



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary
Adam Ortiz, Deputy Secretary

August 14, 2026

Re: Notice of Permit Decision
Nontidal Wetlands and Waterways Permit Application
Tracking Number 25-NT-3019/202560686

Dear Property Owner, Public Official, or Interested Person:

After examination and consideration of the documents received and evidence in the application file and record for Acers Infra LLC, the Water and Science Administration has determined that the application meets the statutory and regulatory criteria necessary for issuance of a Nontidal Wetlands and Waterway Permit. Copies of the permit and the Summary of the Basis for Decision are enclosed with this permit decision.

This is a final agency determination; there is no further opportunity for administrative review. Any person with standing, who is either the applicant or who participated in the public participation process through the submission or written or oral comments may petition for judicial review in the Circuit Court in the County where the permitted activity is to occur. The petition for judicial review must be filed within 30 days of the publication of the permit decision. Please see the attached Fact Sheet for additional information about the judicial review process.

If you have any questions or need any additional information, please do not hesitate to contact Kevin Sze at (410) 537-3797.

Sincerely,

William Seiger

William Seiger, Chief
Waterway Construction Division

/ws
Enclosures

FACT SHEET JUDICIAL REVIEW PROCESS

Permits can be challenged through a request for direct judicial review in the Circuit Court for the county where the activity authorized by the permit will occur. Applicants, and persons who meet standing requirements under federal law and who participated in a public comment process by submitting written or oral comments (where an opportunity for public comment was provided), may seek judicial review. Judicial review will be based on the administrative record for the permit compiled by the Department and limited to issues raised in the public comment process (unless no public comment process was provided, in which case the review will be limited to issues that are germane to the permit).

Who Has Standing?

Anyone who meets the threshold standing requirements under federal law and is either the applicant or someone who participated in the public participation process through the submission of written or oral comments, as provided in Environment Article § 5-204, Annotated Code of Maryland. The three traditional criteria for establishing standing under federal law are injury, causation, and redressability, although how each criterion is applied is highly fact-specific and varies from case to case. Further, an association has standing under federal law to bring suit on behalf of its members when its members would otherwise have standing to sue in their own right, the interests at stake are germane to the organization's purpose, and neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.

What is the Procedure for Seeking Judicial Review?

Petitions for judicial review of a final determination or permit decision subject to judicial review must be filed in accordance with § 1-605 of the Environment Article no later than 30 days following publication by the Department of a notice of final determination or final permit decision and must be filed in the circuit court of the county where the permit application states that the proposed activity will occur. Petitions for judicial review must conform to the applicable Maryland Rules of Civil Procedure.

SUMMARY BASIS FOR DECISION

Acers Infra LLC

Name of Applicant

25-NT-3019/202560686

Application Number

Kevin Sze

Project Manager

August 12, 2026

Date of Decision

The Environment Article, Annotated Code of Maryland and the Code of Maryland Regulations establish criteria for the Maryland Department of the Environment (Department or MDE) to consider when evaluating projects that propose to change the course, current or cross section of waters of the State or to impact a nontidal wetland. If the criteria are satisfied, the Department may issue a permit for the proposed activity. The Department may deny a permit for a waterway construction activity that it believes is inadequate, wasteful, dangerous, impracticable or detrimental to the best public interest. The Department may not issue a nontidal wetland permit for a regulated activity unless it finds that the applicant has demonstrated that a regulated activity, which is not water-dependent, has no practicable alternative, will minimize alteration or impairment of the nontidal wetlands, and will not cause or contribute to a degradation of ground or surface waters.

In the case of the proposed construction of a cricket athletic stadium complex for instruction, practice, and competition use that will result in impacts to the regulated 100-year nontidal floodplain, the question for the Department to address is whether the proposed project impacts are acceptable under the regulations as they pertain to such construction activities.

PUBLIC NOTICE

Adjoining property owners, local government officials and other interested persons must be notified of proposed impacts to nontidal wetlands and waterways. In addition, an opportunity to comment and request a public informational hearing must be provided via a local newspaper. The public notice on this application was sent to all adjoining property owners and published online in *The Frederick News-Post* on July 05, 2025. During the 30-day public comment period, the Department received requests for a public informational hearing. The virtual public informational hearing was held on April 29, 2025, and approximately 24 people attended. During the public comment period, the Department received comments (in project file), and they are summarized and addressed in the following sections.

PROJECT PURPOSE AND NEED

For the Department to authorize impacts to nontidal wetlands and their regulated buffers, regulated activities must be determined to be necessary and unavoidable to meet the basic project purpose. It is also important to note that the orderly development and use of land is regulated through planning and zoning controls implemented by the local government. In this instance, the City of Frederick makes the decision about appropriate land use of the property. The City signed an ordinance (see permit file) on August 11, 2026 rezoning portion of the applicant's property where the cricket facility is proposed from General Commercial (GC) to the required Institutional (IST) zoning. The project's purpose is to construct a cricket athletic stadium complex for instruction, practice, and competition use (See in File, Joint Federal/State

Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland (Application), received on May 15, 2025).

ALTERNATIVES ANALYSIS

For projects that are not water-dependent, the applicant must conduct an alternatives analysis to demonstrate that the project has no practicable alternative. The factors to be considered are whether the project purpose can be accomplished using one or more alternative sites in the general area; a reduction in the size, scope, configuration or density would result in less impact; the applicant made a good faith effort to accommodate the site constraints that caused the alternative sites to be rejected; and that the regulated activity is necessary for the project to meet a demonstrated public need. In a response letter dated July 29, 2025 (see permit file) the applicant provided a comparison of alternative sites considered and rationale for the site selection. Through the review process, the Department is satisfied that the applicant has demonstrated in the Joint Permit Application (JPA) submission that all aspects of the site have been assessed and that a viable option has been chosen.

AVOIDANCE AND MINIMIZATION

If the alternative site analysis is accepted, the applicant must demonstrate that adverse impacts to nontidal wetlands, their regulated buffers, and the 100-year frequency floodplain are necessary and unavoidable. The applicant significantly reduced the project scope and footprint since the first submission, decreasing the initially proposed 13.03 acres of permanent impact to the 100-year floodplain to 6.07 acres. Conceptual building and structure layout in the floodplain have also been removed from the application. Through the review process, including a site visit on June 10, 2025, the Department determined that the project satisfied the regulatory requirement to avoid and/or minimize impacts to regulated resources.

WATER QUALITY

Erosion and sediment control measures and stormwater management practices are designed to prevent the degradation of ground and surface water quality. Sediment pollution is addressed under Maryland's Erosion and Sediment Control Act. The law mandates local Soil Conservation Districts to review and approve erosion and sediment control plans developed in accordance with State standards. The Department's programmatic responsibilities are limited to promulgating regulations, and developing standards, ordinances and other criteria necessary to administer an erosion and sediment control program, including program oversight and delegation of enforcement authority to local governments. As a result, the Frederick Soil Conservation District is responsible for the review and approval of an erosion and sediment control plan for the proposed project.

Stormwater discharges are addressed under Maryland's Stormwater Management Act. The law requires counties and municipalities to "adopt ordinances necessary to implement a stormwater management program." The Department's programmatic responsibilities are limited to promulgating regulations defining the minimum features of a stormwater ordinance and program oversight. The Department also reviews the stormwater management program of the counties and municipalities and their field implementation and requires corrective action where a program is found deficient. For most projects, compliance with the County-issued stormwater management approval ensures that the project will not degrade water quality, but for projects affecting Tier II waters, the Department will require a separate anti-degradation analysis. In this case, however, the City of Frederick and Frederick Soil Conservation District is responsible for the review and approval of the project's stormwater management plan.

During the application review process, the Department verifies that appropriate best management practices are incorporated into the sediment and erosion control plans and the stormwater management plans to

protect the State's water resources. In order to ensure that these practices are contained in the project's final design plans, the applicant will submit approved sediment and erosion control plans and stormwater management plans to the Department prior to the commencement of construction activities authorized by the Permit.

Nontidal Waterway/Floodplain Review

Construction activities in waters of the State are guided by both statute and regulation. Title 5, Subtitle 5 of the Environment Article, Annotated Code of Maryland, establishes an administrative procedure that promotes public safety and welfare. This administrative procedure is further described in the Code of Maryland Regulations (COMAR) 26.17.04. These regulations govern the construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction or any change of the course, current, or cross section of a stream or water body within the State including changes to the 100-year frequency floodplain of free-flowing waters. (Note: Free-flowing waters do not include State or private wetlands or areas subject to tidal flooding.) The requirements of both statute and regulation are combined in the permit application review process. During the evaluation of an application, WSA may require an applicant to address issues relating to:

- Safety, operation and maintenance of the structure;
- Ability of all on-site construction to withstand the impacts of the 100-year flood event;
- Flooding on adjacent properties;
- Erosion of the construction site or stream bank; and
- Environmental effects, such as the project's impacts on existing in-stream fisheries; wildlife habitat; or rare, threatened or endangered species.

The issuance of a permit at the conclusion of the permit application review process indicates that the project adequately preserves the public safety, promotes the general public welfare, and protects instream resources.

The regulated impacts to nontidal floodplains from this project are the result of mass grading for a cricket field. Results of the Phase I Floodplain Analysis Summary prepared by Dewberry, Inc. received on July 29, 2025 (see permit file) and a professional engineer-stamped No-Rise Statement dated May 21, 2026 (see permit file) certifying no increase in the 100-year floodplain elevation of the Monocacy River post-Phase I construction adequately demonstrated to the Administration the project does not cause an increased risk of flooding during modeled storm events to other properties.

ENDANGERED SPECIES

Once the application is received, it goes through a screening process. This screening process uses Geographical Information System (GIS) to determine the proposed site location and whether or not there are designated resources in the area such as rare, threatened or endangered species. If there are resources identified, the Division sends copies of the proposed plan to the appropriate agencies for review and comment.

No rare, threatened, or endangered species were identified from the screening. The Department of Natural Resources (DNR) emailed the Administration on July 22, 2025 (see permit file) stating they have no comments regarding impacts to natural resources from the work as proposed.

HISTORIC PRESERVATION

The project was also screened using GIS for historical and archeological resources. The application was forwarded to the Maryland Historic Trust (MHT) for review because of an archaeological "hit." MHT provided review comments in a letter dated August 18, 2025 (see permit file) with the opinion that the

project undertaking will cause an adverse effect on the Monocacy Battlefield. The letter noted further consultation among MDE, MHT, the applicant, and other consulting parties would be required to evaluate alternatives that may avoid, minimize, or mitigate the adverse effect.

A virtual historic preservation consultation meeting with consulting parties specified by MHT was held on November 12, 2025. MHT provided another letter on January 20, 2026 (see permit file) after reviewing the revised project design and determined a Memorandum of Agreement (MOA) among MDE, MHT, and the applicant would still be needed to establish reasonable and meaningful measures to reduce and mitigate the adverse effect of the undertaking. An MOA draft was distributed to consulting parties on April 14, 2026 for review and comment. The final, revised MOA was signed and executed on June 17, 2026 (see permit file).

MITIGATION

Mitigation is only a consideration in a permit decision after steps have been taken to avoid and minimize impacts to nontidal wetlands and their regulated buffers, and nontidal waterways, including the 100-year floodplain. Mitigation is not required for this project.

PUBLIC COMMENTS & MDE RESPONSE

Comment: The public noted a history of flooding in the project area and expressed concern that the proposed work on the floodplain will increase flood water elevation and flood risk to surrounding properties and areas downstream of the project.

Response: The applicant provided a floodplain analysis and a letter stamped by a professional engineer certifying the proposed construction as designed will not cause a rise in the 100-year floodplain.

Comment: The study provided is inadequate and needs to extend its analysis further downstream. The calculations are also not based on the ultimate development of the watershed prescribed under COMAR 26.17.04.04 and are likely underestimated since the analysis also does not account for climate change projection or future development.

Response: Displaying results further downstream of the study area is not required per COMAR 26.17.04.07 as the existing and proposed water surface profiles already coincide before leaving the project location. Data used in applicant's analysis was acquired from FEMA and complies with COMAR 26.17.04.04 (K), which requires hydrologic & hydraulic computations use methods in the public domain and are verifiable. In addition to a 100-year flood event analysis, the applicant's HEC-RAS data also included a 500-year flood analysis with the results showing only minor changes in the proposed flood elevation before converging back to the existing water profile at the downstream end of the project location.

Comment: The applicant has not provided evidence of the project's benefits in monetary, quantitative, and/qualitative terms as required COMAR 26.17.04.04(B).

Response: The applicant has provided preliminary metrics (see project file) listing expected qualitative and monetary benefits generated from the project such as job creation, increased local tax revenue, and visitor spending to nearby businesses. Furthermore, the purpose stated in the application is to provide an athletic stadium for practice, instruction, and competition use for the sport of cricket. The qualitative benefits of the proposed development, such as promoting community engagement, creating recreational space, and providing a training ground for athletes, are readily understood by the Administration.

Comment: The project will cause adverse effects to wildlife, existing vegetation, and fishery. MDE has the discretion to require an environmental study from the applicant as described in COMAR 26.17.04.04 (D) and have the study investigate how the project will impact the health and usability of the Monocacy River as use IV-P recreational trout waters and public water supply.

Response: The proposed work in the floodplain is on an existing driving range with maintained lawn cleared of trees with little to no plant diversity that provides minimal natural wildlife habitat. Furthermore, the Department of Natural Resources (DNR), which provides feedback on projects that may affect aquatic organisms, had no comments on the proposed construction.

Comment: There are concerns that the construction and maintenance of the proposed development will introduce sediments, fertilizers, pesticides, and other lawncare chemicals into the stormwater runoff that discharges into the Monocacy River, contaminating the water.

Response: The Wetlands and Waterway Protection Program is not responsible for the review and approval of erosion and sediment control measures or stormwater management practices. In the case of this project, the City of Frederick and Frederick Soil Conservation District are the permitting authority for stormwater management and erosion & sediment control plans.

Comment: The applicant has not submitted all the information listed under COMAR 26.17.04.07(A).

Response: The applicant submitted documents including but not only: a mass grading plan, impact plate, floodplain analysis summary, HEC-RAS data, alternative site evaluation, and archaeological study, and additional supporting material which MDE determined sufficient and acceptable for the application. As noted in COMAR 26.17.04.04 and COMAR 26.17.04.07, information not pertinent to the decision may be waived at discretion of the Administration.

Comment: The applicant has not demonstrated, as required per COMAR 26.17.04.07(B), that the tractive force from the proposed development does not increase by more than 10 percent during the passage of the 2-year and 10-year frequency floods or that the Monocacy River channel will remain stable if it does.

Response: HEC-RAS data provided by the Applicant includes the analysis of the 10-year flood event and shows no change in shear stress or velocity in the channel. Given the distance of the proposed grading to the Monocacy River, change in tractive force during a 2-year frequency flood is even less likely as the proposed project would have less, if any, encroachment on the 2-year floodplain.

Comment: The project design has not ensured that the elevation of the lowest floor of proposed structures is at least 1 foot above the elevation of the 100-year frequency flood event as requirement per COMAR 26.17.04.07 (B). An image on the floodplain analysis report depicts outlines of proposed structures near the southeast corner of the subject property and southeastern edge of the cricket field that would be located on land less than a foot above the existing 100-year floodplain elevation.

Response: The project footprint has decreased. No commercial, residential, or industrial buildings in the floodplain are proposed in this permit.

Comment: A cricket stadium cannot be constructed on the property because a significant portion of the project site is dedicated parkland under an Annexation Agreement.

Response: Any dispute regarding compliance with requirements outlined in the reference annexation agreement is a matter to be addressed by the City of Frederick. Note per COMAR 26.17.04.04(J), it is the applicant's responsibility to obtain State, federal, or local approvals not addressed in the regulations for

construction on nontidal waters and floodplain. Obtaining a permit from MDE does not relieve the permittee from obtaining other approvals as may be required.

Comment: MDE must defer final action on the permit application because the applicant needs to obtain an approved sediment & erosion control plan from the local soil conservation district, when the local approval is required under COMAR 26.17.01.

Response: The Permit already includes a condition requiring permittee to obtain approval from local conservation district for SEC plans. As mentioned in COMAR 26.17.04.04(J), obtaining a permit from MDE does not relieve the permittee from obtaining other approvals as may be required.

Comment: The application does not satisfy the COMAR 26.17.04.011(A) criteria for (1) being in the best public interest, (2) providing the greatest feasible utilization of the waters of the states, (3) adequately preserving public safety, and (4) promoting general public welfare.

Response: Previous responses have already addressed public safety concern regarding flooding and noted the recreational and economic benefits created from the project, which would promote both public welfare and interest. The City of Frederick Planning Commission also recommended approval of the development based upon findings that it advances City comprehensive planning goals. Additionally, there is no evidence suggesting utilization or public access to the Monocacy River will be restricted beyond what is needed for environmental and safety reasons.

Comment: The applicant failed to demonstrate compliance in COMAR 26.17.04.04(C), which states a proposed project shall be consistent and compatible with overall basin, flood management, or watershed development plans, if any, prepared, adopted, or approved by the State or a local jurisdiction.

Response: MDE found no incompatibility the project has with any applicable State approved basin, watershed, or flood management plans. Consistency with relevant City plans, if any, are to be reviewed at the local level.

Comment: The project does not comply with existing zoning. The subject property is currently zoned General Commercial but the proposed development requires institutional zoning.

Response: The applicant has provided proof with a letter signed by the City (see project file) showing the project area has been appropriately rezoned to Institutional.

Comment: The project will have adverse effect on historical resources.

Response: Historic preservation consultation was included in the review of the permit application (see Historic Preservation section).

Comment: There are concerns about how the project will negatively impact the surrounding vicinity in regard to traffic, limited parking, noise pollution, heightened public disturbance, increased insurance premiums, and other areas beyond the scope of the Waterway Construction permit review process.

Response: While MDE acknowledges the public's concerns on the various challenges the proposed construction may create, these issues are beyond the purview of the Waterway Construction Division and/or not pertinent as to the division's consideration when reviewing the permit application.

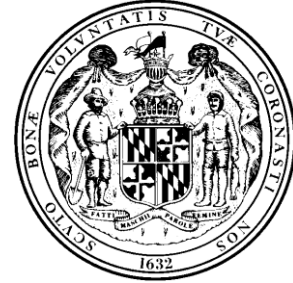
STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
WETLANDS AND WATERWAYS PROTECTION PROGRAM
NONTIDAL WETLANDS AND WATERWAYS PERMIT

PERMIT NUMBER: 25-NT-3019/202560686

EFFECTIVE DATE: August 12, 2026

EXPIRATION DATE: August 12, 2031

PERMITTEE: Acers Infra LLC
2600 Tower Oaks B, Suite 700
Rockville, MD 20852
Attn: Rohit Anand



IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND ANNOTATED CODE OF MARYLAND, COMAR 26.17.04 AND 26.08.02, AS APPLICABLE, AND THE ATTACHED CONDITIONS, **Acers Infra LLC** ("PERMITTEE"), IS HEREBY AUTHORIZED BY THE WATER AND SCIENCE ADMINISTRATION ("ADMINISTRATION") TO CONDUCT A REGULATED ACTIVITY IN A NONTIDAL WETLAND, BUFFER, OR EXPANDED BUFFER, AND/OR TO CHANGE THE COURSE, CURRENT OR CROSS-SECTION OF WATERS OF THE STATE, IN ACCORDANCE WITH THE ATTACHED PLANS APPROVED BY THE ADMINISTRATION ON **August 12, 2026** ("APPROVED PLAN") AND PREPARED BY **American Land Concepts, Inc. & Harris Smariga** AND INCORPORATED HEREIN, AS DESCRIBED BELOW:

Mass grading and construction of a cricket athletic stadium complex for instruction, practice, and competition use. The project will permanently impact 268,605 square feet of the 100-year nontidal floodplain. The project is located at 8400A E. Patrick Street in the City of Frederick, Frederick County.

MD Grid Coordinates: 192689 x 368227

Heather L. Nelson
Program Manager
Wetlands and Waterways Protection Program

Attachments: Conditions of Permit and BMPs
Approved Plans
MHT MOA signed 06-17-2026

cc: George Junkin, American Land Concepts, Inc.
WSA Compliance Division

Special Conditions:

1. The permittee shall implement and comply with the final Memorandum of Agreement (MOA), and any subsequent modifications agreed upon by all parties, as executed by the Maryland Historical Trust (MHT), Maryland Department of Environment (MDE) and Acers Infra LLC on June 17, 2026, regarding the project's effect on this historic property and measures to avoid, reduce, and mitigate these adverse effects.

General Conditions:

1. **Validity:** Permit is valid only for use by Permittee. Permit may be transferred only with prior written approval of the Administration. In the event of transfer, transferee agrees to comply with all terms and conditions of Permit.
2. **Initiation of Work, Modifications and Extension of Term:** Permittee shall initiate authorized activities in waterways, including streams and the 100-year nontidal floodplain, within two (2) years of the Effective Date of this Permit or the Permit shall expire. [Annotated Code of Maryland, Environment Article §5-510(a)-(b) and Code of Maryland Regulations 26.17.04.12]. Permittee may submit written requests to the Administration for (a) extension of the period for initiation of work, (b) modification of Permit, including the Approved Plan, or, (c) not later than 45 days prior to Expiration Date, an extension of term. Requests for modification shall be in accordance with applicable regulations and shall state reasons for changes, and shall indicate the impacts on nontidal wetlands, streams, and the floodplain, as applicable. The Administration may grant a request at its sole discretion. (Annotated Code of Maryland, Environment Article §5-510(c), and Code of Maryland Regulations 26.17.04.12, and Annotated Code of Maryland, Environment Article §5-907 and Code of Maryland Regulations 26.23.02.07).
3. **Responsibility and Compliance:** Permittee is fully responsible for all work performed and activities authorized by this Permit shall be performed in compliance with this Permit and Approved Plan. Permittee agrees that a copy of the Permit and Approved Plan shall be kept at the construction site and provided to its employees, agents and contractors. A person (including Permittee, its employees, agents or contractors) who violates or fails to comply with the terms and conditions of this Permit, Approved Plan or an administrative order may be subject to penalties in accordance with §5-514 and §5-911, Department of the Environment Article, Annotated Code of Maryland (2007 Replacement Volume).
4. **Failure to Comply:** If Permittee, its employees, agents or contractors fail to comply with this Permit or Approved Plan, the Administration may, in its discretion, issue an administrative order requiring Permittee, its employees, agents and contractors to cease and desist any activities which violate this Permit, or the Administration may take any other enforcement action available to it by law, including filing civil or criminal charges.
5. **Suspension or Revocation:** Permit may be suspended or revoked by the Administration, after notice of opportunity for a hearing, if Permittee: (a) submits false or inaccurate information in Permit application or subsequently required submittals; (b) deviates from the Approved Plan, specifications, terms and conditions; (c) violates, or is about to violate terms and conditions of this Permit; (d) violates, or is about to violate, any regulation promulgated pursuant to Title 5, Department of the Environment Article, Annotated Code of Maryland as amended; (e) fails to allow authorized representatives of the Administration to enter the site of authorized activities at any reasonable time to conduct inspections and evaluations; (f) fails to comply with the requirements of an administrative action or order issued by the Administration; or (g) does not have vested rights under this Permit and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension.
6. **Other Approvals:** Permit does not authorize any injury to private property, any invasion of rights, or any infringement of federal, State or local laws or regulations, nor does it obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
7. **Site Access:** Permittee shall allow authorized representatives of the Administration access to the site of authorized activities during normal business hours to conduct inspections and evaluations necessary to assure compliance with this Authorization. Permittee shall provide necessary assistance to effectively and safely conduct such inspections and evaluations.
8. **Inspection Notification:** Permittee shall notify the Administration's Compliance Program at least five (5) days before starting authorized activities and five (5) days after completion. For Allegany, Carroll, Frederick, Garrett, Howard, Montgomery and Prince George's and Washington Counties, Permittee shall call 301-689-1480. For Baltimore City, Anne Arundel, Baltimore, Calvert, Charles, Harford and St. Mary's Counties, Permittee shall call 410-537-3510. For Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester Counties, Permittee shall call 410-901-4020. If Permit is for a project that is part of a mining site, please contact the Land and Materials Administration's Mining Program at 410-537-3557 at least five (5) days before starting authorized activities and five (5) days after completion.
9. **Sediment Control:** Permittee shall obtain approval from the Frederick County Soil Conservation District for a grading and sediment control plan specifying soil erosion control measures. The approved grading and sediment control plan shall be included in the Approved Plan and shall be available at the construction site.
10. **Best Management Practices During Construction:** Permittee, its employees, agents and contractors shall conduct authorized activities in a manner consistent with the Best Management Practices specified by the Administration.
11. **Disposal of Excess:** Unless otherwise shown on the Approved Plan, all excess fill, spoil material, debris, and construction material shall be disposed of outside of nontidal wetlands, nontidal wetlands buffers, and the 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands.

12. **Temporary Staging Areas:** Temporary construction trailers or structures, staging areas and stockpiles shall not be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
13. **Temporary Stream Access Crossings:** Temporary stream access crossings shall not be constructed or utilized unless shown on the Approved Plan. If temporary stream access crossings are determined necessary prior to initiation of work or at any time during construction, Permittee, its employees, agents or contractors shall submit a written request to the Administration and secure the necessary permits or approvals for such crossings before installation of the crossings. Temporary stream access crossings shall be removed and the disturbance stabilized prior to completion of authorized activity or within one (1) year of installation.
14. **Discharge:** Runoff or accumulated water containing sediment or other suspended materials shall not be discharged into waters of the State unless treated by an approved sediment control device or structure.
15. **Instream Construction Prohibition:** To protect important aquatic species, motor driven construction equipment shall not be allowed within stream channels unless on authorized ford crossings. Activities within stream channels are prohibited as determined by the classification of the stream (COMAR 26.08.02.08): Monocacy River is a Use IV-P waterway; in-stream work may not be conducted from March 1 through May 31 inclusive, of any year. No In-stream work is authorized by this Permit.
16. **Instream Blasting:** Permittee shall obtain prior written approval from the Administration before blasting or using explosives in the stream channel.
17. **Minimum Disturbance:** Any disturbance of stream banks, channel bottom, wetlands, and wetlands buffer authorized by Permit or Approved Plan shall be the minimum necessary to conduct permitted activities. All disturbed areas shall be stabilized vegetatively no later than seven (7) days after construction is completed or in accordance with the approved grading or sediment and erosion control plan.
18. **Restoration of Construction Site:** Permittee shall restore the construction site upon completion of authorized activities. Undercutting, meandering or degradation of the stream banks or channel bottom, any deposition of sediment or other materials, and any alteration of wetland vegetation, soils, or hydrology, resulting directly or indirectly from construction or authorized activities, shall be corrected by Permittee as directed by the Administration.

FEDERALLY MANDATED STATE AUTHORIZATIONS

The State of Maryland issued a Water Quality Certification to the U.S. Army Corps of Engineers for projects receiving federal authorization under the Maryland State Programmatic General Permit, Regional General Permit for Chesapeake Bay Total Maximum Daily Load (TMDL) Activities and non-suspended Nationwide Permits. In addition, as applicable, this Permit constitutes the State's concurrence with the Applicant's certification that the activities authorized herein are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. Activities in the following counties are not subject to the Maryland Coastal Zone Management requirement: Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington.

U.S. ARMY CORPS OF ENGINEERS AUTHORIZATION

The U.S. Army Corps of Engineers has reviewed this activity and:

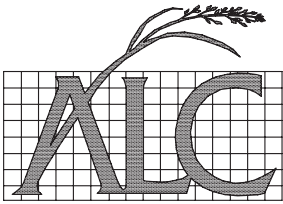
☐ Granted authorization under the Maryland State Programmatic General Permit (MDSPGP-6), as a Category A ☐ activity. The terms and conditions of the MDSPGP-6 as outlined in the documents found on the Maryland Department of the Environment's website, https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/MDSPGP6_conditions.aspx, should be followed when performing the authorized work.

☐ Will issue a Category B authorization or Individual Permit directly to the Permittee.

☒ No authorization per Section 404 of the Clean Water Act is required for this activity as the U.S. Army Corps of Engineers does not regulate the impacted resources.

**BEST MANAGEMENT PRACTICES FOR WORKING IN
NONTIDAL WETLANDS, WETLAND BUFFERS,
WATERWAYS, AND 100-YEAR NONTIDAL FLOODPLAINS**

- 1) No excess fill, construction material, or debris shall be stockpiled or stored in nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year nontidal floodplain.
- 2) Place materials in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year nontidal floodplain.
- 3) Do not use the excavated material as backfill if it contains waste metal products, unsightly debris, toxic material, or any other deleterious substance. If additional backfill is required, use clean material free of waste metal products, unsightly debris, toxic material, or any other deleterious substance.
- 4) Place heavy equipment on mats or suitably operate the equipment to prevent damage to nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year nontidal floodplain.
- 5) Repair and maintain any serviceable structure or fill so there is no permanent loss of nontidal wetlands, nontidal wetland buffers, or waterways, or permanent modification of the 100-year nontidal floodplain in excess of that lost under the originally authorized structure or fill.
- 6) Rectify any nontidal wetlands, wetland buffers, waterways, or 100-year floodplain temporarily impacted by any construction.
- 7) All stabilization in the nontidal wetland and nontidal wetland buffer shall consist of the following species: Annual Ryegrass (Lolium multiflorum), Millet (Setaria italica), Barley (Hordeum sp.), Oats (Uniola sp.), and/or Rye (Secale cereale). These species will allow for the stabilization of the site while also allowing for the voluntary revegetation of natural wetland species. Other non-persistent vegetation may be acceptable, but must be approved by the Nontidal Wetlands and Waterways Division. **Kentucky 31 fescue shall not be utilized in wetland or buffer areas.** The area should be seeded and mulched to reduce erosion after construction activities have been completed.
- 8) After installation has been completed, make post-construction grades and elevations the same as the original grades and elevations in temporarily impacted areas.
- 9) To protect aquatic species, in-stream work is prohibited as determined by the classification of the stream:
 - Use I waters: In-stream work shall not be conducted during the period March 1 through June 15, inclusive, during any year.
 - Use III waters: In-stream work shall not be conducted during the period October 1 through April 30, inclusive, during any year.
 - Use IV waters: In-stream work shall not be conducted during the period March 1 through May 31, inclusive, during any year.
- 10) Stormwater runoff from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
- 11) Culverts shall be constructed and any riprap placed so as not to obstruct the movement of aquatic species, unless the purpose of the activity is to impound water.



AMERICAN LAND CONCEPTS
238 B MAIN STREET
REISTERSTOWN, MARYLAND 21136
PHONE: (410) 526-2688



NORTH
SCALE: 1" = 250'

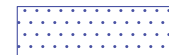


The proposed activities shown above will permanent impact 268,605+/- SF (6.17 Acres) to 100 year floodplain.

IMPACT SHEET #1

Frederick Gateway

May 2025, Revised June 2025, July 2025



Permanent 100 Year
Floodplain Impacts

MASS GRADING PLAN FOR WASHINGTON FREEDOM

Approvals Summary Table				
Permit	Applicable YES/NO	Tracking No.	Approval Date	Expiration Date
Soil Conservation District	X			
MDE Wetlands and Waterways	X			
MDE NOI for Stormwater Associated with Construction Activity	X			
CUMUL/DNR	X			
Other:				

LEGEND

	EXISTING	PROPOSED
INTERIOR LOT LINE	---	---
R/W--PROPERTY LINE	---	---
CENTERLINE	---	---
EASEMENTS	---	---
CURBING AND CURB & GUTTER	---	---
BUILDINGS	---	---
SPOT ELEVATIONS	+296.0	+96.0
BENCH MARK	---	---
CONTOURS	---	---
STORM DRAIN	---	---
SANITARY SEWER	SS	SS
WATER LINES	W	W
U/G GAS,ELEC.OR TELEPHONE	G,E,T.	G,E,T.
OVERHEAD ELEC. LINES	---	---
DRAINAGE FLOW & DIRECTION	---	---
MANHOLE	---	---
INLETS	---	---
PLUG OR CAP	---	---
WATER VALVE	---	---
FIRE HYDRANT	---	---
UTILITY POLE	---	---
LIGHT POLE	---	---
SANITARY SEWER LATERALS	---	---
WATER LATERALS	---	---
REDUCER	---	---
FENCE	---	---
CONCRETE	---	---
LIMIT OF DISTURBANCE	---	---
SILT FENCE	---	---
EARTH DIKE	---	---
STONE CHECK DAM	---	---
STABILIZED CONSTRUCTION ENTRANCE	---	---
INLET PROTECTION	---	---
ROCK OUTLET PROTECTION	---	---
SUPER SILT FENCE	---	---
TEST PIT	---	---
CURLEX MATTING	---	---

JUNE 2025

PREPARED FOR:

OWNER
3 M FARM LLC
P.O. BOX 777
FREDERICK, MD 21705-0777

DEVELOPER
ACERS INFRA LLC
2600 TOWER OAKS BL.
SUITE 700
ROCKVILLE, MD 20852

PREPARED BY:

HARRIS SMARIGA
PLANNERS • ENGINEERS • SURVEYORS
125 S. CARROLL STREET
SUITE 100
FREDERICK
MARYLAND 21701
TEL: 301.662.4100
F: 301.662.4906
www.harris-smariga.com



VICINITY MAP

SCALE: 1"=2,000'
TAX MAP 76, PARCEL 694 TAX ID:02-588687
TAX MAP 76, PARCEL 699 TAX ID:02-666716

Sheet List Table	
Sheet Number	Sheet Title
MG-1	COVER SHEET
MG-2	OVERALL SEDIMENT & EROSION CONTROL PLAN
MG-3	SEDIMENT & EROSION CONTROL PLAN -1
MG-4	SEDIMENT & EROSION CONTROL PLAN -2
MG-5	SEDIMENT AND EROSION CONTROL NOTES AND DETAILS -1
MG-6	SEDIMENT AND EROSION CONTROL NOTES AND DETAILS -2
MG-7	SEDIMENT BASIN DETAILS

PRELIMINARY FOREST CONSERVATION PLAN(PFCF): PC25-130PFCF

OWNER/ DEVELOPER'S CERTIFICATION:
I/WE HEREBY CERTIFY THAT ANY CLEARING, GRADING, CONSTRUCTION AND/OR DEVELOPMENT WILL BE DONE IN ACCORDANCE WITH THE PLAN AND THAT ANY RESPONSIBLE PERSONNEL INVOLVED IN THIS CONSTRUCTION PROJECT WILL HAVE A CERTIFICATE OF ATTENDANCE AT A MARYLAND DEPARTMENT OF ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF SEDIMENT AND EROSION BEFORE BEGINNING THE PROJECT. I/WE ALSO CERTIFY THAT THE SITE WILL BE INSPECTED AT THE END OF EACH WORKING DAY, AND THAT ANY NEEDED MAINTENANCE WILL BE COMPLETED SO AS TO ENSURE THAT ALL SEDIMENT CONTROL PRACTICES ARE LEFT IN OPERATIONAL CONDITION. I/WE AUTHORIZE THE RIGHT OF ENTRY FOR PERIODIC ON-SITE EVALUATION BY THE FREDERICK COUNTY SOIL CONSERVATION DISTRICT BOARD OR THEIR AUTHORIZED AGENTS.

SIGNATURE OWNER/ DEVELOPER: ROHIT AGARWAL DATE: 7/1/25
PRINT NAME: ROHIT AGARWAL TITLE: GM

CERTIFICATION OF THE DISTURBED AREA QUANTITY
I HEREBY CERTIFY THAT THE ESTIMATED TOTAL AMOUNT OF AREA TO BE DISTURBED SHOWN ON THESE PLANS HAS BEEN COMPUTED TO 128,360 C.Y. OF EXCAVATION, 173,431 C.Y. OF FILL AND THE TOTAL AREA TO BE DISTURBED AS SHOWN ON THESE PLANS HAS BEEN DETERMINED TO BE 1,201,530 SQUARE FEET, OR 27.586 ACRES.

ENGINEER'S SIGNATURE: Mark A. Murray P.E. NO.: 28643
PRINT NAME: MARK A. MURRAY DATE: 7/1/25

ENGINEER'S DESIGN CERTIFICATE:
I HEREBY CERTIFY THAT THIS PLAN HAS BEEN DESIGNED IN ACCORDANCE WITH LOCAL ORDINANCES, COMAR 26.17.01, AND 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR EROSION CONTROL AND IS CONTINGENT UPON ISSUANCE OF ALL APPLICABLE REGULATORY PERMITS, IF APPLICABLE. THIS PLAN IS ALSO DESIGNED IN ACCORDANCE WITH THE REQUIREMENTS CONTAINED WITHIN USDA, NRCS STANDARDS AND SPECIFICATIONS FOR FLOOD NO-STP AND THE POLICIES AND PROCEDURES OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT DAM SAFETY PROGRAM.

ENGINEER'S SIGNATURE: Mark A. Murray P.E. NO.: 28643
PRINT NAME: MARK A. MURRAY DATE: 7/1/25

Frederick County Soil Conservation District

Erosion and Sediment Control Plan Approval

By: _____ District Manager or Designee

Date: _____

Plan is valid for 2 years from date of approval

SCD approval for sediment and erosion control is in accordance with the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control and is contingent upon issuance of all applicable regulatory permits.

CITY OF FREDERICK

FOR CONSTRUCTION

DATE: _____

CITY ENGINEER: _____

CONSTRUCTION APPROVAL BY CITY ENGINEER VALID FOR A PERIOD OF TWO (2) YEARS FROM DATE OF APPROVAL. IF A REINSTATE ATTEMPT TO COMMENCE CONSTRUCTION, THE CITY ENGINEER SHALL BE NOTIFIED IN WRITING. CITY APPROVAL SHALL BE NULL AND VOID IF ANY APPROVALS ARE SUBJECT TO THE WATER ALLOCATION ORDINANCE AND IN NO WAY SHALL BE A SUBSTITUTE FOR THE CITY ENGINEER'S REVIEW OF ANY PERMITS.

REGION DESCRIPTION: _____

DATE AND INITIAL: _____

DATE AND INITIAL: _____

DATE AND INITIAL: _____

DATE AND INITIAL: _____

DATE AND INITIAL: _____

DATE AND INITIAL: _____

DATE AND INITIAL: _____

DATE AND INITIAL: _____

DATE AND INITIAL: _____

DATE AND INITIAL: _____

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DATE AND INITIAL: _____

DATE AND INITIAL: _____

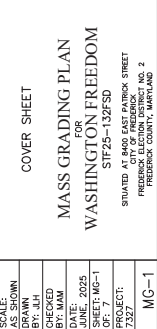
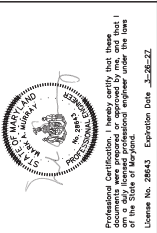
DATE AND INITIAL: _____

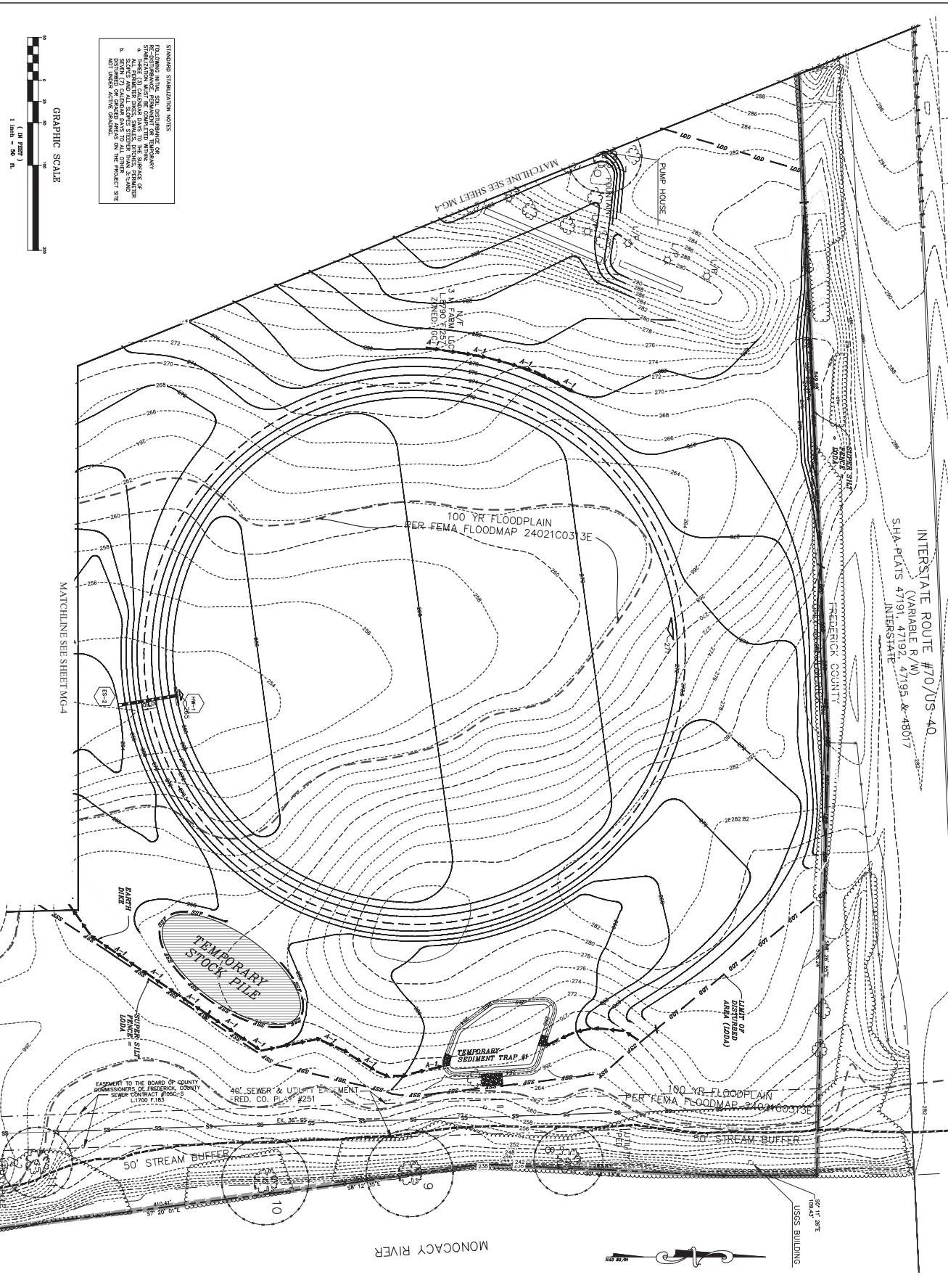
DATE AND INITIAL: _____

DATE AND INITIAL: _____

DATE AND INITIAL: _____

DATE AND INITIAL: _____





STANDARD STABILIZATION NOTES:
1. FOLLOWING MINIMUM SOIL DISTURBANCE OR EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL THE EROSION CONTROL MEASURES ARE COMPLETED.
2. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL THE EROSION CONTROL MEASURES ARE COMPLETED.
3. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL THE EROSION CONTROL MEASURES ARE COMPLETED.
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10. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL THE EROSION CONTROL MEASURES ARE COMPLETED.

SCALE:
1" = 50'
DRAWN BY: DLS
CHECKED BY: MAM
DATE: JUNE, 2025
SHEET: MG-3
OF: 7
PROJECT: 7327
MC-3

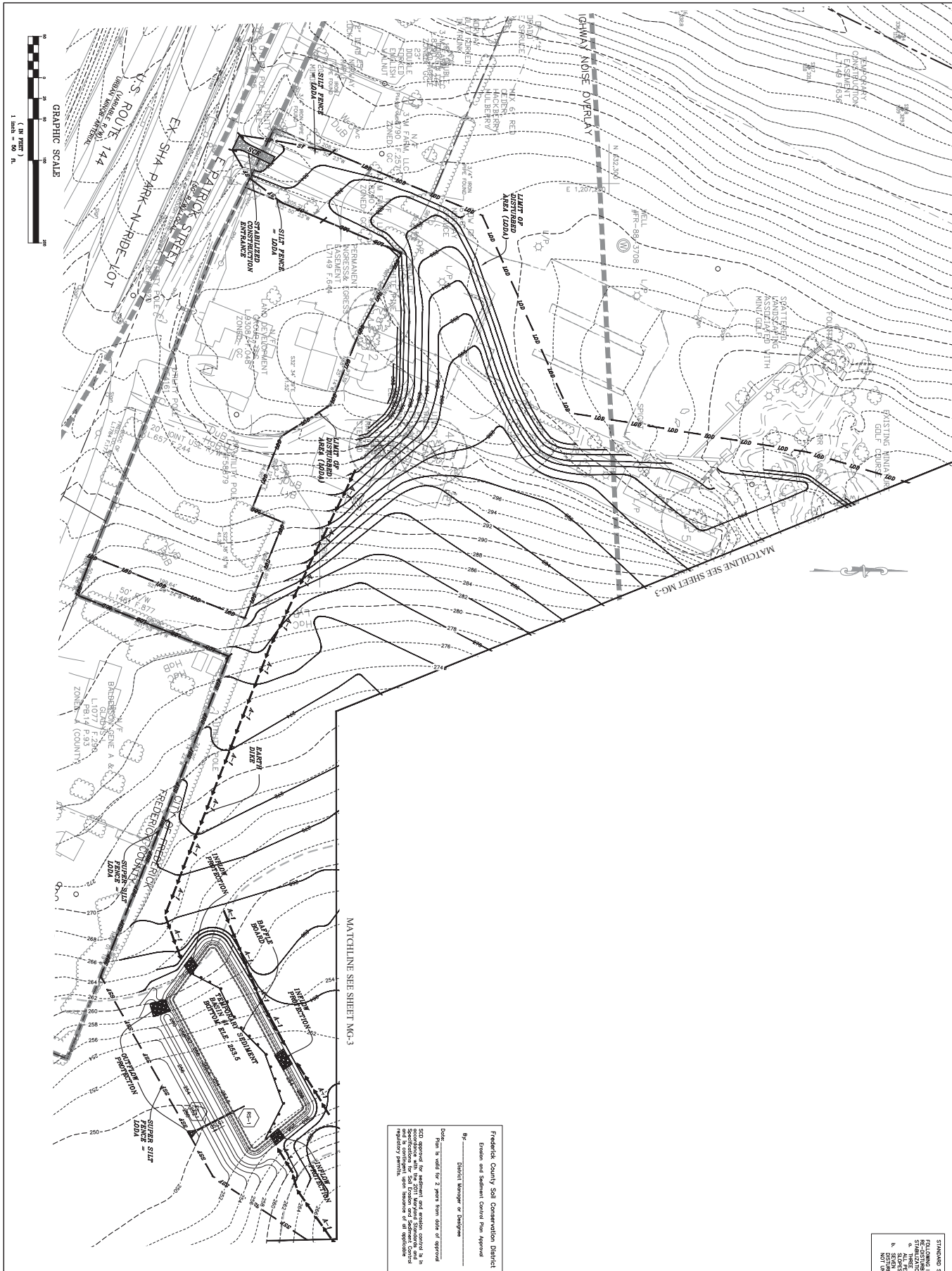
SEDIMENT & EROSION CONTROL PLAN -1
MASS GRADING PLAN FOR WASHINGTON FREEDOM STP25-132FS
SITUATED AT 8400 EAST PATRICK STREET
CITY OF FREEDOM
FREDERICK ELECTION DISTRICT NO. 2
FREDERICK COUNTY, MARYLAND

REVISIONS:

HARRIS SMARIGA
Professional Engineer
License No. 28643
Expiration Date 3-28-27

Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

Fredrick County Soil Conservation District
Erosion and Sediment Control Plan Approval
By: _____
District Manager or Designee
Date: _____
This plan is valid for 2 years from date of approval.
This plan is subject to the provisions of the Maryland Erosion and Sedimentation Control Act, which requires that the plan be revised if the conditions on the site change or if the plan is found to be deficient in any way.



SCALE:
1" = 50'
DRAWN BY: DLS
CHECKED BY: MAM
DATE: JUNE, 2025
SHEET: MG-4
OF: 7
PROJECT: 7327
MG-4

SEDIMENT & EROSION CONTROL
PLAN - 2

MASS GRADING PLAN
FOR
WASHINGTON FREEDOM
STF25-132FS

SITUATED AT 8400 EAST PATRICK STREET
CITY OF FREDERICK
FREDERICK ELECTION DISTRICT NO. 2
FREDERICK COUNTY, MARYLAND

REVISIONS:

By: _____ District Manager or Designee

For: _____

Plan is valid for 2 years from date of approval

100% approval by authority and sealed subject to its accordance with the 2011 Maryland Regulations and the 2011 Maryland Professional Engineer Act and is contingent upon issuance of all applicable regulatory permits.

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 28643 Expiration Date 3-28-27

STANDARD STABILIZATION NOTES

1. STABILIZATION SHALL BE DONE TO PREVENT EROSION OF EXPOSED SOILS.

2. STABILIZATION SHALL BE DONE TO PREVENT EROSION OF EXPOSED SOILS.

3. STABILIZATION SHALL BE DONE TO PREVENT EROSION OF EXPOSED SOILS.

4. STABILIZATION SHALL BE DONE TO PREVENT EROSION OF EXPOSED SOILS.

5. STABILIZATION SHALL BE DONE TO PREVENT EROSION OF EXPOSED SOILS.

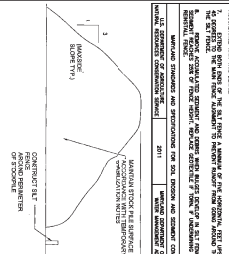
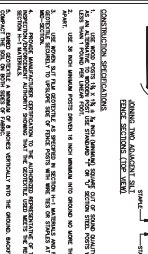
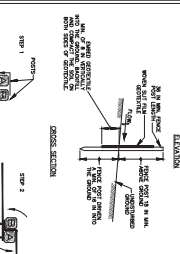
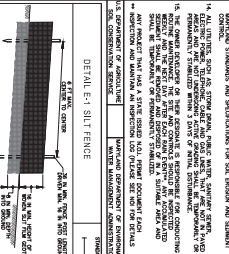
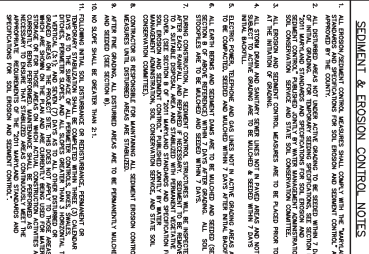
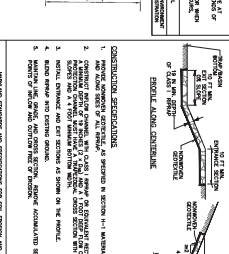
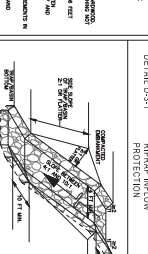
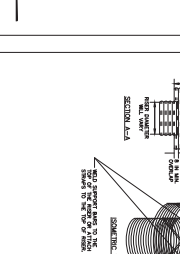
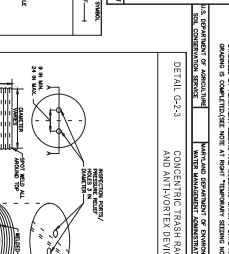
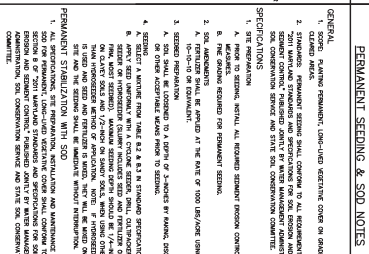
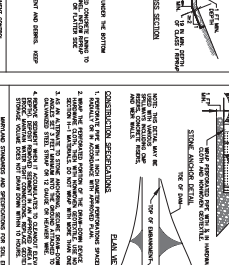
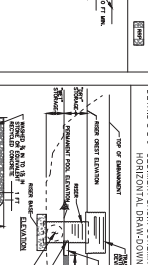
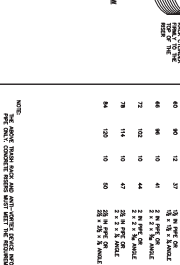
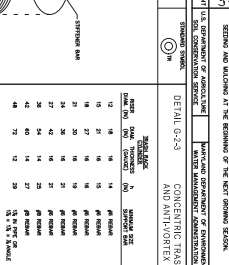
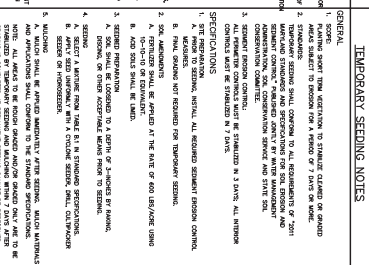
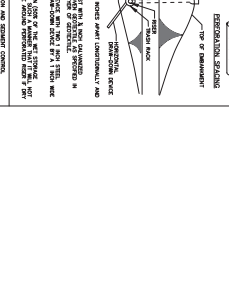
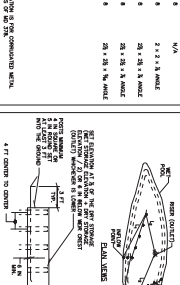
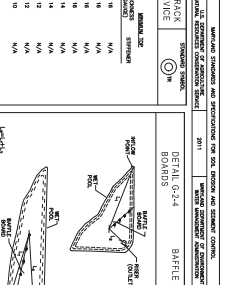
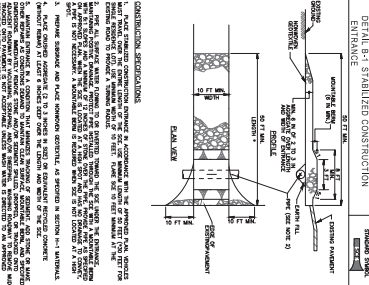
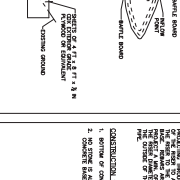
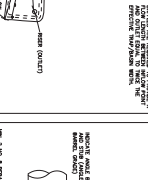
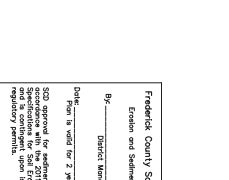
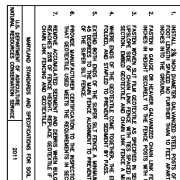
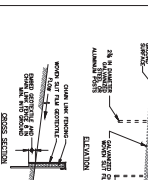
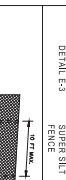
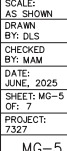
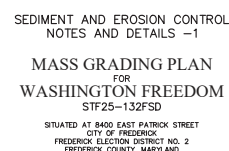
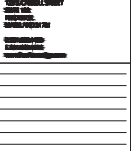
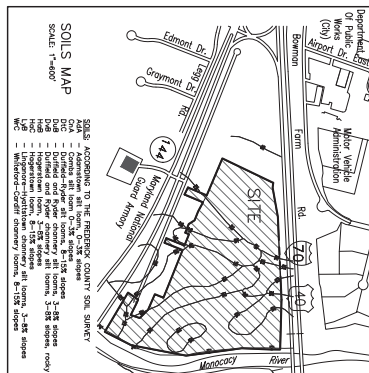
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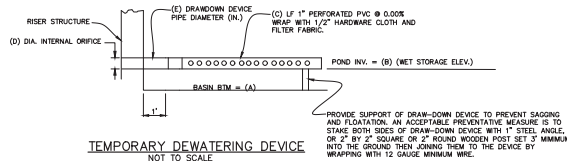
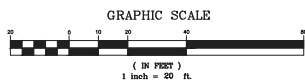
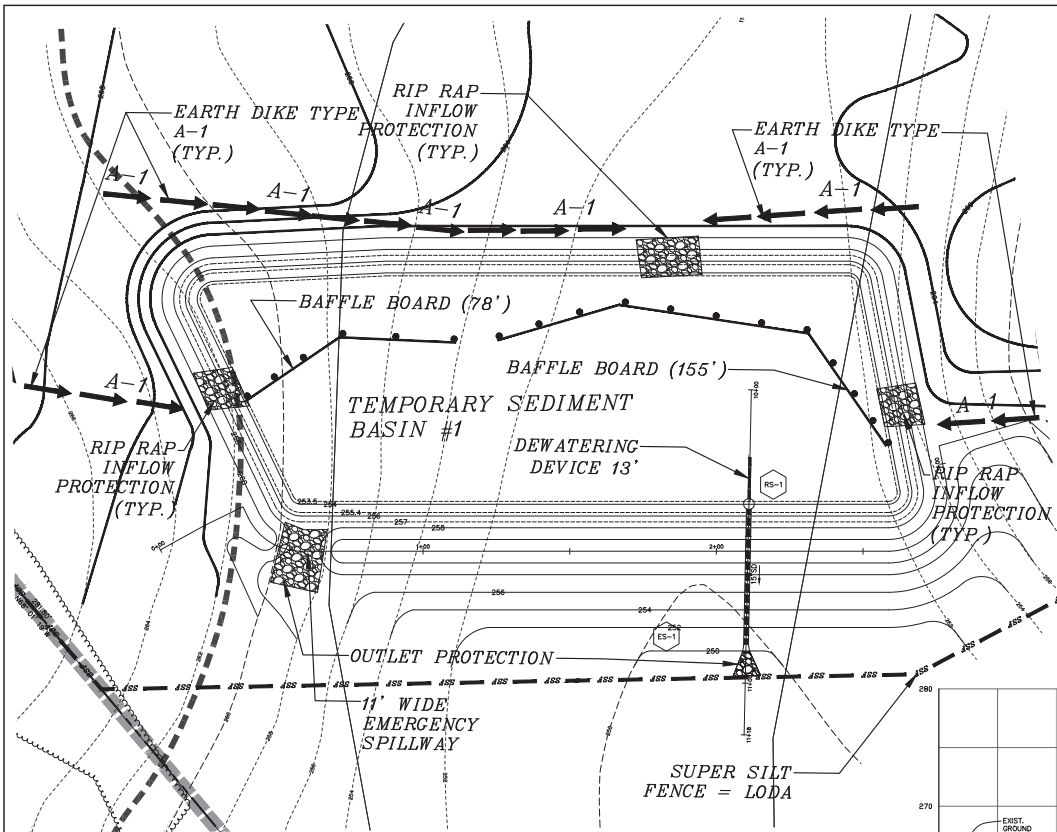
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10. STABILIZATION SHALL BE DONE TO PREVENT EROSION OF EXPOSED SOILS.





TEMPORARY DEWATERING DEVICE DIMENSIONS					
SEC BASIN	A	B	C	D	E
2	255.5	257.4	15.8 LF	6"	8"

TEMPORARY SEDIMENT BASIN #2

DRAINAGE AREA = 17.3 AC

TOTAL STORAGE REQUIRED = 62,280 CF

REQUIRED WET STORAGE = 31,140 CF

REQUIRED DRY STORAGE = 31,140 CF

BASIN BOTTOM ELEVATION = 253.5

WET STORAGE ELEVATION = 255.4

WET STORAGE PROVIDED = 33,544 CF

RISER CREST ELEVATION = 257.0

DRY STORAGE PROVIDED = 31,643 CF

TOTAL STORAGE PROVIDED = 65,187

BASIN CLEANOUT ELEVATION = 254.4

DISTANCE FROM RISER CREST TO CLEANOUT = 2.6 FT

TOP OF EMBANKMENT ELEVATION = 260.0

EMERGENCY SPILLWAY ELEVATION = 258.0

EMERGENCY SPILLWAY WIDTH = 12 FT

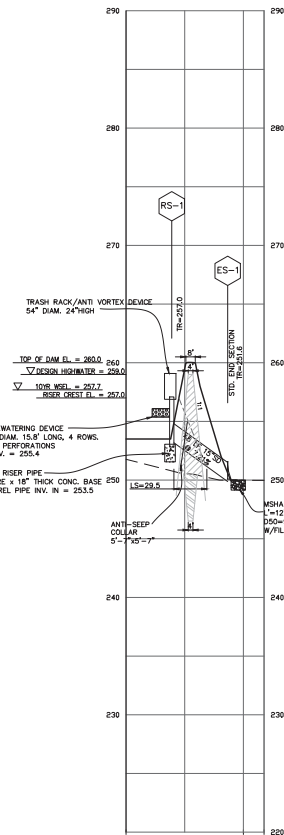
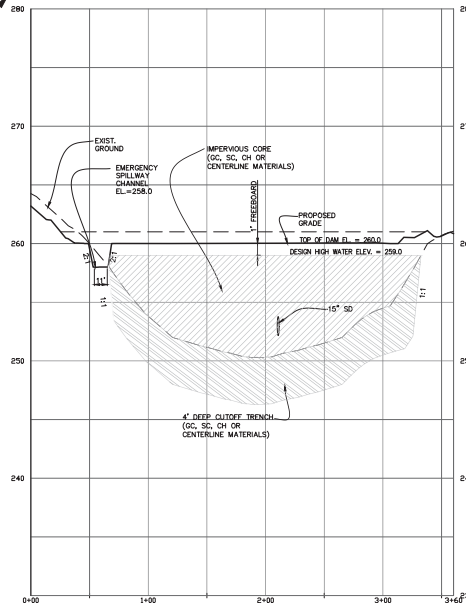
SIDE SLOPE = 2:1

EMBANKMENT TOP WIDTH = 8.0 FT

OUTLET PROTECTION LENGTH = 12 FT

OUTLET PROTECTION WIDTH = 12 FT

OUTLET PROTECTION DEPTH = 19 IN



SEDIMENT BASIN OUTFALL

Profile Scale:
Horizontal = 1"=50'
Vertical = 1"=5'

Frederick County Soil Conservation District
Erosion and Sediment Control Plan Approval

By: _____
District Manager or Designee

Date: _____
Plan is valid for 2 years from date of approval

SCD approval for sediment and erosion control is in accordance with the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control and is contingent upon issuance of all applicable regulatory permits.

HARRIS SMARIGA

SEDIMENT BASIN DETAILS

MASS GRADING PLAN

WASHINGTON FREEDOM

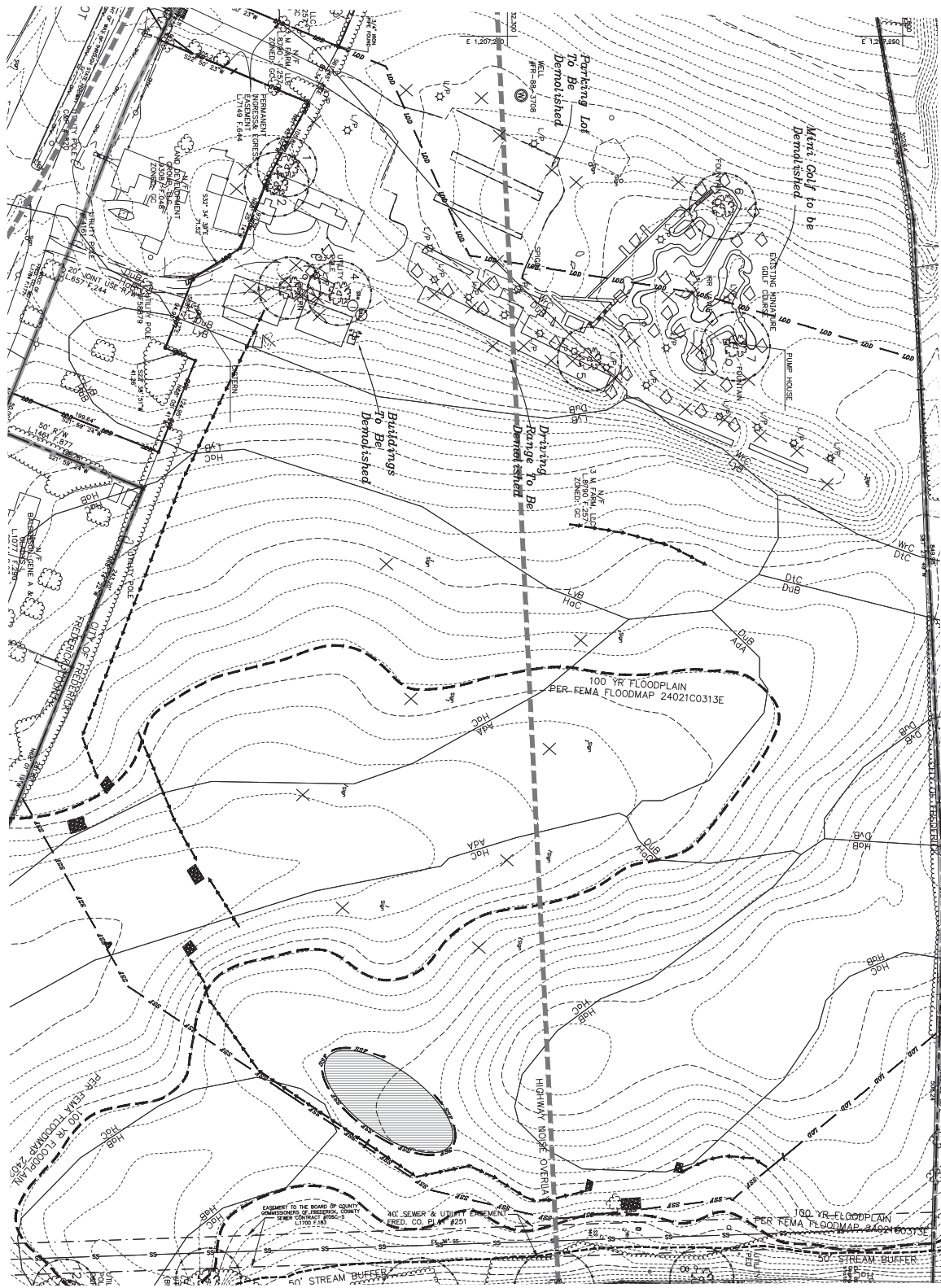
STREET

CITY OF FREDERICK

FREDERICK COUNTY, MARYLAND

MG-7

4/27/2023 3:10 PM



SCALE:
DRAWN BY:
CHECKED BY:
DATE: JUNE, 2025
SHEET: MG-8 OF 7
PROJECT: 7327
MG-8

DEMOLITION PLAN
MASS GRADING PLAN
FOR
WASHINGTON FREEDOM
STF25-132FS

SITUATED AT 8400 EAST PATRICK STREET
CITY OF FREDERICK
FREDERICK ELECTION DISTRICT NO. 2
FREDERICK COUNTY, MARYLAND



REVISIONS:	



Professional Certification, I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
License No. 28643 Expiration Date 3-26-27

**MEMORANDUM OF AGREEMENT
AMONG
THE MARYLAND DEPARTMENT OF THE ENVIRONMENT,
THE MARYLAND HISTORICAL TRUST,
AND
ACERSINFRA, LLC
PURSUANT TO THE MARYLAND HISTORICAL TRUST ACT OF 1985
REGARDING MDE PERMIT NO. 25-NT-3109/202560686
FOR THE PROPOSED CRICKET ATHLETIC FACILITY
AT 8400A EAST PATRICK STREET IN THE CITY OF FREDERICK,
FREDERICK COUNTY, MARYLAND**

WHEREAS, AcersInfra, LLC proposes to construct a cricket athletic facility on the property at 8400A East Patrick Street, Frederick, Frederick County, Maryland. The cricket facility will include an athletic stadium with a combination of permanent and lawn seating, athletic fields, restrooms, and parking (Undertaking) that will require grading and construction on 6.17 acres within the 100-year floodplain (FP Undertaking) of the subject property (Exhibit A), activities that require a Nontidal Wetlands and Waterways permit from the Maryland Department of the Environment (MDE); and

WHEREAS, AcersInfra, LLC has filed the appropriate permit application with MDE in order to authorize the FP Undertaking, and MDE assigned it permit number 25-NT-3109/202560686; and

WHEREAS, the issuance of a Nontidal Wetlands and Waterways permit by MDE constitutes an action requiring consultation with the Maryland Historical Trust (MHT) pursuant to the Maryland Historical Trust Act of 1985, as amended (Act), specifically Sections 5A-325 and 5A-326 of the State Finance and Procurement Article, Annotated Code of Maryland; and

WHEREAS, MDE consulted with MHT pursuant to the Act regarding the identification of historic properties in the vicinity of the Undertaking, the effects of the Undertaking on historic properties, and ways to avoid, reduce, and mitigate adverse effects to historic properties; and

WHEREAS, the Undertaking is located within the Monocacy Battlefield Historic District (F-3-42), a National Historic Landmark (NHL) district associated with the Civil War Battle of Monocacy, in which buildings, structures and landscapes are all character-defining to its significance; and

WHEREAS, MDE, in consultation with MHT, determined that the Undertaking will have an adverse effect on historic properties through the removal of buildings and landscape elements of the Reich Farm property (F-3-252) which contributes to the Monocacy Battlefield NHL Historic District, and also through the introduction of modern elements that will alter the setting of the historic district; and

WHEREAS, AcersInfra, LLC participated in the consultation with MDE and MHT, has responsibilities for implementing stipulations of this Memorandum of Agreement (MOA), and has been invited to be a Signatory party to the MOA;

WHEREAS, MDE invited the following parties to consult in the Undertaking's regarding its effects on historic properties and measures to avoid, reduce and mitigate adverse effects: National Park Service- Monocacy National Battlefield, National Park Service- National Landmark Program, National Capital Region, American Battlefield Protection Program, Monocacy Battlefield Foundation, American Battlefield Trust, Heart of the Civil War Heritage Area, Preservation Maryland, Frederick County Landmarks Foundation, and the City of Frederick (collectively, Consulting Parties); and

WHEREAS, MDE held a virtual consulting parties meeting on November 12, 2025, and shared the video and transcript with the consulting parties; and

WHEREAS, the public has also had an opportunity to comment on MDE Permit No. 25-NT-3109/202560686 in response to the Public Notice published on the MDE website on July 1, 2025, and during the Public Hearing held virtually on August 27, 2025, and during the Public Comment Period extended on September 19, 2025; and

WHEREAS, MDE received written comments from the National Park Service, the Monocacy Battlefield Foundation, Frederick County Landmarks Foundation, and members of the public, and considered these comments and those received at the Public Hearing and Consulting Parties Meeting in drafting this MOA and selecting measures to resolve the adverse effect; and

WHEREAS, MDE, MHT, and AcersInfra, LLC (the Signatories) agree to execute this MOA in counterparts with a separate signature page for each Signatory. The exchange of copies of this MOA and of signature pages by electronic transmission shall constitute effective execution and delivery of this MOA to the parties and may be used for all purposes. Signatures of the parties transmitted by electronic transmission shall be deemed to be their original signatures for all purposes; and

WHEREAS, this MOA stipulates the measures that the Signatories agree to carry out in a good faith and reasonable effort to mitigate the adverse effects of the Undertaking on historic properties.

NOW THEREFORE, MDE, MHT and AcersInfra, LLC agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the permitted Undertaking upon historic properties.

STIPULATIONS

MDE will condition Nontidal Wetlands and Waterways Permit No. 25-NT-3109/202560686 to incorporate by reference this MOA to ensure that the following measures are carried out:

I. RECORDATION OF THE REICH FARM PROPERTY

A. Prior to any construction activities including any ground disturbing activities and building stabilization or demolition, AcersInfra, LLC will document the Reich Farm property (F-3-252) with photographs, measures drawings, and completion of a Maryland Inventory of Historic Properties (MIHP) Addendum following MHT's *Standards and Guidelines for Architectural and Historical Investigations* (2023, updated 2026). This MIHP Addendum will include: descriptions of all remaining buildings, structures, and landscapes on the property; history of the property to the present day and a detailed discussion of the events that occurred on the property and its immediate vicinity during the Battle of Monocacy; site plan of the property; measured drawings of all extant buildings and structures that predate the driving range; and exterior, interior, and landscape photographs adhering to MHT's digital photograph guidelines. This documentation shall augment the information provided in past MIHP and Determination of Eligibility forms completed for the Reich Farm property.

B. The MIHP Addendum for the Reich Farm property will be researched and prepared by a 36 CFR 61 qualified historian or architectural historian who will contact MHT prior to start of the work to assure that our most recent forms and templates are utilized and that our most recent guidelines and procedures are followed for submission and review of the draft documentation and submission of the final documentation.

C. Within 18 months of the issuance of MDE Permit No. 25-NT-3109/202560686, MHT will be provided the draft documentation for review and comment. Any comments received will be incorporated into the final documentation by the author. The final documentation will be submitted to MHT following instructions provided with their comments on the draft documentation. Digital copies of the final documentation will be provided to the Consulting Parties by AcersInfra, LLC.

II. ARCHAEOLOGY

A. An Archaeological Monitoring Plan (AMP) will be prepared by a qualified professional archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards and submitted to MHT and MDE. The Archaeological Monitor(s) shall be present during all ground-disturbing activities and shall have the authority to halt,

redirect, or temporarily suspend construction work in the immediate vicinity of a potential discovery to allow the Monitor to record information and assess the find.

B. Upon the completion of ground-disturbing activities, the Monitor shall prepare and submit an Archaeological Monitoring Report detailing all recovered materials, field methodologies, and observations. The report shall be submitted to MDE and MHT.

C. In the event that human remains are discovered at any time during site preparation or construction, all work and construction activities must immediately cease and AcersInfra, LLC will need to contact MHT and MDE to determine an appropriate course of action in compliance with Maryland State burial law (Article 27, Section 10-404 of the Annotated Code of Maryland) and the Real Property article § 14-121.1.

III. INTERPRETATION OF THE REICH FARM AND 1864 BATTLE OF MONOCACY

A. AcersInfra, LLC will design and install at least two (2) interpretive signs in the facility, at locations accessible to the visiting public. One interpretive sign will provide information on the history of the property and the other signage will provide information on the events that occurred during the Battle of Monocacy at this location. A qualified historical consultant will be hired to research and design the interpretive signage. Information gathered during recordation (Stipulation I) may be used in the development of the interpretive signage.

B. Within four years of issuance of MDE Permit No. 25-NT-3109/202560686, AcersInfra, LLC will submit to MHT for their review and comment the draft interpretive signage design and the site plan showing the signs proposed locations. Any comments received will be incorporated into the final design. When completed, AcersInfra, LLC will provide MHT a copy of the final design for their review. Fabrication of the interpretive sign will not proceed until after MHT has been provided the opportunity to comment on the final design.

C. AcersInfra, LLC will provide to MHT and the Consulting Parties photographs of the completed interpretive signage within sixty (60) days of final installation. These photographs will be provided in a document with key map.

IV. PLANS REVIEW

AcersInfra, LLC will submit to MHT and the Consulting Parties the following plans for their review and comment: Landscape Plans, Preliminary Development Plans, and Final Development Plans. The parties will have thirty (30) days from receipt to complete their review and provide comments. Any comments received will be incorporated into the next stage of design, as feasible.

V. AMENDMENT

If a change occurs in the Undertaking that creates new circumstances that must be addressed, if any of the Signatories determines that it cannot fulfill the terms of this MOA or otherwise deems it necessary to seek an amendment to this MOA, or if the Signatories agree for any other reason, this MOA may be amended through consultation among the Signatories. Any amendment to this MOA shall be in writing and only be effective upon the concurrence in writing of all Signatories. MDE will notify the Consulting Parties of any proposed amendment to this MOA, and provide them with the opportunity to comment on the proposed amendment.

VI. DISPUTE RESOLUTION

Should any signatory of this MOA object in writing to the other parties regarding any actions carried out pursuant to this MOA or any actions which are not being carried out as required by this MOA, all of the Signatories will consult to resolve the dispute. If the dispute cannot be resolved, the Director of MHT and the Program Manager of MDE's Wetlands & Waterways Program will consult and identify a resolution in accordance with the requirements of the Act and in consideration of the conditions of the Undertaking. All other requirements of this MOA which are not the subject of the dispute will remain unchanged.

VII. MODIFICATIONS TO THE PERMIT

If AcersInfra, LLC requests any modification to MDE Permit No. 25-NT-3109/202560686, after said permit has been issued by MDE, MDE, in consultation with MHT, will determine if the requested modifications can be accomplished in accordance with the terms of this MOA. If the terms of this MOA cannot continue to be met, MDE will notify AcersInfra, LLC in writing of said fact within thirty (30) days of the modification request. If the requested modification cannot be undertaken without modifying the terms of this MOA, then AcersInfra, LLC will request an amendment to this MOA pursuant to Section V. of this MOA.

VII. TERMINATION

If MDE determines the terms of this MOA cannot be fulfilled, or if MHT determines that the MOA is not being properly implemented, MDE or MHT may propose to the Signatories that this MOA be terminated. The party proposing to terminate this MOA shall notify all parties to this MOA, explaining the reasons for termination and affording them at least sixty (60) days to consult and seek alternatives to termination. The Signatories shall then consult. Should consultation fail, MDE or MHT may terminate the MOA by notifying all parties. Should this MOA be terminated, MDE shall seek and follow the recommendations of the Director of the Maryland Historical Trust regarding other ways to comply with the Act.

IX. DURATION

This Agreement shall be null and void if its terms are not carried out within five (5) years from the date of issuance of MDE Permit No. 25-NT-3109/202560686, unless the signatories agree in writing to an extension for carrying out its terms. Execution of this MOA and the implementation of its terms evidence that the requirements of the Act have been met for this Undertaking.

**MEMORANDUM OF AGREEMENT
AMONG
THE MARYLAND DEPARTMENT OF THE ENVIRONMENT,
THE MARYLAND HISTORICAL TRUST,
AND
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MARYLAND DEPARTMENT OF THE ENVIRONMENT

BY:  DATE: 06/17/2026
Heather L. Nelson
Program Manager of Wetlands and Waterways Protection Program
Maryland Department of the Environment

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MARYLAND STATE HISTORIC PRESERVATION OFFICER

BY:



DATE:

6/16/2026

Elizabeth Hughes
State Historic Preservation Officer
Director, Maryland Historical Trust

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ACERSINFRA, LLC



BY:

Rohit Anand
General Manager
ACERSINFRA, LLC

DATE: 6/17/2026



EXHIBIT A