

SENATE BILL 462

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3lr2323
CF HB 994

By: **Senator Simonaire**

Introduced and read first time: January 30, 2013

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2013

CHAPTER _____

1 AN ACT concerning

2 **Environment – Wetlands and Waterways Authorizations – Installation of**
3 **Personal Watercraft Lifts**

4 FOR the purpose of authorizing a person to install a certain number of personal
5 watercraft lifts in addition to a certain number of boat lifts or hoists under a
6 minor wetlands and waterways project authorization from the Department of
7 the Environment; establishing a certain application fee for an authorization to
8 install a personal watercraft lift; and generally relating to wetlands and
9 waterways authorizations.

10 BY repealing and reenacting, without amendments,
11 Article – Environment
12 Section 5–203.1(a)(8)
13 Annotated Code of Maryland
14 (2007 Replacement Volume and 2012 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Environment
17 Section 5–203.1(b)(4) and (5)
18 Annotated Code of Maryland
19 (2007 Replacement Volume and 2012 Supplement)

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

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.



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Article – Environment

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5–203.1.

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(a) (8) “Minor project” means a project that:

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(i) Proposes to permanently impact less than 5,000 square feet of wetlands or waterways, including the 100–year floodplain; and

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(ii) Does not meet the definition of a major project.

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(b) (4) Subject to paragraph (5) of this subsection, an application for the following minor projects shall be accompanied by the following application fees:

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(i) Installation of: ~~one boat [lift, hoist, or personal watercraft lift] LIFT OR HOIST at each authorized slip, not exceeding four slips, lifts, or hoists per pier.....~~ \$300;

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~~(ii) INSTALLATION OF ONE PERSONAL WATERCRAFT LIFT AT EACH AUTHORIZED SLIP, NOT EXCEEDING TWO SLIPS OR PERSONAL WATERCRAFT LIFTS PER PIER \$300;~~

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1. ONE BOAT LIFT OR HOIST, NOT EXCEEDING FOUR BOAT LIFTS OR HOISTS PER PIER;

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2. ONE PERSONAL WATERCRAFT LIFT OR HOIST, NOT EXCEEDING SIX PERSONAL WATERCRAFT LIFTS OR HOISTS PER PIER; OR

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3. A COMBINATION OF BOAT LIFTS OR HOISTS AND PERSONAL WATERCRAFT LIFTS OR HOISTS, NOT EXCEEDING SIX LIFTS OR HOISTS PER PIER, OF WHICH NOT MORE THAN FOUR LIFTS OR HOISTS ARE BOAT LIFTS OR HOISTS \$300;

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~~{(ii)} (iii)~~ Installation of a maximum of six mooring pilings..... \$300;

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~~{(iii)} (iv)~~ In-kind repair and replacement of structures..... \$300;

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~~{(iv)} (v)~~ Installation of a fixed or floating platform on an existing pier where the total platform area does not exceed 200 square feet..... \$300;

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1 ~~[(v)]~~ ~~(VI)~~ Construction of a nonhabitable structure that
2 permanently impacts less than 1,000 square feet, such as a driveway, deck, pool, shed,
3 or fence..... \$300;

4 ~~[(vi)]~~ ~~(VII)~~ Replacement of an existing bulkhead where the
5 replacement bulkhead does not exceed more than 18 inches channelward of the
6 existing structure..... \$500; and

7 ~~[(vii)]~~ ~~(VIII)~~ In-kind repair and replacement of existing
8 infrastructure..... \$500.

9 (5) The Department may not require an application fee for:

10 (i) The installation of a [boatlift] **BOAT LIFT**, hoist, or personal
11 watercraft lift on existing pilings; or

12 (ii) If the existing structure is functional and there is no
13 increase in the original length, width, height, or channelward encroachment
14 authorized under § 16-202, § 16-302, or § 16-307 of this article, the routine
15 maintenance, repair, or replacement of:

- 16 1. A highway structure;
- 17 2. A pier;
- 18 3. A boathouse;
- 19 4. A structure on a pier;
- 20 5. A bulkhead;
- 21 6. A revetment;
- 22 7. A tidal impoundment dike;
- 23 8. A water control structure;
- 24 9. An aboveground transmission facility;
- 25 10. An agricultural drainage ditch; or
- 26 11. A highway drainage ditch.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 2013.