

LEAST 15% AFTER DEVELOPMENT OR A FEE-IN-LIEU PAYMENT IF THE FEE IS ADEQUATE TO ENSURE THE RESTORATION OR ESTABLISHMENT OF AN EQUIVALENT FOREST AREA, AND

~~(4) (2) A PROVISION REQUIRING A MINIMUM BUFFER OF 25 FEET AND APPLYING THE BUFFER REQUIREMENTS OF TITLE 27 OF THE CODE OF MARYLAND REGULATIONS TO TRIBUTARY STREAMS LOCATED OUTSIDE THE CRITICAL AREA AND WITHIN THE ATLANTIC COASTAL BAYS WATERSHED THAT ARE NOTED AS PERENNIAL AND INTERMITTENT STREAMS IN THE ATLANTIC COASTAL BAYS WATERSHED WHICH ARE SO NOTED ON THE MOST RECENT U.S. GEOLOGICAL SURVEY 7-1/2 MINUTE TOPOGRAPHIC QUADRANGLE MAPS (SCALE 1:24,000) OR ON MORE DETAILED MAPS OR STUDIES AT THE DISCRETION OF THE LOCAL JURISDICTIONS.~~

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE PROVISIONS OF THIS SUBTITLE REPLACE THE REQUIREMENTS OF THE FOREST CONSERVATION ACT PROVIDED UNDER TITLE 5, SUBTITLE 16 OF THIS ARTICLE WITHIN THE ATLANTIC COASTAL BAYS CRITICAL AREA.

(2) SUBSECTION ~~(A)(2)~~ (A) OF THIS SECTION AND PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY TO:

(I) DEVELOPMENT OF A SINGLE LOT FOR THE PURPOSE OF CONSTRUCTING A DWELLING INTENDED FOR THE USE OF THE OWNER, OR A CHILD OR GRANDCHILD OF THE OWNER, IF THE DEVELOPMENT DOES NOT RESULT IN THE CUTTING, CLEARING, OR GRADING OF MORE THAN 40,000 SQUARE FEET OF FOREST, AND THE LOT WAS LEGALLY RECORDED PRIOR TO JULY 31, 1994; OR

(II) A SINGLE LOT THAT IS PART OF A PROJECT THAT HAS OTHERWISE COMPLIED WITH THE FOREST CONSERVATION ACT.

(3) FOR PURPOSES OF SUBSECTION ~~(A)(2)~~ (A) OF THIS SECTION, FOREST OR DEVELOPED WOODLAND COVER MAY INCLUDE TREES, WOODY PLANTS, AND SHRUBS, AND ANY LANDSCAPING UNDER AN APPROVED LANDSCAPING PLAN.

~~(C) THE DEPARTMENT SHALL ASSIST A LOCAL JURISDICTION IN THE PREPARATION OF ANY MORE DETAILED MAPS OR STUDIES NECESSARY TO MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.~~

~~(D) IN ACCORDANCE WITH TITLE 27 OF THE CODE OF MARYLAND REGULATIONS, AGRICULTURAL ACTIVITIES ARE PERMITTED IN THE BUFFER OUTSIDE THE CRITICAL AREA AND IN THE ATLANTIC COASTAL BAYS WATERSHED UNDER AN APPROVED SOIL CONSERVATION AND WATER QUALITY PLAN.~~

(C) EACH LOCAL JURISDICTION IN THE ATLANTIC COASTAL BAYS CRITICAL AREA MAY INCLUDE IN ITS LOCAL CRITICAL AREA PROTECTION PROGRAM:

(1) AS PART OF COMPLIANCE WITH THE STORMWATER MANAGEMENT REQUIREMENTS OF TITLE 27 OF THE CODE OF MARYLAND REGULATIONS AND TITLE 4, SUBTITLE 2 OF THE ENVIRONMENT ARTICLE, A PROVISION ENCOURAGING THE USE OF BIORETENTION FOR REDEVELOPMENT IN INTENSELY DEVELOPED AREAS;