

HOUSE BILL 1165

M3, M1

(4lr2118)

ENROLLED BILL

— *Environment and Transportation/Education, Energy, and the Environment* —

Introduced by **Delegates Love, Ivey, and Stein**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Stream and Watershed, Stream, and Floodplain Restoration – Stream~~
3 ~~Restoration Contractor Licensing and Chesapeake and Atlantic Coastal Bays~~
4 ~~Restoration and Stream and Floodplain Restoration Funding~~
5 ~~(Whole Watershed Act)~~

6 FOR the purpose of ~~establishing the Stream Restoration Contractors Licensing Board;~~
7 ~~requiring a person to be licensed as a stream restoration contractor or be employed~~
8 ~~by an individual or entity that is licensed as a stream restoration contractor before~~
9 ~~the person performs or solicits to perform stream restoration contractor services in~~
10 ~~the State, subject to a certain exception; requiring the Department of the~~
11 ~~Environment to provide notice of a certain violation to a stream restoration~~
12 ~~contractor;~~ requiring that up to a certain amount of funding from the Chesapeake
13 and Atlantic Coastal Bays 2010 Trust Fund be used to fund certain grants;
14 establishing the Whole Watershed Restoration Partnership to accelerate restoration
15 of the Chesapeake and Atlantic Coastal Bays and their watersheds; requiring the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



Secretary of Natural Resources to establish a State management team to administer the Partnership; establishing the Whole Watershed Fund as a special, nonlapsing fund; requiring interest earnings of the Fund to be credited to the Fund; altering the use and purpose of certain funds and accounts to include accelerating the restoration of the Chesapeake Bay and Atlantic Coastal Bays and their watershed and providing funding for the Fund; authorizing the use of the Waterway Improvement Fund for projects that involve the beneficial use of dredged material and for certain water quality monitoring; requiring a project applicant seeking authorization for a certain project to provide certain notice and hold certain public meetings except under certain circumstances; requiring a project applicant to submit certain documentation to the Department of the Environment; authorizing the Department to authorize certain projects in accordance with certain requirements; requiring the Department to assess certain documentation and actions by a project applicant prior to authorizing certain projects; prohibiting the Department from reducing certain monitoring requirements for certain projects; requiring all persons performing or soliciting to perform stream restoration contractor services in the State to register with the Department and pay a registration fee on or before a certain date; requiring the Department to select certain registrants as the initial three licensed stream restoration contractor members of the Stream Restoration Contractors Licensing Board; and generally relating to stream and watershed, stream, and floodplain restoration in the State.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–505(a) and (c)(1), 8–702(a), and 8–704(a)
Annotated Code of Maryland
(2016 Replacement Volume and 2023 Supplement)

~~BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 8–301
Annotated Code of Maryland
(2015 Replacement Volume and 2023 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article – Environment
Section 1–406
Annotated Code of Maryland
(2013 Replacement Volume and 2023 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1605.2(a)(1) and 9–1605.4(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment

Section 9–1605.2(a)(2) and (i)(2)(xiii) and (xiv) and 9–1605.4(c) and (f)
Annotated Code of Maryland
(2014 Replacement Volume and 2023 Supplement)

BY adding to

Article – Environment

*Section 9–1605.2(i)(2)(xv); and 18–101 through 18–103 to be under the new title “Title
18. Stream and Floodplain Restoration Projects”*

Annotated Code of Maryland

(2014 Replacement Volume and 2023 Supplement)

~~BY adding to~~

~~Article – Environment~~

~~Section 9–1605.2(i)(2)(xv); and 18–101 through 18–501 to be under the new title
“Title 18. Stream Restoration Contractors”~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2023 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 8–2A–02(a) and (b) and 8–701(a)

Annotated Code of Maryland

(2023 Replacement Volume and 2023 Supplement)

BY adding to

Article – Natural Resources

Section 8–2A–02(f)(5); 8–2B–01 through 8–2B–03 to be under the new subtitle
“Subtitle 2B. Whole Watershed Restoration Partnership and Fund”; and
8–701(a–1)

Annotated Code of Maryland

(2023 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 8–707(a) and 8–708(b)

Annotated Code of Maryland

(2023 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii) 189. and 190.

Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY adding to

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)191.

Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – State Government~~

~~Section 8–402~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2023 Supplement)~~

~~BY adding to~~

~~Article – State Government~~

~~Section 8–403(62)~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2023 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – State Government~~

~~Section 8–403(62) through (64)~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2023 Supplement)~~

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

Article – Agriculture

2–505.

(a) The Maryland Agricultural Land Preservation Fund is created and continued
for [the]:

(1) THE purposes specified in this subtitle; AND

**(2) ACCELERATING THE RESTORATION OF THE CHESAPEAKE BAY
AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS.**

(c) (1) The Comptroller of the Treasury may not disburse any money from the
Maryland Agricultural Land Preservation Fund other than:

(i) For costs associated with the staffing and administration of the Maryland Agricultural Land Preservation Foundation;

(ii) For reasonable expenses incurred by the members of the board of trustees of the Maryland Agricultural Land Preservation Foundation in the performance of official duties;

(iii) For consideration in the purchase of agricultural land preservation easements beginning with fiscal year 1979 and each fiscal year thereafter, **INCLUDING TARGETED ACQUISITIONS OF EASEMENTS OBTAINED IN CONJUNCTION WITH ACTIONS AND PROJECTS UNDER TITLE 8, SUBTITLE 2B OF THE NATURAL RESOURCES ARTICLE;**

(iv) For costs associated with acquisition of agricultural land preservation easements approved by the Foundation through the Critical Farms Program, as provided in § 2-517 of this subtitle; [and]

(v) For the reimbursement of money paid by a landowner for a preliminary release of a lot under § 2-513(b)(2) of this subtitle in accordance with paragraph (5) of this subsection; AND

(VI) ~~TO~~ IN A MANNER CONSISTENT WITH THE PURPOSES SPECIFIED IN ITEMS (I) THROUGH (V) OF THIS PARAGRAPH, TO PROVIDE FUNDING FOR THE WHOLE WATERSHED FUND ESTABLISHED UNDER § 8-2B-03 OF THE NATURAL RESOURCES ARTICLE, INCLUDING FOR PROJECTS THAT OCCUR ON LAND SUBJECT TO AN AGRICULTURAL LAND PRESERVATION EASEMENT.

8-702.

(a) (1) The General Assembly finds and declares that agriculturally related nonpoint sources of water pollution may potentially contribute to the degradation of the water resources of this State and that prevention and control efforts have been hampered because of the cost and lack of income producing potential in many agricultural practices designed to protect water quality.

(2) To assist in the implementation of agricultural practices which minimize water pollution from erosion, animal wastes, nutrients, and agricultural chemicals **AND TO ADDRESS THE WATER POLLUTION IMPACTS OF AGRICULTURE**, a cost sharing program between the State and eligible applicants is established for the public benefit.

8-704.

(a) **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** State cost-sharing funds for a project being considered for State cost-sharing may be made available:

1 [(1)] (I) For up to 100% of eligible costs, not to exceed a dollar amount of
2 up to \$200,000 as determined by a regulation adopted jointly by the Secretary of
3 Agriculture and the Secretary of the Environment; and

4 [(2)] (II) If:

5 [(i)] 1. The Department of Agriculture, the soil conservation
6 district, and a person have executed an agreement which, among other things, obligates
7 the person to:

8 [1.] A. Establish, construct, or install the best
9 management practice or fixed natural filter practice in accordance with technical
10 specifications;

11 [2.] B. Maintain the best management practice or fixed
12 natural filter practice for its expected life span; and

13 [3.] C. Provide the required matching funds, if any, for the
14 project;

15 [(ii)] 2. The Board of Public Works has given approval to the
16 project when the proceeds of State bonds are to be used to finance the State share; and

17 [(iii)] 3. The soil conservation district has certified to the
18 Department that the project meets all applicable technical standards, and that all
19 submitted invoices properly represent eligible costs.

20 (2) **CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION, STATE**
21 **COST-SHARING FUNDS MAY BE MADE AVAILABLE TO FUND THE WHOLE WATERSHED**
22 **FUND ESTABLISHED UNDER § 8-2B-03 OF THE NATURAL RESOURCES ARTICLE.**

23 (3) A reduction in State cost-sharing rates for riparian forest buffers,
24 riparian herbaceous cover, wetland restoration, or pasture management may not be based
25 on tons of soil saved or an amortization formula.

26 (4) State cost-sharing rates for pasture management shall be based on the
27 applicable rate established by the U.S. Department of Agriculture's Environmental Quality
28 Incentives Program.

29 (5) State cost-sharing rates paid for the planting of multiple species of
30 cover crops shall equal or exceed the rates paid for the planting of a single species of cover
31 crop.

32 (6) (i) 1. Except as authorized under subsubparagraph 2 of this
33 subparagraph and before the Department of Agriculture executes a cost-sharing

~~(i) is required by State or local law to meet standards of competency or experience before engaging in an occupation or profession;~~

(ii) ~~currently is licensed in that occupation or profession under State or local law; and~~

(iii) ~~is:~~

~~1. acting only within the scope of that occupation or profession; or~~

~~2. installing a central heating or air conditioning system;~~

~~(5) a security systems technician licensed under Title 18 of the Business Occupations and Professions Article;~~

~~(6) a marine contractor licensed under Title 17, Subtitle 3 of the Environment Article; [or]~~

~~(7) A STREAM RESTORATION CONTRACTOR LICENSED UNDER TITLE 18, SUBTITLE 3 OF THE ENVIRONMENT ARTICLE; OR~~

~~[(7)] (8) a person who is selling a home improvement to be performed by a person described in item (4) of this subsection.~~

Article – Environment

~~1-406.~~

~~The following units, among other units, are included in the Department:~~

~~(1) Air Quality Control Advisory Council;~~

~~(2) Hazardous Substances Advisory Council;~~

~~(3) Radiation Control Advisory Board;~~

~~(4) Science and Health Advisory Group;~~

~~(5) Board of Waterworks and Waste System Operators;~~

~~(6) Board of Well Drillers;~~

~~(7) Hazardous Waste Facilities Siting Board;~~

~~(8) Marine Contractors Licensing Board; [and]~~

~~(9) Board of On-Site Wastewater Professionals; AND~~

~~(10) STREAM RESTORATION CONTRACTORS LICENSING BOARD.~~

9-1605.2.

(a) (1) There is a Bay Restoration Fund.

(2) It is the intent of the General Assembly that the Bay Restoration Fund be:

(i) Used, in part, to provide the funding necessary to upgrade any of the wastewater treatment facilities that are located in the State or used by citizens of the State in order to achieve enhanced nutrient removal where it is cost-effective to do so; [and]

(ii) Available for treatment facilities discharging into the Atlantic Coastal Bays or other waters of the State, but that priority be given to treatment facilities discharging into the Chesapeake Bay; AND

(III) USED TO ACCELERATE THE RESTORATION OF THE CHESAPEAKE BAY AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS.

(i) (2) Funds in the Bay Restoration Fund shall be used only:

(xiii) After funding any eligible costs identified under item (iv)1 and 2 of this paragraph, for transfers to the Clean Water Commerce Account in accordance with paragraph (3) of this subsection; [and]

(xiv) After funding any eligible costs identified under item (iv)1 and 2 of this paragraph, for the transfers required under paragraph (11) of this subsection; AND

(XV) ~~TO~~ AFTER FUNDING ANY ELIGIBLE COSTS IDENTIFIED UNDER ITEM (IV)1 AND 2 OF THIS PARAGRAPH, TO FUND THE WHOLE WATERSHED FUND ESTABLISHED UNDER § 8-2B-03 OF THE NATURAL RESOURCES ARTICLE.

9-1605.4.

(b) There is a Clean Water Commerce Account.

(c) The purpose of the Account is to [purchase]:

(1) PURCHASE environmental outcomes in support of the State's efforts to achieve the Chesapeake Bay TMDL; AND

(2) ACCELERATE RESTORATION OF THE CHESAPEAKE BAY AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS.

(f) (1) Subject to the provisions of this subsection, the Account may be used only for the purchase of cost-effective environmental outcomes that:

(i) Support the State's efforts to achieve the Chesapeake Bay TMDL; and

(ii) Have an expected life of at least 10 years.

(2) Except as provided in paragraph (3) of this subsection, in each fiscal year:

(i) At least 35% shall be used to procure environmental outcomes from agricultural practices, with priority given to projects that are:

1. A fixed natural filter practice, as defined in § 8-701 of the Agriculture Article; or

2. An agricultural ditch management practice, as defined by the Chesapeake Bay Program;

(ii) At least 20% shall be used to procure environmental outcomes from projects, including stormwater management and green infrastructure projects, established in communities disproportionately burdened by environmental harms and risks as identified by the Department in consultation with the Commission on Environmental Justice and Sustainable Communities; and

(iii) At least 10% shall be used to procure environmental outcomes from nonagricultural landscape restoration projects that take into consideration the project's ecological suitability, including the hydrological conditions and other physical characteristics of the location at which the project will be implemented.

(3) Any unencumbered funds not used to purchase environmental outcomes as specified under paragraph (2) of this subsection are:

(i) No longer subject to the allocation requirements specified under paragraph (2) of this subsection; and

(ii) Available for use consistent with this section in subsequent fiscal years, **INCLUDING TO FUND THE WHOLE WATERSHED FUND ESTABLISHED UNDER § 8-2B-03 OF THE NATURAL RESOURCES ARTICLE.**

(4) A project may include environmental outcomes from one or more of the project types specified under paragraph (2) of this subsection.

~~SUBTITLE 1. DEFINITIONS.~~

~~18-101.~~

~~(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "BOARD" MEANS THE STREAM RESTORATION CONTRACTORS LICENSING BOARD.~~

~~(C) "ENTITY" MEANS A BUSINESS WITH ITS PRINCIPAL OFFICE IN THE STATE THAT EMPLOYS MORE THAN ONE INDIVIDUAL TO PROVIDE STREAM RESTORATION CONTRACTOR SERVICES IN THE STATE.~~

~~(D) "LICENSE" MEANS A PROFESSIONAL LICENSE ISSUED BY THE BOARD TO AN INDIVIDUAL OR ENTITY TO PERFORM STREAM RESTORATION CONTRACTOR SERVICES IN THE STATE.~~

~~(E) "LICENSED STREAM RESTORATION CONTRACTOR" MEANS AN INDIVIDUAL OR ENTITY THAT HAS RECEIVED A LICENSE FROM THE BOARD TO PERFORM STREAM RESTORATION CONTRACTOR SERVICES.~~

~~(F) (1) "STREAM RESTORATION CONTRACTOR SERVICES" MEANS CONSTRUCTION, DEMOLITION, INSTALLATION, ALTERATION, REPAIR, OR SALVAGE ACTIVITIES LOCATED IN, ON, OR UNDER STATE OR PRIVATE STREAMS OR NONTIDAL WETLANDS.~~

~~(2) "STREAM RESTORATION CONTRACTOR SERVICES" INCLUDES:~~

~~(I) IN-STREAM STRUCTURE INSTALLATION;~~

~~(II) STREAM CHANNEL RELOCATION;~~

~~(III) STREAM BANK STABILIZATION;~~

~~(IV) INFRASTRUCTURE PROTECTION;~~

~~(V) HABITAT CREATION;~~

~~(VI) FLOOR PROTECTION; AND~~

~~(VII) STREAM CHANNEL FILLING.~~

~~SUBTITLE 2. STREAM RESTORATION CONTRACTORS LICENSING BOARD.~~

~~18-201.~~

~~(A) THERE IS A STREAM RESTORATION CONTRACTORS LICENSING BOARD
IN THE DEPARTMENT.~~

~~(B) SUBJECT TO THE PROVISIONS OF THIS TITLE, THE BOARD IS
RESPONSIBLE FOR THE LICENSING AND REGULATION OF INDIVIDUALS AND
ENTITIES THAT PROVIDE STREAM RESTORATION CONTRACTOR SERVICES IN THE
STATE.~~

~~18-202.~~

~~(A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE
GOVERNOR, WITH THE ADVICE OF THE SECRETARY AND WITH THE ADVICE AND
CONSENT OF THE SENATE.~~

~~(2) OF THE SEVEN MEMBERS:~~

~~(I) ONE SHALL BE EMPLOYED BY THE DEPARTMENT;~~

~~(H) ONE SHALL BE EMPLOYED BY THE DEPARTMENT OF
NATURAL RESOURCES;~~

~~(HH) THREE SHALL BE LICENSED STREAM RESTORATION
CONTRACTORS AS FOLLOWS:~~

~~1. ONE FROM:~~

~~A. BALTIMORE CITY;~~

~~B. ANNE ARUNDEL COUNTY;~~

~~C. BALTIMORE COUNTY;~~

~~D. CALVERT COUNTY;~~

~~E. CHARLES COUNTY;~~

~~F. HARFORD COUNTY;~~

~~G. PRINCE GEORGE'S COUNTY; OR~~

~~H. ST. MARY'S COUNTY;~~

~~2. ONE FROM:~~

~~A. ALLEGANY COUNTY;~~

~~B. CARROLL COUNTY;~~

~~C. FREDERICK COUNTY;~~

~~D. GARRETT COUNTY;~~

~~E. HOWARD COUNTY;~~

~~F. MONTGOMERY COUNTY; OR~~

~~G. WASHINGTON COUNTY; AND~~

~~3. ONE FROM:~~

~~A. CAROLINE COUNTY;~~

~~B. CECIL COUNTY;~~

~~C. DORCHESTER COUNTY;~~

~~D. KENT COUNTY;~~

~~E. QUEEN ANNE'S COUNTY;~~

~~F. SOMERSET COUNTY;~~

~~G. TALBOT COUNTY;~~

~~H. WICOMICO COUNTY; OR~~

~~I. WORCESTER COUNTY; AND~~

~~(IV) TWO SHALL BE PRIVATE CITIZENS, APPOINTED AT LARGE,
WHO REPRESENT DIVERSE INTERESTS AS FOLLOWS:~~

~~1. ONE FROM:~~

~~A. BALTIMORE CITY;~~

HOUSE BILL 1165

~~B. ALLEGANY COUNTY;~~
~~C. ANNE ARUNDEL COUNTY;~~
~~D. CARROLL COUNTY;~~
~~E. BALTIMORE COUNTY;~~
~~F. FREDERICK COUNTY;~~
~~G. GARRETT COUNTY;~~
~~H. HARFORD COUNTY;~~
~~I. HOWARD COUNTY;~~
~~J. MONTGOMERY COUNTY;~~
~~K. PRINCE GEORGE'S COUNTY; OR~~
~~L. WASHINGTON COUNTY; AND~~
~~2. ONE FROM:~~
~~A. CALVERT COUNTY;~~
~~B. CAROLINE COUNTY;~~
~~C. CECIL COUNTY;~~
~~D. CHARLES COUNTY;~~
~~E. DORCHESTER COUNTY;~~
~~F. KENT COUNTY;~~
~~G. QUEEN ANNE'S COUNTY;~~
~~H. SOMERSET COUNTY;~~
~~I. ST. MARY'S COUNTY;~~
~~J. TALBOT COUNTY;~~
~~K. WICOMICO COUNTY; OR~~

~~L. WORCESTER COUNTY.~~

~~(B) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.~~

~~(C) (1) THE TERM OF A MEMBER OF THE BOARD IS 3 YEARS.~~

~~(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

~~(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

~~(D) THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD FOR INCOMPETENCE, MISCONDUCT, NEGLECT OF DUTY, OR OTHER SUFFICIENT CAUSE.~~

