

# SENATE BILL 945

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2lr3189  
CF HB 869

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By: **Senator Gallion**

Introduced and read first time: February 13, 2022

Assigned to: Rules

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## 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:**

23 **(1) BE SEPARATE AND DISTINCT FROM THE PROCESS FOR REVIEWING**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 AND EVALUATING APPLICATIONS FOR WETLANDS AND WATERWAYS  
2 AUTHORIZATIONS FOR DEVELOPMENT PROJECTS;

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

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

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

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

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

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

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

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

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

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

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

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