

- (1) ~~Conservation of soil, vegetation, water, fish, shellfish, and wildlife;~~
- (2) ~~Trapping, hunting, fishing, and catching shellfish, if otherwise legally permitted;~~
- (3) ~~Exercise of riparian rights to improve land bounding on navigable water, to preserve access to the navigable water, or to protect the shore against erosion;~~
- (4) ~~Reclamation of fast land owned by a natural person and lost during the person's ownership of the land by erosion or avulsion to the extent of provable preexisting boundaries. The right to reclaim lost fast land relates only to fast land lost after January 1, 1972. The burden of proof that the loss occurred after this date is on the owner of the land; and~~
- (5) ~~Routine maintenance and repair of existing bulkheads, provided that there is no addition or channelward encroachment.~~

~~(B) 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)(3) OF THIS SECTION MAY NOT EXTEND THE IMPROVEMENTS MORE THAN 25 75 FEET OVER VEGETATED PRIVATE WETLANDS IN THE ATLANTIC COASTAL BAYS CRITICAL AREA AS DEFINED UNDER TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES ARTICLE.~~

~~(C) (1) A PERSON IN THE ATLANTIC COASTAL BAYS CRITICAL AREA MAY EXTEND IMPROVEMENTS MORE THAN 75 FEET OVER STATE PRIVATE 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.~~

~~(2) ANY PLAN APPROVED UNDER PARAGRAPH (1) OF THIS SUBSECTION 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.~~

~~(3) THE DEPARTMENT SHALL ASSIST A LOCAL JURISDICTION IN THE PREPARATION OF THE PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) Except as provided in subsection (b) of this section, this Act may not be construed to apply to the initial development of a planned unit development, as defined in § 5-1601 of the Natural Resources Article, and including a residential planned community:

(i) for which the following are issued prior to June 1, 2002:

1. a valid Step III approval in accordance with the current Worcester County Zoning and Subdivision Control Ordinance; and
2. at least 3 of the following State permits: