

SENATE BILL 3

M3, M2

(PRE-FILED)

0lr0778

CF 0lr0777

By: **Senators Klausmeier, Middleton, and Robey**

Requested: October 15, 2009

Introduced and read first time: January 13, 2010

Assigned to: Education, Health, and Environmental Affairs

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:

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:

