

(a) Any person proposing to conduct on any wetland an activity not authorized by the rules and regulations adopted under the provisions of § 9-302 shall apply for a permit with the Secretary, on the form the Secretary prescribes. The application shall include a detailed description of the proposed work and a map showing the areas of wetland directly affected, the location of the proposed work, and the names of the owners of record of adjacent land and every claimant of water rights in or adjacent to the wetland known to the applicant. Within 30 days after receipt of an application, the Secretary shall notify the applicant, in writing, of the extent of State wetlands involved in the proposed activity and indicate the method of compliance with the license requirements of § 9-202 of this subtitle. If the applicant claims that any part of the designated State wetlands is private wetlands by virtue of the existence of a valid grant, lease, or patent, or a grant confirmed by Article 5 of the Declaration of Rights of the Constitution, the Secretary shall investigate and determine the validity of the claim and notify the applicant of his determination. If, within 30 days after receipt of the Secretary's determination, the applicant files with the Secretary a written objection to the determination, the Secretary shall promptly institute an appropriate judicial proceeding to determine whether the land or part of it covered by the application in dispute, is State or private wetland. The State shall bear the cost of the proceeding. The Secretary shall mail a copy of the application to the chief administrative officer in the county where the proposed work or any portion is located. No [sooner than 30 days and not] later than [60] 30 days after receipt of the application, the Secretary [or his designated hearing officer] shall [hold a public hearing on the application in the county where the land is located.] ISSUE PUBLIC NOTICE OF THE OPPORTUNITY TO SUBMIT WRITTEN COMMENTS OR TO REQUEST A HEARING. A HEARING SHALL BE HELD IF REQUESTED. If an electric company as defined under the Public Service Commission Law applies to the Public Service Commission for a certificate of public convenience associated with power plant construction which involves private wetlands, the hearing and permit procedure shall be in accordance with § 3-306 of this article. [The Secretary shall cause a notice of the hearing to be published at least once not more than 30 days and not fewer than ten days before the hearing date in a newspaper published within and having a general circulation in each county where the proposed work, or any portion is located.] Every permit application, map, or document shall be open for public inspection at the offices of the Secretary and the chief administrative officer in the county. At [the] A REQUESTED hearing any person may appear and give testimony. A person may not reapply until after the expiration of 18 months from the date of the denial of a prior application or the final determination of an appeal from the denial.

(b) In granting, denying, or limiting any permit, the Secretary or his designated hearing officer shall consider the effect of the proposed work with reference to the public health