

WHEREAS, Mitigation banking, which allows a public or private developer to acquire a long-term interest in a degraded wetland or appropriate upland area and to restore, enhance, or create a functional wetland ecosystem, offers a sound solution to limitations encountered in current mitigation approaches; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8-1201(g) through (i), respectively, of Article - Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 8-1201(h) through (j), respectively.

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

Article - Natural Resources

8-1201.

~~(G) "MITIGATION BANKING" MEANS THE INTENTIONAL CREATION, RESTORATION, OR ENHANCEMENT OF A NONTIDAL WETLAND TO PROTECT A HABITAT FOR THE PURPOSE OF COMPENSATION FOR UNAVOIDABLE, NECESSARY LOSSES THAT WILL FORESEEABLY ARISE FROM SPECIFIC FUTURE DEVELOPMENT ACTIVITIES WETLAND RESTORATION, CREATION, OR ENHANCEMENT UNDERTAKEN EXPRESSLY FOR THE PURPOSE OF PROVIDING COMPENSATION CREDITS FOR WETLAND LOSSES FROM FUTURE ACTIVITIES.~~

~~(K) "COMPENSATION RATIO" MEANS THE RATIO OF THE AREA OF WETLAND RESTORED, CREATED, OR ENHANCED TO THE AREA OF WETLAND FOR WHICH MITIGATION IS REQUIRED.~~

8-1202.

~~(e) It is the intent of the General Assembly that:~~

- ~~(1) Waters of the State be protected;~~
- ~~(2) Further degradation and losses of nontidal wetlands due to human activity be prevented wherever possible; and~~
- ~~(3) Where unavoidable losses or degradations occur as a result of permitted human activity, these losses or degradations be offset wherever practicable and feasible through the deliberate restoration or creation of nontidal wetlands, INCLUDING MITIGATION BANKING.~~

8-1203.

~~(b) The Department shall:~~

- ~~(1) Coordinate with other State agencies, federal agencies, other states, local governments, and interested persons in the regulation of nontidal wetlands;~~
- ~~(2) Assist local governments in undertaking nontidal wetland management planning, including mapping, technical assistance, and expediting the permit process;~~