



FROM	NAME & TITLE	Eric W. Tiso,  Director of Development Oversight and Project Support	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Department of Planning 8 <sup>th</sup> Floor, 417 East Fayette Street		
	SUBJECT	City Council Bill #26-0161/ Natural Resources – Forest and Tree Conservation – Conforming Amendments		

TO

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

DATE: April 29, 2026

At its regular meeting of April 23, 2026, the Planning Commission considered City Council Bill #26-0161, for the purpose of amending the Forest and Tree Conservation provisions of Article 7 of the Baltimore City Code to comply with new State requirements; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #26-0161 and adopted the following resolution:

**RESOLVED**, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #26-0161 be **amended and approved** by the City Council. The attached amendments generally relate to the following:

- Amendment No. 1 addresses comments related to definitions that were provided in a letter from DNR dated April 14, 2026.
- Amendment No. 2 clarifies the applicant’s entitlement to seek judicial review and strikes text that stated that the determination of the Planning Commission would be final and binding.
- Amendment No. 3 strikes a mention of a specific length for a maintenance agreement, to avoid confusion with the 3-year maintenance agreement required for forest bank establishment.

If you have any questions, please contact me at [eric.tiso@baltimorecity.gov](mailto:eric.tiso@baltimorecity.gov) or by phone at 410-396-8358.

attachment

cc: Ms. Nina Themelis, Mayor’s Office  
The Honorable John Bullock, Council Rep. to Planning Commission  
Mr. Justin Williams, BMZA  
Mr. Geoffrey Veale, Zoning Administrator  
Ms. Stephanie Murdock, DHCD  
Ms. Hilary Ruley, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Luciano Diaz, DOT  
Ms. Nancy Mead, Council Services



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

*Jon Laria, Chair; Eric Stephenson, Vice Chair*

### STAFF REPORT



Renata Southard  
Acting Director

**April 23, 2026**

**LEGISLATION:** City Council Bill #26-0161:

Natural Resources – Forest and Tree Conservation – Conforming Amendments

FOR the purpose of amending the Forest and Tree Conservation provisions of Article 7 of the Baltimore City Code to comply with new State requirements; and providing for a special effective date.

**RECOMMENDATION:** Approval with amendments

**STAFF:** Amy Gilder-Busatti, Sustainability Manager, on behalf of Rachel Whiteheart, Environmental Planner

**INTRODUCED BY:** Council President Cohen, on behalf of the Administration (Department of Planning), cosponsored by Councilmembers Middleton, Gray, Porter, Blanchard, and Glover

**COUNCIL DISTRICT:** Citywide

### HISTORY

The Forest Conservation Act (FCA) was signed into Maryland law in 1991. It establishes rules for development sites that minimize the loss of existing forests and replenish tree cover. The City of Baltimore has adopted local legislation in compliance with the State law, and the Department of Planning's Office of Sustainability enforces the Forest Conservation Program for development occurring within the city limits. The City's Forest Conservation Program requirements are found in Division IV of the City's Natural Resources Code and were most recently updated by Ordinance #20-401, dated September 29, 2020.

During the 2023 and 2024 legislative sessions, the Maryland General Assembly passed SB526/HB723 (2023) and HB1511 (2024), altering certain provisions in the Forest Conservation Act. Most code changes promulgated by HB1511 and SB526/HB723 will go into effect July 1, 2026, with several changes in effect as of July 1, 2024. City Council Bill #26-0161 would integrate these legislated changes into our local code, along with several minor voluntary code updates to align the code with other City policies and regulations.

This bill was also referred to the Commission on Sustainability. During their regular April meeting on Wednesday, April 15, 2026, the Commission voted in favor of approval of the bill, with 12 members voting in favor and three appointed members awaiting swearing-in abstaining.

## **CONFORMITY TO PLANS**

The 2024 Comprehensive Master Plan for the City of Baltimore was enacted by Ordinance #24-426, dated December 2, 2024. The Plan includes several goals and measures that would be advanced through the implementation of elements of this bill:

### **Trees and Forests**

- Goal 1: Increase the City’s tree canopy using native and heat-tolerant species in the neighborhoods experiencing frequent instances of extreme heat to reduce heat island effects.
- Goal 3: Preserve the City’s existing canopy, including street trees, forested areas, and other natural areas as a way to manage heat, water runoff, and improve overall quality of life.

The 2019 Baltimore Sustainability Plan was enacted by Ordinance #19-242, dated April 22, 2019. The plan includes several strategies and actions that would be advanced through the implementation of elements of this bill:

### **Nature for Nature’s Sake**

- Strategy 2: Encourage and increase sustainable land management policies and practices on public and private land, taking into account the context of surrounding neighborhoods and the impacts to residents.
  - Strategy 2, Action 2: Implement invasive species management for both plants and animals in and outside of parks.
- Strategy 3: Increase the acreage of maintained and protected land.
  - Strategy 3, Action 2: Identify mechanisms to ensure protection and maintenance of habitat areas on public and private lands, in perpetuity.

### **Trees and Forests**

- Strategy 2: Assess and manage the city’s tree canopy for long-term health.
  - Strategy 2, Action 3: Develop unified, long-term strategies to increase support and funding for managing forests and forest patches, and for planting and caring for trees.
  - Strategy 2, Action 4: Develop and implement policy to manage parks to ensure tree-protective language is placed in all contracts and plans and include best management practices and standards for invasive management, reforestation, and restoration.
- Strategy 3: Preserve the city’s existing tree canopy.
  - Strategy 3, Action 3: Investigate the creation of a forest land-banking credit program and other methods for supporting and promoting forest preservation, such as land trusts and permanent easements.

## **ANALYSIS AND RECOMMENDATION:**

The state-legislated changes represent the most significant alteration to Maryland’s Forest Conservation regulations since the establishment of the FCA. HB1511 and SB526/HB723 require local jurisdictions to update our Forest Conservation codes by July 1, 2026.

The City also maintains the Baltimore City Supplement to the State Manual, which acts as an addendum to the State Forest Conservation Manual by altering certain sections of the State Manual to reflect City regulations. The state Forest Conservation Technical Manual was updated in December 2024. Following the City’s adoption of updates to Division IV of the City’s Natural Resources Code, the Baltimore City Supplement will also be updated to reflect the new state requirements. The code establishes the requirements for compliance with forest conservation laws. The State Manual and City Supplement provide guidance and minimum standards to be used to prepare required plans based on the conditions and requirements associated with a specific property and project scope.

Maryland’s approach to forest conservation has evolved in the 35 years since the FCA was established. The original purpose was to conserve the State's forest resources during development activities. Later, the state established a policy of no net forest loss, meaning that all forest loss should be offset through mitigation. Most recently, the passage of SB526 modified the State’s policy to “encourage the retention and sustainable management of forest lands by increasing, as measured every 4 years, the acreage of forest land in the state; increasing, as measured every 4 years, the acreage of land in the state covered by tree canopy, for land located inside an urban area and outside an urban area.” Under the bill, the Maryland Department of Natural Resources (DNR) will begin providing written notice to jurisdictions that do not maintain or expand the area of forest cover by the end of 2028 and require them to modify local afforestation, reforestation, and preservation requirements.

The Baltimore Department of Planning is the agency within City government that oversees the implementation of Baltimore’s Forest Conservation regulations. In developing the recommended combination of legislated and voluntary changes to Baltimore’s forest conservation code, staff worked to balance the inclusion of minimum updates required to meet the new standards with the inclusion of some voluntary standards and updates that will help Baltimore to achieve the goals identified in adopted plans.

The legislated changes included in City Council Bill #26-0161 are:

- **The establishment of new priority forest retention areas**, including forests located along streams and their buffers, large contiguous forests suitable for Forest Interior Dwelling Species, and urban forested areas. Urban forested areas have been defined by DNR to include almost all of Baltimore City, as delineated in [this mapping](#). Priority retention areas are forested areas that should be left undisturbed unless the applicant demonstrates, to the satisfaction of the City, that reasonable efforts have been made to protect the areas and the project cannot reasonably be altered. The bill includes the standards that must be met to demonstrate those reasonable efforts.

