MEMORANDUM OF UNDERSTANDING

BETWEEN THE VIRGINIA DEPARTMENT OF FORESTRY AND THE VIRGINIA CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

PURPOSE:

The Chesapeake Bay Preservation Act (§ 10.1-2100 et seq. of the Code of Virginia), hereafter referred to as the CBPA or Act, directs local governments within Tidewater Virginia to implement land use restrictions affecting environmentally sensitive corridors draining to the Chesapeake Bay. In developing regulations pursuant to the Act, criteria regarding silvicultural activities were temporarily omitted in deference to a then new non-regulatory effort developed in cooperation with the State Forester's Water Quality BMP Task Force. The regulations adopted pursuant to the Act include a provision that exempts silvicultural operations from the local CBPA processes and requirements only if those operations are conducted using appropriate silvicultural best management practices to protect water quality, consistent with laws and guidance issued and implemented by the DOF. Continued deference to the non-regulatory silvicultural BMP program is conditioned on continued achievement of equivalent water quality protection consistent with that achieved through implementation of the CBPA and its accompanying regulations.

This memorandum is intended to establish guidelines for cooperation between the Virginia Department of Forestry (DOF) and the Virginia Chesapeake Bay Local Assistance Department (CBLAD) with regards to interaction between and responsibilities of the respective agencies towards the DOF non-regulatory program achieving a level of resource and water quality protection reasonably equivalent to that of the CBLAD regulatory program.

RESPONSIBILITIES OF THE CBLAD:

1 CBLAD will administer the Chesapeake Bay Preservation Act and associated regulations.

2. CBLAD will provide the DOF with a list of Tidewater Virginia local governments subject to the Chesapeake Bay Preservation Act and periodic updates of CBLAD's Local Program Directory, listing contact persons for each locality.

3 CBLAD will consult with the DOF on the development, revision, issuance, and interpretation of silvicultural criteria under the Act.

4 CBLAD will inform the DOF of all proposed additions, modifications, and/or deletions affecting the Regulations of the Act.

RESPONSIBILITIES OF THE DOF:

1 The DOF will conduct annual BMP audits on selected sites within locally designated Chesapeake Bay Preservation Areas. In addition, the DOF will conduct harvest inspections on all known silvicultural activities within designated Chesapeake Bay Preservation Areas to determine impacts on water quality.

2 The DOF will provide the CBLAD with a copy of its annual BMP audit report

3 When a silvicultural operation is inspected by the DOF and it is determined that the streamside management zone (SMZ) has not been maintained as recommended in the DOF Best Management Practices manual, the DOF representative will notify the local government's Bay Act program contact person and the CBLAD's chief enforcement staff person.

4 For any silvicultural activity within locally designated Chesapeake Bay Preservation Areas where enforcement activities have occurred pursuant to the Silvicultural Water Quality Law (§ 10.1-1181, et seq., Code of Virginia) and a special order or emergency special order is issued, then the DOF will notify the CBLAD's chief enforcement staff person and the local government's Bay Act program contact person by forwarding a copy of the special order or emergency special order to the above-named agencies or individuals immediately upon issuance of the order. A copy of all related correspondence concerning the special order or emergency special order, indicating compliance or further legal action, will be forwarded to the CBLAD and local government staff persons to whom the original notifications were provided.

JOINT AGREEMENT BETWEEN DOF AND CBLAD:

1 The DOF and the CBLAD will each review and comment upon technical specifications, guidance handbooks and manuals of the other regarding regulations and criteria of mutual interest to prevent future conflicts in program objectives and requirements.

2 The DOF and the CBLAD will each familiarize their respective staffs regarding similarities and differences of DOF and CBLAD requirements so that accurate and consistent information is presented to the public.

3 The DOF and the CBLAD will coordinate their training efforts as appropriate

IT IS FURTHER MUTUALLY AGREED THAT:

The DOF and the CBLAD will work closely together to improve the overall water quality of the Chesapeake Bay and other state waters.

2 This Memorandum shall be effective when signed by both parties

3. The DOF and the CBLAD will review this Memorandum on at least a biennial basis. It may be terminated or modified at any time by agreement of the parties, and may be terminated by either party alone by giving ninety (90) days notice in writing to the other.

James W. Garner, Jr.
State Forester
Department of Forestry

Date

Michael D. Clower
Executive Director
Chesapeake Bay Local Assistance Dept.

12/15/10
Date