

(C) TO APPLY FOR A PERMIT, THE APPLICANT SHALL SUBMIT A DELINEATION OF THE AFFECTED NONTIDAL WETLANDS AND ALL OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT.

(D) WITHIN 45 DAYS FROM RECEIPT OF THE APPLICATION, THE DEPARTMENT SHALL NOTIFY THE APPLICANT WHETHER THE APPLICATION IS COMPLETE AND THE DELINEATION IS CORRECT. IF THE DEPARTMENT FAILS TO NOTIFY THE APPLICANT ABOUT THE APPLICATION OR DELINEATION WITHIN 45 DAYS, THE APPLICATION DELINEATION SHALL BE TREATED BY THE DEPARTMENT AS CORRECT AND THE APPLICATION SHALL BE TREATED AS COMPLETE. THE DEPARTMENT MAY REQUEST FURTHER INFORMATION OR PROVIDE FOR AN EXTENSION OF THIS DEADLINE WHEN EXTENUATING CIRCUMSTANCES SUCH AS WEATHER OR THE UNAVAILABILITY OF NECESSARY INFORMATION PREVENT CONSIDERATION OF THE APPLICATION.

(E) AFTER RECEIPT OF A COMPLETE APPLICATION, THE DEPARTMENT SHALL ISSUE PUBLIC NOTICE OF AN OPPORTUNITY TO SUBMIT WRITTEN COMMENTS OR TO REQUEST A HEARING. A HEARING SHALL BE HELD WITHIN 45 DAYS IF REQUESTED, UNLESS EXTENUATING CIRCUMSTANCES JUSTIFY AN EXTENSION OF TIME. THE HEARING IS NOT A CONTESTED CASE UNDER THE STATE GOVERNMENT ARTICLE.

(F) IN GRANTING A PERMIT, THE DEPARTMENT MAY IMPOSE CONDITIONS OR LIMITATIONS REQUIRED TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

(G) THE DEPARTMENT MAY REQUIRE A BOND OR OTHER INSTRUMENT TO SECURE COMPLIANCE WITH THE CONDITIONS IN THE PERMIT.

(H) THE DEPARTMENT MAY ISSUE A TEMPORARY EMERGENCY PERMIT FOR A REGULATED ACTIVITY IF:

(1) AN UNACCEPTABLE THREAT TO LIFE OR SEVERE LOSS OF PROPERTY WILL OCCUR IF AN EMERGENCY PERMIT IS NOT GRANTED; AND

(2) THE ANTICIPATED THREAT OR LOSS MAY OCCUR BEFORE A PERMIT CAN BE ISSUED OR MODIFIED AS PROVIDED UNDER THIS SUBTITLE.

(I) (1) BY DECEMBER 31, 1989, THE DEPARTMENT SHALL DESIGNATE BY REGULATION NONTIDAL WETLANDS FOR WHICH THE BUFFER IS TO BE EXPANDED BEYOND 25 FEET, BUT THE TOTAL BUFFER MAY NOT EXCEED 100 FEET, TO ASSURE ADEQUATE PROTECTIONS FROM ADJACENT ACTIVITIES OR CONDITIONS WHICH MAY ADVERSELY AFFECT THE NONTIDAL WETLAND AND ASSOCIATED AQUATIC ECOSYSTEM.

(2) ACTIVITIES OR CONDITIONS WHERE THE BUFFER MAY BE EXPANDED BEYOND 25 FEET INCLUDE THE PRESENCE OF SLOPES, HIGHLY ERODIBLE SOILS OR OTHER SOILS WITH DEVELOPMENT CONSTRAINTS, OR THE PRESENCE OF NONTIDAL WETLANDS OF SPECIAL STATE CONCERN.

(J) ~~IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT OF NATURAL RESOURCES SHALL USE REASONABLE EFFORTS TO GRANT, DENY, OR CONDITION A PERMIT WITHIN 45 DAYS OF A PUBLIC~~