

Atlanta Regional Commission
200 Northcreek, Suite 300
3715 Northside Parkway
Atlanta, Georgia 30327-2809

50 YEARS 1947-1997
of Regional Cooperation, Leadership & Planning



Harry West
Director

June 10, 1997

Honorable Charles Camp, Mayor
City of Douglasville
P.O. Box 219
Douglasville, GA. 30133

RE: Development of Regional Impact Review
Arbor Place Mall

Dear Charlie:

Since you were at the Commission's May 28, 1997, meeting, you already know the Commission's action on the Arbor Place Mall Development of Regional Impact (DRI). But I am writing just to officially transmit the resolution which the Commission adopted finding the proposed Mall would be in the best interest of the State provided the City and the developer agree to the ten listed conditions.

I also want to tell you that we appreciate the City's response to the conditions and ask that you please let us know if we can assist the City in this matter in any way.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Harry West', is written over a horizontal line.

Harry West
Director

Enclosure

c Mr. J. Scott Williamson, Arbor Place Mall, LP

RESOLUTION BY THE ATLANTA REGIONAL COMMISSION CONCERNING THE ARBOR PLACE MALL

WHEREAS, pursuant to the Georgia Planning Act of 1989 and Georgia Department of Community Affairs Rules for Review of Developments of Regional Impact (DRI's), the Atlanta Regional Commission has reviewed the Arbor Place Mall proposed on 125 acres on Douglas Boulevard (south of I-20) between Chapel Hill Road and State Route 5 in the City of Douglasville; and

WHEREAS, the mall is proposed to include six department stores, cinema, and other retail for a total 1,323,027 square feet with 6,462 parking spaces; and

WHEREAS, it is recognized that commercial and retail use is recommended in the local future land use plan for the relevant site; and

WHEREAS, during the review, comments were received from affected agencies and area residents (see Attachments #1); and

WHEREAS, the mall is proposed in the Anneewakee Creek Water Supply Watershed, which is classified under Georgia Environmental Protection Division (EPD) criteria as a small (less than 100 square miles) water supply watershed and the site includes a perennial stream; and

WHEREAS, the Rules of the EPD require certain measures for protection of small water supply watersheds, including stream buffers and setbacks and a limit of 25 percent impervious surface within the watershed; and

WHEREAS, the amount of water this source is capable of yielding is not sufficient to meet any appreciable water supply needs of the County; and

WHEREAS, Douglasville-Douglas County Water and Sewer Authority (DDCWSA) has requested and EPD has concurred to increase DDCWSA's Dog River Reservoir raw water withdrawal permit by 4.89 million gallons per day (MGD) which more than equals their permitted withdrawal limit of 1.49 MGD on Anneewakee Creek; and

WHEREAS, as a condition of EPD's concurrence, the DDCWSA has agreed to designate the Anneewakee Creek source as supplemental to the primary Dog River Reservoir withdrawal; and

WHEREAS, the Rules of the EPD allow that exceptions to their Rules can be made for watersheds providing only secondary or emergency sources of water; and

WHEREAS, the ARC staff analysis concluded that the development as presented would continue past land use patterns which have led to dependence on single-occupant vehicle travel and air quality problems which are not in the best interest of the State; and

(7) Reduce the amount of proposed parking at the mall to the minimum required on a daily basis and provide sidewalks and shuttle bus service from other lots, including the facility proposed at I-20 and Chapel Hill Road, for overflow crowds for holiday shopping.

(8) Provide sufficient heavily vegetated buffer between the mall and the residential areas surrounding the mall area.

(9) Provide multi-use paths to access the mall from the surrounding areas

(10) Require a stormwater management plan that controls both quantity and quality of stormwater runoff and includes a maintenance and remediation agreement.

BE IT FURTHER RESOLVED that the Commission offers its staff assistance to the developer and the City in furthering these efforts.

ARBOR PLACE MALL

PROPOSED PROJECT

1,323,027 sq.ft. retail space

6,462 parking spaces

LOCATION

South of I-20 & Douglas Blvd
Between Chapel Hill & SR 5
City of Douglasville
125 acres

DEVELOPER

CBL & Associates Properties, Inc.

POTENTIAL IMPACT

Jobs

2,646

Taxes

\$13,980,680

Water

0.18 MGD

Wastewater

0.18 MGD

Southside WPC Plant

3.25 MGD Permit

2.10 MGD Average Flow

Traffic

39,651 Weekday Trips

V/C Ratios

Under 1.0 except I-20 Post Rd-SR5,
I-20 Chapel Hill-SR92, Rose Ave
SR5-US78

Solid Waste

4,208 tons per year

Small Water Supply Watershed

Wetlands, Perennial Stream, Floodplain

ATTACHMENT 1
COMMENTS RECEIVED

May 1, 1997

Ms. Beverly Rhea, Review Coordinator
Atlanta Regional Commission
200 Northcreek, Suite 300
3715 Northside Parkway
Atlanta, Georgia 30327-2809

RE: Arbor Place Mall
Douglasville, Georgia

Dear Ms. Rhea:

This is in response to your letter of April 16, 1997 to Commissioner Lonice Barrett requesting our comments on the proposed development of Arbor Place Mall in Douglasville, Georgia.

On July 23, 1996, CBL & Associates Properties, Inc., in accordance with the provisions of Georgia's Erosion and Sedimentation Act, as amended, submitted a variance application to the Georgia Environmental Protection Division (EPD) to encroach within the 25-foot stream buffer in order to enclose approximately 2300 linear feet of stream into two 10 ft. X 10 ft. concrete box culverts. On February 21, 1997, EPD denied the variance due to the significant loss of stream buffer habitat that would occur.

On April 18, 1997, a revised variance application was submitted to EPD and is presently being reviewed. EPD will notify the Atlanta Regional Commission upon our decision to either issue or deny the current variance request for this project.

Sincerely,



Alan W. Hallum, Chief
Water Protection Branch

AWH:jmr

cc: Harold F. Reheis

File:BV-048-097-02

INFRASTRUCTURE**Transportation**

How much traffic (both average daily and peak am/pm) will be generated by the proposed project?

Land Use	Acres Sq. Feet Units	Weekday	AM Peak Hour		PM Peak Hour	
			Enter	Exit	Enter	Exit
Mall	,323,027	39,651	469	275	,817	,817

The above trip generation figures were calculated using the Institute of Traffic Engineers Trip Generation (5th Edition) manual.

What are the existing traffic patterns and volumes on the local, county, state and interstate roads that serve the site?

The following volumes are based on 1995 GDOT coverage counts from area facilities that will likely provide the primary routes for traveling to the proposed development. 2010 volumes for these facilities were obtained from the ARC transportation model.

Facility	1995 Number of Lanes	1995 Volume	1995 V/C Ratio	2010 Number of Lanes	Forecast 2010 volume	2010 V/C Ratio
I-20 from Post Rd to SR 5 (Sta 112)	4	46,900	0.63	4	90,300	.22
I-20 from SR 5 to Chapel Hill Rd. (Sta 116)	6	61,100	0.56	6	109,800	0.99
I-20 from Chapel Hill Rd to SR 92 (Sta 118)	6	69,700	0.63	6	113,300	.02
Douglas Blvd from SR 5 to Chapel Hill Rd	4	Not Available		4	Not Available	
SR 5 from I-20 to Kings Hwy (Sta 012)	4	34,400	0.71	4	43,300	0.90
SR 5 from I-20 to Rose Ave (Sta 014)	4	16,400	0.34	4	22,000	0.46
SR 5 from Rose Ave to US 78 (Sta 016)	2	6,600	0.27	2	13,500	0.56
Rose Ave from SR 5 to US 78 (Sta 227)	2	9,500	0.67	2	14,800	.05
Chapel Hill Rd from I-20 to North of Bomar Rd (Sta 194)	2	16,100	0.56	4	33,100	0.61
Chapel Hill Rd from I-20 to Woodvalley Rd (Sta 196)	2	10,300	0.43	2	27,100	0.99

The above table indicates that roads in the vicinity of the site are either at capacity or greatly exceed capacity.

What transportation improvements are under construction or planned for the Region that would affect or be affected by the proposed project? What is the status of those improvements (long or short range or other)?

The ARC's adopted Atlanta Regional Transportation Improvement Program FY 1996 - FY 2001 (TIP), as amended September 25, 1996, includes the following proposed projects in the vicinity of this site:

DO 031 Douglas Boulevard Extension from Midway Road to North County Line Road. New 2 lane. Preliminary Engineering authorized for FY 1997. Right-of-way to be acquired by local government, scheduled for FY 1999. Construction scheduled for sometime after FY 2001.

DO 032 Douglas Boulevard Extension from Midway Road to Prestley Mill Road. New 2 lane. Preliminary Engineering authorized for FY 1997. Right-of-way to be acquired by local government, scheduled for FY 1999. Construction scheduled for sometime after FY 2001.

Transit multi-use facility at I-20 and Chapel Hill Rd. Includes park and ride lot, vanpool and potential express bus service. Construction is programmed to occur in FY 1997 and FY 1998.

The long range element of ARC's Regional Transportation Plan: 2010 includes the following projects in the vicinity of this site:

No projects identified.

The Atlanta Region Bicycle and Pedestrian Walkways Plan, 1995 Update includes the following project:

The Douglas Boulevard Multi-Use Path is a 1.5 mile project proposed to be 12 feet wide that will be part of a larger 6.5 mile bicycle and pedestrian path network in the City of Douglasville. The path will link the existing sidewalk network and tie together a number of residential, commercial, and employment sites, including schools, Douglas County Hospital and Carroll Tech.

Will the proposed project be located in a rapid transit station area? If yes, how will the proposed project enhance or be enhanced by the rapid transit system?

No.

Is the site served by transit? If so, describe type and level of service.

No.

Are there plans to provide or expand transit service in the vicinity of the proposed project?

No.

What transportation demand management strategies does the developer propose (carpool, flex-time, transit subsidy, etc.)?

None.

What is the cumulative generation of this and other DRIs or major developments? Is the transportation system (existing and planned) capable of accommodating these trips?

There are no other DRI sites in the vicinity of this site. Regionally, the mall is expected to attract traffic from Alabama, Carroll, Paulding, Cobb, Fulton, and Coweta counties and others west of Atlanta. Some traffic ordinarily destined for Shannon Mall, Cumberland Mall and Town Center Mall is expected to be diverted to this location.

Overall, the existing street system operates well in the immediate area, with the exception of SR 5 which exceeds capacity during the evening peak hour. Chapel Hill Road and SR 5 operate acceptably during off-peak hours. The recent interchange improvement at I-20 and Chapel Hill Road has greatly improved capacity and operations in the immediate area; this improvement was planned with the intention of a mall or similar size retail development at the subject location.

Future 2010 traffic projections indicate that roads in the vicinity of the site will be approaching or exceeding capacity. The additional estimated 39,000 daily trips generated by the mall will significantly impact roads and intersections adjacent to the mall site, resulting in worsening traffic conditions, especially during the evening peak hour. The present location has access at only two points to the county street system from Douglas Boulevard - Chapel Hill Road and SR 5. The proposed Douglas Boulevard extension is expected to help redistribute local traffic, and help alleviate some impacts to the Chapel Hill Road and SR 5 intersections with I-20. According to information supplied by the City of Douglasville, a traffic study is forthcoming. At that time, County and City staff plan to coordinate with GA DOT as to specific improvements to mitigate traffic impacts.

As recommendations, the developer, City and County officials should work with ARC and the GA DOT to develop appropriate transportation projects and programs that will reduce single-occupant vehicle travel, encourage the use of alternative modes and be included in local and regional transportation plans. The site should be developed for pedestrian and bicycle access, with sidewalks, bicycle parking racks and changing rooms. Pedestrian, bicycle and possibly automobile access to the adjacent Arbor Station development should also be included. For additional comments and recommendations regarding land use, traffic, other transportation modes and access, please refer to Denise Wright's memorandum dated May 1, 1997.



DOUGLAS COUNTY BOARD OF COMMISSIONERS

6754 Broad Street • Douglasville, GA 30134 • Telephone (404) 920-7266 • Fax: 920-7357

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May 15, 1997

Ms. Beverly Rhea, Review Coordinator
Atlanta Regional Commission
200 Northcreek, Suite 300
3715 Northside Parkway
Atlanta, Georgia 30327-2809

Dear Ms. Rhea:

The following comments are provided in support of the proposed Arbor Place Mall in the City of Douglasville. The proposed location of a regional mall is long overdue in Douglas County considering the significant growth of the community and area during the past 20 years. The proposed mall will relieve stress on the Atlanta, Fulton and Cobb County infrastructure. Specifically, by providing additional shopping opportunities in Douglas County the mall will reduce regional impacts on the overburdened Atlanta sewerage treatment system and traffic congestion at Cumberland and Lenox Square Malls and Town Center.

The cumulative benefit of these changes will be an improvement in the air quality impact of the metropolitan Atlanta area. The availability of shopping choices in Douglas County will reduce the automobile dependence and time area residents expend traveling into other regional shopping areas. This reduction of automobile use produces less local dependence on oil production.

The proposed mall complements our local goals and infrastructure. Recent infrastructure improvements in Douglas County will accommodate many of the impacts created by the mall. Furthermore, the increased value of the commercial property will generate additional tax funds and thereby reduce the tax burden on existing residential property.

Currently approximately 65% of Douglas County residents commute to other counties to work. The proposed mall will create many additional employment opportunities for area residents. There will also be a significant amount of collateral development and services created by the mall. Based on these issues, we support the location of the proposed Arbor Place Mall in the City of Douglasville. If you require additional information, please let me know

Sincerely,

Mike Cason
County Manager



DEVELOPMENT OF REGIONAL IMPACT

DRI-REQUEST FOR COMMENTS

Instructions: The project described below has been submitted to this Regional Development Center for review as a Development of Regional Impact (DRI). A DRI is a development project of sufficient scale or importance that it is likely to have impacts beyond the jurisdiction in which the project is actually located, such as adjoining cities or neighboring counties. We would like to consider your comments on this proposed development in our DRI review process. Therefore, please review the information about the project included on this form and give us your comments in the space provided. The completed form should be returned to the RDC on or before the specified return deadline.

Preliminary findings and comments of the RDC:

ARBOR PLACE MALL, DOUGLASVILLE - SEE ATTACHED REPORT

PAULDING COUNTY

Comments from affected party (attach additional sheets as needed):

* Obviously, the proposed Arbor Place Mall project will provide economic benefits to the area and will be a catalyst for development. Mall developments of this magnitude, are regional activity areas and employment centers which create point destination vehicle trips. The primary transportation route from the northern segments of this region within Paulding County is State Route 92.

As you are aware, due to the Clean Air Act and its impact on the thirteen (13) county Atlanta Region, the capacity of State Route 92 can not be increased. With the addition of the point destination traffic on this two-lane roadway, and the inability to widen the road, it would appear that the level of service will be decreased.

Atlanta Regional Commission
200 Northcreek, Suite 300
3715 Northside Parkway
Atlanta, Georgia 30327-2809

404 364-2582
404 364-2599 (FAX)

Individual completing form:

RANDY L. MANNINO, AICP

Local Government: PAULDING COUNTY

Department: PLANNING & ZONING

Telephone: (770) 443-7601

Signature: Randy L. Mannino Date: -1-97

Beverly Rhee
Review Coordinator

ARC

Return Deadline: _____

May 2, 1997

Atlanta Regional Commission
Review Office
3715 Northside Parkway
Building 200
Suite 300
Atlanta, Georgia 30327

Dear ARC Review Committee,

I am a resident of the Arbor Station Community which borders the proposed Arbor Place Mall. There are several concerns that I have about the impact this project will have on the area: It will contribute to traffic congestion and greatly air pollution. Secondly, several large retail shopping centers are planned surrounding the mall.

I am requesting that the review committee recommend that the mall plan consist of a mixed use development adding office retail and a nature area for recreation.

Thank you for your involvement in this important quality of life issue.

Sincerely,


Thaphony D. Dumas
6547 Blue Creek Court
Douglasville, GA 30135

April 30, 1997

The McGills
9491 Lakeview Ct.
Douglasville, GA 30135
(770) 489-2813

Ms. Beverly Rhea
Atlanta Regional Commission
200 Northcreek, Suite 300
3715 Northside Parkway
Atlanta, GA 30327-2809
Fax (404) 364-9570

Dear Ms. Rhea

It is our understanding that you are now in a comment and review period of a request by CBL Corp. to develop a regional mall within the Arbor Station P.U.D. and specifically in our back yard. As we have stated before, it is our request and expectation that development of this property be denied. Considering there is an alternate site available in Douglasville, where there is no such opposition. And if both the environmental impact as well as the impact on surrounding residential property is in fact a consideration, we cannot see how such development could be met with approval.

It amazes us that as stated in Monday's Atlanta Journal, "the developer is negotiating with the state Environmental Protection Division to trade the damage building will do to one creek on its site for protecting a nearby creek." When we selected and paid more for our "lakeview" property in 1988, it had a beautiful view of what was then a large reservoir. What we have witnessed in our backyard since, has been an ongoing saga of greed and corruption at the expense of the environment and surrounding residential property.

With regard to the environment, we are no experts, but we do know what we see from our windows on an ongoing basis. We see the property under water - often. We see and hear the water fowl each year as they enjoy the property we would have expected wetlands provisions to protect (we still believe the downsizing of the lake from the beginning should have never been permitted). A typical one-day rain, and a typical rainy week, nearly restores a "lake view" on a regular basis.

In light of the damage to our neighborhood roads and bridges last summer (leaving the community to suffer with outages for several months waiting for repair), we can only expect significant increases in the same type of flooding if this property is developed. It also seems no coincidence to us that with the media in our backyards covering the widespread damage in our area that the NW26 permit was then denied CBL.

If development is allowed, the flooding would not only result in the erosion and damages from excess water run-off, but the effects of the pollutants such as oil, anti-freeze, trash, and whatever else that results being released through our community in the creeks of our back yards. With regard to the impact on the quality of our lives, the list is long and can

April 22, 1997

Atlanta Regional Commission
attn. Ms. Beverly Rhea
3715 Northside Parkway
200 N. Creek Suite 300
Atlanta, Ga. 30327-2809
Fax. # (404) 364-9570

RE: ARBOR PLACE MALL

Dear Ms. Rhea,

Thank you for the opportunity to comment on the Regional Mall located in the City of Douglasville, Ga. We appreciate that ARC will listen to the environmental concerns posed by this type of development. Thank you for informing us of the DR1 as our city government has not presented plans to their constituents.

Personally, I live in the community of the Arbor Station which is a Residential Planned Unit Development. Surprisingly, a Regional Mall has *also* chosen to locate in this residential community. Even more surprising, the mall intends to fill the former 39 acres that formed the City of Douglasville Water Supply Reservoir, enclose a functioning creek in a concrete culvert under the mall, cover this area with 40 feet of soil, and build a Regional mall on top. All of this when a mile from this site is approximately 400 acres rezoned for a regional mall and power centers.

Last June, when I learned that the lake would no longer be a part of the amenities in Arbor Station, I tried to understand the value and functions of these natural resources. Every agency that I have talked with has stressed the biggest concern is with the management of the stormwater run off into the creeks. These creeks already have been degraded by the development on Hwy 5 and surrounding areas and have grown in width. This has already produced flooding to the Arbor Station Community especially last August when 11 or more roads were washed out. Many of these roads were associated with this same water shed. The Base flood elevation in Arbor Station have not been determined. The City indicated that portions of this community would not have been allowed to be developed at today's present standards. What will the impacts of a Regional Mall and the development that will occur around it be to this already overburdened natural drainage system?

Stormwater run off according to the *National Research Defense Council* is one of the largest sources of water quality damage".

The next paragraph sounds like it referring talking about this particular project.

"Regional land use and transportation policies encourage developers to pave over the soil which traditionally absorbs rain and snowmelt. Unfortunately, the result is an increase

in the Volume and speed of often contaminated runoff which leads to widespread and hazardous flooding in the low-lying areas."

NRDC

Evidently, with a municipality under 100,000 stormwater management left up to the local governments. While Douglas County projected that we have 85,000 residents it will not be long before we reach that 100,000 threshold. The city ordinances address stormwater runoff only in that the rate cannot increase. However, the volume has no regulation. Potentially, we have an area of 120 acres that now absorbs run off being paved and developed releasing a much greater volume of unregulated stormwater run off.

From the 6500 parking spaces the storm water will eventually be deposited into the creeks of Arbor Station. The oil and the trash from the run off will reportedly be

Park

The State of Georgia D.O.T. confirmed to me that the City has asked their department to Participate in the Ring Road that encircles the mall. My concern is that many other roads in the County need updating expanding or repair. Why should a private developer benefit with D.O.T. funds?

How will the near 40,000 cars projected on a daily basis effect the air and quality of health in my community?

Thank you for your time and I hope this helps you assess the impact to Arbor Place Mall on the Arbor Station Community.

Sincerely,

Marcia Parsons
9523 Lakeview Court
Douglasville, Ga. 30135
(770) 942-2949

P.S. I believe C.B.L. and Associates to be a wonderful mall developer and hope that they would consider other site options.

P.S.s The developer to date was denied the Soil Erosion and Sedimentation Plan and the Stream Variance from EPD. The Corps. of Engineers has not issued an Wetlands Permit, either.

ATTACHMENT 2

BACKGROUND MATERIAL

FROM ARC STAFF REVIEW

Watershed Protection

The proposed project site is located within the Anneewakee Creek watershed and includes a perennial flowing stream, as indicated by a solid blue line on U.S.G.S quad sheets. The proposed project site is within seven miles of the Douglasville - Douglas County Water and Sewer Authority's (DDCWSA) Chapel Hill Road treatment plant water supply intake. Although the DDCWSA holds a withdrawal permit for Anneewakee Creek, the amount of water this source is capable of yielding is not sufficient to meet any appreciable water supply needs of the county. ARC is aware of DDCWSA's request and GA EPD's concurrence to increase the Dog River Reservoir raw water withdrawal permit by 4.89 mgd, which is an amount that more than equals the permitted withdrawal limit of 1.49 mgd on Anneewakee Creek. As a condition of EPD's concurrence, the DDCWSA has agreed to designate the Anneewakee Creek source as supplemental to the primary Dog River Reservoir withdrawal. To the best of our knowledge, DDCWSA no longer considers Anneewakee Creek as a water supply watershed because they feel it now serves as an emergency water supply source. Exceptions to coverage of DNR water supply watershed protection criteria may be allowed for watersheds providing secondary or emergency sources of water, however at present EPD stills considers the Anneewakee Creek watershed as a small water supply watershed and requires applicable protection criteria. If DDCWSA no longer regards Anneewakee Creek as a primary source of water and a water supply watershed, ARC encourages the County to focus their water source protection efforts in other water supply watersheds and to work with the state to reach a consensus regarding the status of this watershed. If it is to remain classified as a small water supply watershed, the following DNR protection shall apply:

1. A buffer shall be maintained for a distance of 100 feet on both sides of stream as measured from the stream banks.
2. No impervious surface shall be constructed within a 150 foot setback on both sides of the stream as measured from the stream banks.
3. Septic tanks and septic tank drainfields are prohibited in the setback area of (2) above.
4. The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to twenty-five (25) percent, or existing use, whichever is greater.
5. New facilities which handle hazardous materials of the types and amount determined by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.

Floodplains

Areas within the proposed project site are located within the 100 year floodplain. Steps should be taken by the City of Douglasville to mitigate potential impacts on these floodplains. The Atlanta Regional Commission's Regional Development Plan notes that "all structures that can be damaged or land uses that can impede flood waters or reduce storage volume must be built outside the intermediate region (one percent) flood limits (i.e., outside the 100-year flood limit), with the exception that a stream crossing may vary from this policy, if constructed so as to permit passage of a 100-year flood with minimum feasible flow impedence, storage volume reduction, and upstream or downstream erosion or deposition."

Storm Water / Water Quality

Steps should be taken to limit the amount of pollutants that will be produced during and after construction. During construction, the project should conform to the City's erosion and sediment control requirements. After construction, water quality can be impacted without storm water pollution controls. The amount of pollutants that will be produced after construction of the proposed Arbor Place

These provisions and the monitoring program should be included in a formal, legally binding maintenance agreement between the City and the responsible party.

In addition to inspections required in the storm water management plan, the formal maintenance agreement between the developer and City of Douglasville should allow for periodic inspections of the storm water facilities to be conducted by appropriate City personnel. If inadequate maintenance is observed, the responsible party should be notified and given a period of time to correct any deficiencies. If the party fails to respond, the City should be given the right to make necessary repairs and bill the responsible party.

The City should not release the site plans for development or issue any grading or construction permits until a storm water management plan has been approved, and a fully executed maintenance/monitoring agreement is in place.

Transportation/Air Quality

For this development to be consistent with air quality goals, several complementary strategies should be incorporated into its design. Some address the design of the proposed development itself, while others relate to surrounding land uses in addition to those included in this DRI.

Douglas County should employ policies that encourage developers to include strategies that encourage public transit use. Such action by local governments is supported by ARC's Regional Development Plan (RDP) which states "Public transportation in the region should be used to provide an affordable alternative to automobile travel, to relieve traffic congestion, to add to the mobility of travel, to relieve traffic congestion, to add to the mobility of households without automobiles, and to increase access to employment and human services." and "transit service should be made cost effective by tailoring the type of service to the type of demand." Furthermore, the policies "encourage local governments to use coordinated land use controls and transportation facility design to increase the effectiveness of highway and transit systems." In keeping with these policies, it is essential that the local government, Georgia DOT, ARC, and the developer continue cooperative efforts to lessen traffic congestion in the area.

Developers should be encouraged to pursue additional strategies to mitigate the increases in traffic congestion associated with new development. These strategies should include:

1. Develop the proposed site and the surrounding area into a full scale activity center.

Surrounding development should include uses such as office and residential to create a mixed-use activity center. These types of development are typically more balanced in terms of jobs and housing, are pedestrian friendly and tend to reduce the need for trips by car. Mixed-use activity centers are also more amenable to the development of transportation alternatives such as transit, paratransit, shuttle services and others. Locating and orienting buildings, driveways and any required parking areas so as to facilitate walking trips, and providing convenient pedestrian paths are essential to facilitating the development of a mixed use activity center.

2. Encourage people to walk and take transit by designing a pedestrian and transit friendly development.

Bike and pedestrian friendliness go hand in hand with transit friendliness (e.g. express bus, park and ride lots, HOV lanes) and can help eliminate the need for internal trips in a development such as this. A 1995 study by Reid Ewing lists the following "essential" features that must be in place to be considered "friendly"; medium to high densities, mixed land uses, short to medium block lengths, transit routes every half mile, two or four lane streets, continuous sidewalks with safe crossing facilities, appropriate buffering from traffic, street oriented buildings set back no farther than 25 feet, and comfortable and safe places to wait. In addition, Ewing notes the following highly desirable elements necessary to create a transit and pedestrian friendly environment; supportive commercial uses, grid-like street networks, traffic calming measures such as speed humps, closely spaced shade trees along access routes, minimal "dead" space, nearby parks and public spaces, small-scale buildings and attractive transit facilities. The following elements are considered "nice additions" to such a development; streetwalls (uninterrupted building facades or storefronts), functional street furniture, small scale signage, special pavements and objects such as public art.

3. Identify and support the development of air quality beneficial projects to reduce congestion on main access routes to proposed development.

The proposed development does not include provisions for alternative ways of accessing the site other than by vehicle. Options such as express lanes and various forms of transit should be considered feasible given the developments proximity to major thoroughfares and its high density. Transit options can range from shuttle service within the development to express bus routes connecting to existing rail stations, park and ride lots, and bus stops to direct rail and bus service. These connections to the site allow trips to be made by some mode other than the car and thus reduce the number of trips and consequently emissions attributable to the development.

4. Identify private sector resources to subsidize transit service to employees of this and other major developments in the area.

5. Design development to allow for multiple points of access/circulation. The proposed development is designed with only two entries which inhibits accessibility and generates large amounts of traffic at those two intersections where the traffic dumps onto neighboring thoroughfares. This creates problems not only at those intersections, but also on the roads themselves and will likely impact future levels of service. The development should be accessible by several points of entry allowing it to become an integrated element of the surrounding development rather than a secluded "island."

Transportation/Air Quality

For this development to be consistent with air quality goals, several complementary strategies should be incorporated into its design. Some address the design of the proposed development itself, while others relate to surrounding land uses in addition to those included in this DRI.

Douglas County should employ policies that encourage developers to include strategies that encourage public transit use. Such action by local governments is supported by ARC's Regional Development Plan (RDP) which states "Public transportation in the region should be used to provide an affordable alternative to automobile travel, to relieve traffic congestion, to add to the mobility of travel, to relieve traffic congestion, to add to the mobility of households without automobiles, and to increase access to employment and human services." and "transit service should be made cost effective by tailoring the type of service to the type of demand." Furthermore, the policies "encourage local governments to use coordinated land use controls and transportation facility design to increase the effectiveness of highway and transit systems." In keeping with these policies, it is essential that the local government, Georgia DOT, ARC, and the developer continue cooperative efforts to lessen traffic congestion in the area.

Developers should be encouraged to pursue additional strategies to mitigate the increases in traffic congestion associated with new development. These strategies should include:

1. Develop the proposed site and the surrounding area into a full scale activity center.

Surrounding development should include uses such as office and residential to create a mixed-use activity center. These types of development are typically more balanced in terms of jobs and housing, are pedestrian friendly and tend to reduce the need for trips by car. Mixed-use activity centers are also more amenable to the development of transportation alternatives such as transit, paratransit, shuttle services and others. Locating and orienting buildings, driveways and any required parking areas so as to facilitate walking trips, and providing convenient pedestrian paths are essential to facilitating the development of a mixed use activity center.

2. Encourage people to walk and take transit by designing a pedestrian and transit friendly development. Bike and pedestrian friendliness go hand in hand with transit friendliness (e.g. express bus, park and ride lots, HOV lanes) and can help eliminate the need for internal trips in a development such as this. A 1995 study by Reid Ewing lists the following "essential" features that must be in place to be considered "friendly"; medium to high densities, mixed land uses, short to medium block lengths, transit routes every half mile, two or four lane streets, continuous sidewalks with safe crossing facilities, appropriate buffering from traffic, street oriented buildings set back no farther than 25 feet, and comfortable and safe places to wait. In addition, Ewing notes the following highly desirable elements necessary to create a transit and pedestrian friendly environment; supportive commercial uses, grid-like street networks, traffic calming measures such as speed humps, closely spaced shade trees along access routes, minimal "dead" space, nearby parks and public spaces, small-scale buildings and attractive transit facilities. The following elements are considered "nice additions" to such a development; streetwalls (uninterrupted building facades or storefronts), functional street furniture, small scale signage, special pavements and objects such as public art.

3. Identify and support the development of air quality beneficial projects to reduce congestion on main access routes to proposed development. The proposed development does not include provisions for alternative ways of accessing the site other than by vehicle. Options such as express lanes and various forms of transit should be considered feasible given the developments proximity to major thoroughfares and its high density. Transit options can range from shuttle service within the development to express bus routes connecting to existing rail stations, park and ride lots, and bus stops to direct rail and bus service. These connections to the site allow trips to be made by some mode other than the car and thus reduce the number of trips and consequently emissions attributable to the development.

4. Identify private sector resources to subsidize transit service to employees of this and other major developments in the area.

5. Design development to allow for multiple points of access/circulation. The proposed development is designed with only two entries which inhibits accessibility and generates large amounts of traffic at those two intersections where the traffic dumps onto neighboring thoroughfares. This creates problems not only at those intersections, but also on the roads themselves and will likely impact future levels of service. The development should be accessible by several points of entry allowing it to become an integrated element of the surrounding development rather than a secluded "island."

ATTACHMENT 3
INFORMATION DISTRIBUTED
AT
COMMITTEE MEETING



REQUEST FOR REVIEW (PAGE 2)

Project Information:

Project Phase:

Initial construction
Ultimate buildout

Percent of Overall Project:

72.3%
100.0%

Estimated Completion Date:

Fall, 1998
2003

Project Build-out Date: 2003

Estimated Value at Build-out: \$140,000,000.00

Estimated annual tax revenues likely to be generated by the proposed development: \$13,980,680

How many jobs will be created by the proposed development?
long term 2,500
short term 500

If the development will displace any existing uses, please describe (using units, sq. ft., etc.):

Presently the site is undeveloped

Are existing community facilities adequate to support the project? yes

If not, describe any new community facilities (including road improvements) that will be needed to support the project: The road network is presently in place.

What is the estimated water supply demand (in MGD)? .18

What is the estimated sewage flow (in MGD)? .18

Will any hazardous waste be generated by the development? No. However, there will be items that normally occur during the construction phase, i.e., empty paint cans, etc. that will be disposed of properly.

How much solid waste will the project generate annually (in tons)?
See Exhibit C

Is the development located within, or likely to affect a:

- | | |
|--|---|
| <input type="checkbox"/> Water supply watershed | <input type="checkbox"/> Protected river corridor |
| <input type="checkbox"/> Groundwater recharge area | <input type="checkbox"/> Historic resource |
| <input checked="" type="checkbox"/> Wetland or flood plain | <input type="checkbox"/> Other... |
| <input type="checkbox"/> Protected mountain | |

If the answer to any of the above is yes, describe the development's potential impact on the resource: The site will be displacing 3 acres of jurisdictional vegetated wetlands and 2.9 acres of jurisdictional open water habitat (waters of US)

Developer-proposed mitigation measures:

- ☒ buffers
- ☒ landscaping
- ☐ accel/decel lanes
- ☒ erosion and sedimentation control
- ☒ stormwater management
- ☒ other (specify): Wetland and stream restoration and preservation (see attached pages 58-61 of 404 permits - Exhibit D)

Indicate the project type:

- ☐ Office
 - ☒ Commercial, Wholesale and Distribution
 - ☐ Hospitals and Health Care Facilities
 - ☐ Housing
 - ☐ Industrial
 - ☐ Hotels
 - ☐ Mixed Use
 - ☐ Airports
 - ☐ Attractions and Recreational Facilities
 - ☐ Post-Secondary Schools
 - ☐ Waste Disposal
 - ☐ Quarries, Asphalt and Cement Plants
 - ☐ Wastewater Facilities
 - ☐ Petroleum Storage Facilities
- properly.

Indicate project size (Use the DRI Threshold Chart for appropriate units of measure): At buildout - 1,323,027 gross square footage

- ✳ Whereas the Dog River Reservoir has 225 acres which is in violation by EPD criterion violations in CU and Zinc designated cause urban runoff with only minimum data set. See Chart.

NOTE: That the Dog River Reservoir was the only lake or reservoir that set only minimum data since this is an undeveloped area what could be the possible cause of this type of violation.

- ✳ Douglasville whether or not they know it needs a secondary water supply. The way that the Chapel Hill Water Treatment Plant functioned was to increase the outflow out of the old City Reservoir in order to have enough water flow. Annewakkee is the only creek system that did not dry up in the worst drought of the 1880's
- ✳ Whereas the WSA is looking for ground water as an aquifer and a good source of ground water is located in Arbor Station area this ground water recharge must be protected and the perennial stream corridor protected from stormwater runoff



DEVELOPMENT OF REGIONAL IMPACT

Rec'd. from AR

REQUEST FOR REVIEW

A DRI is a development project of sufficient scale or importance that is likely to have impacts beyond the jurisdiction in which the project is actually located, such as on adjoining cities or neighboring counties. The project described below appears to meet or exceed Development of Regional Impact (DRI) thresholds established by the Department of Community Affairs. Proposed actions in support of developments which meet or exceed the thresholds are subject to regional review by all affected local governments and other parties. Participating local governments are required to submit this form to the Regional Development Center before approving any project or taking any action related to the project.

Local government: City of Douglasville

Individual completing form: Keith L. Williams

Title: City Engineer

Department: Engineering

Telephone: (770) 920-3000

Signature: [Signature] Date: 4/4/97

Party initiating the proposed activity:
Arbor Place Mall Limited Partnership

Contact person: J. Scott Williamson

Title: Project Manager

Telephone: (423) 490-8345

Physical location of the proposed development (if applicable):
1/4 mile west of the intersection of Douglas Blvd. and Chapel Hill Road (south side of I-20)

Is the entire project located within your jurisdictional boundaries?
yes

- ☐ Expansion of Existing Project
☒ New Project

Local Project ID, Application #, etc.: CBL Mall
(Arbor Place Mall)

The requested government action is a:

- ☐ Rezoning
☐ Variance
☒ Permit
☐ Water connection request
☐ Sewer connection request

Other (specify):

Is the development consistent with the local government's comprehensive plan? yes
If not, please explain:

Local government office or department(s) responsible for reviewing and/or taking official action regarding development (if applicable):

City of Douglasville - Building Department

Local government staff the RDC can contact for more information:
Keith L. Williams
770/920-3000

Description of development (attach additional sheets if necessary):

Arbor Place Mall is proposed to be a two-level enclosed regional mall consisting of approximately 1,323,027 square feet. The site is approximately 125 acres. (See attached site plan - Exhibit A)

or RDC Use Only:

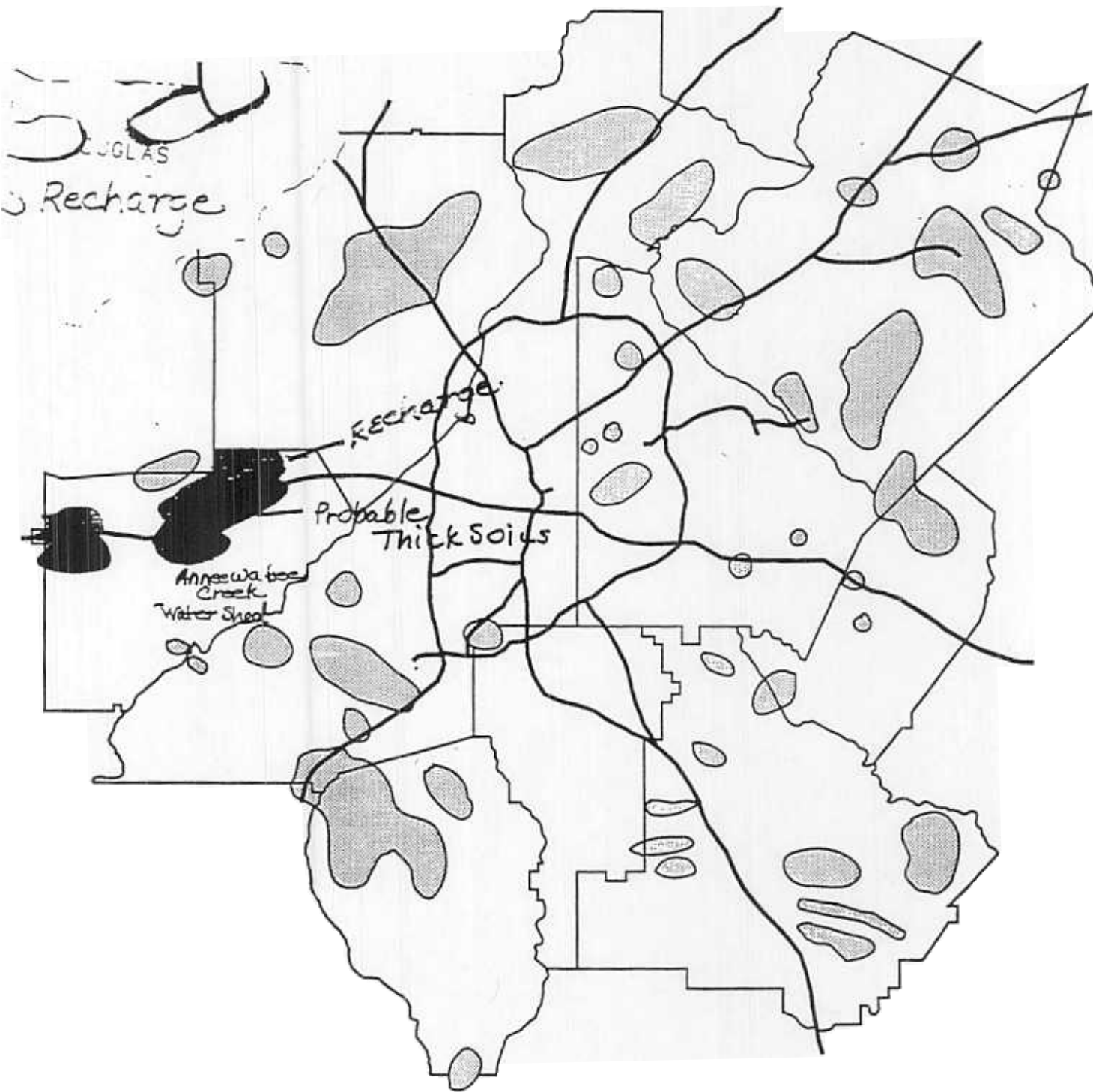
- ☒ Form complete
☒ Project meets DRI review criteria

Date form was received: 4/4/97 Reviewed by: B. Rhea

Formal acceptance date: 4/15/97 Signature: B. Rhea Date: 4/15/97

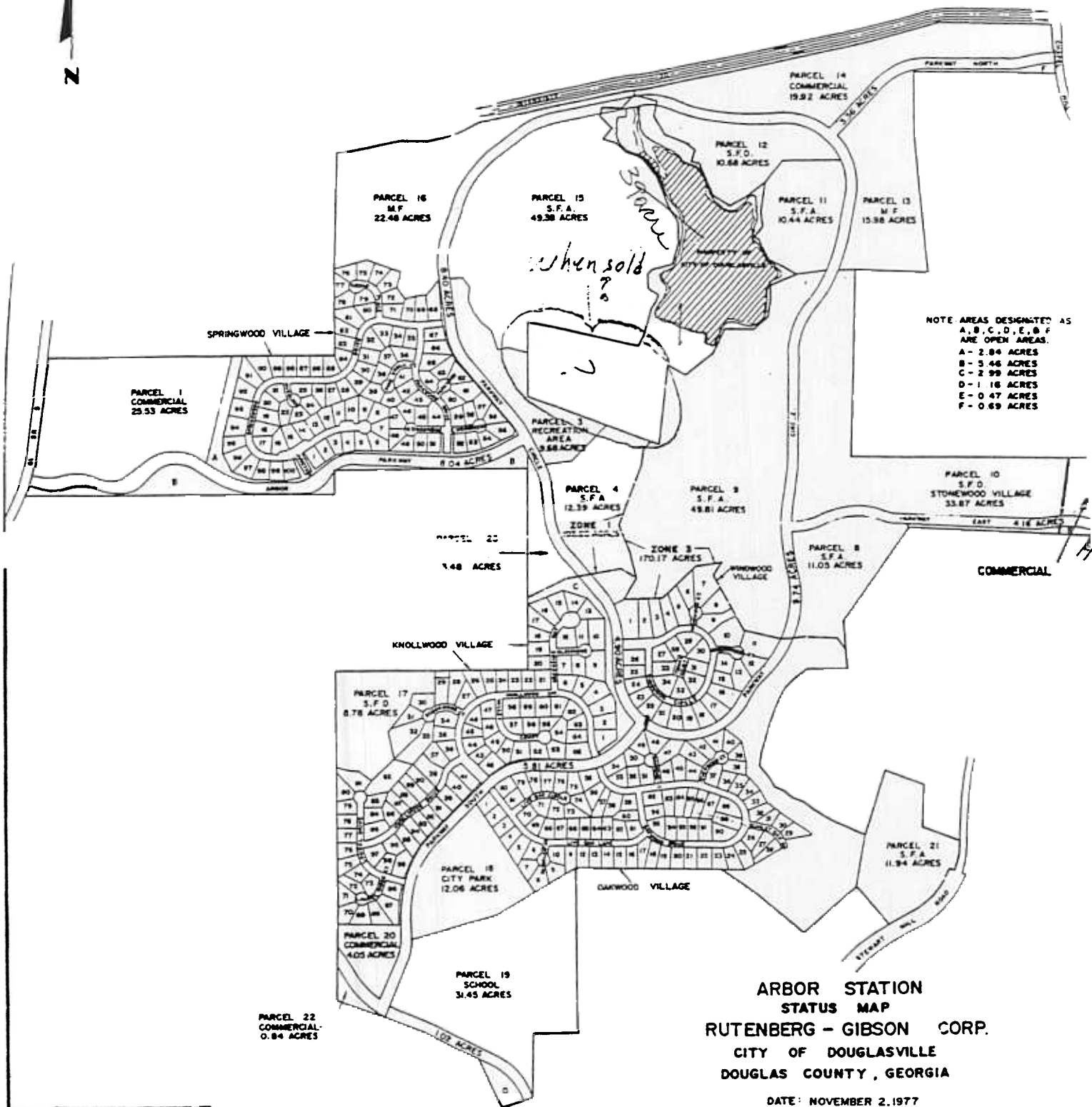
Atlanta Region

Probable Areas of Thick Soils MAP TWENTY-FOUR



May be Significant Ground Water Recharge Areas
Source: State Department of Natural Resources

N



Prepared By
RK ENGINEERING CORP.
Atlanta, Georgia

IMPACT STUDY FOR LAND USE PERMITS,
REZONINGS AND PROPOSED SUBDIVISIONS

CITY: X COUNTY:

SOILS EVALUATION

Creekwood
Beginni
1970's

West Georgia Soil and Water Conservation District

REQUEST: Creekwood Village - Arbor Station LL313, 24 - Preliminary

Soil Types (Name)	% Slope	Approx. Acres	Depth to Bedrock (in.)	Degree of Limitation and Major Restrictive Features Affecting Proposed Land Use				
				Flood Plain	Septic Tank Absorption Fields	Dwelling Without Basement	Dwelling With Basement	Local Roads and Streets
CCOA (Alluvial)		10 AC.	>60"	yes (Common)	Severe - (Flooding)	Severe - (Flooding)	Severe - (Flooding)	Severe - (Flooding)
Madison	6-15%	10 AC.	36-120"	None	N/A	Moderate - (Shrink-Swell)	Moderate - (Shrink-Swell)	Severe - (Traffic Support Capacity)
Madison	15-25%	20 AC.	36-120"	None	N/A	Severe - (Slope)	Moderate - (Shrink-Swell)	Severe - (Slope)
Madison	10-15%	7 AC.	>60"	None	N/A	Moderate - (Slope)	Moderate - (Slope)	Moderate - (Slope)
Madison	25-40%	3 AC.	>60"	None	N/A	Severe - (Slope)	Severe - (Slope)	Severe - (Slope)
(N/A - Sewerage Available)								

assures that can be undertaken to permit proper construction:

Note: See attachment

CREEKWOOD VILLAGE

Soils over this area are predominately of the Madison series consisting of deep, well-drained strongly acid soils that have loamy surface with reddish micaceous subsoils.

