

SENATE BILL 969

M3, M1

4lr2117
CF HB 1165

By: **Senators Elfreth, Hester, and Guzzone**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 4, 2024

CHAPTER _____

1 AN ACT concerning

2 **Stream and Watershed Restoration – Stream Restoration Contractor Licensing**
3 **and Projects and Chesapeake and Atlantic Coastal Bays Restoration and**
4 **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 a project applicant seeking authorization for a certain project
13 to provide certain notice and hold certain public meetings except under certain
14 circumstances; requiring a project applicant to submit certain documentation to the
15 Department; authorizing the Department to authorize certain projects in accordance
16 with certain requirements; requiring the Department to assess certain
17 documentation and actions by a project applicant prior to authorizing certain
18 projects; prohibiting the Department from reducing certain monitoring requirements
19 for certain projects; requiring that up to a certain amount of funding from the
20 Chesapeake and Atlantic Coastal Bays 2010 Trust Fund be used to fund certain
21 grants; establishing the Whole Watershed Restoration Partnership to accelerate
22 restoration of the Chesapeake and Atlantic Coastal Bays and their watersheds;
23 requiring the Secretary of Natural Resources to establish a State management team
24 to administer the Partnership; establishing the Whole Watershed Fund as a special,
25 nonlapsing fund; requiring interest earnings of the Fund to be credited to the Fund;

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.



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 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 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 (2) 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)~~ 9–1605.2(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 ~~18–501~~ 18–601 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~~ 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)] (I) For up to 100% of eligible costs, not to exceed a dollar amount of up to \$200,000 as determined by a regulation adopted jointly by the Secretary of Agriculture and the Secretary of the Environment; and

[(2)] (II) If:

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

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

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

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

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

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

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

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

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

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

(6) (i) 1. Except as authorized under subsubparagraph 2 of this subparagraph and before the Department of Agriculture executes a cost-sharing agreement with a farm tenant, it shall obtain the consent of the landlord to the terms and conditions of the agreement.

2. The Department may execute the agreement without the consent of the landlord if:

A. The agreement concerns a short-term project that involves only the planting of a cover crop; and

B. The Department has sent by first-class mail written notice of a cover crop project to the landlord at least 10 calendar days before executing the agreement for the first cover crop project during the term of the lease.

(ii) The Department may also require the granting to the State of an appropriate security interest in any equipment, structures or similar items purchased with State money.

(7) A cost-sharing agreement executed as required under this subtitle may be assigned and transferred to a successor in title of all or part of a tract of land subject to a best management practice.

Article – Business Regulation

8–301.

(a) Except as otherwise provided in this title, a person must have a contractor license whenever the person acts as a contractor in the State.

(b) Except as otherwise provided in this title, a person must have a salesperson license or contractor license whenever the person sells a home improvement in the State.

(c) This section does not apply to:

(1) an individual who works for a contractor for a salary or wages but who is not a salesperson for the contractor;

(2) a clerical employee, retail clerk, or other employee of a licensed contractor who is not a salesperson, as to a transaction on the premises of the licensed contractor;

(3) a solicitor for a contractor who calls an owner by telephone only;

(4) an architect, electrician, plumber, heating, ventilation, air-conditioning, or refrigeration contractor, or other person who:

(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.

TITLE 18. STREAM RESTORATION CONTRACTORS.

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, OR REPAIR,~~OR SALVAGE~~ ACTIVITIES LOCATED IN,~~ON, OR UNDER STATE OR PRIVATE STREAMS OR NONTIDAL WETLANDS~~ WATERWAYS, INCLUDING THE 100-YEAR FLOODPLAIN, WITH THE GOAL OF IMPROVING THE IN-STREAM STABILITY, HYDROLOGY, HYDRAULICS, MORPHOLOGY, SUBSTRATE WATER QUALITY, OR ECOSYSTEM FUNCTION.

(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~~ ECOLOGICAL RESTORATION,
INCLUDING THE INSTALLATION OF STRUCTURES TO CREATE OR ENHANCE HABITAT;

~~(VI) FLOOR FLOOD PROTECTION;~~ AND

~~(VII)~~ (V) 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~~ NINE MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE OF THE SECRETARY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

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

(I) ONE SHALL BE EMPLOYED BY THE DEPARTMENT;

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

(III) THREE SHALL BE LICENSED STREAM RESTORATION CONTRACTORS, EACH REPRESENTING A DIFFERENT COUNTY IN THE STATE 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 AND DIFFERENT COUNTIES IN THE STATE AS
~~FOLLOWS:~~

- ~~1. ONE FROM:~~
~~A. BALTIMORE CITY;~~
~~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; AND~~

(V) TWO SHALL REPRESENT LOCAL GOVERNMENT.

(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.

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

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

6 **18-203.**

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

9 **(B) THE BOARD SHALL DETERMINE THE MANNER OF THE ELECTION OF**
10 **OFFICERS.**

11 **18-204.**

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

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

17 **(C) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE**
18 **BUDGET.**

19 **18-205.**

20 **(A) THE BOARD MAY:**

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

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

25 **(B) THE BOARD SHALL:**

26 **(1) RECOMMEND REGULATIONS FOR ADOPTION BY THE SECRETARY**
27 **THAT:**

28 **(I) ESTABLISH LICENSING STANDARDS FOR STREAM**
29 **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.

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

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

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

11 **18-302.**

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

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

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

20 **(1) HAVE AT LEAST 2 YEARS OF EXPERIENCE AS A FULL-TIME**
21 **STREAM RESTORATION CONTRACTOR OR DEMONSTRATE SIMILAR CONTRACTOR**
22 **EXPERIENCE;**

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

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

28 **(4) IF APPLICABLE, HAVE RESOLVED ALL NOTICES OF VIOLATION**
29 **FROM THE DEPARTMENT, THE DEPARTMENT OF NATURAL RESOURCES, THE U.S.**
30 **ARMY CORPS OF ENGINEERS, AND THE U.S. ENVIRONMENTAL PROTECTION**
31 **AGENCY;**

32 **(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~~ A REQUIRED APPLICATION FEE ~~OF \$500~~ IN AN AMOUNT SET BY THE BOARD.

(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

(III) 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:

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

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

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

8 **1. AN INDIVIDUAL APPLICANT; OR**

9 **2. IF THE APPLICANT IS AN ENTITY, ANY ENTITY**
10 **MEMBER.**

11 **(C) THE APPLICATION FORM PROVIDED BY THE BOARD SHALL CONTAIN A**
12 **STATEMENT ADVISING THE APPLICANT OF THE PENALTIES PROVIDED UNDER §**
13 **18-403 OF THIS TITLE FOR A VIOLATION OF THIS TITLE.**

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

16 **(2) IF THE APPLICANT IS AN ENTITY, THE REPRESENTATIVE MEMBER**
17 **OF THE ENTITY SHALL:**

18 **(I) SIGN THE APPLICATION FORM UNDER OATH; AND**

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

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

23 **18-304.**

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

27 **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~~ AND 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

1 REQUIREMENTS IN SUBSECTION (C) OF THIS SECTION, THE BOARD MAY DENY,
2 REFUSE TO RENEW, SUSPEND, OR REVOKE A LICENSE IF THE APPLICANT OR
3 LICENSEE:

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

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

8 (3) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

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

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

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

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

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

23 (C) (1) BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER
24 SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL GIVE THE APPLICANT OR
25 LICENSEE AGAINST WHOM THE ACTION IS CONTEMPLATED NOTICE AND THE
26 OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

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

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

31 (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.

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

6 18-403.

7 (A) (1) ~~(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A~~ A
8 PERSON THAT VIOLATES ANY PROVISION OF THIS TITLE OR ANY REGULATION
9 ADOPTED UNDER THIS TITLE IS SUBJECT TO AN ADMINISTRATIVE PENALTY NOT
10 EXCEEDING \$10,000 FOR EACH VIOLATION.

11 (II) IN DETERMINING THE AMOUNT OF THE PENALTY UNDER
12 THIS PARAGRAPH, THE BOARD SHALL CONSIDER:

13 1. THE SERIOUSNESS OF THE VIOLATION;
14 2. THE HARM CAUSED BY THE VIOLATION;
15 3. THE GOOD FAITH OF THE LICENSEE; AND
16 4. WHETHER THE LICENSEE HAS A HISTORY OF
17 PREVIOUS VIOLATIONS;

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

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

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

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

23 ~~(3) (2)~~ EACH DAY THAT A PERSON CONDUCTS STREAM
24 RESTORATION CONTRACTOR SERVICES WITHOUT A LICENSE CONSTITUTES A
25 SEPARATE OFFENSE.

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

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

SUBTITLE 5. STREAM AND FLOODPLAIN RESTORATION PROJECTS.

18-501.

(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 CONTRACTOR SERVICES WILL OCCUR.

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

(4) "PROJECT APPLICANT" MEANS AN INDIVIDUAL OR ENTITY LICENSED UNDER SUBTITLE 3 OF THIS TITLE, OR AUTHORIZED TO PERFORM STREAM RESTORATION CONTRACTOR SERVICES UNDER § 18-301 OF THIS TITLE.

(5) "STREAM RESTORATION CONTRACTOR SERVICES" HAS THE MEANING STATED IN § 18-101 OF THIS TITLE.

(B) A PROJECT 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

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

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

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

1 (II) THE PURPOSE OF THE PROJECT; AND

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

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

5 (I) THE PROJECT APPLICANT IS AN INDIVIDUAL;

6 (II) THE PROPOSED PROJECT IS SITED ON THE INDIVIDUAL'S
7 PROPERTY; AND

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

11 (2) A PROJECT APPLICANT SHALL:

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

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

15 (III) PRESENT:

16 1. THE PROJECT DESIGN REPORT AND PLANS;

17 2. A FOREST STAND DELINEATION;

18 3. THE DEPARTMENT'S STREAM RESTORATION
19 AUTHORIZATION CHECKLIST; AND

20 ~~3.~~ 4. A SEPARATE SHEET WITH THE DESIGN DRAWINGS
21 CLEARLY IDENTIFYING:

22 A. THE LIMIT OF CLEARING, IF ANY; AND

23 B. THE LIMIT OF DISTURBANCE; AND

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

26 (3) A PROJECT APPLICANT SHALL HOLD THE PUBLIC MEETING
27 REQUIRED UNDER THIS SUBSECTION WHEN THE PROJECT DESIGN IS 60%
28 COMPLETE.

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

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

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

(II) THE LIMIT OF DISTURBANCE;

(2) THE FOREST STAND DELINEATION;

(3) RESPONSES TO THE DEPARTMENT'S ~~STREAM RESTORATION CHECKLIST GUIDANCE DOCUMENT~~ STREAM RESTORATION AUTHORIZATION CHECKLIST;

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

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

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

(I) THE PROJECT APPLICANT IS AN INDIVIDUAL;

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

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

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

~~(1)~~ (I) NOTICE THAT IT HAS SUBMITTED AN APPLICATION; AND

~~(2)~~ (II) THE DATE OF SUBMISSION OF THE APPLICATION.

18-502.

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

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

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

7 (I) AN EXISTING BIOLOGICAL FUNCTION–BASED PARAMETER;
8 AND

9 (II) A PHYSICAL PARAMETER, INCLUDING AN EXISTING
10 GEOMORPHOLOGIC OR HYDRAULIC FUNCTION–BASED PARAMETER;

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

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

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

17 (III) CARBON SEQUESTRATION;

18 (IV) CLIMATE CHANGE MITIGATION, ADAPTATION, OR
19 RESILIENCE;

20 (V) IMPROVING AND PROTECTING PUBLIC HEALTH; AND

21 (VI) RECREATIONAL OPPORTUNITIES AND PUBLIC ACCESS TO
22 WATERWAYS AND NATURAL HABITATS;

23 (3) ASSESS DOCUMENTATION OF COMMUNITY NOTIFICATIONS
24 CONDUCTED BY THE PROJECT APPLICANT PRIOR TO THE SUBMISSION OF THE
25 APPLICATION;

26 (4) ASSESS WHETHER THE PROJECT APPLICANT INCORPORATED, TO
27 THE EXTENT PRACTICABLE, RECOGNIZED BEST MANAGEMENT PRACTICES TO:

28 (I) MAXIMIZE ECOLOGICAL UPLIFT;

29 (II) MINIMIZE;

1 1. IMPACTS TO WILDLIFE HABITATS;

2 2. TREE LOSS AND REMOVAL;

3 3. EARTH DISTURBANCE; AND

4 4. DISTURBANCE TO NATIVE VEGETATION;

5 (III) AVOID IMPACTS TO:

6 1. LARGE NONINVASIVE NATIVE PLANT COMMUNITIES;

7 AND

8 2. SPECIMEN TREES;

9 (IV) USE EXISTING AREAS SUITABLE FOR MATERIAL STAGING
10 AREAS TO AVOID FOREST REMOVAL;

11 (V) LIMIT CONSTRUCTION ACCESS ROAD WIDTHS;

12 (VI) LIMIT THE IMPACTS OF INGRESS AND EGRESS POINTS TO
13 MINIMIZE FOREST IMPACTS; AND

14 (VII) WHERE APPROPRIATE, PRIORITIZE THE REMOVAL OF
15 NONNATIVE AND INVASIVE:

16 1. TREES; AND

17 2. VEGETATION; AND

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

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

22 (1) WHETHER THE PROJECT APPLICANT PROVIDED NOTICE AS
23 REQUIRED IN § 18-501 OF THIS SUBTITLE;

24 (2) WHETHER THE PROJECT APPLICANT CONDUCTED ~~COMMUNITY~~
25 ~~MEETINGS WITHIN THE COMMUNITY IMPACTED BY THE PROJECT~~ A PUBLIC MEETING
26 AS REQUIRED IN § 18-501(D) OF THIS SUBTITLE;

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

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

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

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

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

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

18-503.

ON OR BEFORE DECEMBER 1, 2024, AND EACH DECEMBER 1 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE SENATE COMMITTEE ON EDUCATION, ENERGY, AND THE ENVIRONMENT AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON ANY CHANGES MADE TO THE STREAM RESTORATION AUTHORIZATION CHECKLIST SINCE DECEMBER 1, 2023.

SUBTITLE ~~5~~ 6. TERMINATION OF ~~TITLE~~ SUBTITLES.

~~18-501.~~ 18-601.

SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE MARYLAND PROGRAM EVALUATION ACT, THIS SUBTITLE AND SUBTITLES 1 THROUGH 4 OF THIS TITLE AND ALL REGULATIONS ADOPTED UNDER THIS SUBTITLE AND SUBTITLES 1 THROUGH 4 OF THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER ~~JULY 1, 2023~~ JUNE 30, 2029.

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

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

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

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

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

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

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

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

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

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

8-2B-02.

(A) THERE IS A WHOLE WATERSHED RESTORATION PARTNERSHIP.

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

(1) COST-EFFECTIVE;

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

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

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

(2) THE STATE MANAGEMENT TEAM SHALL INCLUDE:

1 **(I) ONE REPRESENTATIVE OF THE DEPARTMENT, DESIGNATED**
2 **BY THE SECRETARY;**

3 **(II) ONE REPRESENTATIVE OF THE DEPARTMENT OF THE**
4 **ENVIRONMENT, DESIGNATED BY THE SECRETARY OF ENVIRONMENT;**

5 **(III) ONE REPRESENTATIVE OF THE DEPARTMENT OF**
6 **AGRICULTURE, DESIGNATED BY THE SECRETARY OF AGRICULTURE;**

7 **(IV) ONE REPRESENTATIVE OF THE DEPARTMENT OF**
8 **PLANNING, DESIGNATED BY THE SECRETARY OF PLANNING;**

9 **(V) ONE REPRESENTATIVE OF THE CRITICAL AREA**
10 **COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, DESIGNATED**
11 **BY THE CHAIR OF THE COMMISSION; AND**

12 **(VI) THE CHIEF RESILIENCE OFFICER, OR THE CHIEF**
13 **RESILIENCE OFFICER'S DESIGNEE.**

14 **(3) THE REPRESENTATIVE OF THE DEPARTMENT SHALL CHAIR THE**
15 **STATE MANAGEMENT TEAM.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 3. **CARBON SEQUESTRATION;**

13 4. **CLIMATE CHANGE MITIGATION, ADAPTATION, OR**
14 **RESILIENCE;**

15 5. **LOCAL EMPLOYMENT OPPORTUNITIES;**

16 6. **IMPROVING AND PROTECTING PUBLIC HEALTH; AND**

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

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

22 **(3) THE STATE MANAGEMENT TEAM SHALL:**

23 **(I) WORK TO ENSURE THAT THE PROJECTS APPROVED**
24 **INCLUDE:**

25 1. **ONE PROJECT LOCATED IN A PREDOMINANTLY**
26 **URBAN AREA;**

27 2. **ONE PROJECT LOCATED IN A PREDOMINANTLY**
28 **SUBURBAN AREA;**

1 **3. TWO PROJECTS PRIMARILY FOCUSED ON REDUCING**
2 **POLLUTION IN A PREDOMINANTLY AGRICULTURAL AREA; AND**

3 **4. ONE PROJECT THAT INCORPORATES**
4 **COLLABORATIVE EFFORTS WITH AN ADJOINING STATE; AND**

5 **(II) ENSURE THAT AT LEAST TWO APPROVED PROJECTS ARE**
6 **LOCATED IN AND PROVIDE BENEFITS TO AN OVERBURDENED OR UNDERSERVED**
7 **COMMUNITY.**