~~18-203.~~

~~(A) EACH YEAR, THE BOARD SHALL ELECT A CHAIR, VICE CHAIR, AND SECRETARY FROM AMONG ITS MEMBERS.~~

~~(B) THE BOARD SHALL DETERMINE THE MANNER OF THE ELECTION OF OFFICERS.~~

~~18-204.~~

~~(A) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.~~

~~(B) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

~~(C) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE BUDGET.~~

~~18-205.~~

~~(A) THE BOARD MAY:~~

~~(1) AS NECESSARY, OBTAIN ASSISTANCE FROM THE DEPARTMENT TO CARRY OUT AND ENFORCE THE PROVISIONS OF THIS TITLE; AND~~

~~(2) MAKE INQUIRIES AND CONDUCT AN INVESTIGATION REGARDING ANY APPLICANT FOR A LICENSE.~~

~~(B) THE BOARD SHALL:~~

~~(1) RECOMMEND REGULATIONS FOR ADOPTION BY THE SECRETARY THAT:~~

~~(I) ESTABLISH LICENSING STANDARDS FOR STREAM RESTORATION CONTRACTORS; AND~~

~~(II) CARRY OUT THE PROVISIONS OF THIS TITLE;~~

~~(2) COLLECT AND ACCOUNT FOR THE FEES PROVIDED FOR UNDER THIS TITLE; AND~~

~~(3) KEEP A CURRENT RECORD OF ALL INDIVIDUALS AND ENTITIES LICENSED UNDER THIS TITLE, INCLUDING:~~

~~(I) THE NAMES OF INDIVIDUALS AND ENTITIES THAT ARE LICENSED;~~

~~(II) THE ISSUANCE AND EXPIRATION DATES OF THE LICENSES; AND~~

~~(III) ANY OTHER INFORMATION THAT THE BOARD CONSIDERS APPROPRIATE.~~

~~18-206.~~

~~(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND OTHER SERVICES THAT THE BOARD PROVIDES.~~

~~(2) THE FEES IMPOSED BY THE BOARD SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COSTS OF MAINTAINING THE BOARD.~~

~~(B) THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS TITLE INTO THE WETLANDS AND WATERWAYS PROGRAM FUND UNDER § 5-203.1 OF THIS ARTICLE FOR THE ADMINISTRATION OF THE BOARD.~~

~~SUBTITLE 3. LICENSING.~~

~~18-301.~~

~~(A) EXCEPT AS PROVIDED IN THIS SECTION AND § 18-306 OF THIS SUBTITLE, A PERSON SHALL BE LICENSED BY THE BOARD AS A STREAM RESTORATION CONTRACTOR OR BE EMPLOYED BY AN INDIVIDUAL OR ENTITY THAT IS LICENSED AS A STREAM RESTORATION CONTRACTOR BEFORE THE PERSON MAY:~~

~~(1) PERFORM STREAM RESTORATION CONTRACTOR SERVICES IN THE STATE; OR~~

~~(2) SOLICIT TO PERFORM STREAM RESTORATION CONTRACTOR SERVICES IN THE STATE.~~

~~(B) AN INDIVIDUAL OR ENTITY MAY QUALIFY FOR A LICENSE.~~

~~(C) AN INDIVIDUAL WHO IS EMPLOYED BY AN AGENCY OF THE FEDERAL GOVERNMENT, A LOCAL GOVERNMENT, OR THE STATE MAY PERFORM STREAM RESTORATION CONTRACTOR SERVICES WHILE IN THE PERFORMANCE OF THE DUTIES OF THEIR EMPLOYMENT WITHOUT HAVING TO OBTAIN A LICENSE FROM THE BOARD UNDER THIS TITLE.~~

~~(D) A RESIDENTIAL OR COMMERCIAL PROPERTY OWNER MAY PERFORM STREAM RESTORATION CONTRACTOR SERVICES ON THE PROPERTY OWNER'S OWN PROPERTY WITHOUT HAVING TO OBTAIN A LICENSE FROM THE BOARD UNDER THIS TITLE.~~

~~18-302.~~

~~(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL MEET THE REQUIREMENTS OF THIS SECTION AND ANY REGULATIONS ADOPTED UNDER THIS SECTION.~~

~~(B) IF THE APPLICANT IS AN ENTITY, THE ENTITY SHALL APPOINT A MEMBER OF THE ENTITY AS THE REPRESENTATIVE MEMBER TO MAKE THE APPLICATION ON BEHALF OF THE ENTITY.~~

~~(C) AN INDIVIDUAL APPLICANT OR, IF THE APPLICANT IS AN ENTITY, THE REPRESENTATIVE MEMBER SHALL:~~

~~(1) HAVE AT LEAST 2 YEARS OF EXPERIENCE AS A FULL TIME STREAM RESTORATION CONTRACTOR OR DEMONSTRATE SIMILAR CONTRACTOR EXPERIENCE;~~

~~(2) PASS A WRITTEN STREAM RESTORATION CONTRACTOR TEST
RECOGNIZED BY THE SECRETARY AND PREPARED IN CONSULTATION WITH THE
BOARD OF THE MARYLAND STREAM RESTORATION ASSOCIATION;~~

~~(3) BE REGISTERED AND IN GOOD STANDING WITH THE STATE
DEPARTMENT OF ASSESSMENTS AND TAXATION;~~

~~(4) IF APPLICABLE, HAVE RESOLVED ALL NOTICES OF VIOLATION
FROM THE DEPARTMENT, THE DEPARTMENT OF NATURAL RESOURCES, AND THE
U.S. ENVIRONMENTAL PROTECTION AGENCY;~~

~~(5) HAVE A FEDERAL TAX IDENTIFICATION NUMBER; AND~~

~~(6) CARRY:~~

~~(I) COMMERCIAL GENERAL LIABILITY INSURANCE WITH A
\$1,000,000 TOTAL AGGREGATE MINIMUM; AND~~

~~(II) WORKERS' COMPENSATION INSURANCE, UNLESS EXEMPT
BY LAW.~~

~~18-303.~~

~~(A) (1) TO APPLY FOR A LICENSE, AN APPLICANT SHALL:~~

~~(I) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM
THAT THE BOARD PROVIDES;~~

~~(II) SUBMIT THE DOCUMENTS REQUIRED UNDER THIS SECTION;
AND~~

~~(III) PAY TO THE BOARD AN APPLICATION FEE OF \$500.~~

~~(2) IF THE APPLICANT IS AN ENTITY, THE REPRESENTATIVE MEMBER
SHALL COMPLETE THE APPLICATION FORM AND OTHERWISE BE RESPONSIBLE FOR
THE ENTITY'S COMPLIANCE WITH THIS SECTION.~~

~~(B) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICATION FORM
PROVIDED BY THE BOARD SHALL REQUIRE:~~

~~(I) THE NAME OF THE APPLICANT;~~

~~(II) THE ADDRESS OF THE APPLICANT; AND~~

~~(HH) THE CURRENT AND PREVIOUS EMPLOYMENT OF THE
APPLICANT RELEVANT TO THE FIELD OF STREAM RESTORATION CONTRACTING.~~

~~(2) IF THE APPLICANT IS AN ENTITY, THE APPLICATION FORM
PROVIDED BY THE BOARD SHALL REQUIRE:~~

~~(I) A LIST OF THE ENTITY'S OWNERS; AND~~

~~(II) FOR EACH ENTITY OWNER, THE SAME INFORMATION
REQUIRED REGARDING AN INDIVIDUAL APPLICANT UNDER PARAGRAPH (1) OF THIS
SUBSECTION.~~

~~(3) FOR ALL APPLICANTS, THE APPLICATION FORM SHALL REQUIRE:~~

~~(I) THE ADDRESS OF THE APPLICANT'S PROPOSED PRINCIPAL
PLACE OF BUSINESS AND OF EACH PROPOSED BRANCH OFFICE;~~

~~(II) ALL TRADE OR FICTITIOUS NAMES THAT THE APPLICANT
INTENDS TO USE WHILE PERFORMING STREAM RESTORATION CONTRACTOR
SERVICES; AND~~

~~(III) AS THE BOARD CONSIDERS APPROPRIATE, ANY OTHER
INFORMATION TO ASSIST IN THE EVALUATION OF:~~

~~1. AN INDIVIDUAL APPLICANT; OR~~

~~2. IF THE APPLICANT IS AN ENTITY, ANY ENTITY
MEMBER.~~

~~(C) THE APPLICATION FORM PROVIDED BY THE BOARD SHALL CONTAIN A
STATEMENT ADVISING THE APPLICANT OF THE PENALTIES PROVIDED UNDER §
18-403 OF THIS TITLE FOR A VIOLATION OF THIS TITLE.~~

~~(D) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE INDIVIDUAL SHALL
SIGN THE APPLICATION FORM UNDER OATH.~~

~~(2) IF THE APPLICANT IS AN ENTITY, THE REPRESENTATIVE MEMBER
OF THE ENTITY SHALL:~~

~~(I) SIGN THE APPLICATION FORM UNDER OATH; AND~~

~~(II) PROVIDE PROOF TO THE BOARD THAT THE
REPRESENTATIVE MEMBER IS A MEMBER OF THE ENTITY.~~

~~(E) AN APPLICANT FOR A LICENSE SHALL SUBMIT WITH THE APPLICATION
PROOF OF THE INSURANCE REQUIRED UNDER § 18-302(C)(6) OF THIS SUBTITLE.~~

~~18-304.~~

~~THE BOARD MAY NOT ISSUE A LICENSE TO AN APPLICANT WHOSE TRADE OR
FICTITIOUS NAME OR TRADEMARK IS SO SIMILAR TO THAT USED BY ANOTHER
LICENSEE THAT THE PUBLIC MAY BE CONFUSED OR MISLED BY THE SIMILARITY.~~

~~18-305.~~

~~(A) THE BOARD SHALL ISSUE A LICENSE THAT IS VALID FOR 2 YEARS TO ANY
APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE AND ANY REGULATION
ADOPTED UNDER THIS TITLE.~~

~~(B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD
ISSUES:~~

~~(1) THE FULL NAME OF THE LICENSEE;~~

~~(2) THE LICENSE NUMBER;~~

~~(3) THE LOCATION OF THE PRINCIPAL OFFICE AND OF EACH BRANCH
OFFICE IF THE LICENSEE IS AN ENTITY;~~

~~(4) THE DATE OF ISSUANCE OF THE LICENSE;~~

~~(5) THE DATE ON WHICH THE LICENSE EXPIRES; AND~~

~~(6) THE NAME OF THE REPRESENTATIVE MEMBER IF THE LICENSEE
IS AN ENTITY.~~

~~18-306.~~

~~WHILE A LICENSE TO AN ENTITY IS IN EFFECT, THE LICENSE AUTHORIZES THE
ENTITY TO:~~

~~(1) EMPLOY AS STREAM RESTORATION CONTRACTORS INDIVIDUALS
WHO ARE NOT LICENSED STREAM RESTORATION CONTRACTORS TO PROVIDE
STREAM RESTORATION CONTRACTOR SERVICES TO THE PUBLIC ON BEHALF OF THE
LICENSEE; AND~~

~~(2) REPRESENT ITSELF TO THE PUBLIC AS A LICENSED STREAM
RESTORATION CONTRACTOR ENTITY.~~

~~18-307.~~

~~A LICENSED STREAM RESTORATION CONTRACTOR SHALL:~~

~~(1) INCLUDE THE CONTRACTOR'S STREAM RESTORATION CONTRACTOR LICENSE NUMBER IN ALL ADVERTISING RELATED TO THE PROVISION OF STREAM RESTORATION CONTRACTOR SERVICES; AND~~

~~(2) PROMINENTLY DISPLAY THE CONTRACTOR'S STREAM RESTORATION CONTRACTOR LICENSE NUMBER ON ALL LARGE EQUIPMENT USED IN THE COURSE OF THE LICENSEE'S WORK AS A STREAM RESTORATION CONTRACTOR.~~

~~18-308.~~

~~(A) THE SECRETARY SHALL ADOPT REGULATIONS TO STAGGER THE TERMS OF THE LICENSES.~~

~~(B) A LICENSE EXPIRES ON THE DATE THE SECRETARY SETS, IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.~~

~~(C) AT LEAST 2 MONTHS BEFORE A LICENSE EXPIRES, THE BOARD SHALL SEND TO THE LICENSEE, BY FIRST CLASS MAIL OR ELECTRONICALLY, TO THE LAST KNOWN ADDRESS OF THE LICENSEE:~~

~~(1) A RENEWAL APPLICATION FORM; AND~~

~~(2) A NOTICE THAT STATES:~~

~~(I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;~~

~~(II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES; AND~~

~~(III) THE AMOUNT OF THE RENEWAL FEE.~~

~~(D) BEFORE A LICENSE EXPIRES, THE LICENSEE MAY RENEW THE LICENSE FOR AN ADDITIONAL 2 YEAR TERM IF THE LICENSEE:~~

~~(1) IS OTHERWISE ENTITLED TO BE LICENSED;~~

~~(2) PAYS TO THE BOARD:~~

~~(I) THE REQUIRED RENEWAL FEE SET BY THE BOARD; AND~~

~~(II) ANY OUTSTANDING FEES; AND~~

~~(3) SUBMITS TO THE BOARD:~~

~~(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION;~~

~~(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE INSURANCE REQUIREMENTS ESTABLISHED UNDER § 18-302(C)(6) OF THIS SUBTITLE;~~

~~(III) SATISFACTORY EVIDENCE OF THE RESOLUTION OF ANY LICENSE VIOLATIONS, SUSPENSIONS, DENIALS, REVOCATIONS, OR OTHER BOARD ACTIONS TAKEN UNDER THIS TITLE; AND~~

~~(IV) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD PROVIDES.~~

~~(E) (1) A LICENSEE SHALL COMPLETE 12 HOURS OF CONTINUING EDUCATION INSTRUCTION COVERING STREAM RESTORATION CONTRACTOR SUBJECT MATTER APPROVED BY THE BOARD.~~

~~(2) (I) THE BOARD SHALL APPROVE THE SUBSTANCE AND FORM OF A CONTINUING EDUCATION COURSE IF THE COURSE IS:~~

~~1. OFFERED BY A QUALIFIED INSTRUCTOR; OR~~

~~2. CONDUCTED BY AN EDUCATIONAL INSTITUTION APPROVED BY THE BOARD.~~

~~(II) THE LICENSEE IS RESPONSIBLE FOR THE COST OF ANY CONTINUING EDUCATION COURSE.~~

~~(F) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE THAT MEETS THE REQUIREMENTS OF THIS SECTION.~~

~~18-309.~~

~~WITHIN 5 DAYS AFTER THE CHANGE, A LICENSEE SHALL SUBMIT TO THE BOARD WRITTEN NOTICE OF:~~

~~(1) ANY CHANGE IN THE ADDRESS OR TELEPHONE NUMBER OF AN EXISTING OFFICE OR PRINCIPAL PLACE OF BUSINESS; AND~~

~~(2) IF THE LICENSEE IS AN ENTITY, THE ADDITION OF A BRANCH OFFICE.~~

~~18-310.~~

~~(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE GOVERNMENT ARTICLE, AND SUBJECT TO THE NOTICE AND HEARING REQUIREMENTS IN SUBSECTION (C) OF THIS SECTION, THE BOARD MAY DENY, REFUSE TO RENEW, SUSPEND, OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:~~

~~(1) VIOLATES ANY PROVISION OF THIS TITLE OR ANY REGULATION ADOPTED UNDER THIS TITLE;~~

~~(2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT, LICENSEE, OR ANOTHER PERSON;~~

~~(3) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;~~

~~(4) COMMITS ANY GROSS NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT WHILE PRACTICING STREAM RESTORATION CONTRACTOR SERVICES; OR~~

~~(5) IN THE CRITICAL AREA, AS DEFINED UNDER § 8-1802 OF THE NATURAL RESOURCES ARTICLE, FAILS TO COMPLY WITH:~~

~~(I) THE TERMS OF A STATE OR LOCAL PERMIT, LICENSE, OR APPROVAL; OR~~

~~(II) ANY STATE OR LOCAL LAW, AN APPROVED PLAN, OR OTHER LEGAL REQUIREMENT.~~

~~(B) THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, ESTABLISHED UNDER TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES ARTICLE, SHALL NOTIFY THE BOARD OF ANY LICENSED STREAM RESTORATION CONTRACTOR OR APPLICANT FOR A LICENSE THAT FAILS TO COMPLY WITH ANY REQUIREMENT UNDER SUBSECTION (A)(5) OF THIS SECTION.~~

~~(C) (1) BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL GIVE THE APPLICANT OR~~

~~LICENSEE AGAINST WHOM THE ACTION IS CONTEMPLATED NOTICE AND THE
OPPORTUNITY FOR A HEARING BEFORE THE BOARD.~~

~~(2) THE BOARD SHALL PROVIDE NOTICE AND HOLD A HEARING IN
ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.~~

~~(3) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE
SHALL BE:~~

~~(I) SERVED PERSONALLY ON THE INDIVIDUAL; OR~~

~~(II) SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,
BEARING A POSTMARK FROM THE U.S. POSTAL SERVICE, TO THE LAST KNOWN
ADDRESS OF THE INDIVIDUAL OR ENTITY.~~

~~(4) IF, AFTER DUE NOTICE, THE APPLICANT OR LICENSEE AGAINST
WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD
MAY HEAR AND DETERMINE THE MATTER.~~

~~(D) EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, ANY
PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD MAY TAKE AN APPEAL AS
AUTHORIZED UNDER §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.~~

~~(E) FOR PURPOSES OF THIS SECTION, AN ACT OR OMISSION OF ANY
PRINCIPAL, AGENT, OR EMPLOYEE OF AN APPLICANT OR LICENSEE MAY BE
CONSTRUED TO BE THE ACT OR OMISSION OF THE APPLICANT OR LICENSEE, AS
WELL AS OF THE PRINCIPAL, AGENT, OR EMPLOYEE.~~

~~18-311.~~

~~(A) ON BECOMING AWARE OF A VIOLATION BY A LICENSEE UNDER THIS
TITLE, THE DEPARTMENT SHALL PROVIDE NOTICE OF THE VIOLATION TO THE
LICENSEE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A
POSTMARK FROM THE U.S. POSTAL SERVICE, TO THE LAST KNOWN ADDRESS OF THE
INDIVIDUAL OR ENTITY.~~

~~(B) A LICENSE ISSUED UNDER THIS TITLE IS VOIDED IF:~~

~~(1) THERE IS A LAPSE OF THE INSURANCE REQUIRED UNDER §
18-302(c)(6) OF THIS SUBTITLE; OR~~

~~(2) THE DEPARTMENT ISSUES THREE NOTICES OF VIOLATION TO THE
LICENSEE IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.~~

~~SUBTITLE 4. PROHIBITED ACTS; PENALTIES.~~

~~18-401.~~

~~EXCEPT AS PROVIDED IN §§ 18-301 AND 18-306 OF THIS TITLE, AN INDIVIDUAL OR ENTITY MAY NOT CONDUCT, ATTEMPT TO CONDUCT, OR OFFER TO CONDUCT ANY STREAM RESTORATION CONTRACTOR SERVICES UNLESS THE INDIVIDUAL OR ENTITY IS LICENSED BY THE BOARD TO PERFORM THE SERVICES.~~

~~18-402.~~

~~UNLESS AUTHORIZED TO PERFORM STREAM RESTORATION CONTRACTOR SERVICES UNDER THIS TITLE, AN INDIVIDUAL OR ENTITY MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL OR ENTITY IS AUTHORIZED TO PERFORM STREAM RESTORATION CONTRACTOR SERVICES IN THE STATE.~~

~~18-403.~~

~~(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON THAT VIOLATES ANY PROVISION OF THIS TITLE OR ANY REGULATION ADOPTED UNDER THIS TITLE IS SUBJECT TO AN ADMINISTRATIVE PENALTY NOT EXCEEDING:~~

~~(I) \$500 FOR A FIRST VIOLATION;~~

~~(II) \$1,000 FOR A SECOND VIOLATION; AND~~

~~(III) \$5,000 FOR A THIRD OR SUBSEQUENT VIOLATION.~~

~~(2) THE SUM OF ADMINISTRATIVE PENALTIES IMPOSED ON A PERSON UNDER THIS SECTION MAY NOT EXCEED \$25,000.~~

~~(3) EACH DAY THAT A PERSON CONDUCTS STREAM RESTORATION CONTRACTOR SERVICES WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE.~~

~~(B) ANY PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE WETLANDS AND WATERWAYS PROGRAM FUND, ESTABLISHED UNDER § 5-203.1 OF THIS ARTICLE, TO BE USED FOR THE ADMINISTRATION OF THE BOARD.~~

~~(C) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.~~

~~SUBTITLE 5. TERMINATION OF TITLE.~~

~~18-501.~~

~~SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS
ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY
1, 2033.~~

Article – Natural Resources

8-2A-02.

(a) There is a Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

(b) The purpose of the Fund is to provide financial assistance necessary to advance Maryland's progress in meeting the goals established in the 2014 Chesapeake Bay Watershed Agreement for the restoration of the Chesapeake Bay and its tributaries, including the Patuxent River, and to restore the health of the Atlantic Coastal Bays and their tributaries, by focusing limited financial resources on nonpoint source pollution control projects in all regions of the State.

(f) **(5) IN EACH FISCAL YEAR FROM 2026 THROUGH 2030, INCLUSIVE, UP TO \$100,000 FROM THE FUND SHALL BE USED TO FUND THE OPERATIONS GRANTS UNDER § 8-2B-02(G)(3) OF THIS TITLE AT A RATE OF \$20,000 PER GRANT RECIPIENT PROJECT SPONSOR EACH FISCAL YEAR.**

SUBTITLE 2B. WHOLE WATERSHED RESTORATION PARTNERSHIP AND FUND.

8-2B-01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) "ACTION" MEANS THE INSTALLATION, RESTORATION, OR ENHANCEMENT OF:

(I) A NATURAL FEATURE;

(II) AN ACTIVITY RELATED TO THE FORM AND FUNCTION OF A NATURAL FEATURE; OR

(III) LAND CONSERVATION MEASURES.

(2) "ACTION" INCLUDES THE PLANNING, DESIGN, ENGINEERING, DRAFTING OF LEGAL INSTRUMENTS, AND MAINTENANCE NECESSARY TO ESTABLISH

1 A NATURAL FEATURE, AN ACTIVITY RELATED TO THE FORM AND FUNCTION OF A
2 NATURAL FEATURE, OR LAND CONSERVATION MEASURES.

3 (C) "FUND" MEANS THE WHOLE WATERSHED FUND.

4 (D) "OVERBURDENED COMMUNITY" HAS THE MEANING STATED IN § 1-701
5 OF THE ENVIRONMENT ARTICLE.

6 (E) "PARTNERSHIP" MEANS THE WHOLE WATERSHED RESTORATION
7 PARTNERSHIP.

8 (F) "PROJECT" MEANS A COLLECTION OF RESTORATION AND
9 CONSERVATION ACTIONS COORDINATED BY MULTIPLE ENTITIES TO IMPROVE
10 SHALLOW WATER HABITAT.

11 (G) "PROJECT SPONSOR" MEANS THE ENTITY RESPONSIBLE FOR
12 ADMINISTERING A PROJECT, INCLUDING ACCOUNTING FOR FUNDS, COORDINATING
13 PARTNERS AND ACTIONS, AND REPORTING OUTCOMES.

14 (H) (1) "SHALLOW WATER HABITAT" MEANS THE PORTION OF THE
15 CHESAPEAKE AND ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES FOR WHICH
16 THE STATE HAS ADOPTED WATER QUALITY CRITERIA TO SUPPORT SUBMERGED
17 AQUATIC VEGETATION.

18 (2) "SHALLOW WATER HABITAT" INCLUDES THE SUSQUEHANNA
19 RIVER AND ITS TRIBUTARIES WITHIN THE STATE.

20 (I) "STATE MANAGEMENT TEAM" MEANS THE REPRESENTATIVES
21 DESIGNATED TO ADMINISTER THE PARTNERSHIP.

22 (J) "UNDERSERVED COMMUNITY" HAS THE MEANING STATED IN § 1-701 OF
23 THE ENVIRONMENT ARTICLE.

24 8-2B-02.

25 (A) THERE IS A WHOLE WATERSHED RESTORATION PARTNERSHIP.

26 (B) THE PURPOSE OF THE PARTNERSHIP IS TO ACCELERATE RESTORATION
27 OF THE CHESAPEAKE AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS BY
28 EQUITABLY FOCUSING ASSISTANCE ON ACTIONS AND AREAS THAT ARE:

29 (1) COST-EFFECTIVE;

1 **(2) LIKELY TO DEMONSTRATE A RAPID SYSTEMIC RESPONSE TO**
2 **RESTORATION ACTIVITY, INCLUDING RAPID DE-LISTING OF IMPAIRED STREAMS**
3 **IDENTIFIED UNDER § 303(D) OF THE FEDERAL CLEAN WATER ACT; AND**

4 **(3) SUPPORTED BY THE LOCAL ~~COMMUNITY~~ GOVERNMENT.**

5 **(C) (1) THE SECRETARY SHALL ESTABLISH A STATE MANAGEMENT TEAM**
6 **TO ADMINISTER THE PARTNERSHIP.**

7 **(2) THE STATE MANAGEMENT TEAM SHALL INCLUDE:**

8 **(I) ONE REPRESENTATIVE OF THE DEPARTMENT, DESIGNATED**
9 **BY THE SECRETARY;**

10 **(II) ONE REPRESENTATIVE OF THE DEPARTMENT OF THE**
11 **ENVIRONMENT, DESIGNATED BY THE SECRETARY OF ENVIRONMENT;**

12 **(III) ONE REPRESENTATIVE OF THE DEPARTMENT OF**
13 **AGRICULTURE, DESIGNATED BY THE SECRETARY OF AGRICULTURE;**

14 **(IV) ONE REPRESENTATIVE OF THE DEPARTMENT OF**
15 **PLANNING, DESIGNATED BY THE SECRETARY OF PLANNING;**

16 **(V) ONE REPRESENTATIVE OF THE CRITICAL AREA**
17 **COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, DESIGNATED**
18 **BY THE CHAIR OF THE COMMISSION; AND**

19 **(VI) THE CHIEF RESILIENCE OFFICER, OR THE CHIEF**
20 **RESILIENCE OFFICER'S DESIGNEE.**

21 **(3) THE REPRESENTATIVE OF THE DEPARTMENT SHALL CHAIR THE**
22 **STATE MANAGEMENT TEAM.**

23 **(4) THE STATE MANAGEMENT TEAM SHALL COORDINATE WITH**
24 **OTHER ENTITIES, INCLUDING THE U.S. ARMY CORPS OF ENGINEERS AND THE U.S.**
25 **ENVIRONMENTAL PROTECTION AGENCY, AS NECESSARY TO CARRY OUT ITS**
26 **FUNCTIONS AND DUTIES UNDER THIS SUBTITLE.**

27 **(D) (1) THE PARTNERSHIP SHALL EMPLOY STAFF IN ACCORDANCE WITH**
28 **THE STATE BUDGET.**

29 **(2) STATE AGENCIES MAY PROVIDE STAFF OR OTHER ASSISTANCE TO**
30 **THE PARTNERSHIP.**

(E) ON OR BEFORE OCTOBER 1, 2024, AND EVERY 5 YEARS THEREAFTER, THE STATE MANAGEMENT TEAM SHALL ISSUE A REQUEST FOR PROPOSALS FOR PROJECTS THAT:

(1) OCCUR WITHIN A SINGLE MARYLAND 8-DIGIT WATERSHED AS IDENTIFIED IN THE STATEWIDE DIGITAL WATERSHED FILE MAINTAINED BY THE DEPARTMENT OF INFORMATION TECHNOLOGY;

(2) INCLUDE A STRATEGY DESCRIBING THE PARTNERS, ACTIONS, AND BENEFITS THAT THE PROJECT WILL INCORPORATE OVER A 5-YEAR PERIOD;

(3) PROVIDE AT LEAST FIVE OF THE BENEFITS SPECIFIED UNDER SUBSECTION (F)(2)(VIII) OF THIS SECTION; AND

(4) ARE ENDORSED BY EACH COUNTY AND MUNICIPAL CORPORATION IN WHICH THE PROJECT WILL OCCUR.

(F) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON OR BEFORE MARCH 1, 2025, AND EVERY 5 YEARS THEREAFTER, THE STATE MANAGEMENT TEAM MAY APPROVE UP TO FIVE PROJECTS TO RECEIVE ASSISTANCE UNDER THIS SECTION.

(2) THE STATE MANAGEMENT TEAM SHALL EVALUATE A PROPOSED PROJECT BASED ON WHETHER THE PROPOSED PROJECT:

(I) IS LOCATED IN A WATERSHED IN WHICH HABITAT RESTORATION AND POLLUTION REDUCTION WILL:

1. RESULT IN THE GREATEST IMPROVEMENTS TO SHALLOW WATER HABITAT AND LIVING RESOURCES;

2. ACHIEVE RAPID DE-LISTING OF IMPAIRED STREAMS IDENTIFIED UNDER § 303(D) OF THE FEDERAL CLEAN WATER ACT AND PUBLISHED IN THE DEPARTMENT OF THE ENVIRONMENT'S TRIENNIAL REVIEW OF WATER QUALITY STANDARDS; OR

3. GENERATE RAPIDLY-IMPROVING CONDITIONS IN THE LOCAL ECOSYSTEM;

(II) EMPHASIZES ACTIONS THAT ARE EXPECTED TO PROVIDE THE GREATEST, MOST COST-EFFECTIVE, AND MEASURABLE AMOUNT OF POLLUTION REDUCTION;

(III) SUPPORTS LAND USE POLICIES, CONSERVATION PROGRAMS, AND RESTORATION PROTOCOLS AT THE LOCAL LEVEL THAT WILL SUSTAIN PROJECT ACTIONS AND OUTCOMES;

(IV) HAS DOCUMENTED INTEREST FROM A GROUP OF AFFECTED PROPERTY OWNERS TO ALLOW RESTORATION OR CONSERVATION ACTIONS ON THEIR PROPERTY;

(V) MINIMIZES THE LOSS OF TREES AND OTHER NATURAL HABITATS;

(VI) DEMONSTRATES OPPORTUNITIES TO IMPLEMENT ACTIONS THAT REDUCE ENVIRONMENTAL DISPARITIES EXPERIENCED BY OVERBURDENED OR UNDERSERVED COMMUNITIES;

(VII) DEMONSTRATES OPPORTUNITIES TO FOSTER INNOVATION IN RESTORATION SCIENCE OR PRACTICES;

(VIII) IN ADDITION TO LAND-BASED HABITAT RESTORATION AND WATER QUALITY IMPROVEMENT, ANTICIPATES BENEFITS RELATED TO:

1. THE CREATION OR RESTORATION OF WILDLIFE HABITAT, RIPARIAN BUFFERS, AND WETLAND RESTORATION;

2. THE RESTORATION OF AQUATIC RESOURCES, SUCH AS FRESH WATER MUSSELS, FISH PASSAGE, OR OYSTER REEFS;

3. CARBON SEQUESTRATION;

4. CLIMATE CHANGE MITIGATION, ADAPTATION, OR RESILIENCE;

5. LOCAL EMPLOYMENT OPPORTUNITIES;

6. IMPROVING AND PROTECTING PUBLIC HEALTH; AND

7. RECREATIONAL OPPORTUNITIES AND PUBLIC ACCESS TO WATERWAYS AND NATURAL HABITATS; AND

(IX) CREATES PARTNERSHIP OPPORTUNITIES AMONG NONPROFIT AND FOR PROFIT ORGANIZATIONS, COMMUNITY ORGANIZATIONS, ALL LEVELS OF GOVERNMENT, AND SCIENTISTS.

(3) THE STATE MANAGEMENT TEAM SHALL:

1 (I) WORK TO ENSURE THAT THE PROJECTS APPROVED
2 INCLUDE:

3 1. ONE PROJECT LOCATED IN A PREDOMINANTLY
4 URBAN AREA;

5 2. ONE PROJECT LOCATED IN A PREDOMINANTLY
6 SUBURBAN AREA;

7 3. TWO PROJECTS PRIMARILY FOCUSED ON REDUCING
8 POLLUTION IN A PREDOMINANTLY AGRICULTURAL AREA; AND

9 4. ONE PROJECT THAT INCORPORATES
10 COLLABORATIVE EFFORTS WITH AN ADJOINING STATE; AND

11 (II) ENSURE THAT AT LEAST TWO APPROVED PROJECTS ARE
12 LOCATED IN AND PROVIDE BENEFITS TO AN OVERBURDENED OR UNDERSERVED
13 COMMUNITY.

14 (4) THE STATE MANAGEMENT TEAM MAY REQUIRE SITING, DESIGN,
15 CONSTRUCTION, MAINTENANCE, AND OPERATION PRINCIPLES AND STANDARDS FOR
16 A PROJECT THAT ARE IN ADDITION TO THOSE REQUIRED BY LAW OR REGULATION IF
17 THE TEAM DETERMINES THAT THOSE PRINCIPLES AND STANDARDS ARE NECESSARY
18 TO PRESERVE THE BENEFITS OF THE PROJECT.

19 (G) FOR A PERIOD OF 5 YEARS AFTER APPROVING A PROJECT, THE STATE
20 MANAGEMENT TEAM SHALL:

21 (1) ASSIST THE PROJECT SPONSOR IN DEVELOPING AN
22 IMPLEMENTATION AND FINANCING PLAN, INCLUDING MEASURABLE OUTCOMES,
23 FOR THE DURATION OF THE PROJECT;

24 (2) AWARD IMPLEMENTATION GRANTS FROM THE FUND AND OTHER
25 APPROPRIATE STATE FUNDS AND ACCOUNTS:

26 (I) FOR UP TO 50% OF PROJECT COSTS;

27 (II) IN ACCORDANCE WITH THE IMPLEMENTATION AND
28 FINANCING PLAN DEVELOPED UNDER ITEM (1) OF THIS SUBSECTION; AND

29 (III) WITH CONSIDERATION GIVEN TO THE PROGRESS OF THE
30 PROJECT AS DOCUMENTED IN THE REPORT REQUIRED UNDER SUBSECTION (I)(2) OF
31 THIS SECTION;

(3) AWARD OPERATIONS GRANTS TO THE PROJECT SPONSOR FOR PROJECT ADMINISTRATION COSTS IN ACCORDANCE WITH § 8-2A-02(F)(5) OF THIS TITLE;

(4) PROVIDE FOR COORDINATED AND TRANSPARENT STATE PERMITTING TO THE EXTENT ALLOWED BY STATE AND FEDERAL LAW, INCLUDING THE USE OF THE PERMIT TRACKING DASHBOARD ESTABLISHED BY THE SECRETARY UNDER SUBSECTION (K) OF THIS SECTION;

(5) PROVIDE FUNDING TO THE PROJECT SPONSOR TO SUPPORT WATER QUALITY MONITORING AT THE PROJECT SITE; AND

(6) MEET WITH THE PROJECT SPONSOR AND PARTICIPATING LOCAL GOVERNMENTS AT LEAST SIX TIMES EACH CALENDAR YEAR TO REVIEW AND FACILITATE PROGRESS ON THE PROJECT.

(H) A PROJECT SPONSOR SHALL PROVIDE OPPORTUNITIES FOR COMMUNITY ENGAGEMENT FOR THE DURATION OF THE PROJECT BY INCLUDING:

(1) AT LEAST FOUR COMMUNITY MEETINGS THAT INCLUDE REPRESENTATION FROM EACH LOCAL GOVERNMENT ENDORSING THE PROJECT; AND

(2) AN OPPORTUNITY FOR PUBLIC COMMENT ON THE PRELIMINARY DESIGN OF EACH ~~RESTORATION~~ MAJOR OR LARGE-SCALE ACTION PROPOSED BY THE PROJECT.

(I) (1) A PROJECT SPONSOR SHALL IDENTIFY APPROPRIATE METRICS TO TRACK PROGRESS ON MEETING THE OUTCOMES IDENTIFIED IN THE PROJECT'S IMPLEMENTATION AND FINANCING PLAN.

(2) (I) A PROJECT SPONSOR SHALL REPORT ON THE PROGRESS OF THE PROJECT AT THE INTERVALS AND IN THE FORMAT REQUIRED BY THE STATE MANAGEMENT TEAM.

(II) A REPORT UNDER THIS PARAGRAPH SHALL INCLUDE INFORMATION ON:

1. COMMUNITY ENGAGEMENT EFFORTS;

2. RESTORATION AND CONSERVATION ACTIONS INITIATED AND COMPLETED;

3. TREES AFFECTED AND TREES AT IMMEDIATE OR FUTURE RISK OF IMPACT DUE TO RESTORATION ACTIONS;

5. THE PROGRESS MADE TOWARD MEETING THE OUTCOMES IDENTIFIED IN THE PROJECT'S IMPLEMENTATION AND FINANCING PLAN, INCLUDING THE METRICS USED FOR TRACKING PROGRESS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(J) ON OR BEFORE NOVEMBER 1, 2025, AND EACH NOVEMBER 1 THEREAFTER, THE STATE MANAGEMENT TEAM SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF EACH APPROVED PROJECT.

(2) THE PERMIT TRACKING DASHBOARD SHALL BE MADE AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE.

(A) THERE IS A WHOLE WATERSHED FUND.

(C) THE SECRETARY SHALL ADMINISTER THE FUND.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(1) REVENUE DISTRIBUTED TO THE FUND FROM:

(I) THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND ESTABLISHED UNDER § 8-2A-02 OF THIS TITLE;

(II) THE BAY RESTORATION FUND ESTABLISHED UNDER § 9-1605.2 OF THE ENVIRONMENT ARTICLE;

(III) THE CLEAN WATER COMMERCE ACCOUNT ESTABLISHED UNDER § 9-1605.4 OF THE ENVIRONMENT ARTICLE;

(IV) THE MARYLAND AGRICULTURAL LAND PRESERVATION FUND ESTABLISHED UNDER § 2-505 OF THE AGRICULTURE ARTICLE;

(V) THE COST-SHARING PROGRAM ESTABLISHED UNDER § 8-702 OF THE AGRICULTURE ARTICLE; AND

(VI) THE WATERWAY IMPROVEMENT FUND ESTABLISHED UNDER § 8-707 OF THIS TITLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(3) INTEREST EARNINGS; AND

(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) (1) THE FUND MAY BE USED ONLY TO SUPPORT ACTIONS ASSOCIATED WITH A PROJECT APPROVED BY THE STATE MANAGEMENT TEAM UNDER § 8-2B-02 OF THIS SUBTITLE, INCLUDING:

(I) TO SATISFY MATCH REQUIREMENTS OF ANY FEDERAL SOURCE; OR

(II) MATCHING WITH COUNTY, MUNICIPAL, OR PRIVATE FUNDS OR IN-KIND SUPPORT FOR A PROJECT.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, MONEY TRANSFERRED TO THE FUND UNDER SUBSECTION (E)(1) OF THIS SECTION SHALL BE SUBJECT TO THE CONDITIONS SPECIFIED IN THE ORIGINATING FUND OR ACCOUNT.

1 **(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PORTION**
2 **OF FUNDS FOR AN ACTION MAY BE PROVIDED AS AN ADVANCE PAYMENT AT THE**
3 **BEGINNING OF EACH FISCAL YEAR.**

4 **(4) ANY REMAINING FUNDS NOT USED TO SUPPORT AN ACTION IN**
5 **ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL BE AVAILABLE FOR**
6 **USE CONSISTENT WITH THIS SECTION IN SUBSEQUENT FISCAL YEARS.**

7 **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
8 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

9 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
10 **THE FUND.**

11 **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
12 **WITH THE STATE BUDGET.**

13 **(I) MONEY EXPENDED FROM THE FUND FOR PROJECTS APPROVED BY THE**
14 **PARTNERSHIP IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF**
15 **FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PARTNERSHIP.**

16 **(J) A CONTRACT ENTERED INTO BY THE DEPARTMENT UNDER THIS**
17 **SECTION SHALL:**

18 **(1) BE CONSISTENT WITH THE IMPLEMENTATION AND FINANCING**
19 **PLAN DEVELOPED UNDER § 8-2B-02(G) OF THIS SUBTITLE;**

20 **(2) FOR AN ACTION INVOLVING STREAM RESTORATION, REQUIRE THE**
21 **USE OF A STREAM RESTORATION CONTRACTOR LICENSED UNDER TITLE 18 OF THE**
22 **ENVIRONMENT ARTICLE; AND**

23 **(3) REQUIRE THAT FUNDS PROVIDED FROM THE FUND BE RETURNED**
24 **IF THE ACTION IS NOT COMPLETED IN ACCORDANCE WITH THE IMPLEMENTATION**
25 **AND FINANCING PLAN.**

26 **(K) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ACTION**
27 **THAT IS PARTIALLY FINANCED WITH ANOTHER SOURCE OF STATE FUNDS MAY BE**
28 **FUNDED UNDER THIS SECTION.**

29 **(2) FUNDING PROVIDED TO AN ACTION UNDER THIS SUBSECTION**
30 **SHALL BE PRORATED TO COVER ONLY THE PORTION OF THE ACTION NOT FUNDED**
31 **BY ANOTHER STATE SOURCE.**

(a) In this subtitle the following words have the meanings indicated.

(A-1) “BENEFICIAL USE OF DREDGED MATERIAL” HAS THE MEANING STATED IN § 5-1101 OF THE ENVIRONMENT ARTICLE.

8-707.

(a) **(1)** There is a Waterway Improvement Fund for the purposes specified in this subtitle, **INCLUDING THE ACCELERATED RESTORATION OF THE CHESAPEAKE AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS.**

(2) Except as provided in § 8-709 of this subtitle, any money received into the Waterway Improvement Fund shall be used solely for the following projects:

[(1)] (I) Marking channels and harbors and establishing aids to navigation in cooperation with and as an extension of operations of the United States Coast Guard;

[(2)] (II) Clearing debris, aquatic vegetation, and obstruction from waters of the State;

[(3)] (III) Dredging channels and harbors and construction of jetties and breakwaters in cooperation with and as an extension of operations of the United States Army Corps of Engineers;

[(4)] (IV) Dredging ponds, lakes, and reservoirs owned by the State;

[(5)] (V) Constructing and maintaining marine facilities beneficial to the boating public, including constructing pump-out stations for use by the general boating public at public and private marinas. The Secretary may use the funds to install pump-out stations for use by the general boating public and to supplement maintenance costs at the discretion of the Secretary. Before approving the construction of any pump-out station at a public or private marina, the Secretary shall consult with the Department of the Environment to assure that the wastewater collection and treatment system of the marina is adequate to handle any increased flow. The Department may adopt regulations to govern the use and operation of pump-out stations for use by the general boating public constructed or supported by State funds under this section;

[(6)] (VI) Improvement, reconstruction, or removal of bridges, drawbridges, or similar structures over or across waters, if those structures delay, impede, or obstruct the boating public. With the approval of the Board of Public Works, funds from another public or any private source may be received and used to supplement and increase the funds in the Waterway Improvement Fund for the purpose of this subsection. Also, the Board of Public Works may enter into an agreement with a private company or person which owns such a structure, for the improvement, reconstruction, or removal of the

1 structure, in order to provide a sharing of the cost of the improvement, reconstruction, or
2 removal;

3 [(7)] (VII) Evaluation of water-oriented recreation needs and recreational
4 capacities of Maryland waterways and development of comprehensive plans for waterway
5 improvements;

6 [(8)] (VIII) To provide matching grants to local governments for the
7 construction of marine facilities for marine firefighting, marine police, or medical services
8 and for the acquisition of vessels and equipment for vessels for marine firefighting, police,
9 medical, and communication equipment for promoting safety of life and property and
10 general service to the boating public utilizing the waters of the State. The ownership,
11 operation, and maintenance of any equipment acquired under this subtitle shall be the
12 responsibility of the local governing body;

13 [(9)] (IX) Structural and nonstructural shore erosion control under
14 subsection (b) of this section;

15 [(10)] (X) Acquisition of equipment and State vessels for firefighting,
16 policing, first aid and medical assistance, and communications, in order to promote safety
17 of life and property and general service to the boating public utilizing waters of the State;

18 [(11)] (XI) Boating information and education; [and]

19 [(12)] (XII) To provide interest-free loans to a governing body for the benefit
20 of a residential property owner, or group of residential property owners, with land abutting
21 a channel adjacent to a federal, State, county, or municipal main channel or harbor for
22 dredging the adjacent channel; AND

23 (XIII) ~~TO~~ CONSISTENT WITH OTHER USES IN ITEMS (I) THROUGH
24 (XII) OF THIS PARAGRAPH, TO FUND THE WHOLE WATERSHED FUND ESTABLISHED
25 UNDER § 8-2B-03 OF THIS TITLE.

26 8-708.

27 (b) (1) Except for the construction of pump-out stations for use by the general
28 boating public at public and private marinas, the governing body and the Waterway
29 Improvement Fund jointly shall finance projects to construct marine facilities beneficial to
30 the boating public.

31 (2) Except as provided in paragraph (3) of this subsection, the contribution
32 of the Waterway Improvement Fund shall be limited to not more than 50% of the cost of
33 each project.

34 (3) The Waterway Improvement Fund may finance completely [any]:

(I) ANY construction project beneficial to the boating public which costs \$250,000 or less, regardless of its location; ~~AND~~

(II) A PROJECT THAT INVOLVES THE BENEFICIAL USE OF DREDGED MATERIAL; AND

(III) ANY WATER QUALITY MONITORING BY THE DEPARTMENT.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

189. the Teacher Retention and Development Fund; [and]

190. the Protecting Against Hate Crimes Grant Fund; **AND**

191. THE WHOLE WATERSHED FUND.

~~Article – State Government~~

~~§ 402.~~

~~(a) The General Assembly finds that:~~

~~(1) a framework that allows for periodic, legislative review of the regulatory, licensing, and other governmental activities of the Executive Branch of the State government is essential for the maintenance of a government in which the citizens have confidence and of a healthy State economy; and~~

~~(2) this legislative review is consistent with other activities and goals of the General Assembly.~~

~~(b) The purposes of this subtitle are to:~~

~~(1) establish a system of legislative review that will:~~

~~(i) determine whether a governmental activity is necessary for the public interest; and~~

~~(ii) make units that are responsible for necessary governmental activities accountable and responsive to the public interest; and~~

~~(2) ensure that the legislative review takes place by establishing, by statute, a process for the review and other legislative action.~~

~~§ 403.~~

~~This subtitle applies only to the following governmental activities and units:~~

~~(62) STREAM RESTORATION CONTRACTORS LICENSING BOARD (§ 18-201 OF THE ENVIRONMENT ARTICLE);~~

~~[(62)] (63) Veterinary Medical Examiners, State Board of (§ 2-302 of the Agriculture Article);~~

~~[(63)] (64) Waterworks and Waste Systems Operators, State Board of (§ 12-201 of the Environment Article); and~~

~~[(64)] (65) Well Drillers, State Board of (§ 13-201 of the Environment Article).~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

~~(a) In this section, “stream restoration contractor services” has the meaning stated in § 18-101 of the Environment Article, as enacted by Section 1 of this Act.~~

~~(b) (1) On or before December 31, 2024, all persons performing stream restoration contractor services in the State or soliciting to perform stream restoration contractor services in the State shall:~~

~~(i) register with the Department of the Environment; and~~

~~(ii) pay to the Department of the Environment a registration fee in an amount determined by the Department.~~

~~(2) The registration required under paragraph (1) of this subsection shall expire on December 31, 2026, unless extended by an action by the Stream Restoration Contractors Licensing Board established under Section 1 of this Act.~~

~~(c) After December 31, 2024, a person that fails to register with the Department of the Environment to perform stream restoration contractor services in accordance with subsection (b) of this section:~~

~~(1) may not perform stream restoration contractor services in the State;~~
~~and~~

~~(2) shall be subject to the penalties established in § 18-403 of the Environment Article, as enacted by Section 1 of this Act.~~

~~(d) For the initial three licensed stream restoration contractor members required to be appointed to the Stream Restoration Contractors Licensing Board in accordance with § 18-202 of the Environment Article, as enacted by Section 1 of this Act, the Department of the Environment shall select stream restoration contractors from the list of the registrants compiled under subsection (b) of this section for recommendation to the Governor for appointment to the Board.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Environment

TITLE 18. STREAM AND FLOODPLAIN RESTORATION PROJECTS.

18-101.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “LIMIT OF CLEARING” MEANS THE BOUNDARIES WITHIN WHICH PLANNED CUTTING, CLEARING, OR GRUBBING OF VEGETATION ASSOCIATED WITH STREAM RESTORATION WILL OCCUR.

(3) “LIMIT OF DISTURBANCE” MEANS THE BOUNDARY WITHIN WHICH ADDITIONAL CONSTRUCTION, MATERIALS AND EQUIPMENT STORAGE, GRADING, LANDSCAPING, AND RELATED ACTIVITIES MAY OCCUR.

(B) AN APPLICANT SEEKING AN AUTHORIZATION FOR A STREAM AND FLOODPLAIN RESTORATION PROJECT IN THE STATE SHALL BE SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

(C) (1) A PROJECT APPLICANT SHALL PROVIDE PUBLIC NOTICE AT 30% DESIGN COMPLETION, INCLUDING:

(I) MAILING WRITTEN NOTICE TO ANY RESIDENCE OR BUSINESS WITHIN A RADIUS OF 200 FEET OF THE PROPOSED PROJECT AREA’S BOUNDARY; AND

1 (II) POSTING NOTICE AT POINTS OF PUBLIC ACCESS TO THE
2 PROJECT.

3 (2) THE PUBLIC NOTICE REQUIRED UNDER THIS SUBSECTION SHALL
4 INCLUDE:

5 (I) INFORMATION ON THE PROJECT APPLICANT APPLYING FOR
6 PROJECT AUTHORIZATION, INCLUDING CONTACT INFORMATION FOR THE
7 APPLICANT;

8 (II) THE PURPOSE OF THE PROJECT; AND

9 (III) IF APPLICABLE, INFORMATION ABOUT THE PUBLIC MEETING
10 UNDER SUBSECTION (D) OF THIS SECTION.

11 (D) (1) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY IF:

12 (I) THE PROJECT APPLICANT IS AN INDIVIDUAL;

13 (II) THE PROPOSED PROJECT IS SITED ON THE INDIVIDUAL'S
14 PROPERTY; AND

15 (III) NO RESIDENCE, OTHER THAN THE INDIVIDUAL'S
16 RESIDENCE, OR BUSINESS IS LOCATED WITHIN A RADIUS OF 200 FEET FROM THE
17 PROJECT BOUNDARY.

18 (2) A PROJECT APPLICANT SHALL:

19 (I) HOLD AN IN-PERSON PUBLIC MEETING THAT INCLUDES AN
20 OPTION FOR VIRTUAL ATTENDANCE;

21 (II) TAKE MEETING MINUTES AND RECORD THE MEETING;

22 (III) PRESENT:

23 1. THE PROJECT DESIGN REPORT AND PLANS;

24 2. A FOREST STAND DELINEATION;

25 3. THE DEPARTMENT'S STREAM RESTORATION
26 AUTHORIZATION CHECKLIST; AND

27 4. A SEPARATE SHEET WITH THE DESIGN DRAWINGS
28 CLEARLY IDENTIFYING:

1 A. THE LIMIT OF CLEARING, IF ANY;

2 B. THE LIMIT OF DISTURBANCE; AND

3 C. TO THE EXTENT PRACTICABLE, NOTATION WHERE
4 ADDITIONAL TREES ARE PLANNED TO BE REMOVED; AND

5 (IV) POST THE DOCUMENTS AND MEETING MINUTES ON THE
6 PROJECT APPLICANT'S WEBSITE.

7 (3) A PROJECT APPLICANT SHALL HOLD THE PUBLIC MEETING
8 REQUIRED UNDER THIS SUBSECTION WHEN THE PROJECT DESIGN IS 60%
9 COMPLETE.

10 (E) A PROJECT APPLICANT SHALL SUBMIT TO THE DEPARTMENT ALL
11 RELEVANT DOCUMENTS AS PART OF THE APPLICATION AND REVIEW PROCESS,
12 INCLUDING:

13 (1) THE PROJECT DESIGN REPORT AND DRAWINGS, INCLUDING A
14 SHEET CLEARLY IDENTIFYING:

15 (I) THE LIMIT OF CLEARING, IF ANY; AND

16 (II) THE LIMIT OF DISTURBANCE;

17 (2) THE FOREST STAND DELINEATION;

18 (3) RESPONSES TO THE DEPARTMENT'S STREAM RESTORATION
19 AUTHORIZATION CHECKLIST;

20 (4) THE MEETING MINUTES AND, IF FEASIBLE, THE RECORDING FROM
21 THE PUBLIC MEETING CONDUCTED IN ACCORDANCE WITH SUBSECTION (D) OF THIS
22 SECTION; AND

23 (5) ANY OTHER DOCUMENTS OR INFORMATION REQUESTED BY THE
24 DEPARTMENT.

25 (F) (1) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY IF:

26 (I) THE PROJECT APPLICANT IS AN INDIVIDUAL;

27 (II) THE PROPOSED PROJECT IS SITED ON THE INDIVIDUAL'S
28 PROPERTY; AND

1 (III) NO RESIDENCE, OTHER THAN THE INDIVIDUAL'S
2 RESIDENCE, OR BUSINESS IS LOCATED WITHIN A RADIUS OF 200 FEET FROM THE
3 PROJECT BOUNDARY.

4 (2) WITHIN 24 HOURS AFTER SUBMITTING AN APPLICATION TO THE
5 DEPARTMENT, A PROJECT APPLICANT SHALL POST ON ITS WEBSITE:

6 (I) NOTICE THAT IT HAS SUBMITTED AN APPLICATION;

7 (II) THE DATE OF SUBMISSION OF THE APPLICATION; AND

8 (III) A COPY OF THE APPLICATION.

9 18-102.

10 (A) THE DEPARTMENT MAY AUTHORIZE A STREAM AND FLOODPLAIN
11 RESTORATION PROJECT IN ACCORDANCE WITH THIS SECTION.

12 (B) PRIOR TO THE AUTHORIZATION OF ANY STREAM AND FLOODPLAIN
13 RESTORATION PROJECT IN THE STATE, THE DEPARTMENT SHALL:

14 (1) ASSESS DOCUMENTATION SUBMITTED BY THE PROJECT
15 APPLICANT FOR DEGRADATION CRITERIA RELATED TO:

16 (I) AN EXISTING BIOLOGICAL FUNCTION-BASED PARAMETER;
17 AND

18 (II) A PHYSICAL PARAMETER, INCLUDING AN EXISTING
19 GEOMORPHOLOGIC OR HYDRAULIC FUNCTION-BASED PARAMETER;

20 (2) ASSESS WHETHER THE PROJECT APPLICANT INCORPORATED THE
21 FOLLOWING COBENEFITS, AS APPROPRIATE, INTO THE APPLICATION:

22 (I) THE CREATION OR RESTORATION OF WILDLIFE HABITAT,
23 RIPARIAN BUFFERS, AND WETLAND RESTORATION;

24 (II) THE RESTORATION OF AQUATIC RESOURCES, SUCH AS
25 FRESHWATER MUSSELS, FISH PASSAGE, OR OYSTER REEFS;

26 (III) CARBON SEQUESTRATION;

27 (IV) CLIMATE CHANGE MITIGATION, ADAPTATION, OR
28 RESILIENCE;

1 (V) IMPROVING AND PROTECTING PUBLIC HEALTH; AND

2 (VI) RECREATIONAL OPPORTUNITIES AND PUBLIC ACCESS TO
3 WATERWAYS AND NATURAL HABITATS;

4 (3) ASSESS DOCUMENTATION OF COMMUNITY NOTIFICATIONS
5 CONDUCTED BY THE PROJECT APPLICANT PRIOR TO THE SUBMISSION OF THE
6 APPLICATION;

7 (4) ASSESS WHETHER THE APPLICANT INCORPORATED, TO THE
8 EXTENT PRACTICABLE, RECOGNIZED BEST MANAGEMENT PRACTICES TO:

9 (I) MAXIMIZE ECOLOGICAL UPLIFT;

10 (II) MINIMIZE:

11 1. IMPACTS TO WILDLIFE HABITATS;

12 2. TREE LOSS AND REMOVAL;

13 3. EARTH DISTURBANCE; AND

14 4. DISTURBANCE TO NATIVE VEGETATION;

15 (III) AVOID IMPACTS TO:

16 1. LARGE NONINVASIVE NATIVE PLANT COMMUNITIES;

17 AND

18 2. SPECIMEN TREES;

19 (IV) USE EXISTING AREAS SUITABLE FOR MATERIAL STAGING
20 AREAS TO AVOID FOREST REMOVAL;

21 (V) LIMIT CONSTRUCTION ACCESS ROAD WIDTHS;

22 (VI) LIMIT THE IMPACTS OF INGRESS AND EGRESS POINTS TO
23 MINIMIZE FOREST IMPACTS; AND

24 (VII) WHERE APPROPRIATE, PRIORITIZE THE REMOVAL OF
25 NONNATIVE AND INVASIVE:

26 1. TREES; AND

1 2. VEGETATION; AND

2 (5) ESTABLISH A PLAN TO PROVIDE FOR AT LEAST 5 YEARS OF
3 MONITORING IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

4 (C) THE DEPARTMENT'S ASSESSMENT REVIEW REQUIRED UNDER
5 SUBSECTION (B)(3) OF THIS SECTION SHALL INCLUDE:

6 (1) WHETHER THE PROJECT APPLICANT PROVIDED NOTICE AS
7 REQUIRED IN § 18-101 OF THIS TITLE;

8 (2) WHETHER THE PROJECT APPLICANT CONDUCTED A PUBLIC
9 MEETING AS REQUIRED IN § 18-101(D) OF THIS TITLE;

10 (3) WHETHER THE PROJECT APPLICANT PLACED APPROPRIATE
11 PROJECT SIGNAGE;

12 (4) WHETHER THE PROJECT APPLICANT CONSIDERED THE PROJECT'S
13 COMPATIBILITY WITH LOCAL LAND USE, ESPECIALLY IN URBAN, SUBURBAN, AND
14 OTHER HIGH-VISIBILITY AREAS;

15 (5) WHETHER AND HOW THE PROJECT APPLICANT CONSIDERED AND
16 RESPONDED TO RELEVANT PUBLIC INPUT, INCLUDING ANY RESULTING
17 MODIFICATIONS TO THE PROJECT; AND

18 (6) HOW THE PROJECT APPLICANT CONSIDERED PUBLIC INPUT IN
19 THE FINAL APPLICATION DESIGN.

20 (D) (1) ON COMPLETION OF A STREAM AND FLOODPLAIN RESTORATION
21 PROJECT, THE DEPARTMENT SHALL PROVIDE FOR AT LEAST 5 YEARS OF
22 MONITORING PER THE DESIGN AND PERMIT ASSOCIATED WITH THE DESIGN FOR
23 EACH AUTHORIZED PROJECT.

24 (2) THE MONITORING REQUIRED UNDER THIS SUBSECTION SHALL
25 INCLUDE AN ASSESSMENT OF STREAM STABILITY, STREAM AND FLOODPLAIN
26 FUNCTION, AND VEGETATION VIABILITY WITHIN THE AFFECTED PROJECT AREA.

27 18-103.

28 ON OR BEFORE DECEMBER 1, 2024, AND EACH DECEMBER 1 THEREAFTER,
29 THE DEPARTMENT SHALL REPORT TO THE SENATE COMMITTEE ON EDUCATION,
30 ENERGY, AND THE ENVIRONMENT AND THE HOUSE ENVIRONMENT AND
31 TRANSPORTATION COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE

1 **GOVERNMENT ARTICLE, ON ANY CHANGES MADE TO THE STREAM RESTORATION**
2 **AUTHORIZATION CHECKLIST SINCE DECEMBER 1, 2023.**

3 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
4 effect July 1, 2025.

5 SECTION ~~3~~ 2 ~~4~~. AND BE IT FURTHER ENACTED, That, except as provided in
6 Section 3 of this Act, this Act shall take effect July 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.