

# Nontidal Wetlands of Special State Concern



Maryland Department of the Environment

## What are nontidal wetlands of Special State Concern ?

Nontidal wetlands of Special State Concern are the best examples of Maryland's nontidal wetland habitats and are designated for special protection under the State's nontidal wetlands regulations. These 365 wetland sites with exceptional ecological and educational value offer landowners opportunities to observe and safeguard the beauty and natural diversity of Maryland's best remaining wetlands. Many of these special wetlands contain the last remaining populations of native plants and animals that are now rare and threatened with extinction in the state.

## Is the wetland on my property a designated wetland of Special State Concern ?

All soil conservation district offices, County planning and zoning offices, and Forestry Division offices of the Department of Natural Resources (DNR) have wetland maps that highlight wetlands of Special State Concern. Before undertaking any agricultural, forestry or development activities, visit one of these offices and ask to see the Nontidal Wetland Guidance map for your area.

## What kinds of wetlands receive this special protection?

Here are a few examples...

**Bogs** are open, acidic, wetlands with few of the nutrients most common plants need to survive. Rare plants such as cranberries, Leatherleaf shrubs, and carnivorous pitcher plants grow on a mat of sphagnum moss, sedges, and peat. The State Endangered Bog Copper Butterfly lays its eggs on the State Threatened Small Cranberry in western Maryland bogs.

**Delmarva Bays** are depressions on the Eastern Shore that fill with water in the winter and spring, and dry in late summer and fall. As water recedes, many rare plants such as Canby's Dropwort and Harper's Fimbristylis, both State Endangered and nationally rare, grow from seeds in the damp, exposed soil. Endangered Eastern Tiger Salamanders breed in January, often under ice, while the Endangered Barking Tree Frog and Carpenter Frog (listed as In Need of Conservation) await the warmer weather of spring and summer to breed in the bays.

**Coniferous Swamp Forests**, such as cool, shaded spruce and hemlock forests in Garrett County, are uncommon in Maryland. Scattered among the mosses and liverworts that carpet the forest floor are Endangered wildflowers such as the orchids Appalachian Twayblade and Early Coralroot. Northern birds, including the rare Golden-crowned Kinglet and State Threatened Blackburnian Warbler, nest in these swamps.

## How do the Nontidal Wetlands Regulations affect activities in wetlands of Special State Concern ?

### DEVELOPMENT ACTIVITIES...

Activities which involve any clearing of vegetation, filling, excavating, flooding or draining are regulated within wetlands of Special State Concern and an expanded buffer of 100 ft. in width surrounding the wetland. As with proposed activities in all nontidal wetlands, alternatives that avoid and minimize impacts to wetlands must be evaluated. Permit applications for wetlands of Special State Concern will receive the most stringent review. When a feasible alternative exists, development in the wetland of Special State Concern or its buffer will not be permitted. To qualify for a permit, activities must preserve ground and surface water quality, as well as the unique nature of the wetland of Special State Concern. Any loss or impacts to nontidal wetlands and buffer must be shown to be necessary and unavoidable. If a permit is granted for development in a wetland of Special State Concern, mitigation activities to replace impacted wetlands may be required.



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If mitigation is required, the mitigation area will usually be greater than the impacted area. For example, 3 acres must be replaced for every one acre of forested wetland impacted.

### AGRICULTURE...

Although a permit is not required, we encourage landowners to avoid agricultural activities in these special wetlands and their buffers. If wetlands of Special State Concern are to be altered for agriculture, an approved Soil Conservation and Water Quality Plan is required, as it is for alteration of any upland or wetland site. However, for a wetland of Special State Concern, the plan must include best management practices (bmps) that will protect remaining nontidal wetlands.

Best management practices are conservation measures that protect soil and water, and include measures such as filter strips, field borders, and riparian buffers.

The Soil Conservation and Water Quality Plan must also include mitigation to replace the wetlands that would be impacted by agricultural activities. The benefits provided by bmp's will be considered by MDE when determining the extent of mitigation required. The mitigation component must be approved by MDE before the conservation plan is approved by the local soil conservation district. The acreage and functions of these wetlands must be replaced at a greater ratio than would be required for standard nontidal wetlands. For example, 2 acres must be replaced for each acre of emergent wetland impacted.

### FORESTRY...

Although forestry activities in wetlands of Special State Concern do not require a permit, we encourage owners to avoid timber harvest within these special wetlands. If forestry activities are conducted, best management practices must be implemented to protect and maintain the unique features of the wetland. The best management practices must be incorporated into the erosion and sediment control plan that is already required. Forestry best management practices are conservation measures that protect soil and water and the chemical, physical and biological characteristics of nontidal wetlands.

As part of the best management practices, a primary protection area may be established, in which no disturbance may occur. The primary protection area will be determined by a team consisting of MDE staff, the consulting forester, and the landowner, and will include rare species habitat and rare natural communities. When necessary for habitat protection, a secondary protection area may also be established, in which forest management practices are restricted to those practices which will maintain the integrity of the primary protection area.



## **How can landowners protect nontidal wetlands of Special State Concern on their property ?**

We encourage landowners to maintain the wetland in its natural state, avoiding impacts to the native vegetation or the quantity and quality of water in the wetland. If possible, avoid forestry, agricultural, and development activities in the specially designated wetland and buffer. When you must undertake these activities, follow the guidelines described above. Owners of wetlands of Special State Concern may consult the Natural Heritage Program (410-260-8572) about the Cooperative Natural Areas Registry, a voluntary program designed to recognize and assist owners of rare species habitats who are interested in protecting these special resources on their land. Property and income tax breaks may be available to landowners who permanently protect the special wetlands on their land through donations of conservation easements to the Maryland Environmental Trust. For details, contact the Natural Heritage Program at the number above, or the Maryland Environmental Trust at (410) 514-7901.

For further information, contact the Water and Science Administration, Nontidal Wetlands & Waterways Division at:

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