

LETTER OF FINDINGS

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FROM: Haley Kelly, PWS, Senior Environmental Scientist

- **RE:** Viva White Oak Justification for Stream and Stream Valley Buffer Removal WSSI #: P.WSI0000867
- **DATE:** February 7, 2025

Introduction:

In response to comments offered by Montgomery County MNCPPC during the development review process, Wetland Studies and Solutions, Inc. (WSSI) is providing additional information regarding the removal of a stream and associated stream valley buffer in the central portion of the site as shown on NRI 420180560, approved in 2018. The location of the stream is represented as "concrete lined channel" on page 10 of NRI 420250940.

Field Observations

On May 9, 2024, WSSI completed a wetland delineation on the Viva White Oak site. In the central portion of the site, WSSI observed signage indicating the presence of a sediment basin (Exhibit 1), as well as the actual sediment basin with a riser structure (Exhibit 2) and surrounded by a berm (Exhibit 3). On the south side of the berm, WSSI located an outfall pipe (Exhibit 4) and an asphalt or concrete-lined channel (Exhibit 5 and 6). The man-made channel continued south until it opened into a large, isolated depressional area with no discernable outflow (Exhibit 7). Based on the presence of the riser structure, the pipe outfall, and the artificially lined channel, WSSI did not identify this area as a jurisdictional wetland or waterway.

Representatives from the Maryland Department of the Environment (MDE) and the U.S. Army Corps of Engineers (USACE) reviewed WSSI's wetland delineation on December 5, 2024. Because of the presence of the riser structure, pipe outfall, and the artificially lined channel, as well as the lack of wetland indicators in the isolated depression at the downstream end of the channel, neither agency exercised jurisdiction over this area. In their determination, the sediment basin and channel were constructed in uplands to manage overland flow related to past land disturbances. Written confirmation from MDE and USACE is pending and will be submitted to MNCPPC when received.

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Steve Findley February 7, 2025 WSSI #: PWSI0000867 Page 2 of 7

Review of Historic Mapping

WSSI reviewed historic mapping available online. The 1945 USGS Topographic Quad for the area represents the pre-mining condition of the site (<u>Exhibit 8</u>). This mapping does not show the presence of a stream in the targeted area. The Montgomery County Soil Survey for 1961 and 1995 (<u>Exhibits 9 and 10</u>, respectively) indicate the presence of a gravel pit in this area (soil types labeled as Gp and 200). Additionally, no stream is visible in the targeted area on the aerial photography used for the basis of these maps.

Review of County Guidelines

Montgomery County's Environmental Guidelines (2021) defines a perennial stream as "streams that typically have continuous baseflow from the groundwater table, which is generally located above the streambed throughout the year," and intermittent streams as "streams that typically have baseflow at least once per year. Typically, in the winter and spring, the groundwater table is elevated, increasing the likelihood that the groundwater level is higher than the bed of a stream channel."

In WSSI's opinion, the information presented in this Letter of Findings corroborates our determination that the sediment basin and associated channel are man-made features related to past site development. Furthermore, the channel has no groundwater inputs and only receives flow through the outfall pipe from the riser structure after storm events. The asphalt substrate of the channel provides a restrictive layer, cutting off groundwater influence to the channel. Based on these factors, the channel does not meet the County's definition of a perennial or intermittent stream and is not afforded a stream buffer.

If you have any questions, please do not hesitate to contact me at (410) 672-5990 or at <u>hkelly@wetlands.com</u>.

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Steve Findley February 7, 2025 WSSI #: PWSI0000867 Page 3 of 7



Exhibit 1: Sediment basin signage.



Exhibit 2: Sediment basin with riser structure.

Steve Findley February 7, 2025 WSSI #: PWSI0000867 Page 4 of 7



Exhibit 3: Sediment basin surrounded by berm.



Exhibit 4: Outfall pipe from sediment basin through berm.

Steve Findley February 7, 2025 WSSI #: PWSI0000867 Page 5 of 7



Exhibit 6: Channel substrate.

Steve Findley February 7, 2025 WSSI #: PWSI0000867 Page 6 of 7



Exhibit 7: Isolated upland depression south of man-made channel.



Exhibit 8: 1945 USGS Topo Quad. The blue marker represents the approximate location of the sediment basin.

Steve Findley February 7, 2025 WSSI #: PWSI0000867 Page 7 of 7



Exhibit 9: 1961 Montgomery Co. Soil Survey. Approximate location of the sediment basin is circled in red.



Exhibit 10: 1961 Montgomery Co. Soil Survey. Approximate location of the sediment basin is circled.