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BOARD OF PUBLIC WORKS

*GOVERNOR'S RECEPTION ROOM, SECOND FLOOR, STATE HOUSE
ANNAPOLIS, MARYLAND*

November 20, 2024

10:07 a.m.

PRESENT

HONORABLE WES MOORE

Governor

HONORABLE ARUNA MILLER

Lieutenant Governor

HONORABLE BROOKE E. LIERMAN

Comptroller

HONORABLE DERECK E. DAVIS

Treasurer

JOHN GONTRUM

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Secretary, Department of Natural Resources

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University System of Maryland

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PROCEEDINGS

GOVERNOR MOORE: Good morning.

(Chorus of good morning.)

GOVERNOR MOORE: Good morning. Please take a seat,
everyone.

COMPTROLLER LIERMAN: Thanks.

TREASURER DAVIS: I wondered if they would stand the whole
meeting.

(Laughter.)

GOVERNOR MOORE: Good morning, everybody.

(Chorus of good morning.)

GOVERNOR MOORE: Good to see you. Welcome to today's
meeting of the Board of Public Works. We're grateful to have all of you here.
And you know, as we first get going, I just want to take a moment just to offer my
colleague some time just to give some words of remembrance of some remarkable
public servants who we just recently lost. And just an acknowledgment of the
contribution they have made, and continue to make, and how their legacy
continues to shine light amongst all of us.

So Madam Comptroller?

COMPTROLLER LIERMAN: Sure. Thank you, Mr. Governor.

I just want to give a sort of shout-out and remembrance of two real
Baltimore icons and leaders that we lost in the past couple of weeks. Glen
Middleton, of course, the leader of AFSCME, who was just a champion for
workers, a champion for the City, an incredible leader for decades of workers'
rights, of government, and personally, was a good friend to me and my father.

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And so, my condolences to his wife and to his whole family.

And then, of course, the indefatigable Mary Pat Clarke who was, you know -- all of you know her record. First woman City Council President, champion for Baltimore neighborhoods, and champion for the people of Baltimore. Just totally devoted to -- now we're allowed to say this -- get the shit done.

(Laughter.)

COMPTROLLER LIERMAN: And you know, making sure that she was always there representing her constituents and also an incredible mentor. I think one of the nice things to see was the tributes from Delegate Boyce and incoming Council President Zeke Cohen and others of just how much she mentored them and helped to build a new generation of City leaders. And they -- you know, I hope -- I think we're all her legacy. So, my condolences to her and her family.

And just eternal gratitude to both of these leaders for the work that they did on behalf of Baltimore City, on behalf of workers, on behalf of our entire State.

GOVERNOR MOORE: Amen. Well said. And thank you. Both Glen and Mary Pat are literally people who helped to build the foundation that everyone in Baltimore stands on. And with the always consistent protection of families, in particular, working families. So to their -- may they rest in peace and may their families have eternal peace as well.

Mr. Treasurer?

TREASURER DAVIS: Speaking of getting shit done.

(Laughter.)

TREASURER DAVIS: Ida Ruben.

COMPTROLLER LIERMAN: Yeah.

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TREASURER DAVIS: Senator Ruben, I don't profess to know very well. I know she was first elected -- I believe, it was in 1974. And I served with her -- our terms overlapped from when I came in in 1995, and she left the General Assembly in 2007. She was everything you read about or heard about. Just a fierce advocate for Montgomery County. See, Montgomery County always had this reputation for being genteel and so forth.

(Laughter.)

TREASURER DAVIS: All I can say --

(Laughter.)

TREASURER DAVIS: All I can say is Senator Ruben could have been from either Baltimore City or Prince George's County.

(Laughter.)

TREASURER DAVIS: She could -- she could box with the best of them. Very smart, was always very kind to me. Very, you know, helpful, if anyone ever had a question or needed help with something. Again, she was a fierce advocate. And the thing that I always respected about her and other legislators like her is that they don't just worry about their jurisdiction.

COMPTROLLER LIERMAN: Yeah.

TREASURER DAVIS: You know, it's -- that's why we're State legislators. And so, Senator Ruben, she served on Budget and Taxation, at least for the times that I knew her. And she was a strong fiscal steward -- a wise steward of the people's money, as they say. And she'll be missed. She was blessed to have lived 95 years. We should all be so lucky. And it was, as they say, a life well lived. So, God bless, Senator Ruben.

GOVERNOR MOORE: Thank you. God bless Senator Ruben, and God bless Senator Ruben's family. And thank you both for the beautiful, beautiful moving and appropriate tributes.

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With that, we'll get started with the with the business of the day.

Secretary Gontrum, good morning.

MR. GONTRUM: Good morning, Governor. And good morning, Mr. Treasurer and Madam Comptroller. There are 17 items on the Secretary's Agenda this morning and three reports of emergency procurements. I'm happy to assist with answering any questions.

GOVERNOR MOORE: Great. Thank you so much. I would actually like to call up two items today. And the first one I want to call up is Item 17.

Item 17 is a request to approve a \$58.5 million settlement. That's to settle litigation that was triggered by the previous Administration's decision to terminate the State Center project back in 2016. The reason I want to highlight this one is that for now, nearly two decades, the future of State Center and the entire State Center Complex -- and frankly, the communities that have been all around that 28-acre campus has been completely clouded with uncertainty. And frankly, the inability to move forward and move on from it, I think, is -- has also uncovered and pushed a lot of really challenging, challenging space for the State and the City to navigate.

And we're talking about something that has lasted three governors. We're talking about something that has lasted five mayors. We're talking that is something is now two lawsuits later. That we're finally now in a position to move forward and move on to a new chapter that is actually about how are we focusing on developing this property into a transformative economic and also a community development project that can actually benefit Baltimoreans and Marylanders to come. And not just simply something that, frankly, has gotten to the point of being a continued hazard without a long-term solution.

My Administration is committed to working closely with Mayor

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Scott and his great team to truly finalize a vision and make sure we have a plan for this project to move forward. And to do something in a way that we know that not just the community, but also all partners involved can feel a sense of pride in the completion of what we're hoping to get done. So in the coming months, a team comprised of leaders from State agencies and City agencies will be meeting regularly to review the existing plans, to conduct additional public outreach because this needs to be done in coordination with the public, and will make a recommendation to me and also to Mayor Scott on plans for the for the future of State Center and what we all hope that is to be, and what we all expect for it to be.

I do want to take a special moment to thank Attorney General Brown and leaders from my Administration for their leadership to bring this litigation to a close. This was not simple. Again, this has been a long-term challenge. And the work that went into making this happen and getting it to this point has, you know, it's been nothing short of noteworthy. And so I'm excited about what this is going to mean for Baltimore City. I'm excited what it's going to mean for the residents. I'm excited what it's going to mean for the future of State Center. I'm excited for what it's going to mean for Maryland.

And actually showing -- continue to show continuing ability to get really complex and big things done. Because a settlement will avoid prolonged and costly litigation and risk on behalf of the taxpayers. Which would have continued on for years, as it has in the years past. So instead of an uncertain future, we're now happy that we now have an opportunity to define a new vision for what this can be.

And Attorney General, I see you on the screen here. Once again, thank you and your team for all the hard work that you put in to making today happen. And I want to turn it over to you for remarks as well.

MR. BROWN: Well, thank you. And good morning, everyone.

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Governor Moore, Madam Comptroller, Mr. Treasurer. For the record, I'm Anthony Brown, the Attorney General of Maryland. And before I have a few remarks about the State Center development, I do want to add my tributes and condolences to the family of Mary Pat Clarke, and Glen Middleton, and Ida Ruben. I too had an opportunity to work with them. I learned a lot from them. It was truly a privilege. And I think all of us can say we're better at what we do for having known them. So I just wanted to be able to say that, and I thank you for your indulgence.

I also want to thank the Board for allowing me to appear remotely today. I'm not able to join. I'm in out-of-state business travel, and so I apologize for not being there in person. However, joining me today in person before the Board is Joshua Chazen. And he's the Assistant Attorney General, Deputy Chief of Litigation for the Civil Division in the Office of the Attorney General.

Today, the Office of the Attorney General presents this agenda item to the Board for approval to resolve litigation between the State, including several of its agencies, and State Center LLC, a developer, concerning the State Center redevelopment project. The project was originally envisioned in 2005 as a transit oriented mixed-use development of office, retail, and residential space to replace a cluster of five State buildings and 1,300 parking spaces on approximately 22 acres in midtown Baltimore.

Despite the development concept receiving original approval from the Board of Public Works in 2009, the project never moved beyond the conceptual phase of the first phase for two major reasons. First, the project was halted for several years by prolonged litigation brought by opponents of the project. That litigation concluded in 2014 with a favorable decision from the Supreme Court of Maryland. Second, in the time elapsed between the inception of the idea for redeveloping the State Center site in 2005 and the 2014 Supreme

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Court decision, there were changed circumstances. Differing economic conditions, changes in real estate markets, technology changes, proposed changes by the developer, and impacts to the State budget.

So on December 21st, 2016, almost eight years ago, in light of these changed circumstances and in accordance with Maryland law, regulations, operating policies, and guidelines, the Board of Public Works reconsidered the approval of the contract. By unanimous vote, the Board of Public Works disapproved of moving forward with the project. The State immediately turned around and began litigation in December 2016, and the developer countersued the State in January of 2017.

