

(C) (1) THERE IS A BAY ACCESS AREAS FUND.

(2) A PORTION OF THE FUNDS AVAILABLE UNDER THIS PROGRAM FOR STATE PROJECTS MAY BE APPROPRIATED IN THE STATE BUDGET FOR THE BAY ACCESS AREAS FUND.

(3) THE DEPARTMENT MAY USE FUNDS AVAILABLE IN THE BAY ACCESS AREAS FUND TO PURCHASE SITES THAT PROVIDE PUBLIC ACCESS TO A BODY OF WATER.

(4) IN PURCHASING SITES UNDER THIS SUBSECTION, THE DEPARTMENT SHALL GIVE PREFERENCE TO SITES THAT:

(I) 1. ARE DIRECTLY ON THE BAY; OR  
2. ARE ON A TRIBUTARY OF THE BAY AND ARE NEAR THE BAY;

(II) ARE NEAR A POPULATION CENTER;

(III) ARE READILY ACCESSIBLE BY THE PUBLIC; AND

(IV) WOULD FULFILL A NEED FOR PUBLIC WATER ACCESS IDENTIFIED IN THE STATE COMPREHENSIVE OUTDOOR RECREATION AND LAND PRESERVATION PLAN OR A LOCAL RECREATION AND PARKS MASTER PLAN.

(5) (I) THE DEPARTMENT MAY NOT MAKE EXPENDITURES FROM THE BAY ACCESS AREAS FUND UNTIL THE BUDGET COMMITTEES OF THE GENERAL ASSEMBLY HAVE APPROVED THE RELEASE OF THE FUNDS.

(II) THE BUDGET COMMITTEES OF THE GENERAL ASSEMBLY SHALL BE DEEMED TO HAVE APPROVED THE RELEASE OF FUNDS FOR A PROJECT IF THEY FAIL TO RESPOND WITHIN 45 DAYS AFTER WRITTEN NOTICE BY THE DEPARTMENT OF A PROPOSED PROJECT.

(6) ANY EXPENDITURE OF FUNDS FROM THE BAY ACCESS AREAS FUND IS SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS.

5-905.

(a) The local governing body shall submit every project request for acquisition or development under this program to the Department for report and evaluation of the benefits to be achieved by the grant. Any municipal corporation may apply by submitting local project applications through its local governing body to the Department. The Department shall review the proposed project and shall request the Office of Planning to review and comment on it. PRIOR TO APPROVING A LOCAL PROJECT, THE DEPARTMENT SHALL PROVIDE THE LEGISLATORS FROM THE DISTRICT WITHIN WHICH ANY PART OF THE PROPOSED PROJECT IS LOCATED THE OPPORTUNITY TO REVIEW