
By: **Delegates Walkup, Cadden, Love, Rudolph, Sophocleus, Sossi, and Stull**
Introduced and read first time: February 13, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Dredge Deposits - Creation of Artificial Islands in the Chesapeake Bay -**
3 **Prohibited Use as Part of Management Plan**

4 FOR the purpose of prohibiting the deposit of dredged material to create artificial
5 islands in the Chesapeake Bay from being part of the development or
6 implementation of certain plans or programs for the management of dredged
7 material; providing for the application of this Act; defining certain terms; and
8 generally relating to the deposit of dredge material in the Chesapeake Bay for
9 the purpose of creating artificial islands.

10 BY adding to
11 Article - Environment
12 Section 5-1102.2
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Natural Resources
17 Section 8-1808(f)
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Environment**

23 5-1102.2.

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (2) "ARTIFICIAL ISLAND" MEANS ANY NEW ISLAND CREATED OR
27 FORMED BY THE MECHANICAL DUMPING OR DEPOSITING OF DREDGE MATERIAL IN
28 THE CHESAPEAKE BAY.

1 (3) "HISTORICAL NATURAL ISLAND" MEANS A GEOLOGICAL FOOTPRINT
2 OF AN ISLAND THAT ONCE EXISTED IN THE WATERS OF THE CHESAPEAKE BAY AND
3 HAS BEEN SEVERELY DAMAGED OR DIMINISHED DUE TO EXTENSIVE EROSION.

4 (B) (1) THIS SUBSECTION MAY NOT BE INTERPRETED TO PROHIBIT OR
5 RESTRICT THE DEPOSIT OF DREDGED MATERIAL TO RESTORE OR REPAIR A
6 HISTORICAL NATURAL ISLAND.

7 (2) THE DEPOSIT OF DREDGED MATERIAL TO CREATE ARTIFICIAL
8 ISLANDS IN THE CHESAPEAKE BAY MAY NOT BE A PART OF THE DEVELOPMENT OR
9 IMPLEMENTATION OF ANY PLAN OR PROGRAM FOR THE MANAGEMENT OF
10 MATERIALS DREDGED FROM THE NAVIGATION CHANNELS OF THE CHESAPEAKE BAY
11 OR THE PORT OF BALTIMORE.

12 **Article - Natural Resources**

13 8-1808.

14 (f) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
15 MEANINGS INDICATED.

16 (II) "ARTIFICIAL ISLAND" MEANS ANY NEW ISLAND CREATED OR
17 FORMED BY THE MECHANICAL DUMPING OR DEPOSITING OF DREDGE MATERIAL IN
18 THE CHESAPEAKE BAY.

19 (III) "HISTORICAL NATURAL ISLAND" MEANS A GEOLOGICAL
20 FOOTPRINT OF AN ISLAND THAT ONCE EXISTED IN THE WATERS OF THE
21 CHESAPEAKE BAY AND HAS BEEN SEVERELY DAMAGED OR DIMINISHED DUE TO
22 EXTENSIVE EROSION.

23 (2) Nothing in this section shall impede or prevent the dredging of any
24 waterway in a critical area. However, dredging in a critical area is subject to other
25 applicable federal and State laws and regulations.

26 (3) (I) THIS PARAGRAPH MAY NOT BE INTERPRETED TO PROHIBIT OR
27 RESTRICT THE DEPOSIT OF DREDGED MATERIAL TO RESTORE OR REPAIR A
28 HISTORICAL NATURAL ISLAND.

29 (II) THE DEPOSIT OF DREDGED MATERIAL TO CREATE ARTIFICIAL
30 ISLANDS IN THE CHESAPEAKE BAY MAY NOT BE A PART OF THE DEVELOPMENT OR
31 IMPLEMENTATION OF ANY PLAN OR PROGRAM FOR THE MANAGEMENT OF
32 MATERIALS DREDGED FROM THE NAVIGATION CHANNELS OF THE CHESAPEAKE BAY
33 OR THE PORT OF BALTIMORE.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2004.