

Nontidal Wetlands – Program Delegation to Counties

FOR the purpose of ~~repealing~~ extending the deadline for counties to obtain a certain delegation from the Department of Natural Resources to operate a county nontidal wetlands protection program; requiring the Department to establish a certain schedule for accepting applications from counties for delegation of a nontidal wetlands program authority after a certain date; and generally relating to county operation of nontidal wetlands protection programs.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 8–1204

Annotated Code of Maryland

(1990 Replacement Volume and 1990 Supplement)

Preamble

WHEREAS, It is the intent of the General Assembly that the Department of Natural Resources shall implement a program for the protection of nontidal wetlands in coordination with related State and federal regulatory programs; and

WHEREAS, It is also the intent of the General Assembly that the Department of Natural Resources delegate authority to those counties that enact appropriate nontidal wetland programs, to the extent that such delegation is consistent with the Department's program and permitted by federal law and regulations; and

WHEREAS, The General Assembly provided for such delegation for counties that had enacted an appropriate program for protection of nontidal wetlands by December 31, 1990; and

WHEREAS, The United States Army Corps of Engineers has proposed a draft general permit for the State of Maryland which does not permit the State to delegate authority over the permitting process under Section 404 of the federal Clean Water Act for at least 2 years; and

WHEREAS, An extension of time is needed for the Department to establish guidelines for delegation of authority under Section 404 of the federal Clean Water Act and for counties to enact programs that are appropriate under the guidelines; now, therefore,

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

Article – Natural Resources

8–1204.

(a) (1) The Department may delegate all or part of its authority under this subtitle to any county that enacts a nontidal wetland protection program ~~by December 31, 1990~~ 1994 that meets at least the minimum standards adopted by the Department.

(2) (1) AFTER DECEMBER 31, 1994, THE DEPARTMENT MAY DELEGATE ALL OR PART OF ITS AUTHORITY UNDER THIS SUBTITLE TO A