

(5) The Secretary, or the Secretary's designee, shall review the refund request and determine if a refund of any amount is appropriate.

(6) If the Secretary denies the refund request, the Department shall provide the applicant a written explanation of the denial and of the procedures and requirements outside the control of the Department on which the denial was based within 60 days.

5-203.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "MAJOR PROJECT" MEANS A PROJECT THAT:

(I) PROPOSES TO PERMANENTLY IMPACT 5,000 SQUARE FEET OR MORE OF WETLANDS OR WATERWAYS, INCLUDING THE 100-YEAR FLOODPLAIN;

(II) IS LOCATED IN AN AREA IDENTIFIED AS POTENTIALLY IMPACTING THREATENED OR ENDANGERED SPECIES OR SPECIES IN NEED OF CONSERVATION BY A GEOGRAPHICAL INFORMATION SYSTEM DATABASE THAT:

1. INCLUDES SENSITIVE SPECIES PROJECT REVIEW AREAS AND WATERFOWL CONCENTRATION AND STAGING AREAS;

2. HAS BEEN DEVELOPED AND MAINTAINED BY THE DEPARTMENT OF NATURAL RESOURCES; AND

3. IS USED BY THE DEPARTMENT TO SCREEN INCOMING APPLICATIONS;

(III) IS LOCATED IN AN AREA THAT HAS BEEN IDENTIFIED AS POTENTIALLY IMPACTING HISTORICAL OR ARCHEOLOGICAL RESOURCES BY A GEOGRAPHICAL INFORMATION SYSTEM DATABASE THAT:

1. INCLUDES MARYLAND ARCHEOLOGICAL SITES, THE MARYLAND INVENTORY OF HISTORIC PROPERTIES, THE NATIONAL REGISTER OF HISTORIC PLACES, THE MARYLAND HISTORICAL TRUST PRESERVATION EASEMENTS, THE ANNAPOLIS MARYLAND INVENTORY OF HISTORIC PROPERTIES, AND THE ANNAPOLIS MARYLAND INVENTORY OF HISTORIC PROPERTIES STREET MAP;