

STATE AND NOT MORE THAN FIVE PERCENT OF THE LAND AREA OF EACH COUNTY AS AREAS OF CRITICAL STATE CONCERN IN ADDITION TO THE WATERS OF THE STATE AS DEFINED IN THE NATURAL RESOURCES ARTICLE OF THE CODE AND LAND OWNED BY THE STATE AND ANY LOCAL GOVERNMENT. FOR THE PURPOSES OF THIS SECTION, THE LAND AREA OF EACH COUNTY WHICH IS SUBJECT TO THE FIVE PERCENT DESIGNATION IS AS FOLLOWS: THE GROSS LAND AREA OF SUCH COUNTY LESS THE AREA INCLUDED WITHIN THE WATERS OF THE STATE WITHIN SUCH COUNTY AS DEFINED IN THE NATURAL RESOURCES ARTICLE OF THE CODE AND LAND OWNED BY THE STATE AND LOCAL GOVERNMENT WITHIN SUCH COUNTY. AN AREA OF CRITICAL STATE CONCERN IS AN AREA WHERE ANY SUBSTANTIAL DEVELOPMENT WILL HAVE A STATE OR REGIONAL ECONOMIC OR ENVIRONMENTAL IMPACT BECAUSE OF THE NATURE OR LOCATION OF THE LAND UPON WHICH THE DEVELOPMENT IS LOCATED, AND WHICH IS DESIGNATED AS SUCH BY THE BOARD. THE FOLLOWING ARE AREAS THAT ARE ILLUSTRATIVE AND POSSESS FACTORS AND CHARACTERISTICS WHICH SHALL BE CONSIDERED, BUT NOT CONCLUSIVELY, IN MAKING A DESIGNATION AS TO AN AREA:

(I) THE WATERS IN THE STATE AND THE SHORELINES AND COASTAL AREAS;

(II) FLOOD PLAINS; THE AREAS EXPECTED TO BE COVERED BY WATER, TIDAL OR NONTIDAL, DURING A FLOOD ON AN AVERAGE OF ONCE EVERY ONE HUNDRED YEARS, OR WHICH HAS A ONE PERCENT CHANCE OF BEING COVERED BY FLOOD WATER IN ANY GIVEN YEAR WHEN THE WATERSHED HAS BEEN COMPLETELY DEVELOPED;

(III) [[FRESH WATER]] WETLANDS , AS DEFINED IN SECTION 9-101 OF THE NATURAL RESOURCES ARTICLE; NOT TO INCLUDE ANY FARM POND;

(IV) PRODUCTIVE AGRICULTURAL LANDS;

(V) AQUIFER RECHARGE AREAS; INTAKE AREAS FOR SIGNIFICANT QUANTITIES OF WATER THAT WILL BE TRANSMITTED THROUGH AQUIPERS, AS IDENTIFIED BY THE MARYLAND AND U.S. GEOLOGICAL SURVEYS;

(VI) WATER SUPPLY RESERVOIRS AND THEIR WATERSHEDS; ALL WATER SUPPLY IMPOUNDMENTS GREATER THAN 50 ACRES AND THEIR IMMEDIATE DRAINAGE BASIN, INCLUDING TRIBUTARIES;

(VII) STEEP SLOPES AS DETERMINED BY THE NATURE OF THE SOILS AND GEOLOGIC CONDITION;

(VIII) HISTORIC AREAS, MONUMENTS, STRUCTURES AND SITES; THOSE SITES AND STRUCTURES THAT HAVE BEEN OR MAY BE IDENTIFIED BY THE MARYLAND HISTORICAL TRUST AS BEING OF SIGNIFICANT IMPORTANCE IN THEIR INVENTORY OF HISTORICAL AREAS, MONUMENTS, SITES AND STRUCTURES;