

# ***MDEStat Meeting***

## ***July 16, 2012***



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Robert Summers, Secretary

Sue Battle-McDonald, Stat Director

# **Table 1: Living Shoreline Regulations Schedule**

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## Tidal Wetlands Regulations: Living Shoreline Protection Act of 2008

Background: House Bill 973, entitled the Living Shoreline Protection Act of 2008, was signed into law by Governor O'Malley on April 24, 2008. The Bill focuses on the retention of natural shoreline form, habitat and ecological function and, where shoreline protection is necessary, mandates the use of wetland creation and habitat enhancement projects wherever technologically and ecologically appropriate. The Bill requires the Maryland Department of the Environment to (1) map areas appropriate for structural shoreline stabilization measures; (2) establish a waiver process for individuals that can demonstrate that nonstructural shoreline stabilization is not feasible; and (3) adopt regulations to implement the provisions of the law in cooperation with the Maryland Department of Natural Resources.

Current Status: Two meetings are scheduled to finalize the Living Shorelines regulations. On July 9<sup>th</sup>, Assistant Attorney General Emily Vainieri is scheduled to meet with the Regulations Coordinator for the Critical Area Commission to discuss outstanding format issues and on July 16<sup>th</sup>, staff from the Program and Critical Area Commission is scheduled to meet and resolve any outstanding issues. The Program has updated the regulations schedule based on the assumption that both these meeting will prove successful.

# Table 1: Living Shoreline Regulations Schedule

Tidal Wetlands Regulations: Living Shoreline Protection Act of 2008	
REGULATION PROMULGATION SCHEDULE	
DATE	ACTION
07/31/12	Submit proposed regulation package to the Office of the Secretary for 14-day review and approval.
08/14/12	Submit proposed regulations package to Administrative, Executive, and Legislative Review (AELR) Committee for 15-day review
08/30/12	Submit proposed regulations package to Division of State Documents
09/21/12	Proposed action on regulations published in the Maryland Register
10/09/12	Public Hearing on proposed regulations package
10/22/12	End of comment period for proposed regulations package
10/23/12 – 11/15/12	Address comments and prepare regulation package for final publication
11/16/12	Submit final regulations package to Division of State Documents
11/30/12	Final action on regulations published in the Maryland Register
12/10/12	Effective date of regulations

## **Table 2: Small Energy Generation Devices on Piers Regulations Schedule** (continued on next slide)

### Tidal Wetlands Regulations: Installation of Small Energy Generation Devices on Piers

Background: WMA is developing specifications and regulations, in cooperation with other State and federal agencies, for the installation and use of small energy generation devices such as solar panels or wind turbines on piers located on Maryland's tidal waterways.

Current Status: Not specifically requested, and not reported.

#### REGULATION PROMULGATION SCHEDULE

DATE	ACTION
08/15/12	Submit proposed regulation package to the Office of the Secretary for 14-day review and approval
08/30/12	Submit proposed regulation package to Administrative, Executive, and Legislative Review (AELR) Committee for 15-day review
09/17/12	Submit proposed regulation package to Division of State Documents

## ***Table 2: Small Energy Generation Devices on Piers Regulations Schedule***

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Tidal Wetlands Regulations: Installation of Small Energy Generation Devices on Piers	
10/05/12	Proposed action on regulations published in the Maryland Register
10/23/12	Tentative date for public hearing on proposed regulation package
11/05/12	End of 30-day comment period for proposed regulation package
11/06/12 – 11/20/12	Address comments and prepare regulation package for final publication
11/21/12	Submit final regulation package to Division of State Documents
11/30/12	Final action on regulations published in the Maryland Register
12/10/12	Effective date of regulations

## **Table 3: Wetlands Applications**

*(continued on next slide)*

	5/29/12			7/9/12		
	ALL APPLICATIONS			ALL APPLICATIONS		
	Pending	Number Overdue	Percent Overdue	Pending	Number Overdue	Percent Overdue
Nontidal	458	204	45%	429	206	48%
Tidal	242	30	12%	196	35	18%
<b>TOTAL</b>	<b>700</b>	<b>234</b>	<b>33%</b>	<b>625</b>	<b>241</b>	<b>39%</b>

Note: "Total Pending" includes all pending applications regardless of categorization as long-term or inactive. Clock stoppages that are documented in TEMPO or elsewhere may be excluded from the overdue calculations.

