

HOUSE BILL 942

M3

3lr2010

By: **Delegates Terrasa, Lehman, and Ruth**
Introduced and read first time: February 10, 2023
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring the Department of the Environment to revise certain criteria,
5 standards, and requirements for wetlands and waterways authorizations for certain
6 stream restoration projects on or before a certain date; requiring the Department to
7 provide certain notice and hold a certain public information meeting under certain
8 circumstances; and generally relating to wetlands and waterways authorizations for
9 stream restoration projects.

10 BY adding to
11 Article – Environment
12 Section 5–203.2
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2022 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 **5–203.2.**

19 **(A) IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, ON OR**
20 **BEFORE OCTOBER 1, 2024, THE DEPARTMENT SHALL REVISE PROJECT ELIGIBILITY**
21 **CRITERIA, STANDARDS FOR REVIEW, AND REQUIREMENTS FOR APPLICANTS FOR**
22 **WETLANDS AND WATERWAYS AUTHORIZATIONS FOR STREAM RESTORATION**
23 **PROJECTS ASSOCIATED WITH ACHIEVING LOCAL MUNICIPAL SEPARATE STORM**
24 **SEWER SYSTEM (MS4) PERMIT TARGETS, CHESAPEAKE BAY TOTAL MAXIMUM**
25 **DAILY LOAD (TMDL) GOALS, MITIGATION GOALS, OR OTHER RESTORATION GOALS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) THE CRITERIA, STANDARDS, AND REQUIREMENTS REQUIRED**
2 **UNDER SUBSECTION (A) OF THIS SECTION SHALL BE BASED ON THE BEST AVAILABLE**
3 **SCIENCE ON:**

4 **(I) STREAM MORPHOLOGY;**

5 **(II) GEOLOGY;**

6 **(III) BIOLOGY;**

7 **(IV) HYDROLOGY;**

8 **(V) ECOLOGY;**

9 **(VI) WATERSHED MANAGEMENT; AND**

10 **(VII) WILDLIFE CORRIDORS.**

11 **(2) THE DEPARTMENT SHALL:**

12 **(I) INCENTIVIZE THE USE OF ALTERNATIVES TO STREAM**
13 **RESTORATIONS THAT ARE LESS DESTRUCTIVE TO THE ENVIRONMENT, SUCH AS THE**
14 **USE OF UPLAND PROJECTS, INCLUDING BY PROVIDING MORE CREDITS ON AN**
15 **EQUIVALENT IMPERVIOUS ACRES TREATED BASIS FOR ALTERNATIVES TO STREAM**
16 **RESTORATIONS FOR ACHIEVING LOCAL MS4 PERMIT TARGETS, TMDL GOALS,**
17 **MITIGATION GOALS, OR OTHER RESTORATION GOALS;**

18 **(II) REQUIRE STREAM RESTORATION PROJECTS TO:**

19 **1. FOR A PROJECT BEING UNDERTAKEN EXPRESSLY FOR**
20 **THE PURPOSE OF PROVIDING CREDITS FOR WETLAND OR STREAM IMPACTS OR**
21 **LOSSES RESULTING FROM FUTURE ACTIVITIES, BE LOCATED IN THE SAME**
22 **WATERSHED AS THE WETLAND OR STREAM FOR WHICH MITIGATION IS REQUIRED;**

23 **2. REQUIRE NET BIOLOGICAL UPLIFT OF INSTREAM**
24 **BIOLOGY AS A STATED GOAL; AND**

25 **3. MINIMIZE TREE REMOVAL AND PROTECT REMAINING**
26 **TREES, INCLUDING THE CRITICAL ROOT ZONES OF TREES; AND**

27 **(III) MONITOR AND EVALUATE APPROVED PROJECTS FOR 10**
28 **YEARS AFTER PROJECT COMPLETION TO ENSURE STATED GOALS ARE ACHIEVED**

1 BEFORE ANY RELEVANT MITIGATION OR POLLUTION REDUCTION CREDITS ARE
2 ISSUED FOR THE PROJECT.

3 (C) BEFORE THE DEPARTMENT MAY ISSUE A WETLANDS AND WATERWAYS
4 AUTHORIZATION FOR A STREAM RESTORATION PROJECT ASSOCIATED WITH
5 ACHIEVING LOCAL MS4 PERMIT TARGETS, TMDL GOALS, MITIGATION GOALS, OR
6 OTHER RESTORATION GOALS, THE DEPARTMENT SHALL:

7 (1) PROVIDE PUBLIC NOTICE OF THE APPLICATION FOR THE
8 WETLANDS AND WATERWAYS AUTHORIZATION, INCLUDING INFORMATION ON:

9 (I) THE GEOGRAPHIC EXTENT OF THE STREAM RESTORATION
10 PROJECT;

11 (II) THE ESTIMATED AMOUNT OF TREE REMOVAL ASSOCIATED
12 WITH THE STREAM RESTORATION PROJECT; AND

13 (III) THE TIME, DATE, AND LOCATION OF THE PUBLIC
14 INFORMATION MEETING REQUIRED UNDER ITEM (2) OF THIS SUBSECTION; AND

15 (2) HOLD A PUBLIC INFORMATION MEETING ON THE APPLICATION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2023.