

MDE Requirements for Mitigation Bank Public Notice

All proposed mitigation banks must go out on Public Notice, allowing the opportunity for public review and comment, as stated in the 2008 Federal Mitigation Rule and Maryland's Nontidal Wetlands - Nontidal Wetland Mitigation Banking statute (House Bill 797). To align with the requirements of the 2008 Federal Mitigation Rule, for proposed mitigation banks, the Public Notice is generally completed during the Prospectus stage.

In order to provide a complete submittal for Public Notice, the Prospectus should include all elements listed in "Information for a Complete Mitigation Bank Prospectus per CFR 332.8(d)(2)." As part of the Prospectus submittal, the bank sponsor should provide:

- Letter from the property owner indicating their interest in developing a mitigation bank. The letter should indicate whether the sponsor owns the land or is acquiring an interest in the proposed bank site (fee simple acquisition, easement, etc.).
- Vicinity map.
- Concept plans (8 ½" x 11") depicting the entire project site, clearly showing the proposed restoration, creation, enhancement, and/or preservation. These plans should also show the boundary proposed to be protected through a site protection mechanism.
- Impact sheets (8 ½" x 11") clearly showing proposed impacts to all wetlands, 25-foot wetland buffers, waterways, and 100-year floodplains. These impact sheets should differentiate between MDE impacts and USACE impacts. For example, some stream impacts related to the restoration may be considered "temporary" by MDE and "permanent" by the USACE.
- List of adjacent property owners and local officials (local officials should include county executive, county planning office, and county public works). List should be in a digital format that is easily exported into labels for mailing.
- Certification of notification of adjacent property owners and local officials.
- Public Notice Billing Approval Form (for publishing in the local newspaper).