

Section 8-1201(g) through (i), respectively  
to be Section 8-1201(h) through (j), respectively  
Annotated Code of Maryland  
(1990 Replacement Volume and 1992 Supplement)

BY adding to

Article – Natural Resources  
Section 8-1201(g) *and (k)* and 8-1209.1  
Annotated Code of Maryland  
(1990 Replacement Volume and 1992 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources  
Section ~~8-1202(e), 8-1203(b), 8-1208, and 8-1209(a), (b), and (c)(3)~~ 8-1209(c)(3)  
Annotated Code of Maryland  
(1990 Replacement Volume and 1992 Supplement)

#### Preamble

WHEREAS, Preservation of nontidal wetlands is vital to the protection of the Chesapeake Bay and other waters of the State, and it is the policy of this State that wetland disturbance may be permitted only if it is necessary to the completion of a development project; and

WHEREAS, Only after ascertaining that no alternative exists to disturbance of a wetland do mitigation issues arise, and the primary concern then becomes the most beneficial location for a mitigation project to create or enhance a wetland area; and

WHEREAS, To date, governmental permitting agencies have strongly preferred wetland mitigation practices either on the same site as a development project or at least within the same watershed; and

WHEREAS, This preferred sequence has resulted in a patchwork of several isolated wetlands, created to comply with legal requirements but falling short of optimum resource conservation; and

WHEREAS, Reviewing agencies do not have adequate financial or personnel resources to monitor scattered wetland mitigation projects or to ensure that they function appropriately; and

WHEREAS, Since on-site wetland mitigation projects are often isolated, their ability to enhance clean water or habitat protection goals is often significantly diminished; and

WHEREAS, The survival rate of small, isolated, created wetlands is extremely low; and

WHEREAS, The scarcity of appropriate alternative wetland mitigation sites has slackened the pace of economic growth within the State; and