8 **(4) THE STATE MANAGEMENT TEAM MAY REQUIRE SITING, DESIGN,**
9 **CONSTRUCTION, MAINTENANCE, AND OPERATION PRINCIPLES AND STANDARDS FOR**
10 **A PROJECT THAT ARE IN ADDITION TO THOSE REQUIRED BY LAW OR REGULATION IF**
11 **THE TEAM DETERMINES THAT THOSE PRINCIPLES AND STANDARDS ARE NECESSARY**
12 **TO PRESERVE THE BENEFITS OF THE PROJECT.**

13 **(G) FOR A PERIOD OF 5 YEARS AFTER APPROVING A PROJECT, THE STATE**
14 **MANAGEMENT TEAM SHALL:**

15 **(1) ASSIST THE PROJECT SPONSOR IN DEVELOPING AN**
16 **IMPLEMENTATION AND FINANCING PLAN, INCLUDING MEASURABLE OUTCOMES,**
17 **FOR THE DURATION OF THE PROJECT;**

18 **(2) AWARD IMPLEMENTATION GRANTS FROM THE FUND AND OTHER**
19 **APPROPRIATE STATE FUNDS AND ACCOUNTS:**

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

21 **(II) IN ACCORDANCE WITH THE IMPLEMENTATION AND**
22 **FINANCING PLAN DEVELOPED UNDER ITEM (1) OF THIS SUBSECTION; AND**

23 **(III) WITH CONSIDERATION GIVEN TO THE PROGRESS OF THE**
24 **PROJECT AS DOCUMENTED IN THE REPORT REQUIRED UNDER SUBSECTION (I)(2) OF**
25 **THIS SECTION;**

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

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

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

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

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

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

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

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

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

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

22 1. **COMMUNITY ENGAGEMENT EFFORTS;**

23 2. **RESTORATION AND CONSERVATION ACTIONS**
24 **INITIATED AND COMPLETED;**

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

27 4. **FUNDING FROM ALL SOURCES THAT WAS SOLICITED,**
28 **AWARDED, OR SPENT; AND**

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

1 **(3) THE STATE MANAGEMENT TEAM MAY REQUIRE A PROJECT**
2 **SPONSOR TO PERFORM AND REPORT ON WATER QUALITY MONITORING FOR MORE**
3 **THAN 5 YEARS.**

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

8 **(K) (1) THE SECRETARY SHALL ESTABLISH A PERMIT TRACKING**
9 **DASHBOARD THAT PROVIDES PUBLICLY AVAILABLE INFORMATION ON THE PERMIT**
10 **SCHEDULES AND REQUIREMENTS FOR ACTIONS THAT REQUIRE A STATE PERMIT.**

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

13 **8-2B-03.**

14 **(A) THERE IS A WHOLE WATERSHED FUND.**

15 **(B) THE PURPOSE OF THE FUND IS TO FUND PROJECTS APPROVED BY THE**
16 **STATE MANAGEMENT TEAM UNDER § 8-2B-02 OF THIS SUBTITLE.**

17 **(C) THE SECRETARY SHALL ADMINISTER THE FUND.**

18 **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
19 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

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

22 **(E) THE FUND CONSISTS OF:**

23 **(1) REVENUE DISTRIBUTED TO THE FUND FROM:**

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

26 **(ii) THE BAY RESTORATION FUND ESTABLISHED UNDER §**
27 **9-1605.2 OF THE ENVIRONMENT ARTICLE;**

28 **(iii) THE CLEAN WATER COMMERCE ACCOUNT ESTABLISHED**
29 **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.

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

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

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

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

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

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

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

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

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

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

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

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

22 8-701.

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

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

26 8-707.

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

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

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

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

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

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

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

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

29 **[(7)] (VII)** Evaluation of water-oriented recreation needs and recreational
30 capacities of Maryland waterways and development of comprehensive plans for waterway
31 improvements;

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

1 [(9)] **(IX)** Structural and nonstructural shore erosion control under
2 subsection (b) of this section;

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

6 [(11)] **(XI)** Boating information and education; [and]

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

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

14 8-708.

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

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

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

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

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

27 **(III) ANY WATER QUALITY MONITORING BY THE DEPARTMENT.**

28 **Article – State Finance and Procurement**

29 6-226.

30 (a) (2) (i) Notwithstanding any other provision of law, and unless
31 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.

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

Article – State Government

8–402.

(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.

8–403.

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~~ 3. 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.

1 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2024. Section 2 of this Act shall remain effective for a period of 5 years and, at the
3 end of June 30, 2029, Section 2 of this Act, with no further action required by the General
4 Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.