

PRIMARY EFFECT IS TO ENHANCE THE STATE'S WETLAND OR WATER RESOURCES.

(3) FOR PURPOSES OF THIS SUBSECTION, A MINING ACTIVITY UNDERTAKEN ON AFFECTED LAND AS IDENTIFIED IN A PERMIT ISSUED UNDER TITLE 15 OF THIS ARTICLE SHALL BE:

(I) DEEMED TO BE A MINOR PROJECT; AND

(II) SUBJECT TO THE APPROPRIATE APPLICATION FEE UNDER PARAGRAPH (1)(I) AND (II) OF THIS SUBSECTION.

(4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, THE FEES IMPOSED UNDER THIS SUBSECTION MAY NOT BE MODIFIED PRIOR TO JANUARY 1, 2012.

(5) (I) THE DEPARTMENT MAY ADJUST THE FEES ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO REFLECT CHANGES IN THE CONSUMER PRICE INDEX, ~~AS AUTHORIZED BY 40 C.F.R. PART 70 (OPERATING PERMIT PROGRAM)~~ FOR ALL "URBAN CONSUMERS" FOR THE EXPENDITURE CATEGORY "ALL ITEMS NOT SEASONALLY ADJUSTED", AND FOR ALL REGIONS.

(II) THE ANNUAL CONSUMER PRICE INDEX FOR THE PERIOD ENDING EACH DECEMBER, AS PUBLISHED BY THE BUREAU OF LABOR STATISTICS OF THE U.S. DEPARTMENT OF LABOR, SHALL BE USED TO ADJUST THE FEES ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(C) (1) THERE IS A WETLANDS AND WATERWAYS PROGRAM FUND.

(2) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(3) ~~(I) AT THE END OF EACH FISCAL YEAR, ANY UNSPENT OR UNENCUMBERED BALANCE IN THE FUND SHALL REVERT TO THE GENERAL FUND OF THE STATE, IN ACCORDANCE WITH § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(H)~~ THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(4) THE FUND CONSISTS OF ALL: