



MEMORANDUM OF UNDERSTANDING

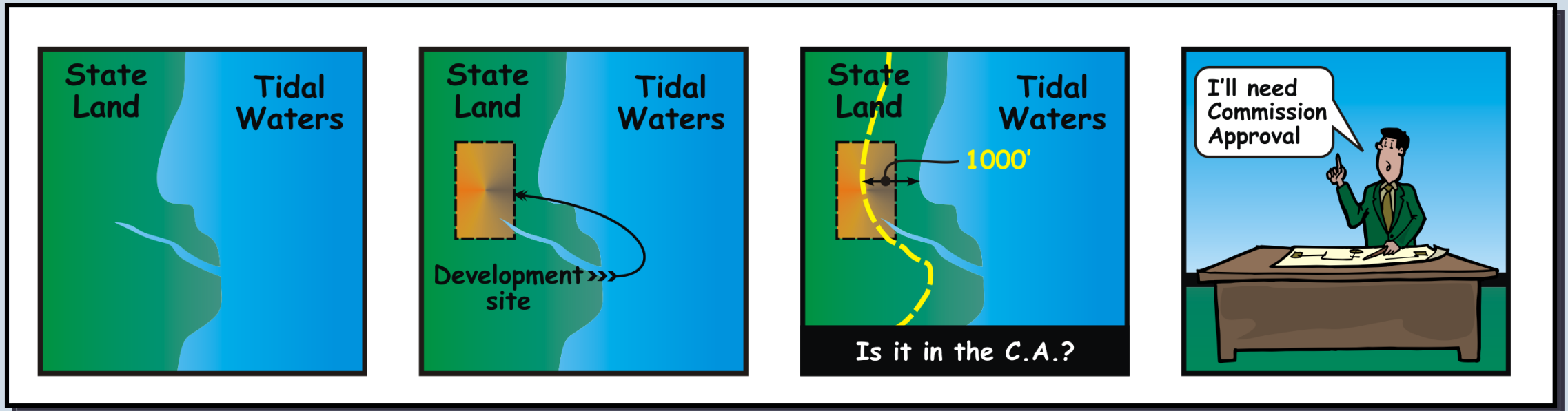
MOU for Short

Evaluating Projects for CAC Review

- Does your project need CAC review & approval?
- What type of review process is required?
- What should be submitted to the Commission?
- How long does the review process take?

Is Review by Critical Area Required?

All State actions resulting in development on State-owned lands in the Critical Area require CAC review



