

HOUSE BILL 1284

M3, M1

4lr1761

By: **Delegates Terrasa, Lehman, and Ruth**

Introduced and read first time: February 9, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Wetlands and Waterways Program – Stream Restoration Projects**

3 FOR the purpose of repealing an exemption for stream restoration projects from certain
4 application fees for certain projects that impact a wetland or waterway; requiring a
5 person applying for a wetlands and waterways authorization for a stream restoration
6 project associated with achieving certain restoration goals to include in the
7 authorization application certain objectives, standards, and plans; requiring the
8 Department of the Environment to conduct a certain community engagement process
9 before issuing a certain wetlands and waterways authorization for a stream
10 restoration project; requiring the Department to maintain on its website certain
11 information for certain stream restoration projects; requiring the Department to
12 adjust certain pollution reduction credits in a certain manner; repealing an
13 exemption for certain stream restoration projects from provisions of law under the
14 Forest Conservation Act; and generally relating to wetlands and waterways and
15 stream restoration projects.

16 BY repealing and reenacting, without amendments,
17 Article – Environment
18 Section 5–203.1(b)(1)
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Environment
23 Section 5–203.1(b)(2)(iv)
24 Annotated Code of Maryland
25 (2013 Replacement Volume and 2023 Supplement)

26 BY adding to
27 Article – Environment
28 Section 5–203.2

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2013 Replacement Volume and 2023 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Natural Resources
5 Section 5–1602(a)
6 Annotated Code of Maryland
7 (2023 Replacement Volume and 2023 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 5–1602(b)(11) and (13)
11 Annotated Code of Maryland
12 (2023 Replacement Volume and 2023 Supplement)

13 BY repealing
14 Article – Natural Resources
15 Section 5–1602(12)
16 Annotated Code of Maryland
17 (2023 Replacement Volume and 2023 Supplement)

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

20 **Article – Environment**

21 5–203.1.

22 (b) (1) Except as provided under paragraphs (2), (3), and (6) of this subsection,
23 all applications for wetlands and waterways authorizations issued by the Department
24 under §§ 5–503 and 5–906 of this title and §§ 16–202, 16–302, and 16–307 of this article or
25 wetlands licenses issued by the Board of Public Works under § 16–202 of this article shall
26 be accompanied by an application fee as follows:

27 (i) For an application for a minor project or general
28 permit.....\$750;

29 (ii) For an application for a minor modification.....\$250;

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

32 1. Less than 1/4 acre.....\$1,500;

33 2. At least 1/4 acre, but less than 1/2 acre.....\$3,000;

34 3. At least 1/2 acre, but less than 3/4 acre.....\$4,500;

1 **(2) A PLAN FOR MONITORING BIOLOGICAL UPLIFT, INCLUDING A**
2 **PLAN FOR:**

3 **(I) PRE- AND POST-RESTORATION MONITORING OF**
4 **BIOLOGICAL COMMUNITY HEALTH AND WATER QUALITY IN UPSTREAM AREAS ABOVE**
5 **THE PROJECT AND DOWNSTREAM AREAS BELOW THE PROJECT; AND**

6 **(II) USING THE BEFORE-AFTER-CONTROL-IMPACT**
7 **METHODOLOGY TO EVALUATE THE IMPACTS OF ACTIVITIES ASSOCIATED WITH THE**
8 **PROJECT;**

9 **(3) A PLAN FOR MINIMIZING TREE REMOVAL, INCLUDING:**

10 **(I) A MAP OF ALL TREES OVER 2 INCHES IN CALIPER WITHIN**
11 **THE PROJECT AREA THAT ILLUSTRATES WHICH TREES WILL BE REMOVED; AND**

12 **(II) A PLAN FOR ACCOUNTING FOR ANY ADDITIONAL TREES**
13 **LOST OR REMOVED DURING THE PROJECT PROCESS;**

14 **(4) MEASURABLE AND QUANTIFIABLE STANDARDS FOR**
15 **DETERMINING STREAM RESTORATION SUCCESS;**

16 **(5) A PLAN FOR ADDRESSING RELATED UPLAND BEST MANAGEMENT**
17 **PRACTICES; AND**

18 **(6) A PLAN FOR ADDRESSING EACH OF THE POTENTIAL UNINTENDED**
19 **IMPACTS ASSOCIATED WITH STREAM AND FLOODPLAIN RESTORATION PROJECTS**
20 **THAT ARE LISTED IN TABLE 19 OF THE CHESAPEAKE BAY PROGRAM'S "A UNIFIED**
21 **GUIDE FOR CREDITING STREAM AND FLOODPLAIN RESTORATION PROJECTS IN**
22 **THE CHESAPEAKE BAY WATERSHED".**

23 **(C) (1) BEFORE THE DEPARTMENT MAY ISSUE A WETLANDS AND**
24 **WATERWAYS AUTHORIZATION FOR A STREAM RESTORATION PROJECT, THE**
25 **DEPARTMENT SHALL CONDUCT A COMMUNITY ENGAGEMENT PROCESS THAT**
26 **PROVIDES AN OPPORTUNITY FOR PUBLIC INPUT.**

27 **(2) IN ADDITION TO ANY OTHER REQUIREMENTS UNDER STATE OR**
28 **LOCAL LAW, THE COMMUNITY ENGAGEMENT PROCESS SHALL INCLUDE:**

29 **(I) NOTICE TO:**

30 **1. EACH OWNER OF PROPERTY, RESIDENT, AND**
31 **BUSINESS WITHIN ONE-QUARTER MILE OF A BOUNDARY OF THE PROJECT AREA; AND**

1 **2. EACH OWNER OF ADJACENT PROPERTY WITHIN 1**
2 **MILE DOWNSTREAM OF A BOUNDARY OF THE PROJECT AREA;**

3 **(II) THE POSTING OF A WRITTEN DESCRIPTION OF THE**
4 **PROJECT THAT IS:**

5 **1. POSTED ON FOUR LOCATIONS OF THE PROJECT AREA;**
6 **AND**

7 **2. CLEARLY VISIBLE AND LEGIBLE TO THE PUBLIC;**

8 **(III) A 60-DAY PUBLIC COMMENT PERIOD; AND**

9 **(IV) AT LEAST TWO PUBLIC MEETINGS THAT ALLOW FOR BOTH**
10 **IN-PERSON AND VIRTUAL ATTENDANCE, INCLUDING:**

11 **1. AN INITIAL MEETING ON THE 30% PROJECT DESIGN**
12 **DOCUMENTS; AND**

13 **2. A MEETING THAT TAKES PLACE BEFORE ANY FINAL**
14 **APPROVAL OF THE PROJECT THAT INCLUDES A DESCRIPTION OF THE INFORMATION**
15 **REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING THE TREE MAP.**

16 **(D) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE INFORMATION ON**
17 **ALL STREAM RESTORATION PROJECTS AUTHORIZED BY THE DEPARTMENT,**
18 **INCLUDING INFORMATION ON PROJECT PLANNING THROUGH POST-RESTORATION**
19 **MONITORING THAT, AT A MINIMUM, PROVIDES:**

20 **(1) A DESCRIPTION OF THE POLLUTION REDUCTION CREDITS**
21 **AWARDED TO A PROJECT; AND**

22 **(2) THE RESULTS OF PROJECT MONITORING, INCLUDING A**
23 **DESCRIPTION OF ANY TREES THAT WERE REMOVED IN EXCESS OF WHAT WAS**
24 **SPECIFIED IN THE PLAN SUBMITTED UNDER SUBSECTION (B)(3) OF THIS SECTION.**

25 **(E) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO MODIFY THE**
26 **PROTOCOL FOR DETERMINING HOW POLLUTION REDUCTION CREDITS ARE**
27 **AWARDED TO STREAM RESTORATION PROJECTS THAT ACCOUNT FOR TREE LOSS**
28 **AND A RESPECTIVE DECREASE IN CREDIT ALLOCATION BASED ON ACRES OR**
29 **NUMBER OF TREES REMOVED.**

1 (b) On or before December 31, 2025, the Department of the Environment shall:

2 (1) create pollution reduction credit calculations for stream restoration
3 projects informed by the survey of peer-reviewed scientific literature conducted in
4 accordance with subsection (a) of this section; and

5 (2) submit a report of its findings and recommendations to the Governor
6 and, in accordance with § 2-1257 of the State Government Article, the Senate Education,
7 Energy, and the Environment Committee and the House Environment and Transportation
8 Committee.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2024.