

(4) TO ESTABLISH AN ADVISORY COMMITTEE, COMPOSED OF MEMBERS OF THE COMMISSION AND LOCAL CITIZENS AND LOCAL STAKEHOLDER GROUPS, TO MAKE RECOMMENDATIONS TO THE COMMISSION WITH RESPECT TO ATLANTIC COASTAL BAYS CRITICAL AREA PROGRAMS.

(B) THE MEMBERS OF THE COMMISSION WHO RESIDE IN THE ATLANTIC COASTAL BAYS WATERSHED SHALL SERVE ON ANY COMMITTEE ESTABLISHED UNDER SUBSECTION (A)(4) OF THIS SECTION.

8-1807.

(a) The initial planning area for determination of the Chesapeake Bay Critical Area consists of:

(1) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 16 of the Environment Article; and

(2) All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title [9] 16 of the Environment Article.

(B) THE INITIAL PLANNING AREA FOR DETERMINATION OF THE ATLANTIC COASTAL BAYS CRITICAL AREA CONSISTS OF:

(1) ALL WATERS OF AND LANDS UNDER THE COASTAL BAYS AND THEIR TRIBUTARIES TO THE HEAD OF TIDE AS INDICATED ON THE STATE WETLANDS MAPS, AND ALL STATE AND PRIVATE WETLANDS DESIGNATED UNDER TITLE 16 OF THE ENVIRONMENT ARTICLE; AND

(2) ALL LAND AND WATER AREAS WITHIN 1,000 FEET BEYOND THE LANDWARD BOUNDARIES OF STATE OR PRIVATE WETLANDS AND THE HEADS OF TIDES DESIGNATED UNDER TITLE 16 OF THE ENVIRONMENT ARTICLE.

[(b)](C) (1) (i) In determining the Chesapeake Bay Critical Area OR THE ATLANTIC COASTAL BAYS CRITICAL AREA within its boundaries, a local jurisdiction may exclude those portions of the planning area designated in subsection (a) OR (B) of this section which the local jurisdiction finds to be:

1. Part of a developed, urban area in which, in view of available public facilities and applicable laws and restrictions, the imposition of a program would not substantially improve protection of tidal water quality or conservation of fish, wildlife, or plant habitats; or

2. Located at least 1,000 feet from open water and separated from open water by an area of wetlands which it is found will serve to protect tidal water quality and fish, wildlife, or plant habitats from adverse impacts of development in the excluded area.