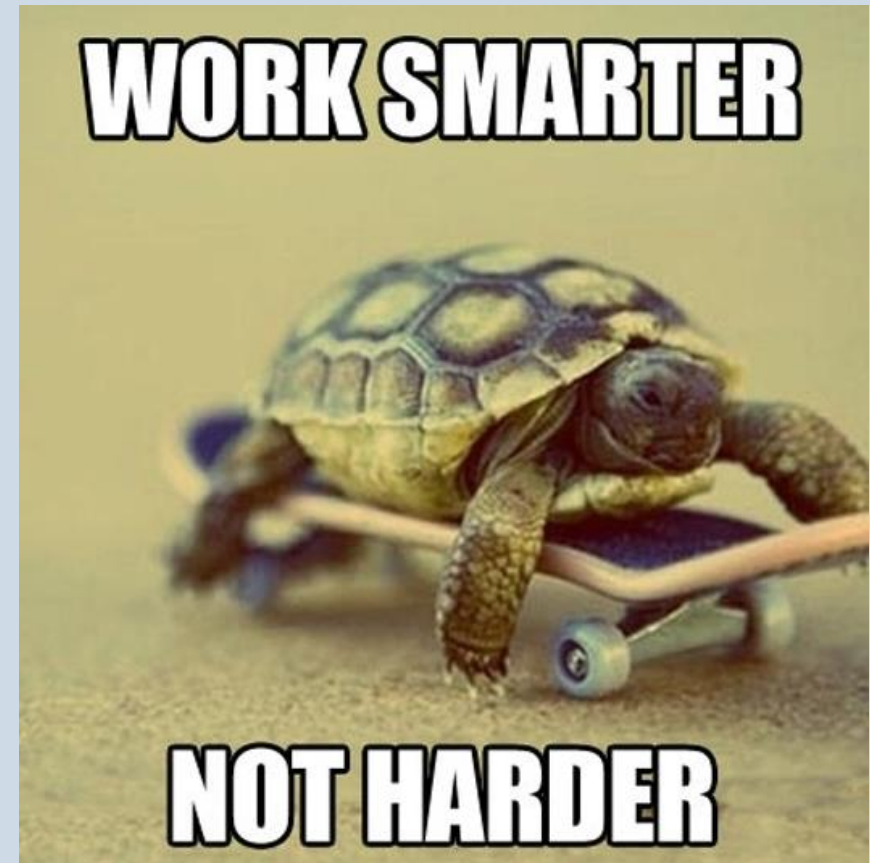
CAC Review Process

1. Projects may be reviewed by Critical Area Commission staff if the project fits under a Memorandum of Understanding.
2. Otherwise, State Agency projects must be reviewed by the Critical Area Commission.



Goal and Intent of MOU

- Streamline the review process
- Facilitate coordination
- Require full Commission review only when necessary



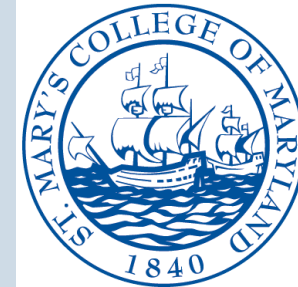
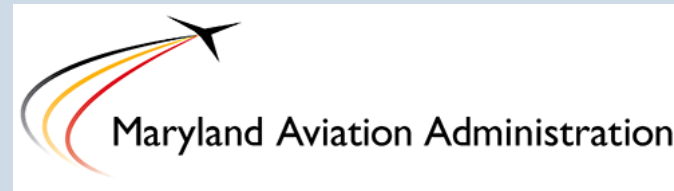
Process

- Several outdated MOUs
- Few State Agencies – No MOU
- Currently updating and creating MOUs
- Meetings, meetings, and more meetings
- All MOUs need to be approved by the State Agency and the Critical Area Commission

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"Scientists say that coffee and donuts release chemicals in the brain that create the illusion that meetings are a productive way to get things done."



List of State Agency MOUs

MDOT – Revised 2019

Exhibits:

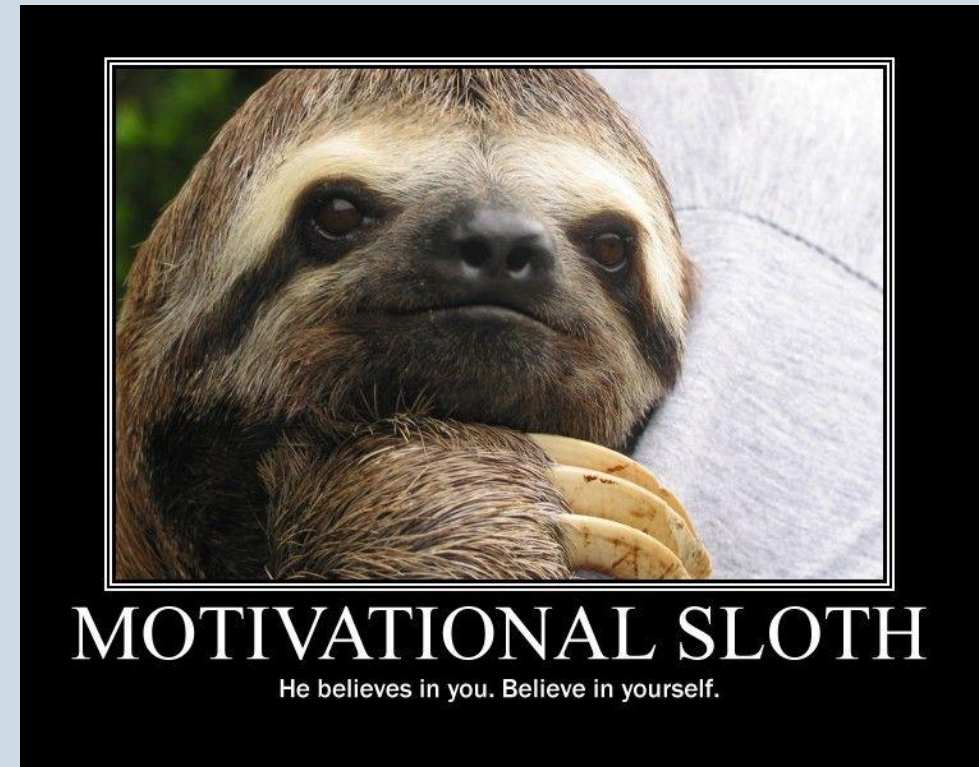
- ❖ SHA - 2019
- ❖ MAA - 2004
- ❖ MTA - 2019
- ❖ MPA - 2007
- ❖ MVA – No existing exhibit

Other:

- ❖ DNR – 2016
- ❖ MDTA – 2015
- ❖ St. Mary's College – 2011
- ❖ WSSC – 2003

State Agency MOUs

Currently working on an update with MPA and creating a new MOU with MHT – Jefferson Patterson Park and Museum.



General MOU Layout

- Purpose
- Process
- Category 1 – Type Projects
 - Maintenance activities
 - Prescribed parameters
 - Mitigation Requirements
- Category 2 – Type Projects
 - Redevelopment or new development of small-scale projects
 - Prescribed parameters
 - Justification for anything over
 - Mitigation Requirements

Category I – Type Projects

Category I: Maintenance Activities

The purpose of Category I projects is to maintain the life expectancy of facilities, to provide environmental restoration, and/or to permit the installation of minor traffic devices within existing roadways and facilities. Projects that qualify under Category I do not require Critical Area 10% stormwater management.

Projects do not qualify under Category I if any of the following occurs:

- A change to the drainage pattern is proposed.
- Clearing exceeds five (5) individual trees within a developed woodland^{*#}
- Forest clearing is proposed.
- A stormwater permit or any other type of permit from the Maryland Department of the Environment (MDE) is required.
- Any eligible project where work is proposed within a stream channel.

^{*}Tree mitigation will be required at a 1:1 ratio, using ¾-inch caliper native trees.

[#]There are no forest clearing limits for the following projects: stormwater management facility or the removal of trees from dam embankments.



Examples of Category I Projects

Typically Includes:

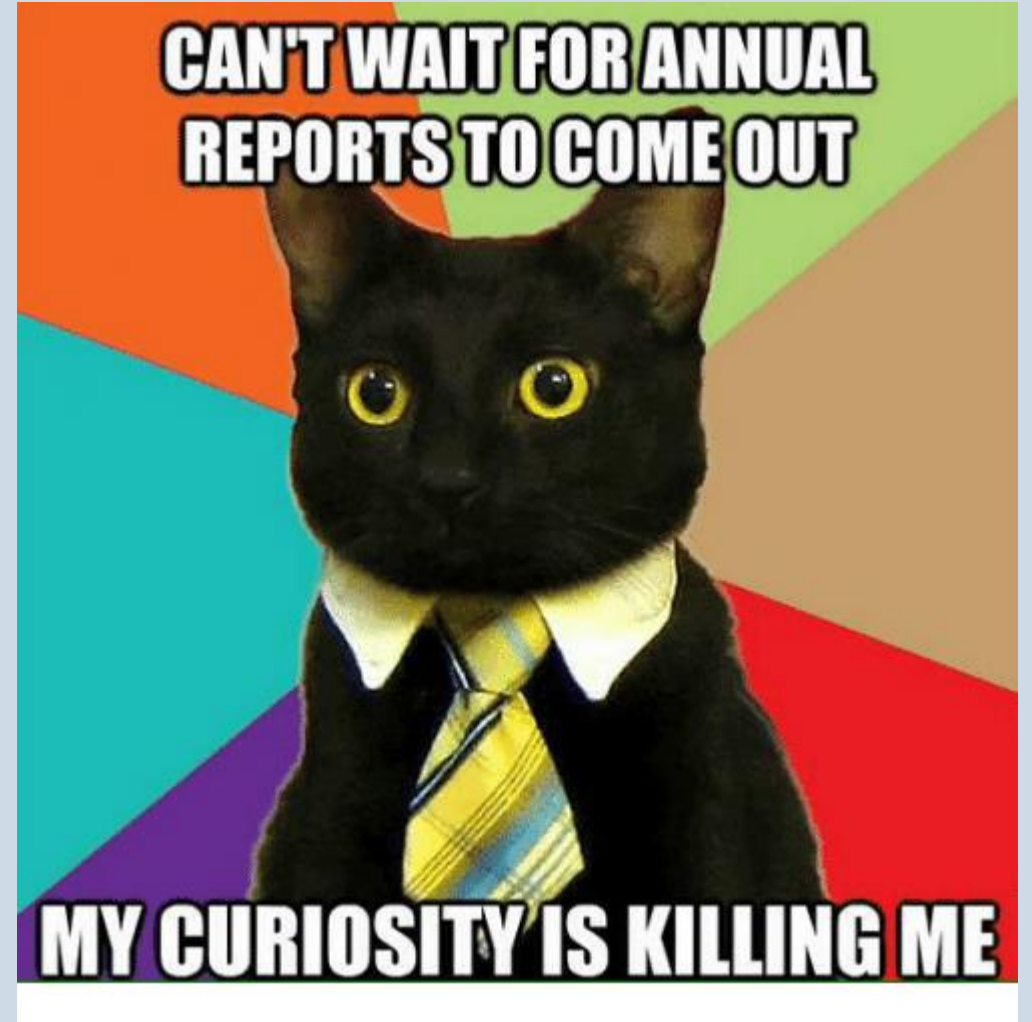
- ❖ Beneficial Projects
- ❖ Routine Roadway and Bridge Maintenance
- ❖ Maintenance of Existing Facilities
- ❖ Utility Maintenance
- ❖ No climate resiliency assessment
- ❖ No 10% P Requirement
- ❖ No more than 5 trees allowed to be removed
- ❖ Allowed in all CA designations

Category I Projects - Submittal Requirements

Projects Submitted Annually:

- ❖ The project's name;
- ❖ The project's location;
- ❖ The proposed amount of clearing; and
- ❖ Mitigation calculations and the location of plantings.

Annually reported projects will need to be submitted by the state agency. This requires the state agencies to maintain a spreadsheet (or other form of tracking mechanism) for annually submitted projects.



**Category II: Development Activities That Are Minor in Either Size and/or Scope
Report: CAC Staff Concurrence prior to the start of construction.**

Category II projects include new and replacement/repair development activities that may include changes to the layout or design of an existing facility. In some cases, a change of facility type (e.g. – parking lot to building) may be allowed if all parameters are met.

Note: Early coordination with Commission staff on Category II projects is required in order to determine if the proposed project is eligible under the MOU, or if the project will require full Commission review and approval. If the proposed development project results in a combination of habitat impacts or includes multiple elements of projects listed in this MOU, the Critical Area Commission reserves the right to decide at any time to bring a project that may appear to qualify under the MOU to the full Critical Area Commission for review and approval.

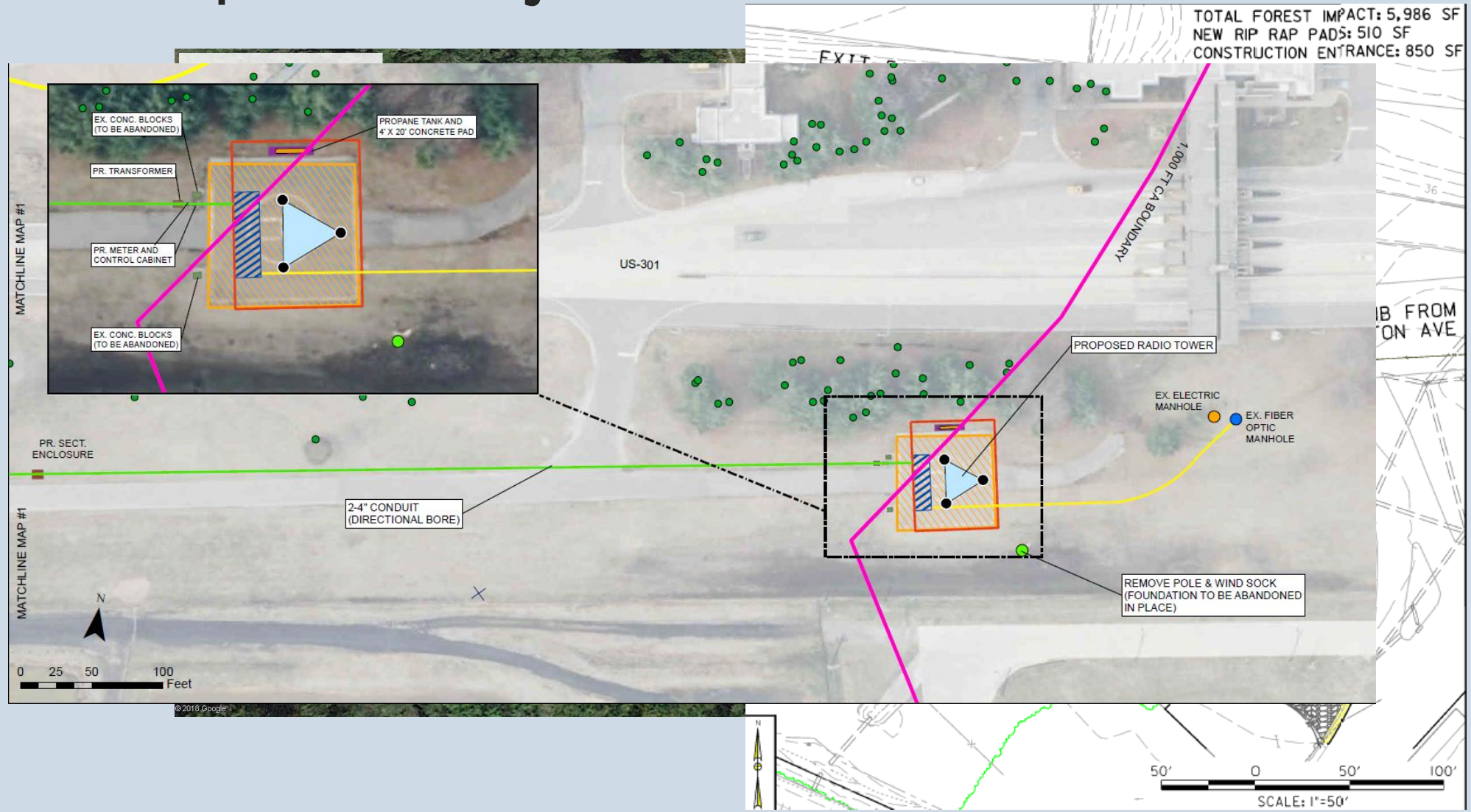
Consultants → Coordinate with the specific state agency to understand the requirements of the MOU. The state agency will submit the project to CAC for review.

CAC → Strongly encourage state agencies to update outdated or create new MOUs

Category II Projects

- ❖ Generally, limited in size and scope
- ❖ All Category I type projects that exceed thresholds
- ❖ Redevelopment and new development
- ❖ 10 % Phosphorus reduction is generally required
- ❖ Set limits for each type of project
 - ❖ Written justification required if over

Example Project:

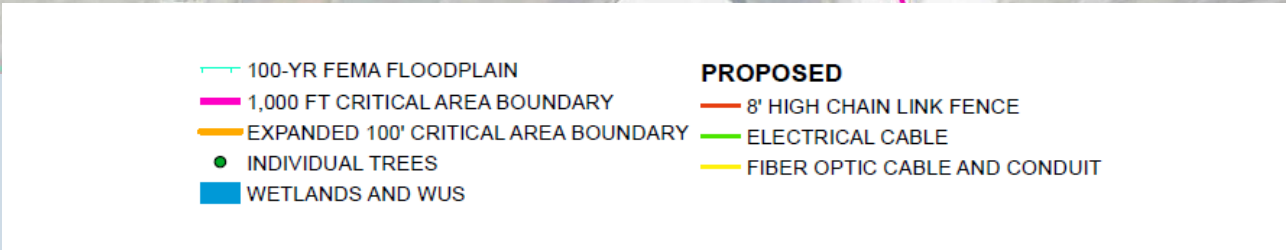
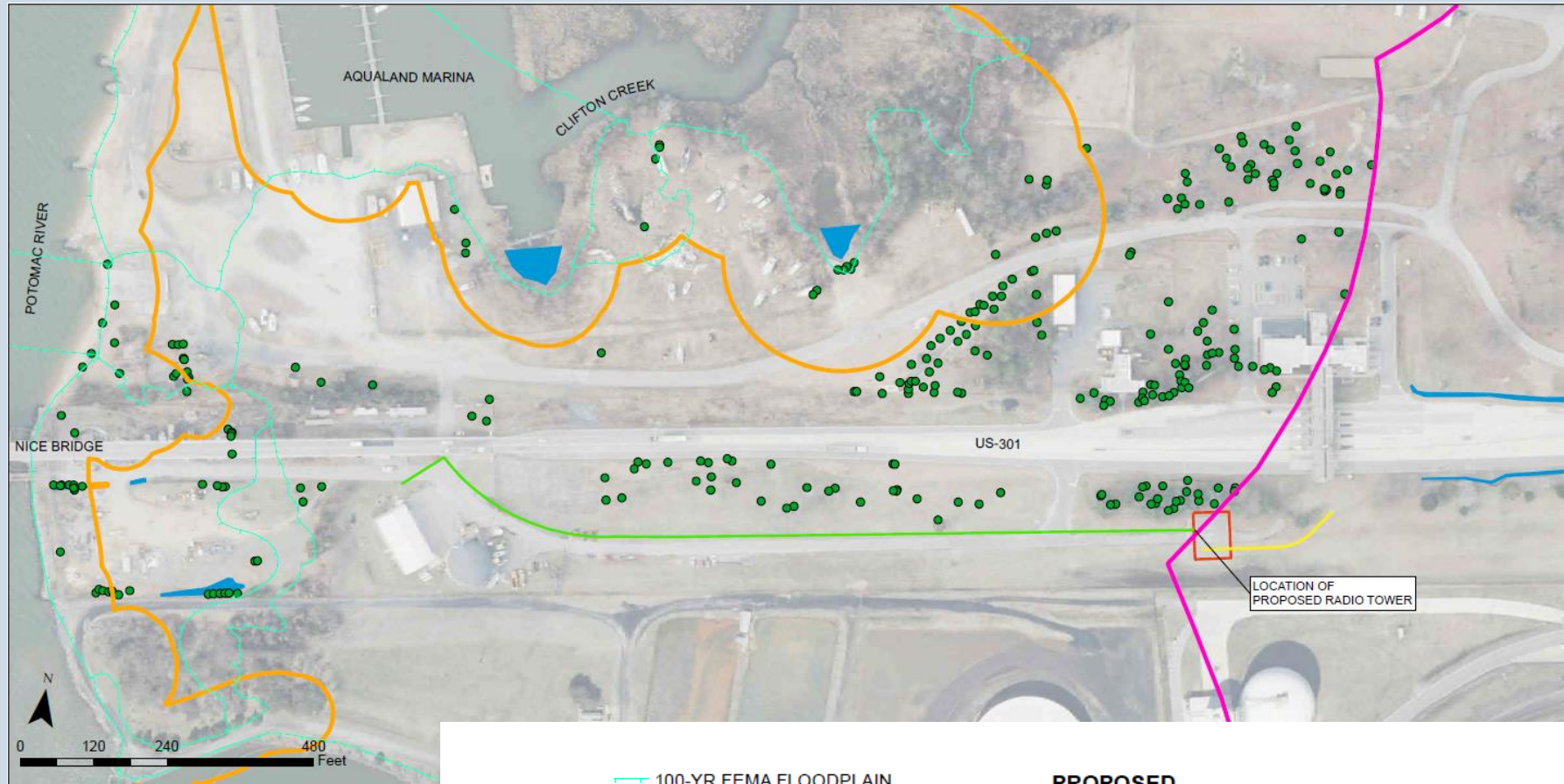


Category II Projects – Submittal Requirements

Project Information:

- ❖ Project name and location
- ❖ Project Purpose
- ❖ Project description
- ❖ Critical Area Acreage
- ❖ Critical Area Designation
- ❖ Anticipated timeline
- ❖ Climate resilience information
- ❖ 10% Phosphorus reduction requirement details, if applicable





MOU Submittal Requirements

General Mapping Features:

- ❖ Vicinity Map
- ❖ Project boundary
- ❖ Scale
- ❖ Orientation
- ❖ Critical Area Boundary
- ❖ Critical Area Buffer & Expanded Buffer
- ❖ Wetlands and other HPAs
- ❖ LOD
- ❖ Existing Trees and canopy cover
- ❖ Topography
- ❖ Soils

Category II Projects – Submittal Requirements Cont.

Agency Review Letters

- ❖ Maryland Department of Natural Resources (DNR) Wildlife and Heritage Service (WHS)
- ❖ Maryland Historical Trust (MHT)
- ❖ U.S. Fish and Wildlife Service

All required permits shall be obtained prior to the start of construction

ENVIRONMENTAL CONSULTANT

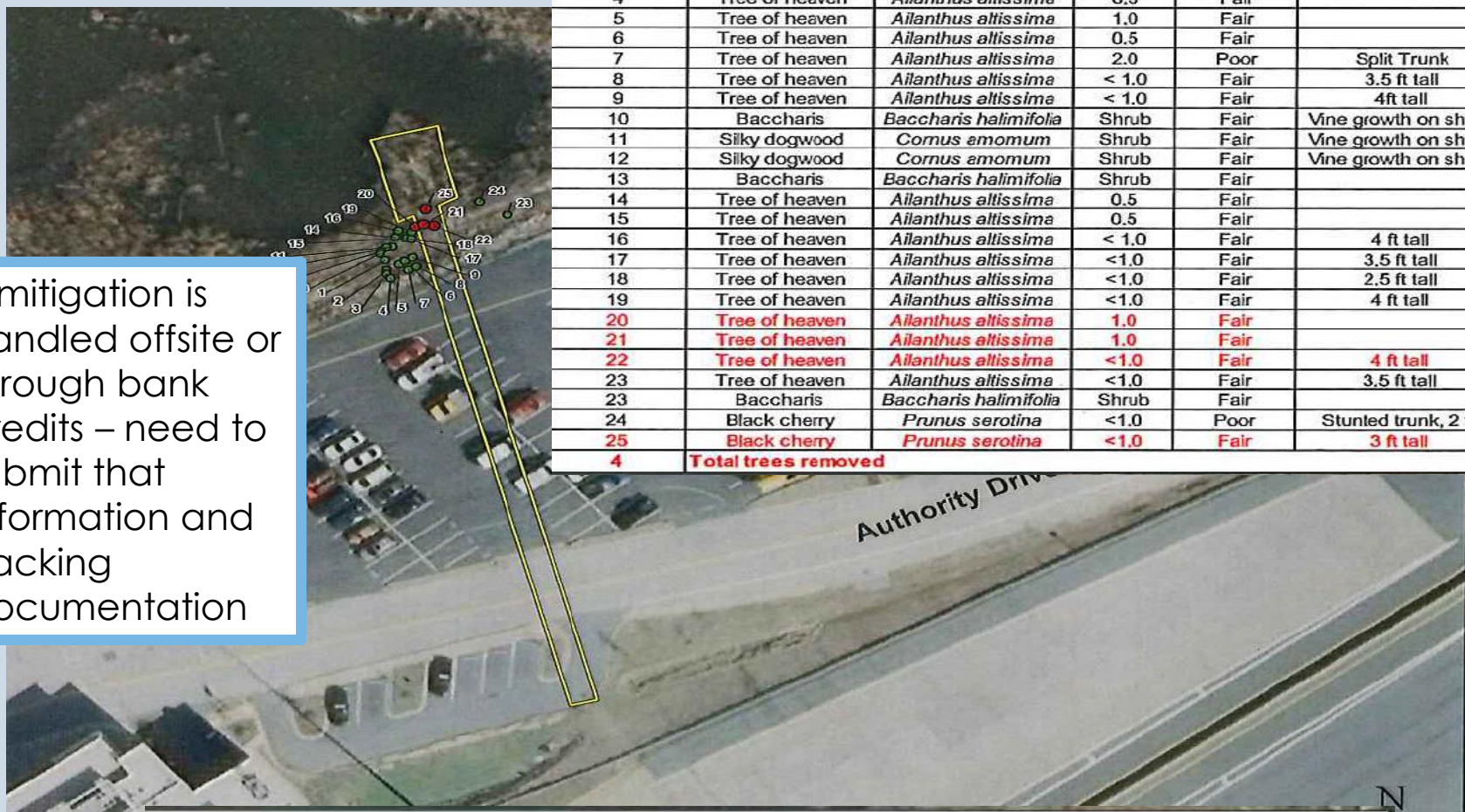
noun. 🗣️

[en-vahy-ruh n-muh nt kuh n-suhl-tnt]

Someone who does precision guesswork based on unreliable data provided by those of questionable knowledge.

See also *wizard, magician*

If mitigation is handled offsite or through bank credits – need to submit that information and tracking documentation



FSK Facility Tree/Shrub Survey					
Tree Number	Common Name	Scientific Name	DBH	Condition	Comment
1	Tree of heaven	<i>Ailanthus altissima</i>	1.0	Poor	Growing thru fence
2	Tree of heaven	<i>Ailanthus altissima</i>	0.5	Fair	
3	Tree of heaven	<i>Ailanthus altissima</i>	0.5	Fair	
4	Tree of heaven	<i>Ailanthus altissima</i>	0.5	Fair	
5	Tree of heaven	<i>Ailanthus altissima</i>	1.0	Fair	
6	Tree of heaven	<i>Ailanthus altissima</i>	0.5	Fair	
7	Tree of heaven	<i>Ailanthus altissima</i>	2.0	Poor	Split Trunk
8	Tree of heaven	<i>Ailanthus altissima</i>	< 1.0	Fair	3.5 ft tall
9	Tree of heaven	<i>Ailanthus altissima</i>	< 1.0	Fair	4ft tall
10	Baccharis	<i>Baccharis halimifolia</i>	Shrub	Fair	Vine growth on shrub
11	Silky dogwood	<i>Cornus amomum</i>	Shrub	Fair	Vine growth on shrub
12	Silky dogwood	<i>Cornus amomum</i>	Shrub	Fair	Vine growth on shrub
13	Baccharis	<i>Baccharis halimifolia</i>	Shrub	Fair	
14	Tree of heaven	<i>Ailanthus altissima</i>	0.5	Fair	
15	Tree of heaven	<i>Ailanthus altissima</i>	0.5	Fair	
16	Tree of heaven	<i>Ailanthus altissima</i>	< 1.0	Fair	4 ft tall
17	Tree of heaven	<i>Ailanthus altissima</i>	<1.0	Fair	3.5 ft tall
18	Tree of heaven	<i>Ailanthus altissima</i>	<1.0	Fair	2.5 ft tall
19	Tree of heaven	<i>Ailanthus altissima</i>	<1.0	Fair	4 ft tall
20	Tree of heaven	<i>Ailanthus altissima</i>	1.0	Fair	
21	Tree of heaven	<i>Ailanthus altissima</i>	1.0	Fair	
22	Tree of heaven	<i>Ailanthus altissima</i>	<1.0	Fair	4 ft tall
23	Tree of heaven	<i>Ailanthus altissima</i>	<1.0	Fair	3.5 ft tall
23	Baccharis	<i>Baccharis halimifolia</i>	Shrub	Fair	
24	Black cherry	<i>Prunus serotina</i>	<1.0	Poor	Stunted trunk, 2 ft
25	Black cherry	<i>Prunus serotina</i>	<1.0	Fair	3 ft tall
4	Total trees removed				

FSK Facility Planting Schedule					
Qty	Common Name	Scientific Name	Size	Type	Spacing
2	Red Maple	<i>Acer rubrum</i>	3/4" caliper	Container	12 x 12 OC
2	Black Cherry	<i>Prunus serotina</i>	3/4" caliper	Container	12 x 12 OC
4	Total trees planted				
4	Southern arrowwood	<i>Viburnum dentatum</i>	3' high	Container	9 x 9 OC
4	Total shrubs planted				

Mitigation Plans

Plan that shows:

- ❖ Total area disturbed (LOD)
- ❖ Total area of canopy removed
- ❖ Total required mitigation
- ❖ Area to fulfill mitigation

Landscape Schedule:

- ❖ Species type
- ❖ Quantity
- ❖ Size
- ❖ Planting date
- ❖ Maintenance plan
 - ❖ Invasive control
 - ❖ Watering schedule
 - ❖ 2 years of monitoring
 - ❖ Planting agreement – survivability provisions

Category II Projects:

Early coordination is important to determine if the project fits under Category II. If not, the project will need to be reviewed by the full Critical Area Commission. The latter could extend the review timeline a couple of months.

Project material needs to be mailed in for processing.



Summary

- State funded projects or projects on state lands in the Critical Area require CAC review.
- MOU – helps streamline review process on small-scale projects.
- MOUs can be customized per state agency.
- Early coordination with CA staff is key.
- Correspondence with the Commission should come from the State Agency
- Submittals to the CAC need to be coordinated between the state agency and its consultants
- State Agency is ultimately responsible for compliance with all conditions and mitigation for the project

End of Presentation



ANY QUESTIONS?

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