

ceeding shall be held in the county in which the land is located, and the Board shall view the land in question. If such person is dissatisfied with the decision of the Board, he may, within thirty days after receiving notice thereof, petition the circuit court in the county in which the land is located to determine whether such rules or regulations so restrict the use of his property as to deprive him of the practical uses thereof and are therefore an unreasonable exercise of the police power, because the order constitutes the equivalent of a taking without compensation. The court in a jury trial at the election of either party shall hear the case de novo without the right of removal and the appeal shall not be subject to the provisions of the Administrative Procedure Act. In weighing the appropriate exercise of the police power, the court shall consider the importance of the land to marine life, shellfish, wildlife, prevention of siltation, floods and other natural disasters, the public health and welfare, and the public policy set forth in this subheading. If the court finds the ruling to be an unreasonable exercise of the police power, as aforesaid, the court shall enter a finding that such ruling shall not apply to the land of the petitioner; provided, however, that such finding shall not affect any other land than that of the petitioner. The Secretary shall cause a copy of such finding to be recorded forthwith in the land records. The decision of the Circuit Court may be appealed by either party to the Court of Appeals.

726.

Any person proposing to conduct an activity upon any wetland which is not permitted by rules and regulations adopted under the provisions of Section 722 shall file an application for a permit with the Secretary, in such form and with such information as the Secretary may prescribe. Such application shall include a detailed description of the proposed work and a map showing the areas of wetland directly affected, with the location of the proposed work thereon, together with the names of the owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice. *Within thirty days of 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 Section 721 of this subtitle. 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 Declaration of Rights of the Constitution of Maryland, the Secretary of Natural Resources shall investigate and determine the validity of such claim and shall notify the applicant of his determination. If, within thirty 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 proceeding in a court of competent jurisdiction to determine whether the lands covered by the application, or part thereof in dispute, are State or private wetlands.* COST OF THE PROCEEDING SHALL BE BORNE BY THE STATE. The Secretary shall cause a copy of such application to be mailed to the chief administrative officer in the county or counties where the proposed work or any part thereof is located. No sooner than thirty days and not later than sixty days after receipt of such application, the Secretary or his duly designated hearing officer shall hold a public hearing in the county where the land is located on such application, EXCEPTED, HOW-