

August 15, 2006

Mr. Joseph Rutter
Anne Arundel County
Office of Planning & Zoning
Heritage Office Complex
2664 Riva Road
Annapolis, Maryland 21401

Re: Shepherd Property; Meeting Date: August 15, 2006 ; 7:00 p.m.;
Location: Wayson's Bingo; 368 Marlboro Road, Lothian, MD;
Tax Account Number: 8000-0160-8600;
Council District & Representative: 7 - Edward R. Reilly;
Tax District: 8; Tax Map/Block/Parcel 71/12/166;
Property Address: 5481 Southern Maryland Boulevard, Lothian, MD 20711;
Project Description: Commercial shopping center project on 30.78 acres;
Site Development Plan No: C06-0055; Grading Permit No: 02012286
Owner: Ashby C. Shepherd, III and Carter C. Shepherd;
Developer: Petrie/Chaney Wayson's Corner, LLC;
Contact Name: Terry Richardson, Petrie-Ross Ventures, LLC (410) 573-2900.

Dear Mr. Rutter:

I am writing on behalf of the Friends of Jug Bay (FOJB) and its Board of Directors in regard to the above referenced proposal. We learned about this proposal when we were requested by the Lothian Civic Association to attend a meeting held for its members and the general public, to inform everyone about this proposal. The meeting was held at the Southern Middle School on July 27, 2006 and attended by about 250 people (estimate).

The FOJB's membership is currently about 450 households with 1,000 members, and we are very concerned about the potential impacts that could occur to the County's Jug Bay Wetlands Sanctuary (JBWS). The JBWS is a local, state and national natural resource treasure that fortunately has received an intense effort from the state and county to protect it in perpetuity. Without more specific site details we have unanswerable questions, but even from a preliminary viewpoint there would certainly be temporal and spatial adverse impacts that we are very concerned about. There would also likely be cumulative impacts, since this type of development usually spawns additional development.

Specifically, the FOJB are concerned about impacts to water quality; watershed hydrology; fish, wildlife and vegetation communities; air and noise quality; ambient light

(night); and rural aesthetic quality. These impacts are all further described below, and would result from both the construction phase and afterwards from use and maintenance activities once the mall is fully developed.

The following are potential impacts to ground and surface water quality which would adversely affect Galloway Creek, its adjacent riparian wetlands, and the wildlife that it supports. Water temperature in the creek will probably rise significantly and dissolved oxygen concentrations may decline, affecting aquatic vertebrates and invertebrates. Scouring of the streambed during storms may increase from increased runoff as a result of loss of forest cover in the headwaters, and as a result, stream banks could be cut further and the concentrations of total suspended solids (sediment) may increase above current levels. The existing beneficial input of organic matter, detritus and nutrients from the natural soil cover, leaf litter, trees and other natural vegetation that form the basis of the stream's food chain would be altered and could be severely depleted. And of course eutrophication or over-enrichment may occur due to excess nutrients from warmed-up surface runoff which has greater carrying (dissolving) potential than cooler waters.

The groundwater table and the aquifer recharge rate could change due to water pumping and the removal of water for the development. Stream flow in Galloway Creek (volume, rate, seasonal fluctuations, etc.) could change from the current natural conditions due to the collection and later discharge of water through outflow pipes from stormwater ponds. Galloway Creek is a perennial stream, but if water that now drains from the site by surface flow across a forested ground surface with natural infiltration into the water table, is instead funneled into stormwater ponds, the groundwater table could decline. There might be corresponding impacts on the water levels and flow in the creek. If the normal existing flow volume in the creek that is attributed to (supplemental from) groundwater is significantly reduced as a result of the proposed stormwater management (SWM) of the site, the creek could begin to run dry. Or the opposite problem could occur: flooding. Unexpected storm events that exceed the design capacity of the SWM facilities could cause stormwater ponds to work improperly or to fail altogether, suddenly releasing water to the watershed and wreaking havoc on it.

There are currently several species of "cool water" amphibians, reptiles and fish known to exist within Galloway Creek at the JBWS, which could unfortunately be significantly impacted if the water temperature in Galloway Creek were to raise enough. This impact could occur due to the proposed extensive removal of forest cover in its headwaters, and from subsequent "treatment" of the stormwater runoff that would be generated by the large amount of proposed impervious surface. What information does the County have available for making a determination of the potential impact to the natural resources at JBWS from this proposal, or others that could be similar, given the type of zoning at Galloway Creek's headwaters? If available, we would like to know what the current temperature and dissolved oxygen levels are in Galloway Creek, preferable at several locations along the watershed. Also, what is the Creek's average sediment load both after a 1-inch and 1-year precipitation event?

