

(ii) The Department shall consider and comment in writing on the objections and concerns of the [Critical Area] Commission before issuing a permit under this subsection.

Article—Environment

16-201.—

~~(a) (1) A person who is the owner of land bounding on navigable water is entitled to any natural accretion to the person's land, to reclaim fast land lost by erosion or avulsion during the person's ownership of the land to the extent of provable existing boundaries. The person may make improvements into the water in front of the land to preserve that person's access to the navigable water or protect the shore of that person against erosion. After an improvement has been constructed, the improvement is the property of the owner of the land to which the improvement is attached. A right covered in this subtitle does not preclude the owner from developing any other use approved by the Board. The right to reclaim lost fast land relates only to fast land lost after January 1, 1972, and the burden of proof that the loss occurred after this date is on the owner of the land.~~

~~(2) A PERSON EXERCISING THEIR RIGHT TO MAKE IMPROVEMENTS INTO THE WATER IN FRONT OF THE LAND TO PRESERVE THAT PERSON'S ACCESS TO THE NAVIGABLE WATER UNDER SUBSECTION (A)(1) OF THIS SECTION MAY NOT EXTEND THE IMPROVEMENTS MORE THAN 25-75 FEET OVER VEGETATED STATE WETLANDS IN THE ATLANTIC COASTAL BAYS CRITICAL AREA AS DEFINED UNDER TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES ARTICLE.~~

~~(3) (I) A PERSON IN THE ATLANTIC COASTAL BAYS CRITICAL AREA MAY EXTEND IMPROVEMENTS MORE THAN 75 FEET OVER STATE WETLANDS PURSUANT TO A PLAN SUBMITTED BY A LOCAL JURISDICTION AND APPROVED BY THE DEPARTMENT AND THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS.~~

~~(II) ANY PLAN APPROVED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE CRITERIA FOR THE PROTECTION OF WATER QUALITY AND FISH, WILDLIFE, AND PLANT HABITATS AND SHALL COMPREHENSIVELY ADDRESS THE USE AND CONSTRUCTION OF PRIVATE AND COMMUNITY PIERS IN THE LOCAL JURISDICTION.~~

~~(III) THE DEPARTMENT SHALL ASSIST A LOCAL JURISDICTION IN THE PREPARATION OF THE PLAN REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

(b) The rights of any person, as defined in this subtitle, which existed prior to July 1, 1973 in relation to natural accretion of land are deemed to have continued to be in existence subsequent to July 1, 1973 to July 1, 1978.

16-304.—

(A) Notwithstanding any regulation adopted by the Secretary to protect private wetlands, the following uses are lawful on private wetlands: