



PUBLIC NOTICE

Extensions to Nontidal Wetlands Regulatory Deadlines for
Certain Activities During the COVID-19 Pandemic

This notice is given by Ben Grumbles, Secretary of the Maryland Department of the Environment (“MDE”), acting pursuant to the Proclamation of Governor Lawrence J. Hogan, Jr. (the “Governor”) dated March 5, 2020 proclaiming a state of emergency and a catastrophic health emergency related to COVID-19, as it may be amended or renewed from time to time, and the Order of the Governor dated March 12, 2020 entitled “Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements,” as it may be amended from time to time, after finding that the action(s) described herein will not endanger the public health, welfare, or safety.

The Nontidal Wetlands Division of the Wetlands and Waterways Program reviews applications for permits and authorizations to impact nontidal wetlands. The statute (Title 5, Subtitle 9 of the Environment Article) and regulations governing the permitting & authorization process contain various process-related requirements and several mandatory timeframes. These include the following process-related requirements and mandatory deadlines:

Deadline/Timeframe

Statutory/Regulatory Citation

Within 45 days of receipt of application
Department shall notify applicant as to
whether application is complete and the
delineation is correct.

§5-906(d); 26.23.02.02B

The Department shall issue public notice
of an application and of opportunity to submit
written comments or to request a hearing;
a hearing shall be held within 45 days of request.

§5-906(e)

The Department shall grant, deny or
Condition a permit within 45 days of a hearing
or within 60 days of the receipt of a complete
application if there is no hearing

§5-906(j)

A public hearing shall be held on a permit
application within 45 days of the expiration
date specified in the public notice

26.23.02.02.H(2)



The Department shall review the mitigation component of the soil conservation and water quality plan for consistency with Regulations .03-.07 of this chapter. The Department shall notify the landowner and the soil conservation district if the mitigation component is consistent within 60 days of receipt of a mitigation component.

26.23.04.01B(4)

If the Department fails to notify the landowner and the soil conservation district within 60 days of receipt of a mitigation component, then the mitigation component shall be deemed to be consistent with Regulations .03-.07 of this chapter.

26.23.04.01B(5)

The Department shall render a decision concerning the acceptability of Phase II of a mitigation plan within 45 days of receipt of a completed plan, unless a final permit decision has not been made. If the Department fails to notify the applicant within the 45-day period, the plan shall be considered acceptable unless a final permit decision has not been made.

26.23.04.05C(7)

A soil conservation district shall notify the Department when a determination is made under B(7)(a) or (b) of this regulation (regarding agricultural activities in isolated nontidal wetlands of less than 1 acre and have no significant plant/wildlife value). If the Department has not responded within 60 days of the notification, the determination made by the soil conservation district shall be considered correct.

26.23.05.01B(7)(c)

A soil conservation district shall notify the Department when a determination under Section B(8)(a) of this regulation is made (regarding agricultural activities whose cumulative impact is less than 5,000 square feet of nontidal wetland which contains no significant plant or wildlife). If the Department has not responded within 60 days of the notification, the determination made by a soil conservation district shall be considered correct.

26.23.05.01B(8)(b)



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

The time frames identified in the statutes and regulations referenced above are hereby suspended. This Notice is effective immediately and shall remain in effect until [30 days after] the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded.

Ben Grumbles
Secretary