



# NONTIDAL WETLAND COMPENSATION FUND FISCAL YEAR 2010 REPORT

*Prepared for the  
Maryland General Assembly*



Russell Train Site during Construction

**Wetlands and Waterways Program  
Water Management Administration  
1800 Washington Boulevard, Suite 430  
Baltimore, Maryland 21230**



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor  
Robert M. Summers, Ph.D., Acting Secretary

1800 Washington Blvd.  
Baltimore, MD 21230  
410-537-3000  
[www.mde.state.md.us](http://www.mde.state.md.us)

**NONTIDAL WETLAND COMPENSATION FUND  
ANNUAL REPORT FOR FISCAL YEAR 2010**

**TABLE OF CONTENTS**

<b>Requirement.....</b>	<b>1</b>
<b>Fund Use.....</b>	<b>1</b>
<b>Background.....</b>	<b>1</b>
<b>Nontidal Wetland Protection Act.....</b>	<b>2</b>
<b>Regulatory Program.....</b>	<b>2</b>
<b>Mitigation Program.....</b>	<b>3</b>
<b>Monitoring Program.....</b>	<b>3</b>
<b>Additional Mitigation Opportunities for Nontidal Wetlands.....</b>	<b>4</b>
<b>Federal Compensatory Mitigation Rule</b>	<b>4</b>
<b>Summary.....</b>	<b>6</b>
<b>Fiscal Year 2010 Programmatic Projects.....</b>	<b>7</b>
<b>Russell Train, Lower Choptank Watershed, Talbot County.....</b>	<b>7</b>
<b>Fiscal Year 2010 Financial Data.....</b>	<b>9</b>
<b>Voluntary Wetland Gains in Maryland.....</b>	<b>10</b>
<b>Nontidal Wetland Impact Data.....</b>	<b>12</b>

# **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 Maryland Department of the Environment (Department or MDE) 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 Fiscal Year 2010.

## **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 federal 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, 2010, 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.

### **Regulatory Program**

The Department's wetlands and waterways regulatory program provides State government with an opportunity to promote environmentally sensitive development. Through its permit application review process, MDE attempts to prevent wetland loss by requiring an applicant to evaluate project designs that will avoid wetland impacts. Based on this evaluation of alternatives, if MDE finds that impacts are unavoidable, the applicant is required to utilize the project design that will minimize the wetland impacts and provide appropriate mitigation for those impacts.

Mitigation, required for all unavoidable impacts that are authorized by MDE, means that the applicant must replace lost wetland acreage, function and value. This is usually accomplished by requiring the creation of new wetlands, restoration of relic wetlands, enhancement of degraded wetlands or some acceptable combination. The Department may also accept monetary compensation if it is determined that mitigation for nontidal wetland losses is not a feasible alternative. The payment is deposited into the State's Nontidal Wetlands Compensation Fund and used by the State to construct nontidal wetlands throughout Maryland.

## **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 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. While Permittee mitigation represents 55% of the projects, it is responsible for approximately 87% of the acreage required to achieve the State’s no-net-loss goal.
- Programmatic mitigation 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. While programmatic mitigation represents 45% of the projects, it is responsible for approximately 13% of the acreage required to achieve the State’s no-net-loss goal.

This report summarizes the use of the Nontidal Wetland Compensation Fund for mitigation activities undertaken by MDE during Fiscal Year 2010.

## **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.

The Department completed a comprehensive evaluation of its compensatory mitigation program in 2007. As a result of the evaluation, MDE 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 gains.

## **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 the 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.

## **FEDERAL COMPENSATORY MITIGATION RULE**

On April 10, 2008, the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA) published a new Compensatory Mitigation Rule (Mitigation Rule) clarifying how to provide compensatory mitigation for unavoidable impacts to the nation's wetlands and streams. The premise is that the rule will promote greater consistency, predictability and ecological success of mitigation projects under the Clean Water Act. According to EPA, the primary goals of the Mitigation Rule are to:

- Implement environmentally effective standards for compensatory mitigation that are based on best available science and incorporate key National Research Council recommendations for improving the success of compensatory mitigation;
- Create a "level playing field" among the three compensatory mitigation mechanisms through equivalent standards and greater accountability, so that providers of timely, high-quality mitigation are preferred, because there is greater assurance that the compensatory mitigation will be successful;
- Increase the efficiency and predictability of the process of proposing compensatory mitigation and approving new mitigation banks and in-lieu fee programs; and
- Enhance public participation in compensatory mitigation decision-making.

The most significant change required by the Mitigation Rule is that projects provided by all three compensation mechanisms (i.e., permittee-responsible compensatory mitigation, mitigation banks, and in-lieu fee mitigation) must have mitigation plans which include the same 12 fundamental components: objectives; site selection criteria; site protection instruments (e.g., conservation easements); baseline information (for impact and compensation sites); credit determination methodology; a mitigation work plan; a maintenance plan; ecological performance standards; monitoring requirements; a long-term management plan; an adaptive management

plan; and financial assurances. In addition, the Mitigation Rule requires a watershed approach to locating mitigation. The Mitigation Rule also changes the hierarchy of acceptable mitigation projects. The most preferred option is mitigation bank credits, which are usually in place before the activity is permitted. In-lieu fee program credits are second in the preference hierarchy, because they may involve larger, more ecologically valuable compensatory mitigation projects as compared to permittee-responsible mitigation. Permittee-responsible mitigation is the third option.

The Mitigation Rule became effective on June 9, 2008. According to EPA, the Mitigation Rule revises the requirements for in-lieu fee (ILF) programs in order to address concerns regarding their past performance and equivalency with the standards imposed on mitigation banks and permittee-responsible mitigation. The reforms to improve accountability and performance include:

- 1) An advance planning requirement;
- 2) A cap on the number of advance credits that can be released for sale before an ILF project site is secured and a mitigation plan is approved;
- 3) Improved financial accounting requirements; and
- 4) The same interagency/public review and ecological/administrative requirements as mitigation banks.

While the Mitigation Rule sets strict requirements for all mitigation options, it has additional requirements for mitigation banks and ILF programs. Among other things, an Interagency Review Team (IRT) must review the financial assurances, credit release schedule, service areas, long-term management plan, and reporting information. In-lieu fee programs must include a comprehensive planning framework to be used when selecting mitigation sites. To meet this requirement, MDE will utilize its mitigation prioritization documents and a GIS-based Watershed Resource Registry developed by an interagency workgroup, which included MDE.

The Department's nontidal wetlands ILF Program, which is funded through the Nontidal Wetland Compensation Fund, has been operating since 1991 and is both well-established and successful. Historically, the majority of projects permitted by MDE authorized minor wetland impacts, which required small mitigation projects. The purpose of the ILF programs is to accept monetary payments from permittees with small mitigation requirements, so that MDE can construct larger, more environmentally sustainable projects. Since the Mitigation Rule attempts to transform ILF programs into mitigation banks, and the State does not currently operate its program as a bank, Maryland must re-evaluate its existing programs for compliance with the Mitigation Rule.

Currently, an IRT comprised of the USACE, EPA, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and the Maryland Department of Natural Resources is evaluating MDE's ILF programs. While the USACE has suggested that the rule is very flexible, the results of this review will certainly require MDE to modify its regulations to address the myriad of new federal requirements. Another consequence is that expenditures from the Nontidal Wetlands Compensation Fund will be significantly reduced or completely stopped until the IRT has completed its review, and the USACE and MDE sign an ILF Instrument.

## 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 MDE has determined that mitigation is not a feasible alternative.



## FISCAL YEAR 2010 PROGRAMMATIC MITIGATION PROJECTS

### Russell Train

The Russell Train project has been designed to restore approximately 17 acres of previously drained cropland into wetland and approximately 36 acres of cropland into forest and warm season grasses. An additional 3 acres of cropland will be converted to a food plot for wildlife habitat. Through a cooperative effort between MDE, the Talbot Soil Conservation District, and the landowner, construction for this site began in late summer 2010. Construction is scheduled to be completed in 2011, with the planting of warm season grasses to commence in fall 2011 and the planting of trees and shrubs in Spring 2012. This site is within Talbot County Critical Area drainage to Broad Creek, in the Lower Choptank watershed (02-13-04-03).