## ***Table 3: Wetlands Applications***

	5/29/12			7/9/12		
	ACTIVE ONLY			ACTIVE ONLY		
	Pending	Number Overdue	Percent Overdue	Pending	Number Overdue	Percent Overdue
Nontidal	252	24	10%	236	33	14%
Tidal	229	19	8%	183	24	13%
<b>TOTAL</b>	<b>481</b>	<b>43</b>	<b>9%</b>	<b>419</b>	<b>57</b>	<b>14%</b>

## ***Table 4: Active, Long-Term and Inactive Pending Wetlands Projects*** (Continued on next slide)

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<b>PROJECT CLASSIFICATION</b>	<b>PENDING PROJECTS</b>		
	<b>NONTIDAL</b>	<b>TIDAL</b>	<b>TOTALS</b>
Active	236	183	419
Long-Term	15	2	17
Inactive	178	11	189
<b>TOTALS</b>	429	196	625



## **Table 4: Active, Long-Term and Inactive Pending Wetlands Projects** (Continued on next slide)

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<b>PROJECT CLASSIFICATION</b>	<b>PENDING LONG-TERM PROJECTS</b>		
	<b>NONTIDAL</b>	<b>TIDAL</b>	<b>TOTALS</b>
Aquaculture	0	0	0
Highway	3	0	3
Other	5	0	5
Utility-Energy	5	1	6
Technical processing issue	1	1	2
Federal	1	0	1
<b>TOTALS</b>	<b>15</b>	<b>2</b>	<b>17</b>

**Table 4: Active, Long-Term and Inactive Pending Wetlands Projects**

PROJECT CLASSIFICATION	PENDING INACTIVE PROJECTS		
	NONTIDAL	TIDAL	TOTALS
Attorney General Coordination	5	1	6
Compliance	7	0	7
Federal	20	4	24
Legal	0	4	4
Local	9	0	9
Other	1	0	1
State	18	0	18
Technical Processing Issues	118	2	120
<b>TOTALS</b>	<b>178</b>	<b>11</b>	<b>189</b>

**Table 5: Nontidal Wetlands Compensation Fund Summary of FY11 Balance, Revenue, and Expenditures**

<b>STATEMENT OF REVENUES AND EXPENDITURES</b>	
<b>FISCAL YEAR 2011</b>	
<b>July 1, 2010 - June 30, 2011</b>	
<b>REVENUES</b>	
<b>Fund Balance as of June, 2010</b>	<b>\$2,901,651.84</b>
Fiscal Year 2011 Revenue	208,069.69
Fiscal Year 2011 Earned Interest	0.00
Fiscal Year 2011 Accrued Revenues	(1,404.80)
<b>Total Fiscal Year 2011 Revenues</b>	<b>\$3,108,316.73</b>
<b>EXPENDITURES</b>	
Total Fiscal Year 2011 Expenditures	641,296.44
<b>NONTIDAL WETLAND COMPENSATION FUND BALANCE AS OF JUNE 30, 2011</b>	<b>\$2,467,020.29</b>

**Table 6: Nontidal Wetlands Compensation Fund: Details on FY11 Expenditures and Encumbrances** (Continued on next slide)

FY11 EXPENDITURES AND ENCUMBRANCES	
EXPENDITURES	
<b>Personnel</b>	
Salaries and Fringe	\$ 65,470.27
<b>Supplies</b>	
Communications for Employee	1,325.80
Travel Out of State	0.00
Other Supplies	2,299.34
Miscellaneous Field Supplies	0.00
Delmarva Forestry Service	0.00
Staples Technology Solutions	0.00
Alligare, LLC. (Herbicide)	9,325.00
KMG Dept of Natural Resources	-

**Table 6: Nontidal Wetlands Compensation Fund: Details on FY11 Expenditures and Encumbrances** (Continued on next slide)

FY11 EXPENDITURES AND ENCUMBRANCES	
EXPENDITURES	
<b>Contractual Services</b>	
Office Equipment Rental	810.08
<b>Mitigation Contracts</b>	
Talbot Soil Conservation District	71,006.00
Maryland Environmental Service	(259.05)
Warren G Spencer	0.00
<b>Fiscal Year 2011</b>	
City of Frostburg	39,070.00
Baltimore City Soil Conservation	78,922.00
Harford Soil Conservation District	373,327.00
<b>Total Expenditures for Fiscal Year 2011</b>	<b>\$641,296.44</b>

**Table 6: Nontidal Wetlands Compensation Fund: Details on FY11 Expenditures and Encumbrances**

<b>FY11 EXPENDITURES AND ENCUMBRANCES</b>	
<b>ENCUMBRANCES</b>	
<b>Mitigation Contracts</b>	
Talbot Soil Conservation District	293,664.00
<b>Total Encumbrances for Fiscal Year 2010</b>	<b>\$293,664.00</b>
Harford Soil Conservation District	\$ 41,480.00
Maryland Environmental Service	4,110.00
Baltimore City Soil Conservation	42,495.00
<b>Total Encumbrances for Fiscal Year 2011</b>	<b>\$ 88,085.00</b>
<b>CANCELLATIONS</b>	
Cancellations through June 30, 2011	31,000.00
<b>TOTAL EXPENDITURES FOR FISCAL YEAR 2011</b>	<b>\$729,381.44</b>

