

## **Wetlands trade offered Laurel Park wants to fill in 4 acres for complex**

By Phillip McGowan  
Sun reporter  
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The owner of Laurel Park wants to fill in 4 acres of wetlands in the Patuxent River watershed as part of a multimillion-dollar redevelopment to modernize the floundering thoroughbred racetrack.

The nontidal wetlands that would be filled in are near Route 198, said Walter Lynch, the project's lead architect. That is where a swath of heavily wooded wetlands buffers the racetrack complex from the state highway, near the line between Anne Arundel and Prince George's counties.

Lynch said Laurel Park's parent owner, Magna Entertainment Corp., would offset the 4-acre fill-in that would be used for new grandstands, retail and parking by creating 8 acres of forested wetlands nearer the Patuxent River.

The Army Corps of Engineers and the state's environmental agency are reviewing the racetrack's preliminary permit request to eliminate the wetlands.

Two years ago, the Anne Arundel County Council granted permission to Laurel Park to build a commercial district on the track's property. Magna officials have briefed community members about this project for at least five years.

"This is not a surprise," Lynch said of Magna's plans to fill in wetlands as part of a 750,000-square-foot redevelopment that would include Main Street-style shopping and a hotel on the complex's 364-acre tract.

The request to eliminate wetlands sparked outrage among environmental activists and distressed lawmakers and some community leaders. They questioned the need to build over wetlands and argued that man-made replacements won't compensate for the loss of naturally occurring habitat.

"It looks great on paper ... [but] it's a shell game. It's a stupid shell game," said Fred Tutman, the Patuxent Riverkeeper. He said there's an "absence of objective review" by federal and state regulators.

Wetland disturbances of less than an acre are primarily reviewed by the Maryland Department of the Environment. Applications that request the filling in of an acre or more of wetlands also are independently reviewed by the Corps of Engineers.

In 2005, regulators approved the filling in of 5 acres of wetlands for the Odenton Town Center. They also approved the filling in of 45 acres for the building of the 18-mile Intercounty Connector between Rockville and Laurel.

Last year in Crofton, a proposal to fill in less than an acre of nontidal wetlands to accommodate the building of a Wal-Mart touched off a protest that helped kill the project.

Laurel Park officials had proposed filling 15 acres of wetlands, but since they filed a preliminary application in August, that area has been reduced sharply.

No permit would be granted until after a public hearing. MDE spokesman Robert Ballenger described the review as in the "very early stages." Corps of Engineers spokesman Christopher Augsburg did not rule out a reduction in the acreage of affected wetlands. County Councilman Jamie Benoit, a Democrat who represents Laurel, said he will challenge regulators and Laurel Park to find alternatives to destroying wetlands.

"If there's a way to do it without filling in the wetlands, I will call on them to do so," Benoit said. Council Chairwoman Cathleen M. Vitale, a Severna Park Republican, said, "I am leery there's a requirement to fill in wetlands or to adversely impact the environment."

In January 2006, the Republican-majority council sided with County Executive Janet S. Owens to allow for commercial as well as industrial use at the track.

Vitale supported the measure. She said there was no discussion of wetlands disturbances before the 5-2 vote. This year, state voters will consider whether to legalize Las Vegas-style gambling machines in Maryland. Laurel Park has been targeted as a site for slots.

As a first step, a forested tract of 55 acres across Brock Bridge Road from the main complex has been cleared. New barns are to be built there, but the use of that land could change.

In September Magna reached an accord to buy out the remaining interest in the Laurel track and Pimlico Race Course for \$18.3 million. As part of the deal, Magna said it might sell that 55-acre tract in Laurel in an effort to raise \$700 million and stay in business.

A spokesman for Laurel Park referred questions to Loren Kumer, vice president of real estate for Magna. Kumer could not be reached for comment.

Ray Smallwood, president of the Maryland City Civic Association, said he expects Magna to hold off on most building until the statewide slots referendum is decided in November.

Wetlands provide habitat, filter out nitrogen and recharge groundwater. Their capacity to absorb water also helps reduce flooding.

Lynch said the 8 acres of man-made wetlands would replace little-used parking lots on the property's western flank, abutting the Patuxent River.

"They will be closer to the river, where they are more useful," Lynch said.

Smallwood said he is confident that changing the wetlands at Laurel Park would prove beneficial.