

(3) (i) In addition to any other information required by the Department, an applicant for a permit to conduct seismic operations on the waters of the Chesapeake Bay and its navigable tributaries shall provide to the Department a written agreement to submit to the Department processed seismic sections for any operation conducted on the waters of the Chesapeake Bay and its navigable tributaries.

(ii) The Department shall hold processed seismic sections submitted under this subsection confidential.

(4) The Department shall determine the terms and conditions for the issuance of a permit to conduct seismic operations.

(5) An applicant for a permit to conduct seismic operations shall demonstrate evidence of sufficient liability insurance coverage, in an amount determined by the Department, for any personal injury or property damage resulting from a seismic operation.

(6) The Department may deny an application for a permit if:

(i) The applicant does not submit the information required by the Department;

(ii) The proposed activity poses a substantial risk of causing environmental damage that cannot be mitigated by the applicant, particularly to:

1. THE CHESAPEAKE BAY;

[1.] 2. The Chesapeake Bay critical area;

[2.] 3. A nontidal wetland;

[3.] 4. An endangered or threatened species or the habitat of any of these species;

[4.] 5. A designated archaeological site; or

[5.] 6. A populated area; or

(iii) The proposed operation will violate regulations adopted by the Department in accordance with this section.

(7) If the Department decides to deny the permit, the notification of denial shall state the reason, any modification necessary for approval of the application, and the rights of the applicant to appeal the decision as provided in Title 10, Subtitle 2 of the State Government Article.

(c) A person may not use explosives in seismic operations conducted on the waters of the Chesapeake Bay and its tributaries.

(d) A person may use explosives in seismic operations conducted on land if the person complies with the requirements for the use of explosives established by the Department.