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## Evaluation of Herbicides Used at Fort Ritchie is Planned

**Corporate Office Properties Trust sees a non-cash loss of \$28 million**

*By Stephanie Harbaugh  
The Record Herald*

*Posted Apr 19, 2011 @ 11:13 AM*

*Cascade, Md. —*

The United States Army has hired an expert consultant to evaluate the impact of tactical defoliants and herbicides, including Agent Orange, used at the former Fort Ritchie Army base back in the 1950s.

In mid-February the Department of Defense released disclosures about the use of chemical testing at various military sites across the U.S. including Fort Ritchie in a report titled, "Defoliation Investigation during 1954 and 1955."

The information is the latest setback in efforts to redevelop the former Army base and prompted Corporate Offices Properties Trust to declared it a \$28 million loss.

COPT remains committed to redevelopment of the 500-acre mountaintop site, according to a spokesman who would not provide any additional information.

### **The Impact**

After receiving the disclosures about the use of tactical herbicides in February, COPT started to re-evaluate its development plans and prospects for Fort Ritchie. The re-evaluation led COPT's management, in conjunction with the audit committee from its board of trustees, to recognize the \$28 million non-cash impairment loss, according to a statement released by COPT on April 5. A non-cash impairment loss is when a property's value is currently below what has been invested in it.

According to an e-mail released by Army environmental attorney David Howlett, the Army will

release a status report by May 30.

That information will be added to the Record of Environmental Consideration, which also has been a sticking point for the property.

## **What's Happened**

COPT's master plan for the redevelopment for the former Army base, which was closed in 1998 by the Base Realignment and Closure Commission, has been plagued with setback after setback for years.

The recent disclosure about the use of tactical defoliants and herbicides has added delays to the litigation filed against the Army, PenMar Development Corp. and COPT by former Cascade residents Jim Lemon of Vienna, Va., and Robin Biser, of Waynesboro in 2005.

Development has been at a standstill since Royce C. Lamberth, chief judge for the U.S. District Court for the District of Columbia, ordered all development be halted in November 2009, as the Army completed a new Record of Environmental Consideration. It was approved in December 2010.

## **Ongoing Litigation**

On Nov. 10, 2009, the United States District Court told the Army to redo its REC, after the court ruled that the Army failed to properly evaluate the environmental impact of Fort Ritchie's redevelopment plan by current owner COPT.

Lemon and Biser's lawsuit says that COPT's redevelopment plan is very different than the one originally approved by PenMar and the community in 1997.

"I hope the lawsuit can be settled this year," Bill Hofmann, senior property and environmental services manager of COPT, told the Record Herald in January 2011, just before the herbicide information was released.

"After the latest supplement is added to the 2010 REC and has been released and reviewed by both parties involved in the lawsuit, they intend to meet and confer to identify any unresolved issues pertaining to the litigation," said David Howlett.

In the 2006 report prepared by the DOD, it revealed that 577 chemicals were screened at the mountaintop site between April 1956 and September 1957 so the Army could find the best forms of vegetation killers. Between 1963 and 1964, tactical agents and herbicides were also tested at Fort Ritchie, where the government sprayed various species of trees.

According to the DOD report, tactical agents and herbicides were created to be used in combat operations, dating back to World War II. Agent Orange, used during the Vietnam conflict is the most well-known of the tactical herbicides.

## **Future Development**

COPT's master plan for Fort Ritchie is to have 1.7 million square feet of office and retail space and a total of 673 single- and multi-family homes.

Estimates of job creation for the property stand at 3,343 in the current COPT master plan. Copyright 2011 Waynesboro Record Herald. Some rights reserved

<http://www.therecordherald.com/news/x802141363/Evaluation-of-herbicides-used-at-Fort-Ritchie-is-planned>