



April 11, 2025

RE: Accokeek Brandywine Solar/ 24-NT-0170
Letter applicable to the 20-CP application only

To whom it may concern,

This letter shall serve as documentation that the Applicant has adequately addressed avoidance and minimization alternatives analysis, including, where necessary, an acceptable social and economic justification for unavoidable impacts to Tier II resources, as required by Code of Maryland Regulations (COMAR) 26.08.02.04-2. **As the Applicant has not provided final conservation easement documentation this approval is considered conditional.** Construction shall not start until this documentation is received and after Letter of Authorization is issued from the Gailynn Milligan with the Maryland Department of the Environment's Nontidal Wetlands Division. After mitigation conditions are met, MDE shall provide a site inspection letter indicating final approval.

Antidegradation special conditions are as follows.

- 1) **Tier II Watershed**: The project is located within the Mattawoman Creek 1 Tier II Catchment. The following requirements and enhanced protection measures apply:
 - a) **Tier II Mitigation**:
 - i) The Applicant shall mitigate for the permanent impacts from 13.4 acres of deforestation of Tier II watershed resources, in accordance with an approved mitigation documentation. Permanent impacts to Tier II waters will be mitigated at each site identified in this conditional Tier II approval letter, in file, along with an approved planting plan. This mitigation is to be satisfied by 26.8 acres of off-site conservation within the same watershed.
 - ii) 24.15 acres of the proposed conservation area is located at Prince George's Tax Map 153, Grid 4, Parcel 23. A property adjacent to the project site addressed as 4415 Danville Road, Brandywine, MD will contain 2.56 acres of conservation.
 - iii) The Applicant is required to notify the Department upon the start of grading and the completion of planting of the mitigation project.
 - iv) The Applicant shall grant MDE and its agents access to the mitigation property in perpetuity for compliance purposes.

- v) If the Applicant as stated in the Permit, changes, the Applicant must notify the Department. If the mitigation obligation is to be transferred to another party, the Applicant must notify the Department.

b) Document Submission

- i) The Applicant shall provide final documentation in the form of declaration of restrictive covenants, conservation easements, or similar documentation to ensure that the mitigation property is protected in perpetuity, and to demonstrate the Tier II mitigation has been fulfilled.
- ii) The Applicant shall provide all documentation to the Maryland Department of the Environment, % Angel Valdez, Water Quality Standards and Analysis Division, 1800 Washington Blvd., Suite 540, Baltimore, Maryland, 21230 via email at angel.valdez@maryland.gov .

The Applicant shall provide this cover letter, along with all other Tier II Review documentation used by the Department to support the satisfactory determination to the Industrial Stormwater Permits Division to complete the General Permit For Discharges of Stormwater Associated With Construction Activity Maryland General Permit No. 20-CP application Process. This letter is applicable to all portions of the project within the Tier II watershed.

Additional comments may be provided if there is a major modification to the project, as stipulated by COMAR 26.08.02.04-2(F). Applicants may still have to update the Antidegradation Review Checklist for each set of approved construction plans when applying for coverage or transfers under 20-CP.

If the Applicant fails to comply with the conditions of this letter, they may be found in violation of the 20-CP. Please direct any questions you may have to Angel Valdez (410-536-3606).

Best regards,



Angel D. Valdez

Tier II Implementation Coordinator
Watershed Protection, Restoration and Planning Program
Water and Science Administration, MDE

Cc:

Jennifer Nitsch, Industrial Stormwater Permits Division
Matt Perry, Industrial Stormwater Permits Division