

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] ~~1991~~ 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 COUNTY THAT APPLIES TO THE DEPARTMENT TO INITIATE A NONTIDAL WETLAND PROTECTION PROGRAM AND MEETS AT LEAST THE MINIMUM STANDARDS ADOPTED BY THE DEPARTMENT.

(II) THE DEPARTMENT SHALL ESTABLISH A SCHEDULE FOR ACCEPTANCE OF APPLICATIONS FROM COUNTIES TO INITIATE PROGRAMS UNDER THIS PARAGRAPH THAT PROVIDES A LIMITED PERIOD OF TIME ONCE EVERY 2 YEARS FOR COUNTIES TO SUBMIT THEIR APPLICATIONS TO THE DEPARTMENT.

(2) (3) A delegation in accordance with this subsection:

(i) May not be effective for more than 2 years; and

(ii) May be renewed by the Department for additional 2-year periods.

(3) (4) After an opportunity for a hearing and upon a finding that the county program is not being administered in a manner consistent with the standards adopted by the Department, the Department may withdraw program delegation.