

**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.

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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