

erosion and sediment control plan that are not exempted under subsection (a) of this section shall incorporate nontidal wetlands best management practices in compliance with regulations under this subtitle.

(c) After December 31, 1990[,] if an agricultural activity that is not exempted under subsection (a) of this section results in a loss of nontidal wetlands, the Department shall require that a soil conservation and water quality plan include mitigation for the loss within 3 years. Mitigation may include creation or restoration of nontidal wetlands or monetary compensation. In determining the extent of mitigation, the Department shall consider the benefits provided by best management practices. If the [Maryland] STATE Department of Agriculture determines in writing that mitigation will create an economic hardship which would jeopardize the continued operation of the farm, mitigation may be deferred until:

- (1) The economic hardship no longer exists;
- (2) The current owner or operator transfers the farm to a new owner or operator, however, the current owner or operator is responsible for mitigation; or
- (3) Agricultural activities no longer take place on the nontidal wetland.

8-1206.

(b) (1) After December 31, 1990[,] a person may not conduct a regulated activity without first obtaining a permit from the Department.

(i) (1) By December 31, 1989[,] the Department shall designate by regulation nontidal wetlands for which the buffer is to be expanded beyond 25 feet, but the total buffer may not exceed 100 feet, to assure adequate protections from adjacent activities or conditions which may adversely affect the nontidal wetland and associated aquatic ecosystem.

(j) The Department [of Natural Resources] shall grant, deny, or condition a permit within 45 days of a public hearing or within 60 days of the receipt of a completed application if no hearing is held. After notifying the applicant, the Department may extend its action beyond these time periods for an additional 30 days for extenuating circumstances.

8-1207.

(a) The Department may not issue a nontidal wetland permit for a regulated activity unless the Department finds that the applicant has demonstrated that the regulated activity:

(2) Will minimize alteration or impairment of the nontidal [wetland] WETLAND, including existing topography, vegetation, fish and wildlife resources, and hydrological conditions;

8-1209.

(b) (1) By December 31, 1989[,] the Department shall[, consistent with the goals established in § 8-1202 of this subtitle,] CONSISTENT WITH THE GOALS