

the final project planning phase for a major transportation capital project as defined in § 2-103.1 of the Transportation Article, the requesting or responsible State unit shall consult with the Trust to determine if the proposed capital project or projects will adversely affect any property listed in or eligible for the Maryland Register of Historic Properties.

(3) To the extent not otherwise reviewed by the Trust under this section, prior to approval of the use of the proceeds of State general obligation bonds by the Board of Public Works, the Department of State Planning, or the responsible State unit shall consult with the Trust to determine if any nonstate capital project will adversely affect any property listed in or eligible for the Maryland Register of Historic Properties.

(4) To the extent feasible, and as early in the planning process as possible, a State unit utilizing nonbudgeted funds for capital projects subject to the reporting requirements of Article 88C, § 10(d) of the Code, shall consult with the Trust to determine if the capital project will adversely affect any property listed in or eligible for the Maryland Register of Historic Properties.

(b) For capital projects reviewed under subsection (a) of this section, the Director shall determine whether the projects will adversely affect any property listed in or eligible for the Maryland Register of Historic Properties on or before 30 days from the date of notification by a unit of the State government. If the Director determines that the proposed project will have a significant adverse effect on a listed or eligible property, the State unit and the Director shall consult to determine if a feasible and practicable means to avoid, mitigate, or satisfactorily reduce the adverse effect exists.

(c) If the Director and the State unit are unable to agree on a plan to avoid, mitigate, or satisfactorily reduce the adverse effect, the State unit shall submit to the Council a report of the consultations and the findings and recommendations of the State unit.

(d) Within 30 days after the receipt of the report of the State unit involved, the Council shall submit to the unit:

(1) Comments accepting the adverse effect; or

(2) Comments recommending practicable and feasible alternatives that exist to avoid, mitigate, or satisfactorily reduce the adverse effect.

(e) (1) The State unit may proceed with the undertaking incorporating the alternatives recommended by the Council, if any; or