Russell Train Site prior to construction

Project Cost:	\$469,670.00
Fiscal Year 2010 Payments:	\$105,000.00
Fiscal Year 2010 Encumbrances:	\$364,670.00



Russell Train Site during construction



Russell Train Site during construction



Russell Train Site during construction



Russell Train Site Area #3 after grading



Russell Train Site Area #3 after grading



Russell Train Site Area #3 after grading



Russell Train Site Area #3 after grading

**FISCAL YEAR 2010**  
**July 1, 2009 - June 30, 2010**

<b>REVENUES</b>	
<b>Fund Balance as of June, 2009</b>	<b>\$2,891,824.49</b>
Fiscal Year 2010 Revenue	313,534.14
Fiscal Year 2010 Earned Interest	0.00
Fiscal Year 2010 Accrued Revenues	21,577.00
<b>Total Fiscal Year 2010 Revenues</b>	<b>\$3,226,935.63</b>
<b>EXPENDITURES</b>	
Total Fiscal Year 2010 Expenditures	\$ 325,283.79
<b>NONTIDAL WETLAND COMPENSATION FUND BALANCE AS OF JUNE 30, 2010</b>	<b>\$2,901,651.84</b>

**VOLUNTARY WETLAND ACREAGE GAINS IN MARYLAND  
1998-2010**

ACTIVITY AND WETLAND TYPE	YEAR						TOTAL
	1998-2005	2006	2007	2008	2009	2010	
Restoration Forest Nontidal Wetland	4902.09	315.1	15.5		199.74	41	5473.43
Restoration Shrub Nontidal Wetland	62.95	10.5	18		19.34		110.79
Restoration Emergent Nontidal Wetland	3364.85	77.5	216.5	83	35.25	26.95	3804.05
Restoration Unknown Nontidal Wetland Type	120.75	20		63.7	9.8		214.25
Restoration Tidal Wetland	23.11	7.2			2.82	1.1	34.23
Creation Forested Nontidal Wetland	1.75		232.1				233.85
Creation Emergent Nontidal Wetland	240.8	24.3	186.4	1.6		5.23	458.24
Creation Shrub Nontidal Wetland					11		11
Creation Unknown Nontidal Wetland Type	101.14	44.4	4.4	87.4		64.87	302.177
Creation Tidal Wetland	161.64	5.6	14.9	9.07	76.096	20.001	287.307
Enhancement Forested Nontidal Wetland	1262.76	357.8	24.8	252.3	251	368.4	2148.66
Enhancement Shrub Nontidal Wetland		6	2				8

**VOLUNTARY WETLAND ACREAGE GAINS IN MARYLAND, CONTINUED  
1998-2010**

ACTIVITY AND WETLAND TYPE	YEAR						TOTAL
	1998-2005	2006	2007	2008	2009	2010	
Enhancement Emergent Nontidal Wetland	784.49	66.7	9.2	7.5	179	135.9	1182.79
Enhancement Unknown Nontidal Wetland Type	245.4	70	100	373.9	760	25	1574.3
Enhancement Tidal Wetland	60,334.51	20,501	29,539.7	11,427.58	772	10,696.9	133,271.69
<b>TOTAL</b>	71,606.24	21,506.1	30,363.5	12,306.05	2,316.046	11,385.351	149,483.2

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

1/1/1991 - 6/30/2010

<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>
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	-2.05	1.54	0.00	0.00	-0.51
02-12-02-02	DEER CREEK DRAINAGE	-1.17	4.08	8.00	5.91	16.82
02-12-02-03	OCTORARO CREEK DRAINAGE	-0.13	0.00	2.00	0.00	1.87
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	-0.47	0.00	6.00	0.00	5.53
<b>02-12-02-00</b>	<b>LOWER SUSQUEHANNA RIVER AREA</b>	<b>-3.91</b>	<b>5.62</b>	<b>16.00</b>	<b>5.91</b>	<b>23.62</b>
02-13-01-01	ATLANTIC OCEAN	0.00	0.00	0.00	0.00	0.00
02-13-01-02	ASSAWOMAN BAY DRAINAGE	-0.85	0.00	0.00	0.00	-0.85
02-13-01-03	ISLE OF WIGHT BAY DRAINAGE	-33.45	61.15	10.00	1.17	-11.13
02-13-01-04	SINEPUXENT BAY DRAINAGE	-6.69	4.09	0.90	0.15	-1.55
02-13-01-05	NEWPORT BAY DRAINAGE	-7.08	3.45	0.50	0.90	-2.23
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>-100.20</b>	<b>68.69</b>	<b>28.10</b>	<b>6.14</b>	<b>2.73</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	-8.95	4.77	41.30	0.41	37.53
02-13-02-03	UPPER POCOMOKE RIVER AREA DRAINAGE	-6.57	5.21	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	-0.48	0.00	0.00	0.00	-0.48

<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>
02-13-02-06	TANGIER SOUND AREA DRAINAGE	-0.62	0.05	0.00	0.04	-0.52
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	-2.97	0.77	0.00	0.38	-1.82
<b>02-13-02-00</b>	<b>POCOMOKE RIVER AREA</b>	<b>-23.31</b>	<b>14.26</b>	<b>91.30</b>	<b>0.83</b>	<b>83.08</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	-7.17	3.93	0.00	0.00	-3.24
02-13-03-05	NANTICOKE RIVER AREA DRAINAGE	-3.23	4.37	0.00	2.16	3.30
02-13-03-06	MARSHYHOPE CREEK DRAINAGE	-3.28	4.86	26.50	0.03	28.11
02-13-03-07	FISHING BAY AREA DRAINAGE	-7.41	12.99	0.00	0.59	6.17
02-13-03-08	TRANSQUAKING RIVER AREA DRAINAGE	-1.35	6.64	20.00	0.19	25.48
<b>02-13-03-00</b>	<b>NANTICOKE RIVER AREA</b>	<b>-64.48</b>	<b>79.17</b>	<b>46.50</b>	<b>4.54</b>	<b>65.73</b>
02-13-04-01	HONGA RIVER DRAINAGE	-0.94	0.00	0.00	0.01	-0.93
02-13-04-02	LITTLE CHOPTANK RIVER DRAINAGE	-20.00	27.56	3.00	12.72	23.28
02-13-04-03	LOWER CHOPTANK RIVER AREA DRAINAGE	-26.85	12.40	14.00	11.81	11.36
02-13-04-04	UPPER CHOPTANK RIVER AREA DRAINAGE	-15.45	16.24	92.00	12.63	105.42
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>-65.49</b>	<b>57.88</b>	<b>111.30</b>	<b>37.17</b>	<b>140.86</b>
02-13-05-01	EASTERN BAY AREA DRAINAGE	-8.36	3.00	1.91	0.02	-3.43
02-13-05-02	MILES RIVER DRAINAGE	-8.60	0.65	0.00	0.33	-7.62
02-13-05-03	WYE RIVER DRAINAGE	-2.20	0.61	6.00	0.00	4.41
02-13-05-04	KENT NARROWS - PROSPECT BAY DRAINAGE	-2.29	0.93	0.00	0.00	-1.36
02-13-05-05	LOWER CHESTER RIVER AREA DRAINAGE	-7.01	1.92	1.50	2.90	-0.69

<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>
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	-1.37	0.62	0.00	1.40	0.65
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	-2.33	0.19	18.30	8.34	24.50
02-13-05-11	KENT ISLAND BAY AREA DRAINAGE	-7.47	4.18	11.40	1.00	9.11
<b>02-13-05-00</b>	<b>CHESTER RIVER AREA</b>	<b>-43.37</b>	<b>13.22</b>	<b>39.31</b>	<b>24.33</b>	<b>33.49</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	-0.76	0.00	0.00	0.00	-0.76
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	-1.75	3.66	0.00	0.45	2.36
02-13-06-07	CHRISTINA RIVER DRAINAGE	-1.22	0.87	0.00	0.00	-0.35
02-13-06-08	NORTHEAST RIVER DRAINAGE	-4.95	1.84	0.00	0.21	-2.90
02-13-06-09	FURNACE BAY DRAINAGE	-2.23	2.45	0.00	0.00	0.22
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>-13.07</b>	<b>9.13</b>	<b>0.00</b>	<b>1.52</b>	<b>-2.42</b>
02-13-07-01	BUSH RIVER DRAINAGE	-12.15	12.44	0.00	0.75	1.05
02-13-07-02	LOWER WINTERS RUN DRAINAGE	-3.75	8.94	0.00	0.00	5.19
02-13-07-03	ATKISSON RESERVOIR DRAINAGE	-5.35	9.36	0.00	0.00	4.01
02-13-07-04	BYNUM RUN DRAINAGE	-8.56	6.58	0.00	0.00	-2.98
02-13-07-05	ABERDEEN PROVING GROUND AREA DRAINAGE	-38.41	57.82	0.00	0.00	19.41
02-13-07-06	SWAN CREEK DRAINAGE	-6.83	7.85	2.20	0.00	3.22



<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>
<b>02-13-07-00</b>	<b>BUSH RIVER AREA</b>	<b>-76.05</b>	<b>102.99</b>	<b>2.20</b>	<b>0.76</b>	<b>29.90</b>
02-13-03-01	GUNPOWDER RIVER AREA DRAINAGE	-2.19	9.87	0.00	0.00	7.68
02-13-03-02	LOWER GUNPOWDER FALLS DRAINAGE	-2.59	5.03	0.00	0.02	2.46
02-13-03-03	BIRD RIVER DRAINAGE	-31.81	54.13	0.00	0.00	22.32
02-13-03-04	LITTLE GUNPOWDER FALLS DRAINAGE	-2.06	1.92	7.30	0.00	6.86
02-13-03-05	LOCH RAVEN RESERVOIR DRAINAGE	-2.30	1.19	0.30	0.08	-1.03
02-13-03-06	PRETTYBOY RESERVOIR DRAINAGE	-0.70	0.36	0.30	0.00	-0.34
02-13-03-07	MIDDLE RIVER - BROWNS CREEK DRAINAGE	-2.81	1.90	0.30	0.00	-0.91
<b>02-13-08-00</b>	<b>GUNPOWDER RIVER AREA</b>	<b>-44.46</b>	<b>74.40</b>	<b>7.00</b>	<b>0.10</b>	<b>37.04</b>
02-13-09-01	BACK RIVER DRAINAGE	-9.61	6.42	0.00	0.06	-3.13
02-13-09-02	BODKIN CREEK DRAINAGE	-0.15	0.40	0.00	0.00	0.25
02-13-09-03	BALTIMORE HARBOR AREA DRAINAGE	-16.28	10.14	8.50	0.00	2.36
02-13-09-04	JONES FALLS DRAINAGE	-3.62	12.31	5.00	0.59	14.28
02-13-09-05	GWYNNNS FALLS DRAINAGE	-9.22	11.43	0.00	0.63	2.84
02-13-09-06	PATAPSCO RIVER - LOWER N. BRANCH AREA	-23.39	27.29	0.00	0.21	4.11
02-13-09-07	LIBERTY RESERVOIR DRAINAGE	-8.98	8.37	0.00	0.00	-0.61
02-13-09-08	SOUTH BRANCH PATAPSCO RIVER DRAINAGE	-3.09	2.04	3.00	0.00	1.95
<b>02-13-09-00</b>	<b>PATAPSCO RIVER AREA</b>	<b>-74.34</b>	<b>78.40</b>	<b>16.50</b>	<b>1.49</b>	<b>22.05</b>
02-13-10-01	MAGOTHY RIVER AREA DRAINAGE	-2.65	1.18	0.00	0.50	-0.97
02-13-10-02	SEVERN RIVER AREA DRAINAGE	-5.78	0.73	0.00	0.67	-4.38
02-13-10-03	SOUTH RIVER AREA DRAINAGE	-4.93	0.43	0.00	0.37	-4.13
02-13-10-04	WEST RIVER AREA DRAINAGE	-4.34	5.05	0.00	0.00	0.71
02-13-10-05	OTHER DRAINAGE WEST CHESAPEAKE AREA	-10.55	21.25	1.30	0.00	12.00

<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>
02-13-10-00	WEST CHESAPEAKE BAY AREA	-28.25	29.64	1.30	1.54	3.23
02-13-11-01	PATUXENT RIVER LOWER AREA DRAINAGE	-19.38	15.50	0.00	0.15	-3.73
02-13-11-02	PATUXENT RIVER MIDDLE AREA DRAINAGE	-3.77	6.09	9.00	0.00	11.32
02-13-11-03	WESTERN BRANCH DRAINAGE	-24.61	20.10	0.00	4.16	-0.35
02-13-11-04	PATUXENT RIVER UPPER AREA DRAINAGE	-8.52	22.68	0.00	0.05	14.21
02-13-11-05	LITTLE PATUXENT RIVER DRAINAGE	-30.97	46.87	2.75	1.98	20.63
02-13-11-06	MIDDLE PATUXENT RIVER DRAINAGE	-9.65	19.51	0.00	0.01	9.87
02-13-11-07	ROCKY GORGE DAM AREA DRAINAGE	-3.40	3.89	0.00	0.00	0.49
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	-106.87	135.31	11.75	6.35	52.54
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	-2.54	2.57	0.00	0.00	0.03
02-14-01-02	POTOMAC RIVER MIDDLE AREA DRAINAGE	-0.39	0.67	0.00	0.00	0.28
02-14-01-03	ST. MARY'S RIVER AREA DRAINAGE	-6.54	6.24	0.00	0.51	0.21
02-14-01-04	BRETON BAY DRAINAGE	-2.59	2.59	0.00	0.00	0.00
02-14-01-05	ST. CLEMENT BAY DRAINAGE	-0.69	0.00	0.00	0.00	-0.69
02-14-01-06	WICOMICO RIVER DRAINAGE	-1.15	0.00	0.00	0.00	-1.15
02-14-01-07	GILBERT SWAMP DRAINAGE	-0.99	2.70	3.60	0.21	5.52
02-14-01-08	ZEKIAH SWAMP DRAINAGE	-8.20	16.82	0.00	2.03	9.65
02-14-01-09	PORT TOBACCO RIVER DRAINAGE	-8.61	40.46	0.00	0.18	31.03
02-14-01-10	NANJEMOY CREEK DRAINAGE	-0.53	0.65	0.00	0.00	0.12

