



Water and Science Administration - Wetlands and Waterways Protection Program

GUIDANCE FOR NONTIDAL WETLANDS AND WATERWAYS EMERGENCY REPAIRS

Emergency Repair Guidelines

In an emergency, you may immediately make the **minimum repairs necessary** to protect life and property from imminent danger without prior written approval from the Administration (*COMAR 26.17.04.07(D)* and *26.23.02.08(C)*). An "emergency" is legally defined as a sudden, unforeseen event that poses an immediate threat to public health, safety, or the environment (*COMAR 26.17.04.02(B)(8)*).

Typical details for methods when working in a nontidal waterway or 100-year nontidal floodplain can be located within Maryland's Waterway Construction Guidelines on MDE's website at:

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/DocumentsandInformation/Pages/guide.aspx>

For qualifying emergency actions, the applicant shall notify MDE no later than the next business day after beginning an emergency regulated activity with the following information found in the Emergency Notification Checklist. Please submit the information in writing to the appropriate MDE Division Chief. A list of contact can be found on MDE's webpage at:

<https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/WetlandsAndWaterwaysProgramDirectory.aspx>

Important Rules to Follow:

- **Starting Work:** While MDE strongly encourages you to contact us before beginning any work, you may initiate critical emergency repairs immediately if the situation demands it. Before mobilizing mechanical equipment in a waterway, you must obtain approval from MDE prior to commencing work.
- **Non-Emergency Work:** If you plan to do any additional work, maintenance, or repairs that are *not* strictly necessary to safeguard against imminent danger, you must submit an Joint Federal/State Application and obtain approval before proceeding.
- **Additional Approvals:** Please contact MDE to verify if your project requires other state authorizations. You must also contact the U.S. Army Corps of Engineers to determine if federal approval is required.

Emergency Notification Checklist - As noted above provide the information below to the Department verbally and follow up in writing:

General Project Information

1. Applicant Name and Contact Information
2. Location of Emergency Activity
3. Description of Work: What specific type of work do you intend to perform?
4. Anticipated Impacts: Provide estimates in square and linear feet for nontidal wetlands, buffers, waterways, or 100-year floodplains.
5. Reason for Emergency: What public safety or health risk are you addressing? E.g., debris blockage, bank failure, flooding.
6. Project Timeline: When did/will the work begin, and how long will it take?
7. Advance Notice: Can you notify MDE 24–48 hours before mobilization so staff can observe the start of work?

Stream Channel Excavation (If Applicable)

1. Excavation Details: How deep will you excavate, and how will you transition upstream/downstream, how will existing habitat features be maintained? (*Disturbance must be limited to areas restricting flow or creating a safety risk*).
2. Sediment Management: How will you stabilize removed materials to prevent erosion back into the stream?
3. Equipment Access: Where will equipment access the stream? Can equipment be kept out of the wetted channel?