Despite good faith efforts to resolve the remaining disputes between the State and developer, this specific litigation continues almost eight years later. Recent rulings in the case have also significantly increased the potential exposure of the State. This matter has also utilized substantial State resources for many years and will continue to do so if this agreement is not approved. A five-week trial has been set in the Circuit Court for Baltimore City beginning March 3rd, 2025. Ultimately, I believe entering into this agreement is in the best interest of the State based on the current posture of the case and all other considerations made.

The attorneys in my office and assistant counsel, outside counsel with whom we work, have handled this matter with great care at each stage of this litigation. Most of which, predates my time as Attorney General. I want to thank all of those in the Office of the Attorney General who have worked on this matter to date. Today, my office submits for approval from this body an agreement to settle all claims, including claims for attorney's fees in this case.

And Mr. Chazen and I are happy to take any questions that the Board may have. Thank you, Mr. Governor.

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GOVERNOR MOORE: Thank you, Mr. Attorney General. And again, sincere thanks to you and your team for the hard work that you all have put into this and continue to put into this.

Any questions for the Attorney General?

COMPTROLLER LIERMAN: Could I just ask one question?

Mr. Attorney General, thanks for joining us. I just thought it would be worth you clarifying that, you know, this is really a risk-benefit assessment -- as are all settlements, of course. And it's your Department's belief that that this is a high number, but the number would be potentially much, much higher if we were to litigate this and to lose, even partially lose, some of what we are litigating; is that correct?

MR. BROWN: That's correct. And I can share with you some, you know, rounded numbers, if you'd like. You know, if you value the claims alleged by the State Center developers, it was north of \$200 million. We did, during the course of this litigation, have a favorable ruling from Judge Sweeney in a motion for summary judgment partially granted in our favor, which greatly reduced the State's exposure.

However, more recently on Judge Sweeney's retirement, Judge Rubin is now presiding over it and has reconsidered Judge Sweeney's ruling and reversed most, if not all, of that ruling, which now exposes the State to a much larger number. We believe this settlement is a good balance, a good compromise, it addresses the risk that the State faces, and we've spent a great deal of time with the defendant, the developer, in achieving this settlement number.

COMPTROLLER LIERMAN: Thank you.

TREASURER DAVIS: Governor?

Good morning, Mr. Attorney General. For some who may not be aware, I think I've been a bit of a pain in the behind regarding settlements. But in

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this particular case, I am fully supportive of what's been done here. You're absolutely correct from the information -- and I thank you for, you know, meeting with me and breaking it all down. The State's exposure would be extraordinary, at a very difficult fiscal period for the State. So I certainly, for whatever it's worth, conclude that this was in the best interest of the State. And happy to support it. And again, thank you and your staff for all the work that you've done and for taking the time out to brief me, to get me up to speed on what we're doing and why it was important. So thank you very much.

GOVERNOR MOORE: Thank you.

COMPTROLLER LIERMAN: If I could comment on the --

GOVERNOR MOORE: Yes, please.

COMPTROLLER LIERMAN: Okay. Thanks, Mr. Governor.

Thank you, Mr. Attorney General. I don't have any further questions. I just wanted to note -- you know, I think it -- if you first look at this, it is, you know, it's a lot of money. And I think, you know, we do not take this decision lightly. I think the high dollar amount demonstrates the wrongheadedness of the previous Administration's approach.

But I also -- you know, we get lost in the importance that -- I think the importance of this piece of real estate to the City of Baltimore, and hence, to the entire region. It gets lost in the back and forth and has been lost in the back and forth over the past umpteen years, as we've -- as it's really been a little bit like a ping pong ball going back and forth over who wants to do what.

You know, all Marylanders really benefit and will benefit as Baltimore grows more prosperous and thriving. And that just can't happen with a State Center that is not redeveloped. This is prime real estate, if you looked at this piece of real estate in any other city. You know, here in Baltimore, you see it's next to Symphony Center. It's next to Mount Vernon. It's just south of Bolton

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Hill. It's on transit. I mean, this is prime real estate.

And you know, we are moving all of our State employees out. We have moved out and moved downtown. And I'm really excited at what this piece of real estate can be moving forward, but we have to move past all of what has happened over the past couple decades, and this will allow us to do that. So that, as the Governor said, we can enter this new phase hopefully quickly so that we can really redevelop and bring something -- build something beautiful and exciting and prosperous and thriving in the middle of Baltimore. So I'm excited to move forward.

GOVERNOR MOORE: Thank you.

And we know that we can't move forward without having the right partners on board. And so also I would like -- I was just speaking with the Mayor last night about this. And I know he cannot -- unfortunately, he can't be here today for this meeting. But I think --

Chief James it is great to see you as always. And Marvin James is here to say a few words on behalf of him.

MR. JAMES: Good morning, everyone. Mr. Governor, Comptroller Lierman, Treasurer Davis. For the record, my name is Marvin James. I serve as the Chief of Staff to the Mayor of Baltimore City. And it is truly an honor and a privilege to come in front of this body today. I'm clearly here to serve in the presence of Mayor Brandon Scott. And while today is absolutely about a legal matter, we congratulate the Attorney General, of course, for his partnership as well during this process.

But today is simply just not about a legal matter. Today is about your commitment to investing in Baltimore. And so today, we did not just drive here to discuss the legal matter and all of its pure entirety, but to fully help everyone to understand that this is a decade's matter that has harmed many

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people -- many communities, many businesses.

But today, we drove all the way down here to simply just say thank you. Thank you for keeping that commitment that you made, Comptroller Lierman, Treasurer Davis since day one to the City of Baltimore. You have done it through many politics. You have done it with many priorities. But today, we just came here to say thank you. So again, to everyone who has been a part of this on behalf of Mayor Brandon Scott and the City of Baltimore. Thank you.

GOVERNOR MOORE: All right. Thank you.

COMPTROLLER LIERMAN: Good to see you.

GOVERNOR MOORE: Thank you so much. And you're right, this is a really important day and the start of a new chapter, which we are truly, truly grateful.

Is there any other discussion on this item?

COMPTROLLER LIERMAN: No.

GOVERNOR MOORE: Okay. Next, I'd like to turn to Item 6, Mr. Secretary, if that's right. Which is a recommendation from the Maryland Department of the Environment and the Board of Public Works Wetlands Administrator to approve the wetlands license to U.S. Wind for the construction of a concrete pier and replacement of steel bulkhead as part of the proposed U.S. Wind operation in the main facility in Worcester County.

For over the past year, MDE and BPW Wetlands Administrator have conducted separate but also thorough reviews of this application and reviewed comments from hundreds of Marylanders who took time to express their views on the wetlands license application. And I do want to take a moment just to thank MDE and Administrator Morgante for their diligent, diligent work over these past months, and to many Marylanders who have taken their own time to be able to make sure their voices are heard throughout this process as well.

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I know we have a number of individuals who have signed up to speak on this item today. But first, I do want to recognize Administrator Morgante to introduce the item, followed by Secretary Serena McIlwain from the Maryland Department of the Environment.

So Mr. Administrator, good morning.

MR. MORGANTE: Good morning, Governor, Madam Comptroller, Mr. Treasurer. For the record, Bill Morgante, Wetlands Administrator for the Board. What's before the Board today is a wetlands license application for the replacement of a bulkhead and the construction of a pier. Once completed, this project is intended to support the operations and management of U.S. Wind's power generation venture off of Ocean City. But the wetlands license itself (indiscernible) the bulkhead in the pier project.

The applicable legal standard from COMAR 22.23.02.04.09 states that the Board shall take into account two factors "the varying ecological, economic, developmental, recreational, and aesthetic values" that the project represents. And secondly, it states "public policy to preserve the wetlands and prevent their despoliation and destruction." Applying the appropriate legal standards and considering the previously stated five values, I've determined that the project's evaluation for tidal wetlands license issuance purposes should be limited only to the impacts on this portion of the State's wetlands affected by the proposed bulkhead replacement and the pier construction.

As part of my evaluation, I reviewed the more than 1,200 comments submitted, visited the project site, and discussed the proposed bulkhead replacement and pier construction work with stakeholders. There are no unique impacts to the wetlands here, relative to the many other pier and bulkhead projects the Board regularly issues licenses for. Licensed activity here, along this commercial harbor and West Ocean City, is consistent with past license work in

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the State tidal wetlands. Conditions attached to the license for this project will safeguard the waters around the pier and the bulkhead in the same way the conditions approved by the Board for other similar projects protect the wetlands. Therefore, I recommend the Board approve the license. I -- to answer any questions you may have.

GOVERNOR MOORE: Thank you, Administrator Morgante.

Thank you.

Any questions for the Administrator?

COMPTROLLER LIERMAN: Can I just ask?

Mr. Morgante, I think what you said is really important and I just want to come back to it slightly. That your evaluation is confined to the impacts of the proposed bulkhead replacement and pier construction in the wetlands. So any other extraneous matters having to do with tourism dollars that have come in or what's going to happen further out in the ocean if they build, you know, these turbines -- none of that comes in to your evaluation because of legal precedent; isn't that correct?

MR. MORGANTE: That's correct. The regulations that pertain to wetland license issuance really relate to the impacts to the State title wetlands.

COMPTROLLER LIERMAN: And the now Supreme Court, then Court of Appeals, has even weighed in on this, correct, and has said you must limit what you're reviewing to these specific items; is that correct?

MR. MORGANTE: Yes, the Four Seasons case that many of us are very familiar with, yes, certainly directed the Board to be concerning itself for wetlands license issuance with impacts to the State's tidal wetlands.

