

If the Department believes from the evidence before [it] THE DEPARTMENT and based upon State water resources policy declared in this subtitle that the applicant's plans provide greatest feasible utilization of the waters of the State, adequately preserve public safety, and promote the general public welfare, [it] THE DEPARTMENT shall grant the permit to appropriate or use the waters, construct, reconstruct, or repair the proposed reservoir, dam, or waterway obstruction, or accomplish any combination of these objectives. If the Department believes[,] from the evidence before [it,] THE DEPARTMENT that the proposed appropriation or use of State waters or proposed construction is inadequate, wasteful, dangerous, impracticable or detrimental to the best public interest, [it] THE DEPARTMENT may reject the application or suggest modifications to the proposed plans to protect the public welfare and safety.

(b) (1) In granting any permit to appropriate or use water[,] or construct any reservoir, dam or waterway obstruction, the Department may include any condition, term, or reservation concerning the character, amount, [means] MEANS, and manner of the appropriation or use or method of construction necessary to preserve proper control in the State and insure the safety and welfare of the people of the State. The Department may determine and specify what provisions to make, if any, in each permit granted to construct a dam or other waterwork for passage of fish.

8-808.

(a) Appropriation or use of any waters of the State, construction or beginning construction, making or beginning any change, addition, reconstruction, or repair of any reservoir, dam or waterway obstruction, only shall be in conformity with any term, condition, regulation, or restriction of the Department's permit[,] or with any [rule or] regulation the Department prescribes concerning any construction, change, addition, or repair.

(b) (1) Any term, condition, regulation, or restriction imposed on an appropriation or use of waters of the State or on a reservoir, dam, waterway obstruction, or change in the course, [current] CURRENT, or cross section of any stream, through a permit issued pursuant to this subtitle, shall be binding on the owner of the permitted land or facility at the time [such] THE permit is issued and on any heirs, successors, or assigns of the owner's interest in the land or facility.

(2) As a condition of permit issuance or renewal under this subtitle to construct, reconstruct, change, add to, or repair any dam or reservoir, the Department shall require the owner of the permitted land or facility to record, in accordance with [§ 3-102 and § 3-103] §§ 3-102 AND 3-103 of the Real Property Article, a memorandum prepared by the Department of the terms, conditions, regulations, or restrictions applicable to that land or facility. The recording shall be at the expense of the landowner.

8-809.

(a) On complaint or [its] THE DEPARTMENT'S own initiative, the Department may investigate or examine any reservoir, dam, or similar waterway construction. If the Department determines that the reservoir, dam, or similar waterway