



January 25, 2007

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

Dear Mr. Leopold,

Anne Arundel County is planning to expand the Town Point Dredge Material Placement (DMP) facility as part of the waterway improvement program. The proposed expansion would change the character of the existing DMP site, transforming it from a passive land use into a quasi-industrial operation. Such intensive use of this land could adversely affect the Critical Area and would pose serious traffic hazards for local residents and touring cyclists. Before the County finalizes permit applications and contracts for this project, the Advocates for Herring Bay urge you to conduct a comprehensive assessment of its impact, solicit public input, and adhere to the letter and spirit of the laws governing the Critical Area and Scenic and Historic Roads.

The existing Town Point DMP facility is located entirely within a Resource Conservation Area (RCA) area adjacent to Trotts Branch, which flows into Town Point Cove, Herring Bay, and the Chesapeake Bay. It was built in the late 1970s or early 1980s by the Corps of Engineers to handle spoils from local projects. Materials were deposited and left in place, allowing re-vegetation of the site by natural forces. The attached aerial photo of the Town Point marina shows the generally natural conditions of the site at this time.

The County plans to significantly change the scale and nature of the operation at Town Point. Instead of depositing materials once, the County plans to continually deposit and excavate spoils from the site, dramatically increasing the intensity of the operation. On paper, the larger perimeter and higher berms will increase the design capacity by 50 percent (from 50,000 to about 77,000 cubic yards). In practice, the operational plan could effectively increase the cumulative capacity to roughly 350,000 cubic yards—600 percent larger than the existing use. That estimate reflects current plans to excavate about 35,000 cubic yards of materials every two years, which could continue through 2023, the year the County's lease for the land expires. The cumulative capacity could be even higher if the County grants itself permits to excavate more material or extends the lease beyond 2023.

The key to this expansion is the continuous operation of heavy equipment at the site and on local roadways. Each excavation would generate an estimated 7,000 truck-trips over the summer months (each truck carrying 10 cy and making round trips), resulting in an average of about 80 truck-trips per day, or one truck every 5 to 7 minutes. In addition, County staff indicated that at least nine acres could not be re-vegetated prior to final closure because of the repeated deposition and excavation of spoils. What the County is proposing is analogous to a commercial borrow pit or mining operation, not the passive storage of dredged materials.

The cumulative impact of such intense use seems incompatible with the regulatory standards for RCA areas. Under the Critical Area law, lands designated RCA are meant to “conserve, protect, and enhance the overall ecological value of the Critical Area, its biological productivity, and its diversity” and to “provide adequate breeding, feeding, and wintering habitat for those wildlife populations that require the Chesapeake Bay, its tributaries, or coastal habitats in order to sustain populations of those species.” The Critical Area law allowed the County to map the original Town Point DMP site as RCA; that designation makes sense when the habitat is only temporarily disturbed and quickly revegetated, as is the case at the innovative spoils site at Poplar Island and was historically the case here. That is not what is being proposed now. Other heavy equipment operations, like new borrow pits or mining projects, are not allowed in RCA areas under the County’s zoning code. Do the State and County Critical Area rules clearly allow the County to develop and use RCA land in this way?

It also is inappropriate to locate this type of operation on roads designated as Scenic and Historic. The dump trucks leaving the Town Point DMP site would drive on Leitch Road, Town Point Road, and portions of Fairhaven Road, all of which have received that designation because of their beautiful vistas of the Chesapeake Bay as well as historic significance. Under the County’s zoning code, commercial activities that would generate similar types and volumes of traffic cannot be located on those roads (see for example, 18-11-113, which prohibits use of Scenic or Historic roads by borrow pits and sand and gravel operations located in agricultural zones). Shouldn’t those standards and restrictions apply to County-sponsored projects as well?

To our knowledge, the County has not done a comprehensive assessment of the environmental and community impacts of the new use being proposed at Town Point. For example, has the County:

- Conducted a traffic study on the impact of the heavy truck traffic on the already dangerous conditions at the juncture of Fairhaven-Town Point-Genoa Roads and other intersections en route to Sudley landfill, including Route 2 and Fairhaven/Jewell Roads?
- Considered the impact of heavy-truck traffic on the hundreds of recreational cyclists, marina slip-holders, and pedestrians who ride, drive, and walk through the Town Point area throughout the spring, summer, and fall, generating tourism revenue for businesses in South County?
- Examined the cumulative impact of the offloading and dewatering operations on the ecological value and hydrology of Trotts Branch and Town Point Cove, which are relatively pristine and geographically confined bodies of water?

- Considered the impact on local watermen and soft-shell crab shedding operations when proposing to dredge Town Point Cove in September, well before the October 15 start of the normal dredging period?
- Prepared a vegetation management plan tailored to local species and adjacent wetlands and forests, instead of relying on the standard protocol of seeding with fescue?
- Studied alternative designs that would allow for one-time deposition of spoils and immediate restoration of the site?
- Or, pursued partnerships with the State to maximize beneficial uses of spoils to create habitat (as is being done at Poplar Island) or restore shorelines?

We urge the County to undertake such assessments in conjunction with the local communities before moving forward. Projects of this nature need to be considered holistically, not just through the piecemeal and narrowly focused assessments done for County grading permits, State water discharge permits, or the Federal dredging permits. The staff of the County's Department of Public Works have been very accessible and helpful in providing us information about the engineering aspects of the project, but many of its environmental, social, and economic impacts are outside the scope of their review.

As citizens who live along the shores of the Chesapeake Bay, we understand the need to keep waterways open for both commercial and recreational boating. However, when doing the dredging necessary to preserve those waterways, it is counterproductive to dispose of the dredged material in a manner that puts already fragile Critical Area sites at even greater risk. We urge you to take a broader and more visionary approach to the problem, enabling Anne Arundel County to be an effective steward of both its environment and its boating communities. We look forward to working with you to achieve that vision. Please contact me (at 202-226-2865) or Stephen Marley (at 301-286-1814) if you would like to discuss these issues in further detail.

Sincerely,

Kathleen Gramp
President

Enclosure

cc:

Members, Anne Arundel County Council
Honorable Janet Greenip, State Senator for District 33
Honorable Robert Costa, Delegate for District 33 B
Mr. Ren Serey, Executive Director, Critical Area Commission
Mr. Robert Cuthbertson, Maryland Department of the Environment
Mr. Richard Kibby, U.S. Army Corps of Engineers

Aerial view of Town Point DMP, circa 2000.