<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>
02-14-01-11	MATTAWOMAN CREEK DRAINAGE	-27.69	45.39	13.50	0.00	31.20
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>-61.92</b>	<b>118.09</b>	<b>17.10</b>	<b>2.93</b>	<b>76.20</b>
02-14-02-01	POTOMAC RIVER UPPER AREA DRAINAGE	-6.01	1.50	0.00	0.00	-4.51
02-14-02-02	POTOMAC RIVER MONTGOMERY COUNTY AREA	-4.82	1.38	6.00	11.39	13.95
02-14-02-03	PISCATAWAY CREEK DRAINAGE	-9.13	14.18	2.20	0.00	7.25
02-14-02-04	OXON CREEK DRAINAGE	-0.47	0.00	0.00	0.00	-0.47
02-14-02-05	ANACOSTIA RIVER DRAINAGE	-40.42	86.87	0.00	1.60	48.05
02-14-02-06	ROCK CREEK DRAINAGE	-8.23	13.55	0.00	0.25	5.57
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	-9.03	14.85	0.00	0.83	6.65
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>-79.88</b>	<b>133.45</b>	<b>8.20</b>	<b>14.07</b>	<b>75.84</b>
02-14-03-01	POTOMAC RIVER FREDERICK CO. AREA	-0.40	0.00	0.00	0.00	-0.40
02-14-03-02	LOWER MONOCACY RIVER DRAINAGE	-6.46	6.73	37.50	0.38	38.15
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	-3.67	4.29	18.58	0.00	19.20
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>-13.99</b>	<b>12.99</b>	<b>56.74</b>	<b>0.55</b>	<b>56.69</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	-0.54	0.00	1.00	0.00	0.46
02-14-05-03	MARSH RUN DRAINAGE	-0.11	0.00	0.00	0.00	-0.11
02-14-05-04	CONOCOCHIEAGUE CREEK DRAINAGE	-0.95	0.82	0.00	0.00	-0.13

<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>
02-14-05-05	LITTLE CONOCOCHIEGUE 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>-3.36</b>	<b>0.95</b>	<b>1.00</b>	<b>0.00</b>	<b>-1.41</b>
02-14-10-01	LOWER NORTH BRANCH POTOMAC RIVER AREA	-5.18	6.77	0.00	0.05	1.64
02-14-10-02	EVITTS CREEK DRAINAGE	-1.40	1.55	0.50	2.40	3.05
02-14-10-03	WILLS CREEK DRAINAGE	-0.80	0.42	0.00	0.00	-0.38
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	-0.28	0.22	0.00	4.20	4.14
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>-9.53</b>	<b>9.89</b>	<b>0.50</b>	<b>7.20</b>	<b>8.05</b>
05-02-02-01	YOUGHIOGHENY RIVER DRAINAGE	-1.06	0.10	0.00	0.00	-0.96
05-02-02-02	LITTLE YOUGHIOGHENY RIVER DRAINAGE	-1.66	1.55	0.00	0.00	-0.11
05-02-02-03	DEEP CREEK LAKE DRAINAGE	-0.74	0.00	0.00	0.00	-0.74
05-02-02-04	CASSELMAN RIVER DRAINAGE	-1.01	0.39	1.00	1.90	2.28
<b>05-02-02-00</b>	<b>YOUGHIOGHENY RIVER AREA</b>	<b>-4.47</b>	<b>2.04</b>	<b>1.00</b>	<b>1.90</b>	<b>0.47</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>
<i>Grand Total</i>		<i>-810.55</i>	<i>945.11</i>	<i>455.80</i>	<i>117.33</i>	<i>707.69</i>