COMPTROLLER LIERMAN: And so in fact, if we started considering all of these other extraneous matters and made a decision based on them, we could be sued and would probably lose based on -- based on that

precedent because it's very clear, correct?

MR. MORGANTE: Yes.

COMPTROLLER LIERMAN: Okay. Thanks for all of your diligence and work and your responses to everybody. I appreciate how thorough you've been. Thank you.

GOVERNOR MOORE: Any questions, Mr. Secretary?

TREASURER DAVIS: No.

GOVERNOR MOORE: Okay. Thank you, Mr. Morgante.

Next, we'll hear from Secretary McIlwain. Madam Secretary, good morning.

MS. MCLLWAIN: Good morning. Good morning again. Thank you, Governor Moore, Comptroller Lierman, and Treasurer Davis. For the record, I am Serena McIlwain. I am the Secretary for the Environment. I'm pleased to be here today to address the proposed wetlands license for U.S. Wind to expand the pier in Ocean City, which is going to be used to build offshore -- build offshore wind turbines.

I'm here today to talk about two aspects of the license. But I think after hearing what I just heard, I'm going to just stick to one. Which is why we feel that this permit is important and why we are approving the permit. So first, and the bottom line, is this is a standard wetlands permit. My Department thoroughly reviewed the application before you today, which is for the U.S. Wind. It met all the requirements under the law and also all the requirements from my Agency. And I really do recommend that this Board approve the license to construct the pier.

During our permitting process, we ensured that we gave ample time for public comment. We even extended the public comment period and notification period. We had a very well attended public hearing on March 25th,

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and the written public comment period was also extended to June 7th. And to just demonstrate the responsiveness of the applicant, they actually responded to the public comment and reduced the size of the pier. So there is really no doubt about this license, like none.

We made our decision based solely on the size of the pier in linear feet, the impacts to the waterway and sediments, and other technical questions that we always ask for permits, and they met everything. Those requirements of the governing law and regulations are really the only thing that matters to the Department of the Environment. And again, they passed the review -- everything.

I was going to go into the second piece, but I'll just say this instead of really going where I wanted to go. That piece was about the wetlands permit. The second piece was why it's really important for Maryland as we're transitioning to a clean energy, but I'll keep those comments to myself. Thank you.

GOVERNOR MOORE: Thank you. Thanks for your leadership.
Any questions?

COMPTROLLER LIERMAN: No.

GOVERNOR MOORE: Mr. Treasurer?

TREASURER DAVIS: I was just curious as to what she was thinking now.

(Laughter.)

TREASURER DAVIS: (Indiscernible).

(Laughter.)

MS. MCLLWAIN: All right.

GOVERNOR MOORE: Thank you so much, Madam Secretary.

Thank you.

We'll now move on to the -- to the speakers who requested to

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speak on behalf of this item. And in the interest of time and volume, I would just ask that all speakers would limit their remarks to no more than three minutes. And Secretary Gontrum, I would ask you to just serve as our timekeeper for this process. We'll begin with the -- with the proponents.

And so first up, we'd like to invite Kim Coble the leader of the Maryland League of Conservation Voters.

Kim, good morning. It's great to see you.

MS. COBLE: Good morning, Governor, Madam Comptroller, Mr. Treasurer. For the record, I'm Kim Coble, Executive Director for the Maryland League of Conservation Voters. I'm here to express our strong support for the Martin project in its entirety, but specifically urge your approval for the tidal wetlands permit that you're considering today. And in light of what Madam Comptroller brought up, I will, too, will reduce my remarks. Except, I do want to make two overarching comments.

The wetlands permit in front of the Board of Public Works pertains to the build out of the pier and the bulkhead to support U.S. Wind's operations and management facility in West Ocean City. Onshore infrastructure is critical to support the offshore wind industry. And so as we look to meet our goals in the State around clean energy, this permit becomes pivotal. MDE has thoroughly reviewed -- and I'd like to compliment the agency on their review -- the license.

As the Secretary said, there are many, many hundreds and hundreds of comments that were submitted that were in support of the project and have -- the MDE is urging, as the wetland -- the Board of Public Works Wetland Administrator is urging a recommendation for the permit. MDE noted in its review of the license, number one, they did not identify any environmental resource impacts for the project. Number two, there would be no negative impact or effect to the commercial harbor. And number three, as a precaution, special

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conditions have been included in the wetland permit to minimize any potential impacts to tidal wetlands, marine life, and water quality, if there were any.

The second global comment I want to make is that in 2022, the Gable Associates found that if Maryland builds the 8.5 gigawatts of offshore wind, which is our State goal, there could be over 360 million tons of CO2 reduction and more than 20 billion in potential cost savings from environmental and health benefits. Maryland LCV urges the Board of Public Works to approve the Tidal Wetlands license. We need to maximize the opportunities in Maryland's existing offshore wind lease areas, especially now, including supporting the necessary onshore infrastructure. Thank you for your time and consideration today.

