

(2) AN APPLICATION FOR A POSTPONEMENT OR A RENEWED POSTPONEMENT UNDER THIS SUBSECTION MUST BE FILED WITH THE SECRETARY NOT LESS THAN 6 MONTHS BEFORE THE APPLICABLE DEADLINE.

(3) (I) WITHIN 15 DAYS FOLLOWING RECEIPT OF AN APPLICATION FOR A POSTPONEMENT UNDER THIS SUBSECTION, THE SECRETARY SHALL FORWARD A COPY OF THE APPLICATION TO THE DEPARTMENT OF NATURAL RESOURCES.

(II) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE ITS WRITTEN COMMENTS, IF ANY, WITHIN 60 DAYS FOLLOWING RECEIPT OF THE ORIGINAL APPLICATION UNDER THIS SUBSECTION.

(III) IF NO COMMENTS HAVE BEEN RECEIVED FROM THE DEPARTMENT OF NATURAL RESOURCES WITHIN 60 DAYS FOLLOWING RECEIPT OF THE ORIGINAL APPLICATION, THE APPLICATION SHALL BE PROCESSED WITH THE ASSUMPTION THAT THERE ARE NO OBJECTIONS BY THE DEPARTMENT OF NATURAL RESOURCES.

(4) IN DECIDING WHETHER TO GRANT A POSTPONEMENT OR A RENEWED POSTPONEMENT UNDER THIS SUBSECTION, THE SECRETARY SHALL CONSIDER:

(I) WHETHER SUFFICIENT PUBLIC FUNDS ARE AVAILABLE TO ASSIST THE MARINA OWNER OR OPERATOR IN MEETING THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION; AND

(II) IF SUFFICIENT PUBLIC FUNDS ARE NOT AVAILABLE, WHETHER COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION WOULD REPRESENT AN ECONOMIC HARDSHIP TO THE MARINA OWNER OR OPERATOR.

(5) (I) THE SECRETARY SHALL ISSUE A DECISION ON AN APPLICATION FOR POSTPONEMENT OR RENEWED POSTPONEMENT UNDER THIS SUBSECTION WITHIN 90 DAYS FOLLOWING THE ORIGINAL RECEIPT OF THE APPLICATION.

(II) IF NO ACTION HAS BEEN TAKEN BY THE SECRETARY WITHIN 90 DAYS FOLLOWING THE ORIGINAL RECEIPT OF THE APPLICATION, THE POSTPONEMENT OR RENEWED POSTPONEMENT SHALL BE CONSIDERED GRANTED FOR A PERIOD OF 3 YEARS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1994.

Approved May 26, 1994.