



December 7, 2006

Honorable John Leopold  
Anne Arundel County Executive  
The Arundel Center  
44 Calvert Street  
Annapolis, MD 21404

Dear Mr. Leopold,

The Advocates for Herring Bay is a group of individuals from the Herring Bay area in southern Anne Arundel County who are committed to protecting and enhancing the quality of the Chesapeake Bay. Our organization is working on a number of projects to advance those goals, including monitoring water quality, improving enforcement of Critical Area laws, eradicating invasive species like phragmites, and sharing information on ways to minimize the impact of human activities on the Bay.

Both the State of Maryland and Anne Arundel County are currently reviewing applications for two projects in the Waysons Corner area that would have broad and negative impacts on Galloway Creek, Jug Bay, the Patuxent River, and the Chesapeake Bay. Petrie-Ross Ventures wants to build a large box-store shopping complex on land that includes the headwaters of Galloway Creek. Another firm wants to expand commercial operations on the Dorr property, which is adjacent to the Glendening Nature Preserve. As citizens and taxpayers who care deeply about the Chesapeake Bay, we urge you to exert the leadership necessary to prevent any degradation of our limited environmental assets and to leverage open space and land preservation funds to directly or indirectly acquire ownership control over both sites.

Development in the Waysons Corner area poses unique challenges. First, the stakes are high. Large-scale commercial activity would jeopardize the ecological health of the National Estuarine Research Reserve (NERR) at Jug Bay, even if developers comply with site-specific permitting requirements. Further, the two current projects are only the tip of the iceberg. Approving them would spur demands for more intense development and limit your options for restricting it. At the same time, the legal and moral obligations of government officials are extraordinary, because you serve not only as the *regulators* who write and enforce our land use, environmental, and public safety laws, but also as *signatories* to the legal agreements that established Jug Bay as a national reserve and as *trustees* for taxpayers who financed the acquisition of the Jug Bay properties so they could be preserved in perpetuity.

The Board of Directors of the Friends of Jug Bay (FOJB) and others have expressed serious concerns about the projects' impact on water quality, aquifer levels, watershed hydrology, fish wildlife and vegetation communities, air and noise quality, ambient light, and rural esthetic quality. Specifically, FOJB and other local civic groups found that the shopping complex proposed by Petrie-Ross would:

- clear about 25 acres of mature forest habitat adjacent to Galloway Creek, and replace it with 240,000 square feet of buildings, parking lots, and other impervious surfaces
- discharge storm-water runoff from 21 acres of impervious surface into Galloway Creek, which flows directly into the Glendening Preserve and Jug Bay
- generate one million to two million car-trips annually, producing a significant increase in local concentrations of auto-related air pollutants, including carbon dioxide, nitrogen oxides, ozone, and volatile organic compounds
- raise the water temperature of Galloway Creek, which would affect vertebrates and invertebrates at Jug Bay, including several species of cool-water amphibians
- increase the sediment load of Galloway Creek and related waterways because of the loss of forest cover at the headwaters of the streams and creek
- change the flow rate of Galloway creek, resulting in intermittent flooding and drought in the watershed
- increase ambient noise and light (at night), which would disorient amphibians, reptiles, and birds in the reserve and along the river
- pose a significant risk to public safety because of the design and capacity of the highway interchanges in the Bristol and Waysons areas, and
- add trash and debris to Jug Bay and the Patuxent River.

Such cross-border impacts on the Jug Bay Wetlands Sanctuary and Glendening Nature Preserve trigger special governmental obligations. For example, one of the conditions of having Jug Bay designated as a NERR was Anne Arundel County's commitment to "exercise its duties so as to prevent or to minimize damage to water quality, air quality, land/soil stability and productivity, wildlife and cultural value, and natural topographic and open-space character of the reserve" (see the 1990 Memorandum of Understanding (MOU) between the Maryland Department of Natural Resources and Anne Arundel County). The conservation easements for the Jug Bay properties also obligate the county and the state to take actions that will ensure that the cumulative impact of activities beyond the Sanctuary borders will not impair Jug Bay's water, air, and biota.

Approving development that would degrade Jug Bay also would break faith with taxpayers who have spent several million dollars to acquire this critical resource for future generations. Jug Bay

is considered to be of such importance that in 2004 Anne Arundel County acquired an additional 303 acres adjacent to the Sanctuary for permanent protection, announcing, “This acquisition presents a rare opportunity to preserve a fragile ecosystem through shoreline and watershed preservation...[to]...permanently prevent the possibility of incompatible development from compromising the integrity of the already preserved property.” Clearly the rationale for the acquisition of this land, the preserve, and Sanctuary is even more compelling today as the health of Chesapeake Bay is more troubled and development pressure in the area steadily increases.

We cannot assume that regulatory measures, such as site-specific permitting requirements, will protect the taxpayers’ investment in Jug Bay. State-of-the-art sediment control methods are not working as expected at the complex being built in Parole (see “Sediment spiking near Parole work,” *The Capital*, November 4, 2006). Many of our storm-water and sewage treatment facilities have been overwhelmed by rainfall, resulting in bacterial contamination of the Bay (see “Swimmers battle deadly infections,” *South County Gazette*, August 10, 2006). Likewise, changing the location and direction of lighting fixtures might dim the glow from a particular shopping center, but those gains could be overwhelmed by demand for increased lighting for public safety purposes or by lighting for the commercial centers likely to be added in the future. And spending millions of dollars on new roadways and interchanges to mitigate the highway safety risks will exacerbate, not reduce, the local air pollution impacts.

Forging an effective solution to the development challenges in the Jug Bay area will require quick and comprehensive action. We urge you to explore creative alternatives that will protect the environment while providing the property owners an opportunity to realize some return on their land. Acquiring control over the disposition of these lands—either through direct ownership, covenants, or other legal means—would be an appropriate the use of open space and preservation funding. Public investments in these properties would protect the unique and important assets of Jug Bay, maintain the character of the area, and allow the property owners to receive appropriate compensation for the sale of their land. We look forward to working with you to achieve those goals. Please contact Paul Rensted if we can assist you in any way on this matter.

Sincerely,

Kathleen Gramp  
President