Approximately 10 Ac. of this site is mapped as flood plain soils. There alluvial areas are adjacent to the major drainage ways thru and bordering site. These areas should not be cleared of trees and vegetation obstructed or otherwise altered.

Slopes on the site range from 60 to 40% with the majority being 15 to 25%. Steep slope conditions such as on this site can present serious run-off, flooding and erosion problems both within the development and to down stream areas if high density development is allowed. Erosion and runoff water will certainly be a serious problem if more than 15% of the site should be covered with impervious surfaces which prevent the absorption of water. Run-off water from a site may be increased by as much as 75% upon development and alteration of steep slope conditions and cover.

The major drainage thru this site is the headwaters of Anneewakee Creek. Several water impoundments with earthen embankments are located upstream and on the tributaries within the water shed area. One of these structures known as the city reservoir is directly above this development site. Consideration should be given to the potential danger that would be involved of this structure should fail. A regular schedule of inspection and maintenance should be carried out on this dam.

Approximately 2600 acres are within the water shed area above the point where Creekwood Drive crosses Anneewakee Creek. This w/s drainage area produces a tremendous amount of run-off accelerated in recent years by urban and commercial build up.

Severe, lasting and irreversible damage both to the site and surrounding environment may result if careful thought, planning and implementation of plans are not carried out on area to be developed.

The following suggestions are submitted for consideration:

1. Increase lot size to no less than 1/2 acre to increase percentage of natural vegetation to be left to reduce flooding and runoff. (Alluvial flood prone and potential flood prone areas along major drainage patterns should not be included).
2. Retain natural vegetation within drainage patterns and do not alter, build in or otherwise obstruct.
3. Limit grading to the minimum by following land contour with access roads, and drives and design homes to fit topography.
4. Revegetate all disturbed areas in suitable, permanent vegetation as quickly as possible after grading.
5. Silt control structures such as brush and hay retention dikes should be placed at strategic points to minimize erosion and silt from leaving site.

6. Field investigation of each lot individually before final approval.
7. Require engineering certification of runoff data including storm sewer sizes, size and adequacy of both culverts and or bridges before final approval.
8. Adequate aprons and headwalls should be provided at all storm water site to prevent scouring and erosion.

This report has been prepared by the Soil Conservation Service working thru the West Georgia Soil and Water Conservation District.

24 26
441-26
1/15

Picture

- * Little Anneewakee/Anneewakee Creek Wash out
- * Raymond Road and Stewart M

Picture

- * West Pines Golf Course
- * S Bridge and D bridge High Water Line

Picture

- * View of stream from Douglas Boulevard Perspective
- * Note the flood plain
- * Photographer angled camera almost level with ground for the picture

Picture #4

- * The emergency spillway in Spring of 1996 just after regular spring rain



Picture #5

- * Adjacent to the spillway and the flow into the creeks after a normal spring rain

Picture #6

- * Existing runoff continued

This is the rate that cannot be increased, however the volume has no regulation

Picture #7

- * Average flow of the drained lake Spring/Summer 1996

Picture #8

Reservoir after a rain event with the riser pipe open



ENVIROWATCH



HOW HUMANS TREAT THEIR SURROUNDINGS, EACH OTHER, THEMSELVES

Paving Over Paradise

As the Evergreen State gets asphalted, what will happen to our streams?

By Tracy Burrows

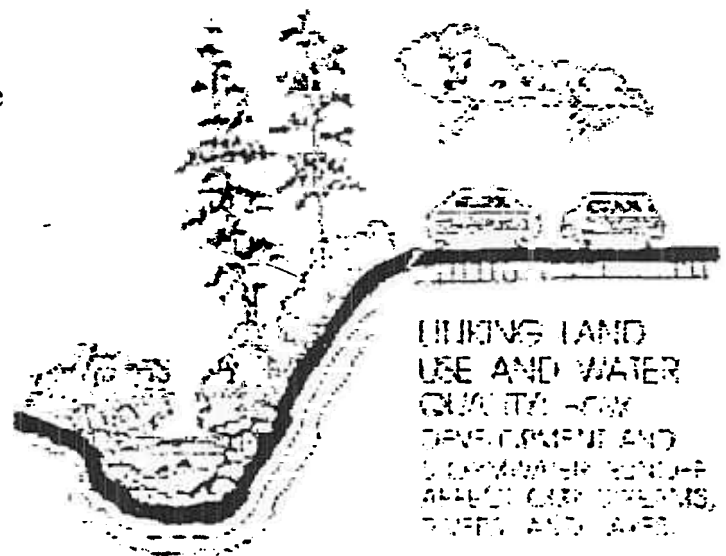
Free Press contributor Bob Tidball is a berry farmer in the lower Green River Valley, and he's worried about the rain. Why? Because land speculators are putting forward a proposal to surround his farm with industrial development. And once the land around Tidball's farm is paved over, the rainwater that once soaked into that surrounding ground has got to go somewhere.

It's likely to end up in Tidball's berry patch, drowning his strawberries and swamping his raspberries. And because this stormwater will wash over industrial rooftops and parking lots, it will be contaminated with heavy metals, such as zinc and cadmium. So Bob and his supporters continue to fight to save one of the few remaining pieces of viable farmland in the valley from the effects of stormwater pollution.

Bob Tidball's story is typical of how land development affects drainage and water quality. In urbanizing areas, rainfall that once filtered slowly downhill becomes surface runoff. It flows across compacted earth and impervious man-made surfaces (asphalt, concrete, rooftops) and is channeled into storm drains. This can have dramatic results. The runoff from a one-acre meadow during and after a one-inch rainstorm would fill a standard size office to the depth of two feet. If the meadow were paved, the runoff from the rainstorm would fill three entire offices from floor to ceiling.

So, it's no coincidence that King County has been experiencing more frequent and severe flooding in recent years. More and more of the land beside the county's rivers and streams is being paved over or built up. In heavy rains, the water that can no longer soak into the ground ends up in the basements of homes in Issaquah and Carnation.

Salmon bear the brunt of this increased stormwater runoff. Salmon need healthy streams. As a



watershed is covered over with more and more roads, rooftops, and other impervious surfaces, the streams in the watershed experience dramatic declines.

How much pavement is too much? Research has yielded a surprisingly similar conclusion. When a watershed becomes covered by about ten percent impervious cover, its streams will degrade. As the percentage of impervious cover increases, degradation tends to increase accordingly. This means that streams will begin to experience declines even at rural residential densities. Once an area is covered by suburban-style development, its streams will no longer support healthy fish populations.

How does the increased flow of stormwater runoff degrade fish habitat? The two primary fish habitat are pools and riffles. Riffles are shallow, gravelly, fast-water areas that are the main food production areas of streams. Pools, which form in deeper, slower flowing areas, are the main fish rearing and resting areas for most salmonids. Scouring stormwater flows destroy pools and riffles. Eroded sand and silt blankets over critical spawning gravels. Frequent and prolonged high flows cause spawning gravels to be replaced by cobble too large to be used by fish for spawning. In extreme cases, all gravels may be scoured down to bare glacial till or bedrock.

Impervious surfaces can also cause stream water temperatures to rise, damaging fish habitat. All juvenile and adult salmon need clean, cold (50-55 degrees Fahrenheit) water for migration, spawning, and rearing. Increased streambank erosion leads to a loss of important vegetation. Less shade from streamside trees and shrubs causes water temperatures to rise. In addition, local air temperatures have a strong influence on the water temperature in headwater streams. Just as paved areas warm the air temperature, they affect water temperature as well.

Often, as urbanization increases, streams are diverted, channelized, dammed, and piped. As these man-made alterations increase, so do the ecological impacts-the endpoint being a biologically sterile stream completely encased in underground concrete pipes. In addition, related habitats such as wetlands and ponds may be damaged or eliminated by grading and filling activities.

For ideas on reducing impervious surfaces, 1000 Friends of Washington has produced an illustrated handbook on land use and water quality linkages that is now available to the public. Call (206) 343-0681 to order a copy.

Enviro shorts

by Free Press staff

Salvage Rider Shenanigans

For further proof that the Salvage Rider has nothing to do with "salvaging" dead and dying trees, two environmental groups got the goods under the Freedom of Information Act (FOIA).

Friends of the Clearwater, an Idaho group which monitors the Clearwater National Forest, and the Ecology Center, Inc., based in Montana, submitted FOIA requests to a handful of National Forests, including the Clearwater, Nez Perce, and Boise National Forests.

The groups sought information on: 1) evidence of an epidemic in the forest due to insects, disease, or evidence of dead and downed trees; 2) a backlog of salvage timber in the Forest. These two points are taken straight from the Salvage Rider law (P.L. 104-19), which was ostensibly aimed at alleviating a forest health crisis and a backlog of salvage timber.

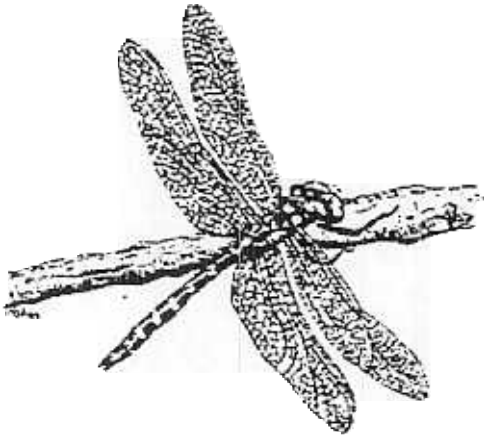
The response? The Forest Service office in charge of Clearwater responded that they could provide no documents in their files indicating dead, damaged or diseased trees outside their natural range of



Challenges of Protecting Aquatic Systems

Many factors complicate efforts to protect aquatic and wetland species; chief among them is the simple fact that water flows

- downhill. Aquatic species are affected by
- activities taking place anywhere uphill or
- upstream in the watershed, even many miles away. Because the size of watersheds critical for conservation can be great—on the order of thousands to millions of acres—too often human activities within the watershed are not compatible with aquatic conservation objectives.



→ The very nature of stream systems means that the traditional conservation approach of setting aside an area for preservation will not work. Stream systems are dynamic; water and wildlife will pass fluidly through any “preserved” stretch of stream. As a result, downstream activities also have a bearing on species survival. Since people and wild species depend on the same streams and waterways, the challenge is to ensure that human uses of the watershed support the survival of wild species.

The imperiled banded bog skimmer, one of the _____ benefits from Conservancy protection activities in Rhode Island.

The Nature Conservancy

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Natural Heritage Network

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ABOUT US

What Are the Threats?

While the Southeast and West stand out as epicenters of endangerment, aquatic organisms are under stress throughout the United States. Four factors in particular threaten freshwater aquatic species:

- *Agricultural runoff* contains a variety of chemical and nutrient contaminants that degrade water quality. Of special concern are the sediments from soil erosion, which can smother stream bottoms and render them unsuitable for many aquatic creatures. Agricultural runoff is diffuse in nature (that is, a "non-point" source), and consequently more difficult to treat than localized (or "point" source) pollution, which has been considerably cleaned up over the last 25 years.
- *Dams and water diversions for agriculture, industry, and domestic use* seriously alter the flow, temperature, and nutrient content of waterways. Dams also create physical barriers to species migration and dispersal. The nation's 75,000 large dams and 2.5 million small dams have widespread and pervasive effects on aquatic species.
- *Non-native species* accidentally or purposefully introduced into aquatic systems compete with native species for space and resources. The combined effects of competition, predation, and hybridization by non-native species further tax native plants and animals already jeopardized by chemical and physical threats.
- *Direct habitat destruction or degradation* caused by the alteration or conversion of wetlands, stream channels, and riparian corridors also threatens aquatic biodiversity. Wetlands have been particularly hard-hit: less than one-half of the nation's original 200 million acres of wetlands remains, according to the U.S. Fish and Wildlife Service.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

4270 Norwich Street
Brunswick, Georgia 31520

February 26, 1997

Department of the Army, Corps of Engineers
Savannah District, North Area Section
3485 North Desert Drive
Building 2, Suite 102
Atlanta, Georgia 30344
ATTN: Aaron Valenta

RE: CBL & Associates Properties, Inc., Arbor Place Mall, Douglas County
Joint Public Notice #960021680

Dear Sir:

The Fish and Wildlife Service (Service) has reviewed the referenced Joint Public Notice issued January 2, 1997. The applicant, CBL & Associates Properties, has requested a Department of the Army permit, pursuant to Section 404 of the Clean Water Act, to permanently impact approximately 40 acres including 5.9 acres of jurisdictional wetlands and waters of the United States, for construction and development of a 1.3 million square-foot regional shopping mall. Wetlands and waters to be impacted are within a tributary to Aneewakee Creek. Mitigation is proposed by preservation of 12 acres of bottomland hardwood in the Aneewakee Creek floodplain, enhancement and restoration of a 25 acre site adjacent to the Aneewakee Creek and construction of two stormwater ponds. This report is submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended: 16 U.S.C. 661 et seq.) and the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.)

A Service biologist inspected the site on January 15, 1997. Areas to be impacted consist of emergent wetlands, scrub-shrub wetlands, forested wetlands and open water. Approximately 1500 feet of an unnamed tributary to Aneewakee Creek will be enclosed in box culverts. This culverted tributary will then empty into a manmade pond, which will also receive stormwater run-off from a portion of the parking area.

The site currently provides habitat for a number of species of ducks, wading birds, and migratory birds, even though the pond has already been drained once and the fish removed. The Service is concerned about the continued and cumulative loss of fish and wildlife habitat resulting from development in the area.

The Service has the following serious concerns regarding the permitting of this project:

- Increased erosion downstream of the project area. By evidence of the high water line, the amount and force of water exiting the culvert may cause erosion downstream of the site.
2. Loss of open water area for migratory waterfowl and resident wading birds.
3. Loss of 1500 feet of stream habitat. When a stream is piped or culverted for extended distances, that reach of the stream is lost as habitat for most fish and aquatic resources.

- 4 Decrease in water quality. Stormwater runoff from construction sites or parking lots should not be mixed with waters of the U.S. until the stormwater has been treated. Stormwater ponds are holding areas to treat parking lot runoff that may be contaminated with oils, greases, and PAHs from automobiles, and, therefore, should not be designed to attract birds and wildlife to the area. Stormwater ponds should be designed to retain stormwater and allow for slow discharge of the stormwater through a vegetated area for uptake of pollutants by the plants. Mixing untreated parking lot runoff with waters of the U.S. will decrease the overall water quality of the tributary.

To satisfy these concerns, the Service, makes the following recommendations:

Redesign the project to assure that erosion will not be increased downstream. This may be accomplished by the use of energy dissipators within the waters of the tributary prior to leaving the project site.

2. Design the project so that the tributary does not flow into the stormwater treatment ponds.
3. Any adverse impacts are to be mitigated in an amount and at a location appropriate to the type of system being impacted. This amount needs to be based on an accepted habitat evaluation method. The loss of the 1500 feet of stream habitat could be mitigated by perhaps restoring degraded stream habitat down gradient of the project site. Open water and wetland habitat could be mitigated on the proposed 25 acre restoration/mitigation site and the proposed twelve acre preservation site. A mitigation plan for these two sites need to be developed and submitted for interagency review.
- 4 If possible, mitigation areas should be located within the Anneewakee Creek watershed, and should be placed in a conservation easement in perpetuity, never to be developed. This easement would specify that the property would be available for public use.

Without the inclusion of the above recommendations and conditions of the permit, the Service finds the adverse impacts of this proposal to wetlands and aquatic resources to be unacceptable, and recommends that the permit be denied. This constitutes the report of the U.S. Fish and Wildlife Service. If you have any additional questions, please write or call staff biologist Diane Bateman at (912)265-9336.

Sincerely,



J. Mitch King
Field Supervisor

DB/jw/arborpl2.den
cc: Bob Lord, EPA
Marsha Parsons
Pamela Blockey O'Brien