

to its relatively good condition would continue to preclude public use for many years to come. Therefore the public access/recreation issue is moot relative to the existing pier.

In consideration of the fact that the site is presently dilapidated, has not served as a maritime pier for several years, and would be supported by current economic conditions, it appears reasonable to allow the proposed improvements.

During the 1989 session of the Maryland General Assembly, legislation dealing with non-water dependent structures on piers was considered and Chapter 794 was passed. This Law prohibits the issuance of a wetland license or permit for any project involving the construction of non-water dependent structures on piers located in wetlands, generally under the following provisions:

1. The project is constructed on a pier in existence prior to December 1, 1985;
2. The project does not require an expansion of the pier greater than a maximum of 35% of the water coverage eliminated by removal of other piers;
3. The project is approved by local planning and zoning authorities;
4. The project is located in an intensely developed area as designated by the local jurisdiction's Critical Area Program;
5. The project allows public access to tidal water;
6. The project will not have a long term adverse impact on water quality in accordance with the local jurisdiction's Critical Area Program;
7. Water quality of existing stormwater runoff would be improved by 10% in accordance with the local jurisdiction's Critical Area Program; and
8. Sewer and other utility lines will not adversely affect the water quality of adjoining waters in accordance with the local jurisdiction's Critical Area Program.

The proposed project will meet all of these conditions. The City of Baltimore advised the Department in a letter dated June 22, 1989 that the project plans conform to the City's guidelines for pier development and are ready to be approved for building permits following final State approval, and completion of the Critical Area Program requirements, such as