



Maryland Register

Issue Date: February 3, 2017

Volume 44 • Issue 3 • Pages 167—224

IN THIS ISSUE

Governor
General Assembly
Judiciary
Regulations
Special Documents
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before January 13, 2017, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of January 13, 2017.

Brian Morris
Administrator, Division of State Documents
Office of the Secretary of State



Proposed revised regulations to Title 14, Subtitle 29 -
Maryland Heritage Areas Authority include (pp [203-204](#))

- 14.29.02.01, .04-.06 [Maryland Heritage Areas Grant Program](#)
- 14.29.03.03 [Designation of Certified Heritage Areas](#)
- 14.29.04.04 [Maryland Heritage Areas Loan Program](#)

Proposed revised regulations to Title 34 -
Maryland Department of Planning include (pp [215-219](#))

General

- 34.01.02.04 [Guidelines for Implementation of the Maryland Environmental Policy Act](#)

State Clearinghouse

- 34.02.01,
.02,.04,.05,.11,.12 [State Clearinghouse Procedures for Intergovernmental Review of Federal and State Programs](#)

Land Use

- 34.03.02.01 [Guidelines for the Designation of Areas of Critical State Concern](#)
- 34.03.03.02 [Certification of County Agricultural Land Preservation Programs](#)

Historical and Cultural Programs

- 34.04.01.05 [Maryland Historical Trust Historic Preservation Grant Program](#)
- 34.04.02.05 [Maryland Historical Trust Historic Preservation Loan](#)
- 34.04.04.01 [Program Historical and Cultural Museum Assistance Program](#)
- 34.04.08.01,.02 [Use of State Museum Property](#)

D. The Hospitals will realize an increase of approximately \$900,000 to be spread across all hospitals in the State; the Nursing Homes will realize an increase of approximately \$300,000, to be spread across all nursing homes in the State; and the Payers will realize a savings of \$300,000, to be spread across all carriers in the State.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Bridget Zombro, Director, Administration, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, MD 21215 or call 410-764-3558, or email to bridget.zombro@maryland.gov, or fax to 410-358-8811. Comments will be accepted through March 6, 2017 at 4:30 p.m. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland Health Care Commission during a public meeting to be held on April 20, 2017, at 1 p.m., at 4160 Patterson Avenue, Room 100, Baltimore, MD 21215.

.02 Method of User Fee Assessment.

A. — B. (text unchanged)

C. For July 1, [2013] 2017 — June 30, [2017] 2021, the amount assessed on payers may not exceed [28] 26 percent of the total amount assessed by the Commission. The amount assessed on hospitals may not exceed [33] 39 percent of the total amount assessed. The amount assessed on nursing homes may not exceed [17] 19 percent of the total amount assessed.

FRANCES B. PHILLIPS, R.N., M.H.A.
Vice-Chair
Maryland Health Care Commission

Title 14

INDEPENDENT AGENCIES

Subtitle 29 MARYLAND HERITAGE AREAS AUTHORITY

14.29.02 Maryland Heritage Areas Grant Program

Authority: Financial Institutions Article, §§13-1107(6) and (12), 13-111(b), and 13-1113, Annotated Code of Maryland

Notice of Proposed Action

[17-090-P]

The Secretary of Planning proposes to amend Regulations .01 and .04—.06 under COMAR 14.29.02 Maryland Heritage Areas Grant Program.

Statement of Purpose

The purpose of this action is to modify, revise, and clarify certain provisions and requirements for the Maryland Heritage Areas Authority (MHAA) Grant Program in order to improve MHAA's ability to streamline and enhance the grant program by: (i) removing a requirement that places an undue burden on jurisdictions; (ii)

amending a project location requirement; (iii) stating that the Maryland Heritage Areas Authority operates within the Department of Planning; and (iv) removing the allocation criteria to local jurisdiction contributions to grant project costs.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 310 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.01 General.

This chapter prescribes the policies, procedures, and authorizations for administering the Maryland Heritage Areas Grant Program and providing grants from the Maryland Heritage Areas Authority Financing Fund of the Maryland Heritage Areas Authority, an independent unit of government that operates in the Department of [Housing and Community Development] *Planning*.

.04 Eligible Grantees.

A. (text unchanged)

[B. A local jurisdiction shall submit an application together with all other local jurisdictions within the recognized or certified heritage area that will benefit from the grant.]

[C.] B. (text unchanged)

.05 Eligible Activities.

A. Eligibility Generally. The Authority may provide grants from the Fund to eligible grantees to:

(1) (text unchanged)

(2) Assist noncapital projects which:

(a) (text unchanged)

(b) Address or complete priority activities which are:

(i) Identified in [the] *either an approved management plan [approved for the certified heritage area.] or an amendment or revision to a management plan approved under COMAR 14.29.03.06;* and

(ii) (text unchanged)

(3) Assist capital projects which:

(a) (text unchanged)

(b) Address or complete priority activities which are:

(i) Identified in [the] *either an approved management plan [approved for the certified heritage area.] or an amendment or revision to a management plan approved under Regulation .06 of Chapter .03 of this subtitle;* and

(ii) (text unchanged)

B. (text unchanged)

.06 General Grant Allocation Procedures.

A. Application.

(1) An application shall:

(a) (text unchanged)

(b) Include sufficient information and documentation to:

- (i) — (iii) (text unchanged)
 - (iv) Evaluate the readiness of the applicant to initiate the activity and to complete the activity within an established time frame[.]; *and*
 - (v) Evaluate the administrative capability of the applicant[, and
 - (vi) Determine the level of contribution to the cost of the activity by the local jurisdiction or jurisdictions in which the recognized or certified heritage area is located.]; and
 - (c) (text unchanged)
 - (2) (text unchanged)
- B. (text unchanged)

WENDI W. PETERS
Secretary of Planning

**Subtitle 29 MARYLAND HERITAGE
AREAS AUTHORITY**

14.29.03 Designation of Certified Heritage Areas

Authority: Financial Institutions Article, §§13-1107(6) and 13-1111(b), Annotated Code of Maryland

Notice of Proposed Action
[17-088-P]

The Secretary of Planning proposes to amend Regulation .03 of COMAR 14.29.03 Designation of Certified Heritage Areas.

Statement of Purpose

The purpose of this action is to clarify certain heritage area provisions by deleting the requirement to provide specific baseline performance data in a heritage area management plan.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.03 Eligible Proposals.

A. (text unchanged)

B. A proposal shall include a management plan for the proposed certified heritage area, developed in cooperation and consultation with the Authority and relevant private interests. The management plan shall include:

- (1) — (11) (text unchanged)
- (12) A schedule for the planning, development, and management of the proposed certified heritage area; *and*
- [(13) Specific baseline performance data for the heritage area; and]
- [(14)] (13) (text unchanged)

C. (text unchanged)

WENDI W. PETERS
Secretary of Planning

**Subtitle 29 MARYLAND HERITAGE
AREAS AUTHORITY**

14.29.04 Maryland Heritage Areas Loan Program

Authority: Financial Institutions Article, §§13-1107(6) and (12) and 13-1113, Annotated Code of Maryland

Notice of Proposed Action
[17-089-P]

The Secretary of Planning proposes to amend Regulation .04 under COMAR 14.29.04 Maryland Heritage Areas Loan Program.

Statement of Purpose

The purpose of this action is to clarify and simplify the loan process for the Maryland Heritage Area Loan Program by removing the requirement currently in COMAR 14.29.04.04B that a local jurisdiction submit a grant application together with all other local jurisdictions within the certified heritage area that will benefit from the loan.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.04 Eligible Borrowers.

A. (text unchanged)

[B. A local jurisdiction shall submit an application together with all other local jurisdictions within the certified heritage area that will benefit from the loan.]

[C.] B. — [D.] C. (text unchanged)

WENDI W. PETERS
Secretary of Planning

D. Any person who presents a threat to safety or who is disrupting any Office operations or proceedings may be removed from the premises.

THOMAS DEWBERRY
Chief Administrative Law Judge

Title 34 DEPARTMENT OF PLANNING

Subtitle 01 GENERAL

34.01.02 Guidelines for Implementation of the Maryland Environmental Policy Act

Authority: Natural Resources Article, §§1-303 and 1-304, Annotated Code of Maryland; Environmental Policy Act Guidelines of the Secretary of Natural Resources

Notice of Proposed Action [17-086-P]

The Secretary of Planning proposes to amend Regulation .04 under **COMAR 34.01.02 Guidelines for Implementation of the Maryland Environmental Policy Act**.

Statement of Purpose

The purpose of this action is to clarify and revise certain provisions of COMAR 34.01.02.04 Intergovernmental Review and Coordination by providing that information regarding certain environmental assessment material referenced in this chapter is available and searchable on the Department of Planning's website.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.04 Intergovernmental Review and Coordination.

A. Clearinghouse Responsibilities. The Environmental Policy Act Guidelines of the Secretary of Natural Resources require that a State agency provide to the Clearinghouse a copy of each environmental assessment form and each environmental effects report that the agency prepares. The Clearinghouse [maintains] *shall maintain* these copies and [makes] *make* them available for inspection by the public.

B. List of Environmental Assessment Forms and Environmental Effects Reports.

(1) Preparation of List. The Clearinghouse [prepares] *shall prepare* a list of the environmental assessment forms and environmental effects reports that it receives.

(2) Contents of List. This list [includes] *shall include*, for each form or report submitted, the following information:

(a) — (d) (text unchanged)

(3) Publication of List. The list will be included in the weekly Intergovernmental Monitor, which the Clearinghouse publishes and distributes to federal, State, and local elected officials and to the general public. *The Intergovernmental Monitor is a searchable online publication that is available at <http://planning.maryland.gov/emircpublic>.*

(4) — (5) (text unchanged)

C. (text unchanged)

WENDI W. PETERS
Secretary of Planning

Subtitle 02 STATE CLEARINGHOUSE

34.02.01 State Clearinghouse Procedures for Intergovernmental Review of Federal and State Programs

Authority: 31 U.S.C. §6506 and 42 U.S.C. §3334; Presidential Executive Orders 12372 and 12416; State Finance and Procurement Article, §§2-203, 5-401, 5-402 and 5-610[, and Article 24, §6-301]; *Local Government Article, §1-804*; Annotated Code of Maryland; Executive Order 01.01.1983.17

Notice of Proposed Action [17-081-P]

The Secretary of Planning proposes to amend Regulations .01, .02, .04, and .05 and repeal Regulations .11 and .12 under **COMAR 34.02.01 State Clearinghouse Procedures for Intergovernmental Review of Federal and State Programs**.

Statement of Purpose

The purpose of this action is to (i) correct, revise, and clarify certain Intergovernmental Assistance regulations; (ii) allow electronic submissions in order to eliminate the need for multiple copies; (iii) update the regulations to reflect that current lists of the State and federal assistance programs will be maintained on the Department of Planning's website; and (iv) allow notification information submitted for public review to be maintained online.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.01 Purpose.

This chapter describes the Maryland Intergovernmental Review and Coordination Process, the State process for collecting and transmitting the views of State, regional, and local officials in Maryland on specific applications for federal and State financial assistance, for direct federal development, and for certain planning

and other activities requiring intergovernmental coordination. These procedural regulations are intended to secure the benefits of intergovernmental cooperation by providing a sure and simple means for learning about and commenting on specific federal and State applications. They are not intended and may not be construed to abridge the statutory authority of approving authorities, or to create any right or benefit enforceable at law, in equity, or otherwise by any party against the [Deaprtment] *Department*, other State or local agencies, or their officials.

.02 Programs and Activities Covered by this Chapter.

A. The Department, in consultation with State, regional, and local officials, shall issue and from time to time revise lists of federal and State financial assistance programs that are covered by the notification and intergovernmental review requirements of this chapter as a result of federal or State statutes or regulations. [The lists are included in Regulations .11 and .12 of this chapter.] *The Department shall maintain current lists on its website of the covered federal and State financial assistance programs.*

B. — E. (text unchanged)

.04 Notification.

A. General Requirements.

(1) — (3) (text unchanged)

[(4) Applicants and federal agencies shall send notices and information to Chief, State Clearinghouse for Intergovernmental Assistance, Department of Planning, 301 West Preston Street, Baltimore, Maryland 21201-2365.]

B. Contents of Notification; [Number of Copies] *Submission.*

(1) (text unchanged)

(2) [Number of Copies. The number of copies will vary, depending on the type of application. Usually, one copy will be required if the submission is for information purposes, and six copies will be required if the submission is for intergovernmental review. The notifying party shall contact the Clearinghouse to determine the number of copies required.] *Submission. Notification information required by this section shall be sent by the notifying party as a .pdf document attached to an email sent to mdp.clearinghouse@maryland.gov.*

C. — D. (text unchanged)

.05 Distribution and Referral.

A. — B. (text unchanged)

C. Specific Requirements.

(1) (text unchanged)

(2) The Clearinghouse shall supply the [Baltimore Regional Council of Governments] *Baltimore Metropolitan Council* with notification information on applications that the Clearinghouse determines will or may affect the Baltimore Region or any local jurisdiction within that region. For those applications, the [Baltimore Regional Council of Governments] *Baltimore Metropolitan Council* shall notify and consult with affected local jurisdictions in the Baltimore Region.

(3) — (5) (text unchanged)

(6) The Clearinghouse shall [maintain at least one copy of all notification information] *make notification information submitted to the Clearinghouse available for public review [at its offices at 301 West Preston Street, Baltimore, Maryland] by maintaining the information in a searchable format on the Department's website.*

D. — F. (text unchanged)

WENDI W. PETERS
Secretary of Planning

Subtitle 03 LAND USE

34.03.02 Guidelines for the Designation of Areas of Critical State Concern

Authority: State Finance and Procurement Article, §5-611(d), Annotated Code of Maryland

Notice of Proposed Action

[17-087-P]

The Secretary of Planning proposes to amend Regulation .01 under **COMAR 34.03.02 Guidelines for the Designation of Areas of Critical State Concern.**

Statement of Purpose

The purpose of this action is to amend COMAR 34.03.02.01 to replace references to former Article 66B, Annotated Code of Maryland, with updated and corrected references to the Land Use Article, Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.01 Time Schedule for Compliance with [Article 66B] Land Use Article, Annotated Code of Maryland.

A. Explanation. Chapter 363 of the Laws of 1975 extended *until December 31, 1975*, the life of local comprehensive plans not [complying] *then in compliance* with the provisions of *former Article 66B* of the Annotated Code of Maryland (including §3.05(a)(7)) [until December 31, 1975] (Chapter 8 of the Laws of 1975 established a compliance date of October 31, 1975 for Somerset County). *The applicable provisions of former Article 66B are now codified in the Land Use Article, Annotated Code of Maryland.* On December 11, 1974, the Department of State Planning suspended for an indefinite period of time the compliance date for the critical area portion of the local plan ([Article 66B, §3.05(a)(7)] *now codified at Land Use Article, §3-109, Annotated Code of Maryland*, see 1:5 Md. R. 242 (December 11, 1974)).

B. A local plan may not be deemed invalid or ineffective solely because of a failure to comply timely with [Article 66B, §3.05(a)(7)] *Land Use Article, §3-109*, Annotated Code of Maryland, unless the Secretary of the Department of Planning makes a determination that the local jurisdiction has not made good faith efforts to comply. Before making any such determination, the Secretary shall afford the affected jurisdiction an opportunity to present evidence of its efforts to comply.

