**Section 3702.130 Permit Application**

a) Notice and Comment

1) Upon receipt of a complete application, OWR shall prepare and distribute a public notice of the application, allowing a period of twenty-one (21) days for the submission of comments. OWR may extend the comment period upon written request showing just cause. The extension shall not exceed fifteen (15) days.

2) Public notices shall be released as a news item through the Department's Office of Public Affairs, and shall be mailed to the following:

A) Adjacent upstream and downstream property owners.

B) Interested state and federal agencies.

C) Area legislators.

D) Local officials.

E) Interested groups and organizations.

3) Failure to publish this notice will not affect the substantive or procedural rights of any affected party.

4) If relevant objections are received in response to the public notice, they shall be forwarded to the applicant suggesting that a mutually satisfactory resolution be achieved if possible. If a resolution cannot be achieved, the applicant shall advise OWR of his views regarding the validity of the statements contained in the objection. OWR will then evaluate the objections and the applicant's response and determine the appropriate resolution.

b) Public Hearing

1) If the application is for a new dam, or for major modification to an existing dam, OWR may hold a public hearing to take evidence concerning the proposed project. A public hearing pursuant to Section 3702.170 shall be held in addition to the notice and comment procedures outlined in the prior subsection (Section 3702.130(a)) when OWR determines that such a hearing is in the public interest, or believes it to be the most appropriate means of receiving information concerning the application.

2) If the application is for an existing dam which requires no major modifications, OWR will not hold a hearing unless OWR determines that it is in the public interest to do so.