

HOUSE BILL 869

M3

2lr1149
CF 2lr3189

By: **Delegates Gilchrist, Foley, D. Jones, Lehman, J. Lewis, Ruth, Stein, and P. Young**

Introduced and read first time: February 7, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Wetlands and Waterways Program – Authorizations for Ecological Restoration**
3 **Projects**

4 FOR the purpose of requiring the Department of the Environment to establish a certain
5 process for reviewing and evaluating applications for wetlands and waterways
6 authorizations for ecological restoration projects on or before a certain date; and
7 generally relating to wetlands and waterways authorizations for ecological
8 restoration projects.

9 BY adding to

10 Article – Environment

11 Section 5–203.2

12 Annotated Code of Maryland

13 (2013 Replacement Volume and 2021 Supplement)

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

16 **Article – Environment**

17 **5–203.2.**

18 **(A) ON OR BEFORE OCTOBER 1, 2023, THE DEPARTMENT SHALL ESTABLISH**
19 **A PROCESS FOR REVIEWING AND EVALUATING APPLICATIONS FOR WETLANDS AND**
20 **WATERWAYS AUTHORIZATIONS FOR ECOLOGICAL RESTORATION PROJECTS.**

21 **(B) THE PROCESS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION,**
22 **SHALL:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) BE SEPARATE AND DISTINCT FROM THE PROCESS FOR REVIEWING**
2 **AND EVALUATING APPLICATIONS FOR WETLANDS AND WATERWAYS**
3 **AUTHORIZATIONS FOR DEVELOPMENT PROJECTS;**

4 **(2) (I) BE BASED ON THE BEST AVAILABLE SCIENCE; AND**

5 **(II) BE UPDATED ACCORDINGLY AS THE BEST AVAILABLE**
6 **SCIENCE EVOLVES;**

7 **(3) REQUIRE APPLICATIONS TO BE REVIEWED BY INDIVIDUALS WITH**
8 **EXPERTISE IN ECOLOGICAL RESTORATION PROJECTS, INCLUDING TRAINING ON:**

9 **(I) THE BEST AVAILABLE SCIENCE, TECHNOLOGY, AND**
10 **PRACTICES APPLICABLE TO ECOLOGICAL RESTORATION PROJECTS; AND**

11 **(II) THE DIFFERENCES BETWEEN DEVELOPMENT PROJECTS**
12 **AND ECOLOGICAL RESTORATION PROJECTS;**

13 **(4) ESTABLISH REVIEW CRITERIA THAT ARE SPECIFICALLY**
14 **TAILORED TO RESTORATION;**

15 **(5) REQUIRE APPLICATIONS TO BE REVIEWED IN A MANNER THAT**
16 **WEIGHS THE BENEFITS OF A RESTORED ECOSYSTEM OVER THE BENEFITS OF AN**
17 **INDIVIDUAL WETLAND OR WATERWAY;**

18 **(6) IF APPROPRIATE, WAIVE ANY REQUIREMENT TO MINIMIZE**
19 **ALTERATION, IMPAIRMENT, OR DISTURBANCE OF A WETLAND OR WATERWAY IF AN**
20 **ALTERATION, IMPAIRMENT, OR DISTURBANCE OF THE WETLAND OR WATERWAY IS**
21 **NECESSARY FOR THE VIABILITY OF THE PROJECT; AND**

22 **(7) PROVIDE A METHOD FOR EXPEDITING REVIEW OF WETLANDS AND**
23 **WATERWAYS AUTHORIZATIONS FOR ECOLOGICAL RESTORATION PROJECTS FOR THE**
24 **PURPOSES OF:**

25 **(I) ENSURING STATE FUNDING FOR RESTORATION IS USED**
26 **MOST EFFICIENTLY AND EFFECTIVELY; AND**

27 **(II) AVOIDING UNNECESSARY COSTS ASSOCIATED WITH**
28 **WETLANDS AND WATERWAYS AUTHORIZATIONS AND PROJECT CONSTRUCTION IN**
29 **ORDER TO LOWER THE OVERALL COSTS TO THE STATE TO ACHIEVE ITS**
30 **CHESAPEAKE BAY RESTORATION GOALS UNDER THE CHESAPEAKE BAY TOTAL**
31 **MAXIMUM DAILY LOAD AND THE 2014 CHESAPEAKE BAY WATERSHED**
32 **AGREEMENT.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2022.