WENDI W. PETERS
Secretary of Planning

Subtitle 03 LAND USE

34.03.03 Certification of County Agricultural Land Preservation Programs

Authority: Agriculture Article, §§2-103(b) and 2-518; State Finance and Procurement Article, §§5-203(b)(2) and 5-408; Tax-Property Article, §3-306; Annotated Code of Maryland

Notice of Proposed Action

[17-085-P]

The Secretary of Planning proposes to amend Regulation .02 under **COMAR 34.03.03 Certification of County Agricultural Land Preservation Programs**.

Statement of Purpose

The purpose of this action is to COMAR 34.03.03.02 to replace a reference to former Article 66B, Annotated Code of Maryland, with an updated and corrected reference to the Land Use Article, Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (8) (text unchanged)

(9) Local Plan.

(a) (text unchanged)

(b) "Local plan" includes a general plan, master plan, comprehensive plan, community plan, and the like as adopted in accordance with [Article 66B, Titles 3 and 14] *Division I of the Land Use Article*, Annotated Code of Maryland.

(10) — (14) (text unchanged)

WENDI W. PETERS
Secretary of Planning

Subtitle 04 HISTORICAL AND CULTURAL PROGRAMS

34.04.01 Maryland Historical Trust Historic Preservation Grant Program

Authority: State Finance and Procurement Article, §§5-7B-01—5-7B-10 and 5A-328, Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

Notice of Proposed Action

[17-082-P]

The Secretary of Planning proposes to amend Regulations .05 and .06 under **COMAR 34.04.01 Maryland Historical Trust Historic Preservation Grant Program**.

Statement of Purpose

The purpose of this action is to amend and clarify the listed eligible activities and general grant allocation procedures for the Maryland Historical Trust Historic Preservation Grant Program, and to require input from local elected officials on activities proposed for funding under the Program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.05 Eligible Activities.

A. — B. (text unchanged)

[C. The project shall be located within a priority funding area as described in State Finance and Procurement Article, §5-7B-02, Annotated Code of Maryland, unless the Secretary determines in the Secretary's sole discretion that the project is:

(1) A tourism facility or museum that is required to be located away from development because it must be in proximity to a specific historic, natural, or cultural resource; or

(2) Necessary to:

(a) Protect public safety or health;

(b) Alleviate personal economic hardship in an emergency situation;

(c) Promote economically integrated housing;

(d) Secure an easement that restricts further development of a historic property or encourage preservation of the historic integrity of the property;

(e) Carry out a project approved under a certified heritage area management plan;

(f) Avoid a conflict with federal law; or

(g) Relieve an inequity or carry out the purposes of the Program, consistent with the purposes of State Finance and

Procurement Article, Title 5, Subtitle 7B, Annotated Code of Maryland.]

[D.] C. (text unchanged)

.06 General Grant Allocation Procedures.

A. Application Solicitation.

(1) — (4) (text unchanged)

(5) [The Trust shall establish due dates for the receipt of applications in such a fashion to allow sufficient time for public review and comment on the applications.] *The Trust shall direct applicants to submit one or more letters of support for the proposed activity from the chief elected officials of the local jurisdiction within which the proposed activity will be located.*

(6) (text unchanged)

[B. Public Review and Comment.

(1) After the application due date, the Trust shall prepare a list by county of the applications received.

(2) For each application the list shall identify the project name, location, amount of grant assistance requested, description of the particular costs proposed to be funded by the requested grant assistance, total project costs, and a brief project description.

(3) The Trust shall endeavor to mail a copy of the list and the selection criteria to preservation and other related organizations Statewide and to the chief elected officials of the local jurisdictions in which the proposed projects are located, with a request for written comment on the applications by a certain date.

(4) Subject to the pertinent provisions of State Government Article, §10-611 et seq., Annotated Code of Maryland, the Trust shall make available a particular application for inspection upon request.

(5) The Trust shall endeavor, but is not obligated, to give consideration in the grant selection process to all written comments received by the Trust within the prescribed deadline.

(6) The Trust is not obligated to respond to comments received.]

