

(3) THE METHOD OF WETLAND CONSTRUCTION, SUPERVISION, AND MAINTENANCE TO BE REQUIRED OF A BANK OWNER SEEKING TO OBTAIN CREDIT FOR USE OF THE BANK;

(4) MAINTENANCE REQUIREMENTS;

(5) MONITORING REQUIREMENTS;

(6) BONDING REQUIREMENTS, TO INCLUDE ASSURANCE OF WETLAND FUNCTION;

(7) REPORTING REQUIREMENTS TO THE DEPARTMENT; AND

(8) CONSISTENCY WITH DEVELOPED WATERSHED PLANS, FOREST CONSERVATION, LOCAL GROWTH MANAGEMENT POLICIES, AND LOCAL COMPREHENSIVE PLANS;

(9) REQUIREMENTS FOR THE PROTECTION IN PERPETUITY OF MITIGATION BANKS, THROUGH METHODS THAT INCLUDE EASEMENTS, COVENANTS, OR SIMILAR MECHANISMS, THAT SHALL BE IN PLACE AT THE TIME CREDITS ARE WITHDRAWN;

(10) COMPENSATION RATIOS FOR MITIGATION THROUGH MITIGATION BANKS THAT SHALL EQUAL OR EXCEED 1.5 TO 1; AND

(11) PUBLIC NOTICE AND COMMENT REQUIREMENTS, INCLUDING OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT ON ANY SPECIFIC WETLAND BANK THAT IS GREATER THAN 5 ACRES IN SIZE.

(C) THE STANDARDS AND REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS SECTION SHALL ENSURE THAT:

(1) THE PROVISIONS OF § 8-1207 OF THIS SUBTITLE, INCLUDING THE AVOIDANCE, ALTERNATIVE ANALYSIS, AND MINIMIZATION OF DISTURBANCE OF NONTIDAL WETLANDS, ARE FULLY ADHERED TO;

(2) THE GOALS OF § 8-1202 OF THIS SUBTITLE TO ATTAIN NO NET OVERALL LOSS IN NONTIDAL WETLAND ACREAGE AND FUNCTION AND TO STRIVE FOR A NET RESOURCE GAIN ARE ACHIEVED;

(3) ONSITE MITIGATION IS EXAMINED BEFORE CONDUCTING MITIGATION OFF SITE; AND

(4) MITIGATION THROUGH WETLAND BANKING SHOULD BE ACCOMPLISHED IN AND WITH PREFERENCE TO THE SAME WATERSHED AND COUNTY AS THE WETLAND FOR WHICH MITIGATION IS REQUIRED.

(D) (1) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE DEPARTMENT TO:

(I) ESTABLISH OR FUND STATE MITIGATION BANKS;

(II) FUND THE ESTABLISHMENT OF MITIGATION BANKING BY THE PRIVATE SECTOR; OR