

FILING APPLICATION FOR A PERMIT TO APPROPRIATE OR USE ANY WATERS OF THE STATE, CONSTRUCT OR RECONSTRUCT A RESERVOIR, DAM, OR WATERWAY OBSTRUCTION, CONSTRUCT A WATERWAY, OR DREDGE, FILL, BULKHEAD, OR CHANGE THE SHORELINE, THE DEPARTMENT SHALL SET A DATE FOR A PUBLIC HEARING ON THE APPLICATION.

REVISOR'S NOTE: This subsection presently appears as the first paragraph of Article 96A, section 15(a) of the Code. The only changes made are in style.

(B) NOTICE OF HEARING.—THE APPLICANT PERSONALLY OR BY REGISTERED OR CERTIFIED MAIL SHALL SERVE EVERY ADJACENT PROPERTY OWNER WITH NOTICE OF THE APPLICATION AND CERTIFY THIS FACT TO THE DEPARTMENT. IN ADDITION, HE SHALL NOTIFY THE PUBLIC OF THE APPLICATION AND HEARING BY PUBLICATION ONCE IN EACH WEEK FOR TWO SUCCESSIVE WEEKS PRIOR TO THE HEARING IN A DAILY NEWSPAPER PUBLISHED IN ONE OR MORE COUNTIES, AND IN MORE THAN ONE WEEKLY NEWSPAPER OF GENERAL CIRCULATION IN ONE OR MORE COUNTIES, WHICH THE DEPARTMENT DETERMINES MAY BE DIRECTLY AFFECTED BY THE PROPOSED APPROPRIATION, USE, CONSTRUCTION, RECONSTRUCTION, OR REPAIR. THE APPLICANT ALSO SHALL NOTIFY BY REGISTERED OR CERTIFIED MAIL THE MAYOR OR CHIEF EXECUTIVE OFFICIALS OF EACH CITY, THE COUNTY LEGISLATIVE BODY AND CHIEF EXECUTIVE OFFICIAL OF EACH AFFECTED COUNTY, AND THE PROPER OFFICIAL OF ANY INTERESTED STATE UNIT OR POLITICAL SUBDIVISION. THE DATE, PLACE, AND TIME FIXED BY THE DEPARTMENT FOR THE PUBLIC HEARING ON THE APPLICATION SHALL BE STATED IN THE PUBLIC NOTICE. AT THE PUBLIC HEARING, THE APPLICANT AND ANY INTERESTED PERSON SHALL BE GIVEN AN OPPORTUNITY TO PRESENT FACTS, EVIDENCE, AND ARGUMENTS FOR OR AGAINST GRANTING THE APPLICATION.

REVISOR'S NOTE: This subsection presently appears as the second paragraph of Article 96A, section 15(a) of the Code, as amended by Chapter 329, H.B. 927, Acts of 1973. References to "city" are proposed for deletion because that term is included in the meaning of the word "county". See Article 1, section 14.

The phrase "county commissioners" is proposed for deletion and "legislative body" is substituted therefor to include both charter and noncharter counties. The use of the term "shall" has a mandatory