GOVERNOR MOORE: Thank you so much, Kim.

MS. COBLE: Thank you.

GOVERNOR MOORE: Thank you. Thank you.

Next, we'll have Matt Drew from the InSite Builders come and join. Mr. Drew, good morning. It's good to see you.

MR. DREW: Good morning. Good morning, Governor Moore, Comptroller Lierman, Treasurer Davis, BPW staff, and gathered Marylanders. My name is Matt Drew. I'm a professional engineer from Salisbury, and I've had the pleasure of calling the Eastern Shore my home for my entire life. For over a decade, I've been a constant advocate for bringing offshore wind industry to Maryland through supply chain creation, workforce training, manufacturing expansion, and port development.

In 2012, the first port project that I focused on was on developing an operations and maintenance center in the West Ocean City Harbor. At that time, I worked with a local land developer. We envisioned purchasing a property in Maryland. It hadn't been defined. Developing it into an operations and

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maintenance center. And then, ultimately, leasing it to an offshore wind developer that hadn't even been named at that point. That gave me a very granular understanding of just how -- what are the key aspects how you make an offshore wind operations maintenance center work, and just how difficult it's going to be to do that in Ocean City, Maryland.

The Martin property that's in discussion is one of only a handful of properties that's even suitable for doing this kind of work. So this is a very, very unique and specific site. This site has been the home of a multi-generational fishing business that has a deep and wonderful legacy of providing food and employment to the area, but it is slowly sliding into disuse. And I think this plan would greatly inject a breath of fresh air and new life into the property.

One of the benefits that I see for this project to everyone who's in that very specific marine community is that the inlet that connects the harbor to the Atlantic Ocean suffers from chronic shoaling. And it's a barely functioning channel today, constantly in need of dredging and improvement. There's been a recent plan to make improvements to that inlet, but it wasn't successful in getting support because of a lack of a cost-benefit analysis that gave a favorable result.

I see the proposed operation of this operations and maintenance center having a great beneficial impact to that entire marine community because they could become a stakeholder to help justify further improvements in the future. So for that reason, as many -- as well as many others that I'm sure you'll hear from other speakers, I greatly support this project and ask you to move forward with this licensing application. So thank you for your time today.

GOVERNOR MOORE: Thank you so much, Mr. Drew. Thanks for your time.

Now, I'd like to ask Charles Stegman from Wicomico Environmental Trust to come join us. Mr. Stegman, good morning.

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DR. STEGMAN: Good morning and thank you for the opportunity. My name is Charles Stegman. I'm a medical doctor with a 45-year career in medical practice and public health. I'm also president of the Wicomico Environmental Trust, a nonprofit organization based in Salisbury. Bureau (sic) of Public Works hearing testimony today related to the proposed restoration by U.S. Wind of a pier and bulkhead facility in the West Ocean City Harbor. You will be evaluating the impacts to the local environment and the fishing community.

I'm here to testify in support of the U.S. Wind Project. The Maryland Department of Environment and Department of Natural Resources have recommended permitting of this project based on their appraisal of the environmental impacts in the West Ocean City Harbor area. As far as impacts on the local commercial and charter fishing industry, U.S. Wind and Maryland DNR have signed a letter of intent, July 9th, 2024, to develop a memorandum of understanding to establish, first, a compensatory mitigation fund for commercial and charter boat fishermen; second, navigational enhancement and training program; third, a community resilience fund to support Maryland's fishing industry.

I would also like to speak to an important and overlooked issue that lies within my area of expertise. And that is the public health impact of our current climate crisis, which the Offshore Wind Project is addressing. The benefits of offshore wind with respect to converting Maryland's electric power grid away from fossil fuel to renewable energy to achieve Maryland's greenhouse gas reduction goals for 2030 and 2040 are well documented.

The U.S. Wind project will provide 1,710 megawatts of wind energy to the State, enough to power approximately 700,000 homes. It will increase the share of Maryland's wind energy production from 1.3 to 20 percent, and reduce the State's CO2 emissions by 14 million tons in the first 20 years of

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operation. By facilitating Maryland's transition from fossil fuels to clean renewable energy sources, we reduce the release of harmful pollutants into the air. These pollutants trigger asthma attacks and worsen emphysema symptoms.

Reducing greenhouse gas emissions helps to mitigate climate change. Climate change leads to more extreme weather events, heat waves, and increased air pollution -- all of which impact the public health. With transition to renewable energy sources such as offshore wind, we can expect reduced health care costs associated with treating asthma and emphysema, and enhanced quality of life for individuals with these conditions. Thank you.

GOVERNOR MOORE: Thank you so much, Mr. Stegman.