We need to learn more details about the potential affect of the collected stormwater runoff. How shallow is the local aquifer? Groundwater could be affected by both withdrawal for use at the site, and infiltration of stormwater, snowmelt, etc. that is generated at the site and allowed to infiltrate into the ground. What effects to groundwater would occur from groundwater withdrawal for maintenance and operation of the mall; and from recharge to groundwater by polluted (with various salts, hydrocarbons, etc.) surface water that is runoff from the mall's impervious surface?

Impacts to fish, wildlife and vegetation both at the site and adjacent to it would probably be significantly adverse. Fish living in Galloway Creek can now swim up and down the stream beneath Route 4, but reduced flow in the creek above Route 4 could diminish the ability of fish to reach spawning or feeding areas. Other vertebrates (mammals, reptiles, amphibians, etc.) that travel between the Sanctuary and the development site via the Route 4 culvert, include salamanders, frogs, snakes, turtles that are mobile but slow moving, and more mobile animals such as raccoons, skunks, river otter, weasels, mink, etc. Increased temperatures, decreased dissolved oxygen, as well as excess sediment and nutrients, will degrade this ecosystem for fish, macroinvertebrates and other aquatic animals that depend on its clean, healthy water. And birds that currently use the forest both on the south side (in the Sanctuary) and north side of Route 4 may be impacted by the extensive loss of forested habitat. These birds would include a variety of resident and migratory songbirds, raptors and others, and some especially sensitive birds known as Forest Interior Dwelling Birds that are dependent on large blocks of forest.

We are also concerned about the unavoidable change in ambient noise and light (at night) which are impacts that can adversely affect both humans and wildlife. Not to mention the aesthetic quality. This would be degraded from vehicle pollutants (the mall will add over 1 million car visits, perhaps up to 2 million per year to the immediate area), that are introduced as unintentional pollution from these vehicle's operations. There will obviously be increased noise from automobiles and trucks. Will the county require mitigation for this? Outdoor lights from the mall, as well as headlights from vehicles at night will increase the ambient light at night, and detract from the pristine nature of the Glendening Preserve. This has proved to disorient amphibians, reptiles, and birds, not to mention it is visually (aesthetically) degrading. This can be mitigated greatly by using lighting for parking lot and street poles, and externally on buildings that is shielded and directs the light downward, rather than out and upward. Will the County require this type of lighting? Also, air pollution from vehicle emissions caused by the high concentration of automobiles at the shopping center may drift south with the prevailing winds into the Sanctuary.

In addition, there is a possibility of increased intentional debris resulting from litter, which will undoubtedly occur given the proposed setting of a mixed-use mall with restaurants and extensive parking areas. All of the trash could not possibly be contained on site, especially the loose litter on the parking lot or access roads, and some will inevitably blow into Galloway Creek or elsewhere offsite. Much of this loose trash will eventually travel into the JBWS or be deposited into the Patuxent River.

We request the county should require the developer to hire a consultant to do surface water quality testing *in Galloway Creek* prior to, during, and after construction is completed in the following locations: at it's headwaters; at the reference property's boundary (downstream of headwaters); and at the JBWS property boundary (below the subject property and south of MD Route 4. By looking at it now a baseline can be established, and evaluated as the proposal progresses. The Sanctuary, the County (Office of Environmental and Cultural Resources), and the State (Maryland Biological Stream Survey/MBSS) all have some Galloway Creek data on hand that can be referenced and compared with it. We also suggest the county require groundwater testing to see if there are any impacts either from the withdrawal (use of groundwater) for operations, or recharge to see if it's contaminated.

To our knowledge, neither the developer nor a representative from your office was present. Based on that meeting, the local citizenry does not support the development for a variety of reasons: the intent and focus of the South County Small Area Plan (SAP) for this area clearly does not support this kind of development; there are already 9 other Target stores (plus WalMarts, K-Marts, B.J.s, Sam's Clubs, etc.) within easy driving distance, all located on or near major arteries; and clearly there is an issue of magnitude of environmental impacts since the existing land is entirely forested and near sensitive natural resources. Several speakers eloquently outlined the kind of "community essentials" they do want and need, all of which seemed to be reasonable and in concert with the recommendations of the SAP, but are not being considered.

The FOJB may have additional concerns that we will identify later, since what we know now is based on only preliminary information given the time frame. It is our clear desire to protect the Sanctuary, and to work cooperatively with the community's landowners and residents, the affected agencies and other stakeholders in this. We look forward to your response.

Respectfully and sincerely,

Jeff Shenot, President
On behalf of the Friends of Jug Bay
(the FOJB Board of Directors approved this statement)

cc: Mr. Robert Miller, Land Use Officer
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