

(C) AFTER DECEMBER 31, 1990, WHEN IF AN AGRICULTURAL ACTIVITY THAT IS NOT EXEMPTED UNDER SUBSECTION (A) OF THIS SECTION RESULTS IN A LOSS OF NONTIDAL WETLANDS, THE DEPARTMENT MAY SHALL REQUIRE THAT THE A SOIL CONSERVATION AND WATER QUALITY PLAN INCLUDE MITIGATION FOR THE LOSS WITHIN 3 YEARS. MITIGATION MAY INCLUDE CREATION OR RESTORATION OF NONTIDAL WETLANDS OR MONETARY COMPENSATION. IN DETERMINING THE EXTENT OF MITIGATION, THE DEPARTMENT SHALL CONSIDER THE BENEFITS PROVIDED BY BEST MANAGEMENT PRACTICES. IF THE MARYLAND DEPARTMENT OF AGRICULTURE DETERMINES IN WRITING THAT MITIGATION WILL CREATE AN ECONOMIC HARDSHIP WHICH WOULD JEOPARDIZE THE CONTINUED OPERATION OF THE FARM, MITIGATION MAY BE DEFERRED UNTIL:

(1) THE ECONOMIC HARDSHIP NO LONGER EXISTS;

~~(2) --THE FARM IS TRANSFERRED TO A NEW OWNER; OR~~

(2) THE CURRENT OWNER OR OPERATOR TRANSFERS THE FARM TO A NEW OWNER OR OPERATOR, HOWEVER, THE CURRENT OWNER OR OPERATOR IS RESPONSIBLE FOR MITIGATION; OR

(3) AGRICULTURAL ACTIVITIES NO LONGER TAKE PLACE ON THE NONTIDAL WETLAND.

(D) THE SOIL CONSERVATION DISTRICT SHALL BE RESPONSIBLE FOR DELINEATING THE EXTENT OF NONTIDAL WETLANDS AFFECTED BY AGRICULTURAL OR FORESTRY ACTIVITIES.

8-1206.

(A) THE FOLLOWING TYPES OF ACTIVITIES SHALL BE EXEMPT FROM THE PERMIT REQUIREMENTS OF THIS SECTION IF NOTICE IS GIVEN TO THE DEPARTMENT AND BEST MANAGEMENT PRACTICES ARE IMPLEMENTED:

(1) ACTIVITIES WHICH NORMALLY OCCUR IN NONTIDAL WETLANDS WITH MINIMAL IMPACT ON NONTIDAL WETLANDS, INCLUDING THE REPAIR AND MAINTENANCE OF EXISTING STRUCTURES, UTILITIES, INCLUDING UNDERGROUND UTILITIES, RIGHTS-OF-WAY, AND RAILROAD BEDS; OR

(2) ACTIVITIES IN ISOLATED NONTIDAL WETLANDS OF LESS THAN 1 ACRE AND HAVING NO SIGNIFICANT PLANT OR WILDLIFE VALUE.

(B) (1) AFTER DECEMBER 31, 1990, A PERSON MAY NOT CONDUCT A REGULATED ACTIVITY ~~IN A NONTIDAL WETLAND~~ WITHOUT FIRST OBTAINING A PERMIT FROM THE DEPARTMENT.

(2) IN ADDITION TO OBTAINING A PERMIT, A PERSON SHALL COMPLY WITH ALL OTHER POLLUTION CONTROL, FLOOD HAZARD REDUCTION, SEDIMENT CONTROL, STORMWATER MANAGEMENT, LOCAL ZONING, AND OTHER APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS.