A BILL ENTITLED

AN ACT concerning

Wetlands and Waterways Program – Authorizations for Ecological Restoration Projects

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

BY adding to

Article – Environment
Section 5–203.2
Annotated Code of Maryland
(2013 Replacement Volume and 2021 Supplement)

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

Article – Environment

5–203.2.

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

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

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

(2) (I) Be based on the best available science; and

(II) Be updated accordingly as the best available
science evolves;

(3) Require applications to be reviewed by individuals with
expertise in ecological restoration projects, including training on:

(I) The best available science, technology, and
practices applicable to ecological restoration projects; and

(II) The differences between development projects
and ecological restoration projects;

(4) Establish review criteria that are specifically
tailored to restoration;

(5) Require applications to be reviewed in a manner that
weighs the benefits of a restored ecosystem over the benefits of an
individual wetland or waterway;

(6) If appropriate, waive any requirement to minimize
alteration, impairment, or disturbance of a wetland or waterway if an
alteration, impairment, or disturbance of the wetland or waterway is
necessary for the viability of the project; and

(7) Provide a method for expediting review of wetlands and
waterways authorizations for ecological restoration projects for the
purposes of:

(I) Ensuring state funding for restoration is used
most efficiently and effectively; and

(II) Avoiding unnecessary costs associated with
wetlands and waterways authorizations and project construction in
order to lower the overall costs to the State to achieve its
Chesapeake Bay restoration goals under the Chesapeake Bay Total
Maximum Daily Load and the 2014 Chesapeake Bay Watershed
Agreement.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.