

# SENATE BILL 1091

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By: **Senator Eckardt**

Introduced and read first time: February 22, 2016

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Wetlands and Waterways Program – Fee Reduction**

3 FOR the purpose of reducing certain application and license fees under the wetlands and  
4 waterways program; and generally relating to the wetlands and waterways program.

5 BY repealing and reenacting, without amendments,

6 Article – Environment

7 Section 5–203.1(a)

8 Annotated Code of Maryland

9 (2013 Replacement Volume and 2015 Supplement)

10 BY repealing and reenacting, with amendments,

11 Article – Environment

12 Section 5–203.1(b)(1)

13 Annotated Code of Maryland

14 (2013 Replacement Volume and 2015 Supplement)

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

17 **Article – Environment**

18 5–203.1.

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

20 (2) (i) “Commercial activity” means a project or activity undertaken for  
21 consideration, regardless of whether a profit is made.

22 (ii) “Commercial activity” includes:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 1. A subdivision;
- 2 2. A development; and
- 3 3. Constructing or operating a marina.

4 (3) "Commercial building" means a building that is used primarily for  
5 commercial activity.

6 (4) "Development" means a project for the construction of:

- 7 (i) Two or more residential dwelling units;
- 8 (ii) A commercial structure; or
- 9 (iii) An industrial structure.

10 (5) "Dwelling unit" means a property that contains:

- 11 (i) One or more rooms used as a residence;
- 12 (ii) Kitchen facilities; and
- 13 (iii) Bathroom facilities.

14 (6) "Major project" means a project that:

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

17 (ii) Is located in an area identified as potentially impacting a  
18 nontidal wetland of special State concern by a geographical information system database  
19 that:

- 20 1. Has been developed and maintained by the Department of  
21 Natural Resources; and
- 22 2. Is used by the Department to screen incoming  
23 applications; or
- 24 (iii) Requires the issuance of a public notice by the Department.

25 (7) "Marina" means a facility for the mooring, docking, or storing of more  
26 than 10 vessels on tidal navigable waters, including a commercial, noncommercial, or  
27 community facility.

28 (8) "Minor project" means a project that:

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

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

4 (9) "Residential activity" means a noncommercial activity that is conducted  
5 on residential property.

6 (10) (i) "Residential property" means improved property that is used  
7 primarily as a residence or unimproved property that is zoned for use as a residence.

8 (ii) "Residential property" includes:

9 1. Property owned by a homeowners' association; and

10 2. A condominium.

11 (iii) "Residential property" does not include:

12 1. A commercial building;

13 2. A marina; or

14 3. A residential apartment complex or building.

15 (11) (i) "Subdivision" means the division of a lot, tract, or parcel of land  
16 into two or more lots, plots, sites, tracts, parcels, or other divisions for the immediate or  
17 future purpose of selling or development.

18 (ii) "Subdivision" includes resubdivision.

19 (b) (1) Except as provided under paragraphs (2) and (3) of this subsection, all  
20 applications for wetlands and waterways authorizations issued by the Department under  
21 §§ 5-503 and 5-906 of this title and §§ 16-202, 16-302, and 16-307 of this article or  
22 wetlands licenses issued by the Board of Public Works under § 16-202 of this article shall  
23 be accompanied by an application fee as follows:

24 (i) For an application for a minor project or general  
25 permit..... **[\$750] \$500;**

26 (ii) For an application for a minor modification ..... **[\$250] \$200;**

27 (iii) For an application for a major project with a proposed permanent  
28 impact of:

29 1. Less than 1/4 acre..... **[\$1,500] \$750;**