- **A new public notice and comment period associated with the clearing of priority retention areas.** This introduces a comment period for adjacent property owners and DNR. The Department of Planning plans to align these public notice and comment periods with those already in place for subdivision applications through the Department of Planning and projects requesting stormwater management waivers from the Department of Public Works.
- **Specifying the timeline and parameters for judicial review.** Judicial review must be conducted in accordance with the Maryland Rules and be limited to the record compiled by DNR or the Department of Planning.
- **Exempting solar-photovoltaic facilities from afforestation requirements** but not reforestation. This exemption for solar-photovoltaic facilities is the only exemption that is required to be adopted by local jurisdictions.
- **Adjustments to afforestation calculations.** SB526/HB723 (2023) eliminates afforestation requirements for some land uses and designations. City Council Bill #26-0161 proposes a more strict but less complicated framework for calculating afforestation requirements. This approach is largely unchanged from the current afforestation requirements and is being recommended to support goals and strategies included in the 2024 Comprehensive Plan and 2019 Sustainability Plan to increase the city’s tree canopy.
  - The current State Forest Conservation Technical Manual requires afforestation thresholds of 20% for areas zoned for densities lower than or equal to one dwelling unit per acre and agricultural and resource area zones or land uses. An afforestation threshold of 15% currently applies to all other zoning or land use categories.
  - The recent state code updates require the same 20% and 15% thresholds as noted previously. However, the updated state code allows for development located in Priority Funding Areas (PFAs), multi-family housing units (MHUs) with 25 or more dwellings, and transit-oriented development (TOD) to use a 0% afforestation threshold. All of Baltimore City is designated as a PFA and most of Baltimore’s current zoning allows the development of MHUs with 25 or more dwellings, dependent on lot size and bulk requirements. Reducing afforestation thresholds from 15% to 0% for large portions of the city would be in opposition to several of the goals and strategies in the City’s adopted plans.
  - The following table compares the afforestation requirements adopted under SB526/HB723 to those proposed under CCB #26-0161.

Land Use Categories	SB526/HB723 Afforestation Threshold	CCB #26-26-0161 Afforestation Threshold
Agricultural and Resource Areas & Medium Density Residential Areas (OS, R-1A and R-1B Zones)	20%	20%
Institutional, High Density Residential, Mixed-Use, Planned-Unit Development, Commercial, and Industrial Use Areas	15%	15%
Multifamily Housing Units (MHUs) with 25+ Dwellings	0%	15%
Development Located in Priority Funding Areas (PFAs)	0%	15%
Transit-Oriented Development (TOD)	0%	15%
Solar Photovoltaic Facilities	0%	0%

- **Adjustments to reforestation mitigation calculations.** SB526/HB723 (2023) changed the way that reforestation requirements are calculated. City Council Bill #26-0161 proposes a more strict but less complicated framework for calculating reforestation requirements. This approach is recommended to support goals and strategies identified in the 2024 Comprehensive Plan and 2019 Sustainability Plan to preserve existing tree and forest canopy.

  - Since the inception of the FCA, reforestation requirements were based on the concept of: 1) a “breakeven point” - the amount of forest that must be retained so that no mitigation is required, and 2) a “conservation threshold” - a threshold where mitigation requirements increase to 2:1 if forest clearing exceeds the threshold.
  - The recent state code updates require reforestation ratios of one acre mitigated through reforestation planting per acre of forest cleared (1:1) for most land use categories. The state allows a reduced reforestation ratio of ¼:1 for multi-family housing units (MHUs) with 25 or more dwellings and transit-oriented development (TOD). MHUs also have the option of retaining ½ acre of forest in permanent protection per acre of forest cleared.
  - City Council Bill #26-0161 calls for a reforestation ratio of 1:1 for all land use categories. The following table compares the afforestation requirements adopted under SB526/HB723 to those proposed under CCB #26-0161.

Land Use Categories	SB526/HB723 Reforestation Ratio	CCB #26-26-0161 Reforestation Ratio
Agricultural and Resource Areas & Medium Density Residential Areas (OS, R-1A and R-1B Zones)	1:1	1:1
Institutional, High Density Residential, Mixed-Use, Planned-Unit Development, Commercial, and Industrial Use Areas	1:1	1:1
Multifamily Housing Units (MHUs) with 25+ Dwellings	¼:1	1:1
Development Located in Priority Funding Areas (PFAs)	1:1*	1:1
Transit-Oriented Development (TOD)	¼:1	1:1
Solar Photovoltaic Facilities	1:1	1:1

\* Development in PFAs can be granted a reforestation ratio of ½:1 unless also designated as Priority Retention, in which case 1:1 reforestation is required. Nearly all of Baltimore is designated as Priority Retention and would be subject to 1:1 reforestation in either case.

- **Introduction of new methods** for meeting Forest Conservation mitigation obligations, including through the restoration of degraded forests.
- **Re-legalization of qualified forest mitigation banks** to meet Forest Conservation requirements. Mitigation banks are forests established or preserved to supply credits to applicants that are unable to meet their Forest Conservation mitigation obligations through on-site plantings. There are currently no established mitigation banks in Baltimore City.

In addition to the legislated changes, the Department of Planning has recommended the inclusion of several voluntary code updates to align the Forest Conservation Program with other City policies and regulations and to enhance the City’s ability to protect trees and forests in the context of development. These voluntary updates include:

- **Removing the City’s current “dwelling house exemption,”** which allows individuals who are constructing a home for themselves or their immediate family to forgo Forest Conservation review. The removal of this from our code will align Forest Conservation review with other required City reviews (primarily Stormwater Management and Erosion & Sediment Control).
- **Adding two activities to those that are exempt from forest conservation regulations** – maintenance or retrofitting of an existing stormwater management practice, and forest management. Both exemptions have been part of the state forest conservation regulations for several years and are included in CCB #26-0161 to reduce barriers for these activities, which support improved water quality and forest health.
- **Adding several limited exemptions to the afforestation requirements.** These exemptions include linear projects, urban agriculture, and voluntary stormwater

management projects. The bill includes updated definitions and identifies uses that are subject to certain limitations or must meet certain criteria. These exemptions have been part of the state forest conservation regulations for several years and are included in CCB #26-0161 to reduce barriers for these activities.

- **Enhancing long-term protections of mitigation plantings and clarifying processes for tracking and monitoring these plantings.** Existing City policies that will be codified through the updates include replacement requirements for previous mitigation plantings that are removed or impacted and submittal requirements for mitigation planting areas to facilitate long-term tracking.
- **Re-evaluation of the City's fee-in-lieu rates to reflect current planting and maintenance costs.** Currently, the established rates are \$600 per major tree for afforestation/reforestation mitigation and \$300 per caliper-inch for specimen tree mitigation. This bill proposes to increase these rates to \$700 per major tree and \$350 per caliper-inch, which is in alignment with the rate of inflation and current cost of materials, labor, and maintenance associated with these mitigation requirements.

Department of Planning staff have conducted an analysis of the past five years of Forest Conservation reviews and found that:

- 12% of reviewed projects involved forest clearing and would have been impacted by the new public notice and comment period requirement
- Of the 12% of reviewed projects (19 projects) involving forest clearing, only four were residential and only two of those four could be defined as Multifamily Housing Units (MHUs) with 25+ Dwellings. Both multi-family projects were able to satisfy their required mitigation on-site under the current reforestation ratios.
- 23% of projects paid a fee-in-lieu of planting

Regarding other proposed code updates, the adjusted reforestation requirement could increase development costs for some projects involving forest clearing, while the exemptions and additional tools for meeting mitigation requirements will likely decrease development costs.

The state forest conservation code allows local jurisdictions to adopt local code provisions that are more restrictive than the minimum requirements set in state code. Because Baltimore City is unique within Maryland, this provides an opportunity to customize our local program to reflect the context of the city and integrate standards and tools that help to address our specific challenges and opportunities. Baltimore's context includes:

- A current tree canopy percentage of 20%, and a tree canopy goal of 40% by 2037
- Small but measurable tree canopy increases (1%) from 2007 to 2015
- Small but measurable loss (<1% - 143 acres) from 2018 to 2021
- Challenges to forest health from factors including invasive vegetation, disease and pests, storms, and climate pressures
- Challenges to human and environmental health from factors including climate change, urban heat island impacts, air quality, and other factors that are connected to the distribution and health our forests and tree canopy.

- Several previous analyses of tree planting feasibility related to the 40% tree canopy goal have determined that planting feasible and available sites - on public land, including along streets, in parks, and on other public properties – will not be sufficient to achieve this goal. Continued efforts to increase tree planting on public land are needed, but additional tree planting on private property will be essential to achieving this goal, particularly in neighborhoods with the lowest tree canopy percentage and high percentage of impervious surfaces.

Council Bill 26-0161 reduces barriers to solar voltaic and voluntary stormwater management projects, provides new tools to improve forest health while providing reforestation credit, retains current afforestation thresholds for nearly all land uses, and sets reforestation ratios aimed at meeting the state’s standard for retaining and growing tree and forest canopy.

Local jurisdictions are required to submit proposed updates to local forest conservation programs to DNR for review and approval to ensure that the local program meets or is more stringent than the minimum standards set in the state Natural Resources Article. The first reader for Council Bill #26-0161 was submitted to DNR for review on March 25, 2026, and DNR responded with a comment letter (provided) on April 14, 2026. The letter included four categories of recommendations. Department of Planning staff have coordinated with staff from the Department of Legislative Reference and the Law Department to reach a consensus for addressing DNR’s comments:

- **Addition to the definition of “Linear Project”**: to be addressed as part of the package of proposed amendments (Amendment No. 1).
- **Addition of definitions** for “maintenance agreement”, “lot”, “net tract”, “variance”, and “watershed”: with the exception of “variance” which is already defined, these additions are to be addressed as part of the package of proposed amendments (Amendment No. 1).
- **Recommendation to reference SB 526 5-1607(b)(2)(II)**, which allows local programs to request use of up to 60 percent instead of 50 percent credit towards required reforestation for the establishment or purchase of credits through an approved forest mitigation bank: City staff recommend against including this reference, as DNR has not established a process for submitting such a request. Including this option in our code before it has been requested or approved could generate confusion, and the code can be updated when and if such a request is submitted and approved.
- **Recommendation to add Article XVI – Annual Report and XVII – Biennial Review by the Department of Natural Resources**, sections of the state code that establish requirements for local jurisdictions to submit Annual Reports to DNR and subject local programs to biennial review by DNR: Consistent with policy decisions associated with the 2020 updates to the forest conservation code, City staff recommend against including these references, in alignment with best practices for local codes. The City is subject to and complies with annual reporting and biennial review requirements even if they are not adopted as part of the local forest conservation code. Including these provisions introduces the possibility that our local code could become out of compliance with the state code should these articles be updated in the future.

Once Council Bill #26-0161 has been adopted, Department of Planning staff will submit the enacted Ordinance to DNR for final approval.

### **Recommended Amendments**

The Department of Planning has coordinated with the Department of Legislative Reference to recommend a series of three amendments to Council Bill #26-0161:

1. Amendment No. 1 addresses comments related to definitions that were provided in a letter from DNR dated April 14, 2026.
2. Amendment No. 2 clarifies the applicant's entitlement to seek judicial review and strikes text that stated that the determination of the Planning Commission would be final and binding.
3. Amendment No. 3 strikes a mention of a specific length for a maintenance agreement, to avoid confusion with the 3-year maintenance agreement required for forest bank establishment.

**RECOMMENDATION:** Staff therefore recommends that the Planning Commission adopt these findings and recommend Council Bill #26-0161 favorably, with the attached amendments recommended by the Department of Planning.

### **EQUITY:**

#### **Impact:**

- This bill allows Baltimore City to continue to apply afforestation requirements equally while aiming to implement them equitably across the city. Development within the Critical Area, land within 1000 feet of mean high tide, is subject to nearly the same standards for afforestation. Adopting the state minimum afforestation threshold of 0% and reduced reforestation ratios for TOD, multi-family development, and projects in Priority Funding Areas could create a disparity between development within the Critical Area and development elsewhere in the city.
- The new comment period requirements for projects proposing to clear priority retention areas will encourage community engagement with and increased understanding of development proposals.
- The additional mitigation options included will provide more flexibility for projects to meet forest conservation requirements on site or off site before a fee-in-lieu could be considered, keeping the mitigation and associated benefits in closer proximity to the project site.

### **Engagement:**

Stakeholders engaged during the development of this bill included City agency staff and local tree experts. Briefings on the code updates were presented to the Commission on Sustainability on March 18, 2026, and to the Planning Commission on April 2, 2026. Videos of both presentations were made available on the Department of Planning's YouTube channel.

**Internal Operations:**

The proposed legislation will result in operational impacts for the management of the local forest conservation program by Department of Planning. Impacts will likely be moderate in the immediate term and minor to moderate in the long term.

- Leading up to July 1<sup>st</sup>, staff will update public-facing documents and websites and communicate with applicants proposing projects that will be subject to the updates.
- Over the next few months, Department of Planning staff will lead the process for updating the City Supplement to the State Forest Conservation Manual to coordinate the manual with the updates to local and state code.
- After July 1<sup>st</sup>, the proposed legislation will require Department of Planning staff to coordinate a public notice and comment period for any project proposing clearing in a priority retention area.

**NOTIFICATION:** Staff sent notice of this action to subscribers via GovDelivery.



**Renata Southard**  
**Acting Director**

**AMENDMENTS TO COUNCIL BILL 26-0161  
(1<sup>st</sup> Reader Copy)**

By: Department of Planning  
{To be offered to the Public Health and Environment Committee}

**Amendment No. 1**

On page 7, in line 4, strike “**TREE.**” and substitute “**WATERSHED.**”; and, on that same page, in line 23, strike “**AND**”; and, on that same page, in line 25, strike “**RIGHTS.**” and substitute “**RIGHTS; AND**”; and, on that same page, after line 25, insert:

“(3) THE SUBJECT PROPERTY IS ELONGATED WITH NEARLY PARALLEL SIDES.”

(E) MAINTENANCE AGREEMENT.

“MAINTENANCE AGREEMENT” MEANS A BINDING PLAN BETWEEN AN APPLICANT AND THE CITY THAT OBLIGATES THE APPLICANT TO MAINTAIN CERTAIN AREAS DESIGNATED FOR AFFORESTATION OR REFORESTATION TO ENSURE THE PROTECTION OR ESTABLISHMENT OF NEW TREE PLANTINGS, INCLUDING:

(1) WATERING; AND

(2) THE REPLACEMENT OF NEW TREE PLANTINGS TO MAINTAIN SURVIVAL STANDARDS AS ESTABLISHED BY REGULATION.

(F) NET TRACT AREA.

(1) IN GENERAL.

“NET TRACT AREA” MEANS THE TOTAL AREA OF A SITE, INCLUDING BOTH FORESTED AND NON-FORESTED AREAS, TO THE NEAREST 1/10TH AREA, REDUCED BY THAT AREA WHERE FOREST CLEARING IS RESTRICTED BY ANOTHER LAW OR PROGRAM.

(2) FOR A LINEAR PROJECT.

FOR A LINEAR PROJECT, “NET TRACT AREA” MEANS:

(1) THE WIDTH OF A RIGHT-OF-WAY AREA, INCLUDING NEW ACCESS ROADS AND STORAGE; OR

(II) THE LIMITS OF DISTURBANCE AS SHOWN ON AN APPLICATION FOR SEDIMENT AND EROSION CONTROL APPROVAL IN A CAPITAL IMPROVEMENTS PROGRAM PROJECT DESCRIPTION.”;

and, on that same page, in lines 26 and 29, strike “(E)” and “(F)”, respectively, and substitute “(G)” and “(H)”, respectively; and on page 8, in lines 1, 6, 15, 18, and 26, strike “(G)”, “(H)”, “(I)”, “(J)”, and “(K)”, respectively, and substitute “(I)”, “(J)”, “(K)”, “(L)”, and “(M)”, respectively; and, on page 9, in lines 1, 8, 11, 15, 19, and 25, strike “(L)”, “(M)”, “(N)”, “(O)”, “(P)”, and “(Q)”, respectively, and substitute “(N)”, “(O)”, “(P)”, “(Q)”, “(R)”, and “(S)”, respectively; and, on page 10, in line 1, strike “(R)” and substitute “(T)”; and, on that same page, after line 4, insert:

“(U) WATERSHED.

“WATERSHED” MEANS ALL LAND LYING WITHIN AN AREA DESCRIBED AS A SUBBASIN IN WATER QUALITY REGULATIONS ADOPTED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT UNDER COMAR 26.08.02.08.”.

**Amendment No. 2**

On page 30, strike in their entirety lines 19 through 30, inclusive, and substitute:

“(1) IN GENERAL.

AN APPLICANT IS ENTITLED TO JUDICIAL REVIEW OF THE DEPARTMENT’S FINAL DETERMINATION.

(2) JUDICIAL REVIEW.

ANY JUDICIAL REVIEW OF A FINAL DETERMINATION MADE UNDER THIS SECTION SHALL BE:

(I) CONDUCTED IN ACCORDANCE WITH THE MARYLAND RULES; AND

(II) LIMITED TO THE RECORD COMPILED BY THE DEPARTMENT.”.

**Amendment No. 3**

On page 37, in line 12, strike “2-year”.