

Wetlands
In General

718.

It is declared that in many areas of the State much of the wetlands have been lost or despoiled by unregulated dredging, dumping, filling, and like activities, and that the remaining wetlands of this State are in jeopardy of being lost or despoiled by these and other activities; that such loss or ~~despoilation~~ DESPOLIATION will adversely affect, if not entirely eliminate, the value of such wetlands as sources of nutrients to finfish, crustacea and shellfish of significant economic value; that such loss or ~~despoilation~~ DESPOLIATION will destroy such wetlands as habitats for plants and animals of significant economic value and will eliminate or substantially reduce marine commerce, recreation and aesthetic enjoyment; and that such loss or ~~despoilation~~ DESPOLIATION will, in most cases disturb the natural ability of tidal wetlands to reduce flood damage and adversely affect the public health and welfare; that such loss or ~~despoilation~~ DESPOLIATION will substantially reduce the capacity of such wetlands to absorb silt and will thus result in the increased silting of channels and harbor areas to the detriment of free navigation. Therefore, it is declared to be the public policy of this State to preserve the wetland and to prevent the despoilation and destruction thereof. THEREFORE, IT IS DECLARED TO BE THE PUBLIC POLICY OF THIS STATE, TAKING INTO ACCOUNT VARYING ECOLOGICAL, ECONOMIC, DEVELOPMENTAL, RECREATIONAL AND AESTHETIC VALUES, TO PRESERVE THE WETLANDS AND TO PREVENT THE DESPOLIATION AND DESTRUCTION THEREOF.

719.

(a) "State wetlands" means all land under the navigable waters of the State below the mean high tide, which is affected by the regular rise and fall of the tide. Such wetlands, which have been transferred by the State by a valid grant, lease or patent or a grant confirmed by Article 5 of the Declaration of Rights of the Constitution of Maryland, shall be considered "private wetland" to the extent of the interest so transferred.

(b) "Private wetlands" means all lands not considered "State wetlands" bordering on or lying beneath tidal waters, which are subject to regular or periodic tidal action and which support aquatic growth. These include wetlands, which have been transferred by the State by a valid grant, lease or patent or a grant confirmed by Article 5 of the Declaration of Rights of the Constitution of Maryland, to the extent of the interest so transferred.

(c) "Dredging" means the removal or displacement by any means of soil, sand, gravel, shells or other material, whether of intrinsic value or not, from State or private wetlands affected by the regular ebb and flow of the tide.

(d) "Filling" means either the displacement of navigable waters by the deposition into wetlands affected by the regular ebb and flow of the tide of soil, sand, gravel, shells or other material; or the artificial alteration of navigable water levels by physical structures, drainage ditches or otherwise.