THE BALTIMORE WATERSHED AGREEMENT

MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN

MAYOR AND CITY COUNCIL OF BALTIMORE

AND

BALTIMORE COUNTY, MARYLAND

FOR

WATERSHED MANAGEMENT COOPERATION

THIS MEMORANDUM OF UNDERSTANDING made this _________ day of _______________________, 2006 by and between the Mayor and City Council of Baltimore, a municipal corporation of the State of Maryland (hereinafter referred to as "City of Baltimore") and Baltimore County, Maryland, a body corporate and politic of the State of Maryland (hereinafter referred to as "Baltimore County").

WHEREAS, although politically independent, the City of Baltimore and Baltimore County are part of a greater metropolitan area, having developed in relation to one another historically and geographically. The citizens of the City of Baltimore and Baltimore County value and enjoy the recreational, economic, and aesthetic water resources associated with streams in our inter-jurisdictional watersheds within the Patapsco and Back River Basin; and

WHEREAS, this geographical relationship dictates that the quality of surface water resources within the City of Baltimore is influenced by water sources originating in the Gwynns Falls, Jones Falls, Back River, and Baltimore Harbor watersheds of Baltimore County. Inter-jurisdictional cooperation is also critical for the management and protection of Baltimore City-owned municipal water supply reservoirs and other facilities located in Baltimore County; and

WHEREAS, in 1993 and 2000, the City of Baltimore and Baltimore County each signed local Partnership Agreements with the State of Maryland to work cooperatively as part of the Chesapeake Bay Tributary Strategy Teams in the development and implementation of watershed protection and restoration programs. The City of Baltimore and Baltimore County seek to strengthen partnerships and cooperative efforts with Federal and State agencies in carrying out those agreements, and desire to coordinate strategies that address Chesapeake 2000 Bay Agreement goals and objectives for natural resources and habitat, including protection and restoration of forest corridors and wetlands; and

WHEREAS, the major inter-jurisdictional watersheds are served by citizen-based watershed organizations and regional non-profit water quality and natural resource organizations, all of which interact with the environmental agencies and programs in the City of Baltimore and Baltimore County; and

WHEREAS, the City of Baltimore and Baltimore County, in response to provisions of the Federal Clean Water Act pertaining to non-point sources of water pollution and as authorized by the Maryland General Assembly, entered into a regional Reservoir Watershed Management Agreement with other jurisdictions in 1979. The Agreement was strengthened, with other agencies participating in 1984, and was re-affirmed in 1990 and again in 2003. In 2005 a new agreement that broadens the issues of concern and improves reservoir management was drafted and signed. The City of Baltimore and Baltimore County will continue to work cooperatively to protect the regional drinking water supplies through the management program facilitated by the Baltimore Metropolitan Council; and

WHEREAS, enhanced coordination between the City of Baltimore and Baltimore County will help each jurisdiction implement watershed-based strategies to control and reduce sources of non-point source...
pollution. It will facilitate the development of programs to comply with revised water quality criteria and standards in response to Total Maximum Daily Loads (TMDLs) as required by the Federal Clean Water Act, and with the continuing Municipal Separate Storm Sewer System permit issued by the Maryland Department of the Environment to meet provisions of the Federal Clean Water Act's National Pollutant Discharge Elimination System (NPDES); and

WHEREAS, future environmental regulatory programs will place an increasing responsibility on the City of Baltimore and Baltimore County for compliance. Through increased cooperation and coordination, the City of Baltimore and Baltimore County can promote unified strategies to meet their responsibilities more effectively and efficiently and can collaborate in seeking funding for programs. A watershed agreement will assist in securing the necessary funding for enhanced stormwater maintenance, coordination of watershed monitoring, and implementation of restoration programs; and

WHEREAS, the City of Baltimore and Baltimore County signed the first regional Memorandum of Understanding on October 3, 2002, and have made considerable progress since then in aligning water monitoring and management programs, engaging watershed organizations to assist in meeting water quality goals, and producing cooperative annual reports;

NOW THEREFORE, THIS MEMORANDUM OF UNDERSTANDING WITNESSETH that,

I. The City of Baltimore and Baltimore County hereby acknowledge that they continue to embrace common goals for management of the natural resources of shared watersheds, including the national water quality goal to protect and restore the physical, chemical, and biological integrity of waters; the goal to protect, conserve, and restore forest resources to provide sustainable ecological and economic benefits; and to otherwise manage air, land, and water resources for the environmental, economic, recreational, and aesthetic benefits of the citizens of the City of Baltimore, Baltimore County, and this region.

- We commit to improved management of our natural resources for the benefit of the citizens of the City of Baltimore and Baltimore County.

II. The City of Baltimore and Baltimore County further acknowledge that, to achieve the goal of sustainable natural resources, specific commitments for improved management must be set in the following categories:

i. **Stormwater Management**, especially in the areas of public education, stormwater retrofits, stream restoration, management of impervious surfaces and the identified funding sources to support these needs;

ii. **Community Greening**, especially through the establishment and implementation of tree canopy goals and the enhancement of stream buffers;

iii. **Development and Redevelopment**, focusing especially on renewal of older communities and urbanized areas, protection of open space and agricultural land, and implementation of low impact development practices where appropriate;

iv. **Public Health**, emphasizing the ability of our streams and rivers to present safe recreational amenities for our communities;

v. **Trash**, which impacts water quality as well as the economic and aesthetic viability of our rivers and streams.

- We will create goals of success for these five commitments by October 1, 2007.

III. The City of Baltimore and Baltimore County further acknowledge that achievement of improved
management in the areas stated above will require that the jurisdictions work together to develop specific action strategies. Development of the action strategies will be an open and iterative process and will take into account the legally binding requirements of existing State and Federal programs and the goals of the Chesapeake 2000 Bay Agreement.

- We commit to develop action strategies by October 1, 2008.

IV. The City of Baltimore and Baltimore County agree to continue to work cooperatively with watershed associations and interested organizations to develop and implement coordinated education and restoration programs and projects to benefit water quality and protect natural resources of the region. Watershed associations will be involved in the development of the action strategies committed to above; and, to the extent practicable, the jurisdictions will support watershed organizations through technical assistance, financial support, access to information, training and regular dialogue.

- We recognize the value of citizen organizations and will continue our support and dialogue with them.

V. The City of Baltimore and Baltimore County hereby agree to establish a working committee of principals from relevant agencies to coordinate implementation of this Memorandum of Understanding (hereinafter referred to as "Committee"). The Committee will oversee development of the action strategies, will meet regularly, with meetings open to the public, and will form five working groups that will develop the action strategies needed to meet our goals of success in II above. The Committee will be comprised of thirteen members: Baltimore City’s directors of the Departments of Public Works, Planning, Recreation and Parks and Baltimore County’s Departments of Public Works, Planning, Recreation and Parks and Environmental Protection and Resource Management; and six non-governmental members, three (3) appointed by the Mayor of the City of Baltimore and three (3) appointed by the Executive of Baltimore County. The Committee will annually review progress and prepare recommendations for future work. The Committee will be established and hold its first meeting no later than 90 days after the signing of this Memorandum.

- We agree to establish a Committee of Principals.
- We agree to establish working groups to address the five commitments.
- We agree to jointly fund a committee facilitator.

VI. The Committee will convene a biennial meeting with watershed and community associations and interested citizens to review the accomplishments of the prior years and to report on the “state of our watersheds”.

- A biennial meeting will be convened to review accomplishments with watershed and community associations.
- We agree to report on the state of our watersheds to the public on a biennial basis.

VII. This Memorandum of Understanding shall commence upon execution by the parties and shall continue for six (6) years, unless terminated sooner by either party. It may be renewed, at the discretion of the parties, for additional six (6) year periods.

VIII. This Memorandum of Understanding constitutes the entire and full understanding of the parties hereto, and may not be modified except by means of a written amendment.

IX. The Recitals are incorporated herein.

X. This Memorandum of Understanding shall be governed by and construed under the laws of the State of Maryland.
IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed the day and year first above written.

ATTEST/WITNESS:    MAYOR AND CITY COUNCIL OF BALTIMORE

By:______________________________    By:______________________________
    George L. Winfield, Director
    Department of Public Works

ATTEST/WITNESS    BALTIMORE COUNTY, MARYLAND

By:______________________________    By:______________________________
    James T. Smith, Jr.
    County Executive

REVIEWED AND APPROVED:

________________________________
    David A.C. Carroll, Director
    Department of Environmental
    Protection and Resource
    Management, Baltimore County

APPROVED FOR LEGAL FORM AND SUFFICIENCY*
(Subject to Execution by A Duly Authorized County Official as Indicated)

________________________________
    OFFICE OF THE COUNTY ATTORNEY
*Approval of Legal Form and Sufficiency Does Not Convey Approval or Disapproval of Substantive Nature of Transaction. Approval is Based Upon Typeset Document-All Modifications Require Re-approval

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    Leslie S. Winner
    Chief Solicitor, Baltimore City