

(3) (I) Within 30 days after receipt of an application, the Secretary shall notify the applicant, in writing, of the extent of State wetlands involved in the proposed activity and indicate the method of compliance with the license requirements of § 16-202 of this title.

(II) If the applicant claims that any part of the designated State wetlands is private wetlands by virtue of the existence of a valid grant, lease, or patent, or a grant confirmed by Article 5 of the Maryland Declaration of Rights, the Secretary shall investigate and determine the validity of the claim and notify the applicant of the Secretary's determination.

(III) If, within 30 days after receipt of the Secretary's determination, the applicant files with the Secretary a written objection to the determination, the Secretary shall promptly institute an appropriate judicial proceeding to determine whether the land or part of the land covered by the application in dispute, is State or private wetland. The State shall bear the cost of the proceeding.

(4) The Secretary shall mail a copy of the application to the chief administrative officer in the county where the proposed work or any portion is located.

(5) (I) No later than 30 days after receipt of the application, the Secretary shall issue public notice of the opportunity to submit written comments or to request a hearing. A hearing shall be held if requested.

(II) If an electric company, as defined [under the Public Service Commission Law] IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE, applies to the Public Service Commission for a certificate of public convenience associated with power plant construction which involves private wetlands, the hearing and permit procedure shall be in accordance with § 3-306 of the Natural Resources Article.

(III) AT A REQUESTED HEARING ANY PERSON MAY APPEAR AND GIVE TESTIMONY.

(6) Every permit application, map, or document shall be open for public inspection at the offices of the Secretary and the chief administrative officer in the county. [At a requested hearing any person may appear and give testimony.]

(7) A person may not reapply until after the expiration of 18 months from the date of the denial of a prior application or the final determination of an appeal from the denial.

DRAFTER'S NOTE:

Error: Obsolete cross-reference and missing tabulation in § 16-307(a) of the Environment Article.

Occurred: Ch. 8, Acts of 1998.