MEMORANDUM OF UNDERSTANDING (MOU)

Michael O’Malley
Environmental Services Section
MDOT
December 3, 2014
MOU

• Agreement: MDOT, MML, CRA with MDEQ
• Expedited Permitting Service (PA 451 Parts 31, 301, 303, 325 and 353)
• MTF off the Top – 1.3 M (FY15)
• Up to 11 dedicated transportation FTE’s
• No permit or meeting fees
MOU Coverage Conditions

- Public Transportation Agencies and their authorized agents are eligible to receive Act 51 funding

- The project is for the construction, maintenance, or improvement of a public transportation facility.
MOU Sections

• Single Point of Contact
• Joint Agency Transportation Committee (JATC)
• Early Coordination/Project Planning
• Permits
• Wetlands
• Performance Measures
• Conflict Resolution
Single Point of Contact

• MDEQ Divisions to Coordinate Reviews

• Resolve Informally Where Possible, Enforcement Issues

• Obtain Appropriate Information as Needed for Projects Impacting Regulated Waters of the State
JATC

- Members: MDOT, MDEQ, CRA and CRC Representatives, MML and City Representatives
- Quarterly meetings
- Prepare and provide written guidance
- Provide recommendations
- Disseminate information
- Process improvement
Early Coordination/Project Planning

• Preliminary Reviews
• Coordinate Project Review for Section 10, 404 Waters with USEPA, USF&WS, and USACE
• Provide CZMA Consistency Determinations
• NEPA/404 Merger Process
Permits

• Meet with PTA’s as necessary for projects
• Consider special processing for emergencies, deadlines, etc.
• Provide:
  • Flood Frequency Discharge Estimates
  • Available Flood Hazard Information
• Conduct preliminary and final hydraulic reviews
• Expedited permits
Wetlands

• Provide Guidance on Advanced Mitigation for Potential Credits

• Assist in Developing Wetland Banking Agreements

• PTA’s responsible for monitoring created wetland sites (reports due March 31)
Wetland Mitigation – State/Local Funding

• Less than 0.1 Acres – No Mitigation is Required

• 0.1 to 0.3 Acres – (General Permit)
  • 1:1 Ratio; Any Type; Anywhere in the State

• Greater than 0.3 Acres – Site Specific Mitigation or Bank Site

• Permits are Required
Wetland Mitigation - Federally Funded

- EO 11990… “No Net Loss” - Mitigation Required for any Wetland Impact
  - Up to 0.3 Acres (General Permit)
    - 1:1 Ratio; Any Type; Anywhere in the State
  - Greater than 0.3 Acres – Site Specific Mitigation or Bank Site

- Permits are required
Performance Measures

• Administrative and Sustentative Complete Applications
• Expedited Minor Project* 14 days
• MP/GP 30 days
• Public Notice Projects and modifications within 60 days 30 days
• Projects with federal review 90 days

* Covered within the GPs
Conflict Resolution

• Questions Regarding Interpretation are sent to TRU Chief (Response in 30 days)

• Resolution at Staff Level (after 30 days)

• Written Request for Meeting (TRU Chief, MDOT, County, City Project Manager)

• Additional steps refer to MOU
PTAs and Compliance

PTA’s agree to apply for all required permits for activities regulated under PA 451 Parts 31, 301, 303, 325, 353

Non-compliance will result in paying the appropriate after-the-fact fee. Repeated violations may lead to removal from the MOU.
Annual Report
10/01/13 – 09/30/14

- Applications Received: 591
- Applications Processed: 531
- Preliminary Reviews: 625
- Hydraulic Reviews: 471
- Flood Discharge: 290
Incomplete Applications

- FY 11 - 26%
- FY 12 - 25%
- FY 13 - 26%
- FY 14 - 27%
Other Activities

• Meetings/Site Inspections  1005

• CRC Council Meetings Attended  17

• Presentations Made  7
Average Processing Time
FY 11, 12, 13

• General Permit - 22 days (14-30 days)

• Minor Projects - 31 days (30 days)

• Public Noticed - 55 days (60 days)
Questions...?

Contact Information

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