

Approved May 24, 1973.

CHAPTER 790

(House Bill 591)

AN ACT to repeal and re-enact, with amendments, Section 727 of Article 66C of the Annotated Code of Maryland (1970 Replacement Volume and 1972 Supplement), title "Natural Resources," subtitle "Wetlands," subheading "Private Wetlands," to provide a procedure for certain requirements to be met by the Secretary of Natural Resources or his designee in relation to an application for a permit to conduct an activity not permitted by rules and regulations. [Ivide for automatic approval of an application for a permit to conduct an activity not permitted by rules and regulations in the event the application is not acted upon within a specified period.]

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 727 of Article 66C of the Annotated Code of Maryland (1970 Replacement Volume and 1972 Supplement), title "Natural Resources," subtitle "Wetlands," subheading "Private Wetlands," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

727.

In granting, denying or limiting any permit, the Secretary or his duly designated hearing officer shall consider the effect of the proposed work with reference to the public health and welfare, marine fisheries, shellfisheries, wildlife, economic benefits, the protection of life and property from flood, hurricane and other natural disasters, and the public policy set forth in this subtitle. In granting a permit the Secretary may limit or impose conditions or limitations designed to carry out the public policy set forth in this subtitle. UPON RECEIPT OF AN APPLICATION FOR A PERMIT PURSUANT TO THIS SECTION, THE SECRETARY OR HIS DESIGNEE SHALL HOLD A PUBLIC HEARING ON THE MATTER WITHIN 60 DAYS AFTER RECEIPT OF THE APPLICATION. A DECISION SHALL BE MADE BY THE SECRETARY WITHIN 30 DAYS AFTER THE HEARING. FAILURE TO ACT IN CONFORMANCE WITH EITHER OF THESE REQUIREMENTS SHALL CONSTITUTE AUTOMATIC APPROVAL OF THE APPLICATION FOR PERMIT AS SUBMITTED. [(IF, HOWEVER, NO ORDER HAS BEEN HANDED DOWN BY THE SECRETARY OR HEARING OFFICER WITHIN NINETY DAYS AFTER THE FILING OF AN APPLICATION, EITHER GRANTING OR DENYING A PERMIT, THE APPLICATION WILL AUTOMATICALLY BE APPROVED AS SUBMITTED.)]

The Secretary may require a bond in an amount and with surety and conditions satisfactory to it securing to the State compliance with the conditions and limitations set forth in the permit. The Secretary may suspend or revoke a permit if the Secretary finds that the applicant has not complied with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application. The Secretary shall state upon his record, his findings and reasons for all actions taken pursuant to this section. The Secretary shall cause notice of his order in issuance, denial, revocation or suspension of a permit to be published in a newspaper published within and having a general circulation in the county or counties wherein the wetland lies. An appeal of the order may be taken to the board of review of the Department of Natural Resources as provided by § 237 of Article 41 of the Annotated Code by the applicant or the county or municipal government in which the land is located. This