

SENATE BILL 3

M3, M2

(PRE-FILED)

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CF HB 89

By: **Senators Klausmeier, Middleton, ~~and Robey~~ Robey, Colburn, and Dyson**

Requested: October 15, 2009

Introduced and read first time: January 13, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 9, 2010

CHAPTER _____

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; requiring the
6 Aquaculture Coordinating Council to report certain information to the
7 Department of the Environment and the General Assembly on or before a
8 certain date; and generally relating to the Wetlands and Waterways Program.

9 BY repealing and reenacting, without amendments,
10 Article – Environment
11 Section 5–203.1(a) and (b)(1)
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2009 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Environment
16 Section 5–203.1(b)(2)
17 Annotated Code of Maryland
18 (2007 Replacement Volume and 2009 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Environment**

2 5–203.1.

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

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

5 (i) Proposes to permanently impact 5,000 square feet or more of
6 wetlands or waterways, including the 100–year floodplain;7 (ii) Is located in an area identified as potentially impacting
8 threatened or endangered species or species in need of conservation by a geographical
9 information system database that:10 1. Includes sensitive species project review areas and
11 waterfowl concentration and staging areas;12 2. Has been developed and maintained by the
13 Department of Natural Resources; and14 3. Is used by the Department to screen incoming
15 applications;16 (iii) Is located in an area that has been identified as potentially
17 impacting historical or archeological resources by a geographical information system
18 database that:19 1. Includes Maryland archeological sites, the Maryland
20 Inventory of Historic Properties, the National Register of Historic Places, the
21 Maryland Historical Trust Preservation Easements, the Annapolis Maryland
22 Inventory of Historic Properties, and the Annapolis Maryland Inventory of Historic
23 Properties street map;24 2. Has been developed and maintained by the Maryland
25 Historical Trust; and26 3. Is used by the Department to screen incoming
27 applications;28 (iv) Is located in an area identified as potentially impacting a
29 nontidal wetland of special State concern by a geographical information system
30 database that:31 1. Has been developed and maintained by the
32 Department of Natural Resources; and

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

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

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

6 (3) “Minor project” means a project that:

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

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

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

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

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

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

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

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

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

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

27 5. 1 acre or more.....the impact
 28 area in acres multiplied by \$7,500.

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

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

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

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

9 1. Prepared by a registered forester; and

10 2. Approved by the appropriate soil conservation district;

11 [and]

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

15 (v) **AQUACULTURAL ACTIVITIES FOR WHICH THE**
16 **DEPARTMENT OF NATURAL RESOURCES HAS ISSUED A PERMIT UNDER**
17 **§ 4-11A-02 OF THE NATURAL RESOURCES ARTICLE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
19 2013, the Aquaculture Coordinating Council shall report to the Department of the
20 Environment and, in accordance with § 2-1246 of the State Government Article, the
21 General Assembly on:

22 (1) The status of commercial aquaculture in the State;

23 (2) The fiscal impact of the fee exemption established under this Act;

24 and

25 (3) Any other findings and recommendations related to the
26 implementation of this Act.

27 ~~SECTION 3.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect October 1, 2010.