[C.] B. (text unchanged)

WENDI W. PETERS
Secretary of Planning

Subtitle 04 HISTORICAL AND CULTURAL PROGRAMS

34.04.02 Maryland Historical Trust Historic Preservation Loan Program

Authority: State Finance and Procurement §§5-7B-01 — 5-7B-10 and 5A-327, Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

Notice of Proposed Action
[17-080-P]

The Secretary of Planning proposes to amend Regulation .05 under **COMAR 34.04.02 Maryland Historical Trust Historic Preservation Loan Program.**

Statement of Purpose

The purpose of this action is to modify a certain Historic Preservation Loan provision, by eliminating the requirement that projects funded under the Maryland Historical Trust Loan Program be located within a priority funding area.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.05 Eligible Activities.

A. — B. (text unchanged)

[C. The project shall be located within a priority funding area as described in State Finance and Procurement Article, §5-7B-02, Annotated Code of Maryland, unless the Secretary determines in the Secretary's sole discretion that the project is:

(1) A tourism facility or museum that is required to be located away from development because it needs to be close to a specific historic, natural, or cultural resource; or

(2) Necessary to:

- (a) Protect public safety or health;
- (b) Alleviate personal economic hardship in an emergency situation;
- (c) Promote economically integrated housing;
- (d) Secure an easement that restricts further development of a historic property or encourage preservation of the historic integrity of the property;
- (e) Carry out a project approved under a certified heritage area management plan;
- (f) Avoid a conflict with federal law; or
- (g) Relieve an inequity or carry out the purposes of the Program, consistent with the purposes of State Finance and Procurement Article, Title 5, Subtitle 7B, Annotated Code of Maryland.]

WENDI W. PETERS
Secretary of Planning

Subtitle 04 HISTORICAL AND CULTURAL PROGRAMS

34.04.04 Historical and Cultural Museum Assistance Program

Authority: State Finance and Procurement Article, §§5A-349—5A-359, Annotated Code of Maryland

Notice of Proposed Action
[17-083-P]

The Secretary of Planning proposes to amend Regulation .01 under **COMAR 34.04.04 Historical and Cultural Museum Assistance Program.**

Statement of Purpose

The purpose of this action is to accurately reflect that the Maryland Historical Trust is an agency within the Maryland Department of Planning, not the Department of Housing and Community Development.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2016. A public hearing has not been scheduled.

.01 General.

These regulations prescribe the policies, procedures, and authorizations for making and administering grants and providing assistance under the Historical and Cultural Museum Assistance Program of the Maryland Historical Trust, an agency within the Department of [Housing and Community Development] *Planning*. The objective of the Program is to provide grants and technical and advisory assistance to local jurisdictions and nonprofit organizations for the purpose of supporting the upgrade, care, research, interpretation, documentation, and display of the State's historical and cultural museum collections and operating support for museum-related activities.

WENDI W. PETERS
Secretary of Planning

Subtitle 04 HISTORICAL AND CULTURAL PROGRAMS

34.04.08 Use of State Museum Property

Authority: State Finance and Procurement Article, §§5-203(b)(2), 5A-207(S), and 5A-318(b)(1) and (c)(7), Annotated Code of Maryland

Notice of Proposed Action

[17-084-P]

The Secretary of Planning proposes to amend Regulations .01 and .02 under **COMAR 34.04.08 Use of State Museum Property**.

Statement of Purpose

The purpose of this action is to amend COMAR 34.04.08.01 and .02 to delete references to the Banneker-Douglass Museum, which is no longer a State museum within the Maryland Department of Planning.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street,

11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.01 General.

A. — B. (text unchanged)

[C. The Commission on African American History and Culture owns and operates the Banneker-Douglass Museum in Annapolis.]

[D.] C. — [F.] E. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (4) (text unchanged)

(5) (text unchanged)

(a) (text unchanged)

(b) "State museum" includes Jefferson Patterson Park and Museum in Calvert County [and Banneker-Douglass Museum in Annapolis].

(6) — (7) (text unchanged)

WENDI W. PETERS
Secretary of Planning