All right. Next, I'd like to introduce -- or invite Laurie Jodziewicz from U.S. Wind to come to the podium. Ms. Jodziewicz, good morning.

MS. JODZIEWICZ: Hi, good morning. My name is Laurie Jodziewicz and I'm the Vice President of Environmental Affairs for U.S. Wind, an American offshore wind developer based in Baltimore. U.S. Wind's projects are poised to deliver clean, renewable electricity to meet the State's renewable energy goals and this Administration's specific goals for offshore wind.

U.S. Wind has applied to the State for a tidal wetlands license, as we've heard. And the application before you is to replace a wharf -- or a pier and a bulkhead on properties in the West Ocean City Commercial Harbor, which has been recommended for approval for -- with conditions by the Maryland Department of the Environment and U.S. Wind supports MDE's recommendations and conditions.

In both our 2017 and 2021 OREC orders, the Maryland Public Service Commission included the following language under the header "Positive Net" -- excuse me, "Positive Net Economic Benefits for the State. And I'll quote, "U.S. Wind, Inc. shall use a port facility located in the ocean (indiscernible)

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region to serve as the operations and maintenance port." To meet this requirement, U.S. Wind has been exploring properties in the West Ocean City Harbor to locate this operations and maintenance facility. We were approached by both -- two -- by two property owners at the harbor and have entered into option contracts with each of them. And our application seeks to make upgrades to establish -- to support establishing this operations and maintenance facility that we would use, eventually, to service our offshore wind projects off Maryland's coast.

Specifically, our application seeks to replace 353 feet of an existing wharf and bulkhead, extend the existing bulkhead 18 inches channelward, and build a concrete wharf flush with the bulkhead to create a uniform structure facing the harbor. Our eventual operations and maintenance facility would support technicians traveling out to the wind farm, and allow for two to three crew transfer vessels to dock there when not in use. The crew transfer vessels are each about 90 feet in length, roughly the same size as larger fishing vessels that have historically frequented the West Ocean City Harbor. And they would not extend into the Federal Navigation Channel in the Harbor and cause any kind of interference.

The planned operations and maintenance facility will not be used to house or transport any large components such as blades, towers, or foundations for the wind turbines offshore. U.S. Wind recognizes the importance of fishing in the West Ocean City Harbor community and in Maryland at large. We also recognize the importance of the two properties to local fishermen, as you've heard, and we're committed to working with them and the State to mitigate impacts to those services.

U.S. Wind, the State of Maryland, local fishermen, shoreside support providers, and other stakeholders are working on a memorandum of

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understanding to establish and fund the programs specifically to mitigate those impacts. Thanks to the stalwart leadership of the members of this body, Maryland has established itself as a national offshore wind leader. Approving this application will advance the State's commitments to the clean energy industry.

I really appreciate the opportunity this morning to speak. And as the applicant, I'm happy to answer any questions should you have any. Thanks very much.

GOVERNOR MOORE: Thanks so much, Ms. Jodziewicz. Thank you.

We will now hear from the opponents to this. And that's starting with Senator Mary Beth Carozza. Senator, good morning. It's good to see you.

SENATOR CAROZZA: Good morning. Governor Moore, Comptroller Lierman, and Treasurer Davis, good morning and thank you for your kind consideration of our combined community request to postpone a decision, deny U.S. Wind's tidal wetlands license to construct a 353-foot-long by 30-foot-wide concrete pier and 358 feet steel bulkhead in the West Ocean City Harbor. It is simply premature to make a decision today that will permanently damage our local commercial fishing industry and harm our fishing families who have lived and worked here for generations and are an important part of our Shore way of life.

The review by the Wetlands Administrator states that the Board's evaluation of the license is confined to the impacts of the proposed bulkhead replacement and pier construction in the wetlands. However, Section 16-202 Environment Article states, " the Board shall decide if issuance of the license is in the best interest of the State taking into account the varying ecological, economic, developmental, recreational, and aesthetic values each application presents." Since U.S. Wind's own application states that the proposed work is for an

operation and maintenance facility, any objection to the O&M facility should carry over to the pier and bulkhead

From an economic standpoint, the proposed O&M facility would eliminate commercial fishing as it removes the only facility for commercial vessel operators to offload their seafood catch and, therefore, would create a major negative economic impact. As far as aesthetics, the iconic West Ocean City Harbor with its traditional charm, would be forever gone, and both residents and visitors alike have expressed their strong opposition to this license application.

It is simply premature to make a decision on the license today when there are multiple pending issues, including federal litigation, that have not been resolved and pending applications that are far from complete. Under COMAR, the performance of project work under this license is contingent upon the licensee receiving all other State and local approvals and permits. U.S. Wind has not even applied for local permits and other pending applications, like the landfall permits in Delaware requiring U.S. Army Corps of Engineers review, are nowhere near complete.

