

# HOUSE BILL 89

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CF SB 3

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By: **Delegate O'Donnell**

Introduced and read first time: January 14, 2010

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Wetlands and Waterways Program Fees – Aquaculture**

3 FOR the purpose of exempting aquacultural activities for which the Department of  
4 Natural Resources has issued a certain permit from a requirement to pay  
5 certain fees under the Wetlands and Waterways Program; and generally  
6 relating to the Wetlands and Waterways Program.

7 BY repealing and reenacting, without amendments,  
8 Article – Environment  
9 Section 5–203.1(a) and (b)(1)  
10 Annotated Code of Maryland  
11 (2007 Replacement Volume and 2009 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Environment  
14 Section 5–203.1(b)(2)  
15 Annotated Code of Maryland  
16 (2007 Replacement Volume and 2009 Supplement)

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

19 **Article – Environment**

20 5–203.1.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) “Major project” means a project that:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Proposes to permanently impact 5,000 square feet or more of  
2 wetlands or waterways, including the 100-year floodplain;

3 (ii) Is located in an area identified as potentially impacting  
4 threatened or endangered species or species in need of conservation by a geographical  
5 information system database that:

6 1. Includes sensitive species project review areas and  
7 waterfowl concentration and staging areas;

8 2. Has been developed and maintained by the  
9 Department of Natural Resources; and

10 3. Is used by the Department to screen incoming  
11 applications;

12 (iii) Is located in an area that has been identified as potentially  
13 impacting historical or archeological resources by a geographical information system  
14 database that:

15 1. Includes Maryland archeological sites, the Maryland  
16 Inventory of Historic Properties, the National Register of Historic Places, the  
17 Maryland Historical Trust Preservation Easements, the Annapolis Maryland  
18 Inventory of Historic Properties, and the Annapolis Maryland Inventory of Historic  
19 Properties street map;

20 2. Has been developed and maintained by the Maryland  
21 Historical Trust; and

22 3. Is used by the Department to screen incoming  
23 applications;

24 (iv) Is located in an area identified as potentially impacting a  
25 nontidal wetland of special State concern by a geographical information system  
26 database that:

27 1. Has been developed and maintained by the  
28 Department of Natural Resources; and

29 2. Is used by the Department to screen incoming  
30 applications;

31 (v) Is adjacent to Use III or Use IV waters, as defined in  
32 regulation by the Department; or

33 (vi) Requires the issuance of a public notice by the Department.

34 (3) "Minor project" means a project that:

1 (i) Proposes to permanently impact less than 5,000 square feet  
2 of wetlands or waterways, including the 100-year floodplain; and

3 (ii) Does not meet the definition of a major project.

4 (b) (1) Except as provided under paragraph (2) of this subsection, all  
5 applications for wetlands and waterways authorizations issued by the Department  
6 under §§ 5-503, 5-906, 16-202, 16-302, and 16-307 of this article or wetlands licenses  
7 issued by the Board of Public Works under § 16-202 of this article shall be  
8 accompanied by an application fee as follows:

9 (i) For an application for a minor project or general  
10 permit.....\$750;

11 (ii) For an application for a minor modification ..... \$500;

12 (iii) For an application for a major project or major modification  
13 with a proposed permanent impact of:

14 1. Less than 1/4 acre.....\$1,500;

15 2. At least 1/4 acre, but less than 1/2  
16 acre.....\$3,000;

17 3. At least 1/2 acre, but less than 3/4  
18 acre.....\$4,500;

19 4. At least 3/4 acre, but less than 1  
20 acre.....\$6,000; and

21 5. 1 acre or more.....the impact  
22 area in acres multiplied by \$7,500.

23 (2) The following are exempt from the application fees established  
24 under paragraph (1) of this subsection:

25 (i) Regulated activities conducted by the State, a municipal  
26 corporation, county, bicounty or multicounty agency under Article 28 or Article 29 of  
27 the Code, or a unit of the State, a municipal corporation, or a county;

28 (ii) Performance of agricultural best management practices  
29 contained in a soil conservation and water quality plan approved by the appropriate  
30 soil conservation district;

31 (iii) Performance of forestry best management practices  
32 contained in an erosion and sediment control plan:

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- 1 1. Prepared by a registered forester; and
- 2 2. Approved by the appropriate soil conservation district;
- 3 [and]

4 (iv) Stream restoration, vegetative shoreline stabilization,  
5 wetland creation, or other project in which the primary effect is to enhance the State's  
6 wetland or water resources; AND

7 (v) AQUACULTURAL ACTIVITIES FOR WHICH THE  
8 DEPARTMENT OF NATURAL RESOURCES HAS ISSUED A PERMIT UNDER  
9 § 4-11A-02 OF THE NATURAL RESOURCES ARTICLE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2010.