER AREA W. VIRGINIA	0.00	0.00	0.00	0.00	0.00
<b>02-14-10-00</b>	<b>NORTH BRANCH POTOMAC RIVER AREA</b>	<b>-9.30</b>	<b>9.88</b>	<b>0.50</b>	<b>7.20</b>	<b>8.28</b>
05-02-02-01	YOUHIOGHENY RIVER DRAINAGE	-1.06	0.10	0.00	0.00	-0.96
05-02-02-02	LITTLE YOUHIOGHENY RIVER DRAINAGE	-1.57	1.55	0.00	0.00	-0.02
05-02-02-03	DEEP CREEK LAKE DRAINAGE	-0.69	0.00	0.00	0.00	-0.69
05-02-02-04	CASSELLMAN RIVER DRAINAGE	-0.90	0.39	1.00	1.90	2.39
<b>05-02-02-00</b>	<b>YOUHIOGHENY RIVER AREA</b>	<b>-4.22</b>	<b>2.04</b>	<b>1.00</b>	<b>1.90</b>	<b>0.72</b>

<i>Basin-Code</i>	<i>Watershed Segment</i>	<i>Permanent Impact</i>	<i>Permittee Mitigation</i>	<i>Programmatic Gains</i>	<i>Other Gains</i>	<i>NET</i>
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<b><i>Grand Total</i></b>		<b>-729.45</b>	<b>827.55</b>	<b>435.27</b>	<b>115.50</b>	<b>648.87</b>