

## Bill 16-002 – FoH position

Bill 16-002 is a bad and destructive bill. It says nontidal wetlands less than 40,000 square feet will no longer be considered Natural Resource Districts, a designation protecting them from being disturbed by development. Bill 16-002 supports developers destroying the environment while eliminating the public's right to know about or oppose such destruction.

The zoning code already allows developers to ask for a variance giving them permission to destroy springs and other wetlands on a case-by-case basis. Such variances have been requested in the past and were approved after the public had a chance to express any concerns. We believe the only purpose of this bill is to enable developers to destroy wetlands without being bothered by public exposure.

This bill continues chipping away protections for Natural Resource Districts (NRDs).

Harford already permits (allows) the following in NRDs:

- Utility transmission facilities (water, sewer, power, natural gas and communications lines, sewage and water pumping stations)
- Road and driveway crossings
- Stormwater management facilities (including huge stormwater “ponds”)
- Commercial timber operations
- Agriculture

Bill 16-002 will now allow the destruction of any wetlands, natural springs, etc. that the developer's staff decides is smaller than 40,000 square feet – almost an acre.

We noticed the James Run project has multiple springs and wetlands which the site plan shows being paved over by parking lots, and wonder if this Bill is yet another giveaway to the owners. Of course there may be other projects pushing for this bill.

Natural Resource Districts are supposed to be protected from disturbance. Bill 16-002 puts another nail in the NRD's coffin by automatically approving more environmental destruction and eliminating the public's right to demand corrective work-arounds when destruction is unacceptable.

We ask you to vote against Bill 16-02 in order to protect both the public's rights and the environment. If there's good reason to destroy springs and wetlands, then let the argument be raised and decided as part of the variance process. A variance requires public hearings so the people most impacted can speak.

## Definitions from Zoning Code:

NONTIDAL WETLANDS - All palustrine aquatic bed, palustrine emergent, palustrine forested and palustrine scrub-shrub wetlands as defined by the United States Fish and Wildlife Service, except tidal wetlands regulated under Title 9 of the Natural Resources Article, Annotated Code of Maryland. These nontidal wetlands are lands that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The technical guidelines for determining the parameters of nontidal wetlands (vegetation, soils and hydrology) shall be followed in accordance with the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual.

TIDAL WETLANDS - Any land bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth, including lands identified as "tidal wetlands" on the most current Department of Natural Resources Tidal Wetlands Boundaries Maps.

From Wikipedia:

**Palustrine wetlands** include any inland [wetland](#) which lacks flowing water, contains ocean-derived salts in concentrations of less than 0.5 [parts per thousand](#), and is non-tidal.<sup>[1]</sup> The word *palustrine* comes from the [Latin](#) word *palus* or [marsh](#).<sup>[2]</sup> Wetlands within this category include inland [marshes](#) and [swamps](#) as well as [bogs](#), [fens](#), [tundra](#) and [floodplains](#).

Palustrine wetlands are one of five categories of wetlands within the [Cowardin classification system](#). The other categories are:<sup>[1]</sup>

- [Marine](#) wetlands, exposed to the open ocean
- [Estuarine](#) wetlands, partially enclosed by land and containing a mix of fresh and salt water
- [Riverine](#) wetlands, associated with flowing water
- Lacustrine wetlands, associated with a [lake](#) or other body of fresh water

## References

[1] Cowardin, L. M.; Carter, V.; Golet, F. C.; LaRoe, E. T. "Classification of wetlands and deepwater habitats of the United States". U.S. Department of the Interior, Fish and Wildlife Service. Archived from the original (HTML) on 21 January 2014. Retrieved 26 April 2015.

[2] "American Heritage® Dictionary of the English Language, Fifth Edition.". The Free Dictionary. Retrieved 26 April 2015.