



May 7, 2024

**Water and Science Administration
Wetlands and Waterways Program**

**GUIDANCE FOR EMERGENCY REPAIRS FOR DAMAGE RESULTING FROM ANY MAJOR
NAMED STORM/HIGH TIDE EVENT**

To facilitate repairs from any recent named storm, the Maryland Department of the Environment (“MDE” or “Department”) highlights the following for conducting in-kind emergency repairs in State or Private Tidal Wetlands. Emergency repairs that will not be conducted in kind should follow the emergency licensing procedures found at <http://www.dsd.state.md.us/comar/comarhtml/23/23.02.04.06.htm>

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 23.02.04.04.E.(2) - Maintenance, repair, or replacement of an existing functional structure when there is only a de minimis increase in the original length, width, height, or channelward encroachment.

Activities in Private Tidal Wetlands: COMAR 26.24.02.01C(5) – Maintenance, repair or replacement of:

- Piers and associated structures (boat lifts, PWC lifts, mooring piles, finger piers, osprey piles, etc.)
- Bulkheads, revetments, and living shorelines

Application: Not required if the following conditions are met:

1. As of one day prior to the named storm/high tide event, the structure to be repaired or replaced in-kind was (a) functional, which means that the structure was performing at least 85 percent of the action that it was originally designed to perform; (b) authorized by a State tidal wetlands license, or was not authorized because it was considered “grandfathered” which means for shoreline erosion structure was constructed prior to July 1, 1970 or for piers was constructed prior to February 14, 1994.
2. The repair or in-kind replacement activities restore the damaged structure to its previously undamaged condition, and do not alter or exceed the size, dimensions, or configuration of the previously undamaged structure, as it existed one day prior to the named storm/high tide event.
3. All repair work, if not performed by the property owner, shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. A list of licensed marine contractors may be obtained by contacting the MCLB at 410-537- 3249, by e-mail at MDE.MCLB@maryland.gov or by accessing the Maryland Department of the Environment, Environmental Boards webpage.
4. All repair work must be completed within one year of the named storm/high tide event. If repair work is not completed by this date, then MDE shall be contacted for further guidance.
5. The repair work shall employ best management practices to make every reasonable effort to perform the repair work in a manner which minimizes adverse impacts on natural resource values, including water quality, plants, wildlife, and plant and wildlife habitat.
6. The property owner must obtain any necessary federal or local authorizations before commencing work.
7. Prior to commencing repair activities, the property owner must notify the Water and Science Administration’s Compliance Program at 410-537-3510 (Western Region) or (410) 901-4020 (Eastern Region).
8. Prior to commencing repair activities, the property owner must notify the local county Critical Area Program.

Please contact the Tidal Wetlands Division’s reviewer in your county if you have additional questions regarding emergency repair work due to the recent storm. A list of contacts can be found at:

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