

~~-(4)-~~ (3) If plans of other projects which conform to water resources development plans accepted and adopted by the Department were subject to public hearing and the Department's review finds no changed conditions in them since the last public review and comment to justify another hearing.

~~-(5)-~~ (4) If temporary structures constructed to provide access across streams during construction operations or to trap sediment or achieve another similar purpose meet minimum design standards the Department establishes, and are removed completely, in a manner acceptable to the Department, within six months after need for the structure is terminated.

~~-(6)-~~ (5) If the requested waterway construction permit is for temporary excavation, filling, or grading for the installation of utilities which meet minimum design standards acceptable to the Department and preconstruction contours which are to be reestablished upon installation of the utility.

~~-(7)-~~ (6) If the requested waterway construction permit is for clearing and grading activities disturbing less than 5,000 square feet of land area and disturbing less than 100 cubic yards of earth.

~~(8)--If--the--requested--appropriation--or--use--of--waters--of--the--State--is--for--an--average--annual--water--use--of--less--than--{10,000}--50,000--gallons--per--day.~~

~~-(e)-~~ (K) ~~The--Department--shall--provide--periodic--written--notice--of--applications--to--the--Department--for--waterway--construction--permits--for--which--the--public--hearing--requirement--may--be--waived--under--subsection--(d)--(j)--of--this--section--to--any--interested--person--who--may--request--this--notice.~~

(L) THE DEPARTMENT SHALL PROVIDE TO ANY INTERESTED PERSON A PERIODIC WRITTEN REPORT OF WATERWAY CONSTRUCTION PERMIT APPLICATIONS FOR WHICH THE PUBLIC NOTICE AND HEARING REQUIREMENTS MAY BE HAVE BEEN WAIVED UNDER SUBSECTION (K) OF THIS SECTION.

[(f)] ~~-(b)-~~ (M) The Department shall waive notice requirements and the holding of a public hearing if the requested appropriation or use of waters of the State is for an agricultural use in effect prior to July 1, 1993.

(N) NOTWITHSTANDING ANY OTHER REQUIREMENT OF THIS SECTION:

(1) THE DEPARTMENT MAY WAIVE THE NOTICE REQUIREMENTS OF THIS SECTION AND THE HOLDING OF A HEARING IF THE REQUESTED APPROPRIATION OR USE OF WATERS OF THE STATE IS FOR AN AVERAGE ANNUAL WATER USE OF 10,000 GALLONS PER DAY OR LESS--; AND

(2) THE DEPARTMENT MAY WAIVE THE HOLDING OF A PUBLIC INFORMATIONAL HEARING IF THE REQUESTED APPROPRIATION OR USE OF