



Water and Science Administration - Wetlands and Waterways Protection Program

GENERAL GUIDANCE FOR EMERGENCY REPAIR WORK

Emergency repairs that **will not be conducted in-kind** are subject to the emergency licensing procedures located [HERE](#) and an Emergency Wetland License is required prior to beginning any emergency work. An individual should contact the assigned MDE Tidal Project Reviewer ([MDE Contact List](#)) to provide the address of the emergency, the property owner, a description of the emergency conditions with photographs, and reason why repairs work must occur without delay. Applicants are also advised to contact the U.S. Army Corps of Engineers to determine if federal authorization is necessary. The reviewer will determine if the emergency conditions meet the regulatory requirements and notify the individual. If the requirement for an emergency are met, the individual shall provide the following ([COMAR 23.02.0.06C\(4\)](#)) within 3 days:

1. Applicant's name;
2. Location of the emergency activity;
3. Site photographs;
4. Extent of work to be done;
5. Anticipated impact on tidal wetlands; and
6. Nature of the emergency.

For activities located in State Tidal Wetlands:

Upon receipt of the information, the Department forwards to the Wetlands Administrator of the Board of Public Works a request to issue an Emergency Wetland License; the Wetlands Administrator issues the Emergency Wetlands License within 14 days of the initial notification of the emergency to the Department.

The Licensee must submit a [Joint Permit Application](#) to the Department within 14 days of the initial notification to the Department of the emergency.

For activities located in Private Tidal Wetlands:

Upon receipt of the information, the Department issues an emergency General Permit or Wetland Permit.

The Licensee must submit a [Joint Permit Application](#) to the Department within 14 days of the initial notification to the Department of the emergency.

Authority: Title 16 of the Environment Article, Annotated Code of Maryland and Code of Maryland Regulations 26.24. and 23.02.04

Authorized Activities:

Activities in State Tidal Wetlands: COMAR 23.02.04.04A – (1) Dredging; (2) Filling; (3) Constructing, reconstructing, repairing, or altering structures, trestles, conduits, cables, pipelines, intake or discharge pipes, or similar devices or apparatuses; (4) Constructing a shore erosion control project, including a living shoreline, or; (5) Otherwise altering State tidal wetlands.

Activities in Private Tidal Wetlands: COMAR 26.24.02.05 – In addition to the 11 activities listed in COMAR 26.24.02.04 that are located private tidal wetlands, the following activities: (1) Install or maintain underground utilities such as phone, cable television, electricity, or natural gas pipelines not exceeding 12 inches in diameter if the surface of the wetlands is restored to its original elevation and vegetation; (2) Conserve soil, vegetation, water, fish, shellfish, and wildlife using best management practices; and (3) Improve wildlife habitat as approved by the Administration.

Please contact the Tidal Wetlands Division's reviewer in your county if you have additional questions regarding emergency repair work. A list of contacts can be found at: <https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/WetlandsAndWaterwaysProgramDirectory.aspx>