

judicial decisions which clearly transcends the Congressional intent in enactment of Section 404 of the 1972 Federal Water Quality Act (PL 92-500); and

WHEREAS, The inadequacy of the Federal program is already evidenced by the lack of consistent and equitable implementation across the country as well as the absence of prompt due process to persons affected by Federal permit procedures; and

WHEREAS, The Federal environmental protection objectives implicit in Section 404 could be achieved through a delegation procedure whereby states with approved programs could administer the Federal permit program such as now exists for Discharge Permits; and

WHEREAS, It is the intent of Congress as set out in the Water Pollution Control Act to recognize, preserve, and protect the primary responsibilities and rights of states to prevent, reduce, and eliminate pollution, and to plan the development and use of land and water resources; and

WHEREAS, Maryland is one of 32 states that could be immediately considered for delegation of responsibility under Section 404 of the Water Pollution Control Act; and

WHEREAS, 46 states have expressed a desire to be considered for delegation eventually; now, therefore, be it

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That it petition the Congress of the United States to eliminate the existing duplicative procedure for the regulation of water and wetland resources pursuant to Section 404 of PL 92-500 by delegating the Federal authority to the states under prescribed conditions which would insure that the State permit procedure fulfills State and Federal legislative mandates for both resource management and protection and due process for the citizenry in such matters; and be it further

RESOLVED, That copies of this Resolution shall be forwarded to each member of the Maryland delegation to the Congress of the United States.

Approved March 31, 1977.