

(2) "Private wetlands" includes wetlands, transferred by the State by a valid grant, lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights, to the extent of the interest transferred.

(k) (1) "Public notice" means the public notice and public informational hearing procedures established in § [8-206(b)] 5-204(B) through (e) of this article.

(2) "Public notice" does not mean notice as provided for in § [9-302.1] 16-303 of this title.

(l) "Regular or periodic tidal action" means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by wind or any other circumstance.

(m) "Secretary" means the Secretary of [Natural Resources] THE ENVIRONMENT.

(n) "State wetlands" means any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide. Wetlands of this category which have been transferred by the State by valid grant, lease, patent or grant confirmed by Article 5 of the Maryland Declaration of Rights shall be considered "private wetland" to the extent of the interest transferred.

#### Article - Natural Resources

3-306.

(a) Notwithstanding anything to the contrary in this article or the Public Service Commission Law, on application to the Public Service Commission for a certificate of public convenience and necessity associated with power plant construction involving, but not limited to, use or diversion of the waters of the State, or private wetlands, the Commission shall notify immediately the Department of Natural Resources AND THE DEPARTMENT OF THE ENVIRONMENT of the application. The Commission shall supply the Department of Natural Resources AND THE DEPARTMENT OF THE ENVIRONMENT with any pertinent information available regarding the application. The [Secretary] DEPARTMENT OF THE ENVIRONMENT shall treat the application for a certificate of public convenience and necessity as an application for appropriation or use of waters of the State under Title [8 of this article] 5 OF THE ENVIRONMENT ARTICLE and as an application for a license for dredging and filling under Title [9 of this article] 16 OF THE ENVIRONMENT ARTICLE.

(b) Within 60 days after the application for a certificate of public convenience and necessity has been filed with the Commission, the Secretary shall require the Department of Natural Resources to complete any additional study and investigation concerning THE APPLICATION, [but not limited to,] AND THE SECRETARY OF THE ENVIRONMENT SHALL REQUIRE THE DEPARTMENT OF THE ENVIRONMENT TO STUDY AND INVESTIGATE the necessity for dredging and filling at the proposed plant site and water appropriation or use. [He] THE SECRETARY AND THE SECRETARY OF THE ENVIRONMENT JOINTLY shall forward the results of the study and investigation, together with a recommendation that the certificate be granted, denied, or granted with any condition deemed necessary, to the chairman of the Commission.