

(5) Routine maintenance and repair of existing [bulkheads] BULKHEADS, provided that there is no addition or channelward encroachment.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 9-303 of the Natural Resources Article.

Occurred: Ch. 4, Acts of 1973, First Special Session.

9-304.

Any person who has a recorded interest in land affected by any [rule or] regulation [promulgated] ADOPTED under this subtitle may appeal the [rule or] regulation and designation of [his] THE PERSON'S land as wetland to the Board of Review of the Department as provided in Title 1 of this article. The proceedings shall be held in the county where the land is located, and the Board of Review shall view the land in question.

9-305.

(a) If the person is dissatisfied with the decision of the Board of Review, pursuant to § 9-304 OF THIS SUBTITLE, [he] THE PERSON may petition the circuit court in the county where the land is located, within 30 days after receiving [its] THE BOARD'S decision, to determine whether the [rule or] regulation restricts the use of [his] THE PERSON'S property so as to deprive [him] THE PERSON of its practical use and is an unreasonable exercise of the police power so as to constitute a taking of property without compensation.

(c) In weighing the appropriate exercise of the police power, the court shall consider the importance of the land to marine life, shellfish, wildlife, and the prevention of siltation, floods, and other natural disasters, the public health and welfare, and the public policy set forth in this title. If the court finds the [rule or] regulation is an unreasonable exercise of the police [power it] POWER, THE COURT shall enter a finding that the [rule or] regulation does not apply to the petitioner. However, the finding may not affect any land other than that of the petitioner. The Secretary shall record a copy of the finding among the land records in the county.

9-306.

(a) Any person proposing to conduct on any wetland an activity not authorized by the [rules and] regulations adopted under the provisions of § 9-302 OF THIS SUBTITLE shall apply for a permit with the Secretary, on the form the Secretary prescribes. The application shall include a detailed description of the proposed work and a map showing the areas of wetland directly affected, the location of the proposed work, and the names of the owners of record of adjacent [land] LAND, and every claimant of water rights in or adjacent to the wetland known to the applicant. 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 § 9-202 of this subtitle. If the applicant claims that any part of the designated State wetlands is private wetlands by