I respectfully ask you to hear and listen to the voices of the locals and Marylanders across the State who are urging you to reject this license application. Many of the people who signed this petition did so during this year's annual Harbor Day at the docks, held last month in the West Ocean City Harbor. At every turn, Marylanders are asking what more can they do to have their voice heard? They have been participating in public hearings, virtual meetings, signing petitions, and even taking time from their own livelihoods, like today, to testify. On behalf of our shared constituents, we ask that you postpone action of the vote today or deny U.S. Wind's application due to the severe negative economic impact on our commercial fishing families and local residents and visitors across the State. And I thank you for your kind consideration.

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GOVERNOR MOORE: Thank you very much.

We'll now hear from Delegate Wayne Hartman. Delegate, good to see you.

DELEGATE HARTMAN: Good morning, it's good to see you as well. Thank you, Governor Moore, Comptroller Lierman, and Treasurer Davis. It's not often I quote someone, but I'm going to start off with a quote from our Governor. And this was just recently that you had -- you had said, "Decisions about the Eastern Shore won't be made without the Eastern Shore." And the Eastern Shore is certainly here today. And it's not often that I think that you see this type of interest in something. You saw Senator Carozza with the number of people from the Eastern Shore, those are going to be impacted.

You know, we hear from other areas, but the area that's being impacted is the area that Senator Carozza and I represent. We are the only two elected folks from the Maryland General Assembly that represent our Shore and the area that's going to be impacted the most. A decision today would be premature, considering -- I'm going to mention two. And Treasurer Davis, you could call me. There are some other thoughts here that as people are talking, I'm scrapping things and moving on to address some of the comments that were made.

As we heard the federal lawsuit, and there are 23 parties to the litigation. And we -- you know, we're addressing something that's being litigated by respectable organizations within -- with the Town of Ocean City, the Worcester County Commissioners, the Ocean City Hotel-Motel-Restaurant Association, the Waterman's Association. We hear the watermen are going to benefit, but the Watermen's Association of Worcester County is one of the parties to this federal lawsuit.

So there's something that's not matching up here. What we're hearing and what we're seeing concrete is just not matching up. The Coastal

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Association of Realtors, we're hearing from organizations that are respected and make Worcester County the viable county that it is. We don't ask much from the State. The State funds Worcester County schools the least out of the entire state. Don't destroy what we have that's providing this force.

Here's another issue that -- you know, that has to be worked out. We hear that -- about a July 9th memo of understanding with the watermen. The watermen were insulted by what has been offered so far. In 1933, we were blessed with the creation of an inlet. It was the result of a hurricane. And that inlet to the ocean is what allowed us to create the commercial -- the Atlantic commercial fisheries that we have today. Approving this application will truly destroy that fishery.

The only properties -- we heard about the Martin's property providing jobs and seafood to Maryland, and that's true. And without those properties remaining as to what they are today, we're going to lose -- we're going to lose that. The fishermen have no other place to offload their catch, to get ice. There's nothing else that exists. So the amount of harm that's going to be caused is detrimental. It's irreversible.

So we heard of all the facts from Senator Carozza, and I appreciate her bringing all that. I'm not going to be redundant on that, but I'm just making a passionate plea from the people of the Eastern Shore, the people that Senator Carozza and I represent. And I'm asking you to not render a decision today or deny the decision to approve the wetland application. It's detrimental to our economy. It's detrimental to people's livelihoods. This decision will destroy lives today. I appreciate your time. Thank you.

GOVERNOR MOORE: Thank you, Delegate.

We'll next hear from Delegate Chris Adams. Delegate, thanks for being here.

DELEGATE ADAMS: Good morning, Governor Moore, Comptroller Lierman, and Treasurer Davis. For the record, Delegate Chris Adams from District 37B. I'm also the Chairman of the Eastern Shore Delegation. And to Wayne's point, this is my 11th session I'll be coming in this year. The first time I've ever presented myself before the Board of Public Works and I'm here today, which should speak to the importance of this issue to me, the citizens on the Eastern Shore that this be a thoughtful, deliberative, and dynamic process for which we are part of, and we want to be part of that.

The other thing I'll share with you is that I'm not speaking just as an elected official, but also as a fifth generation Eastern Shoreman. My heritage includes watermen, farmers, entrepreneurs, business owners, restaurateurs from Ocean City. I speak for them as well. And finally, I'm a small business owner. And Treasurer Davis knows me as a business owner that was deeply affected by the State of Maryland. A good 12, 13 years ago, the State could have put us out of business. Through the grace of the Legislature and a dynamic process, there was corrections made and it's why I'm in office today, because I saw things work productively and to the benefit of the private business sector and the State of Maryland.

So I deliver three messages through that lens. The first is this is the only commercial fishing pier in Ocean City. If you choose to pursue this path, you will end commercial fishing in Ocean City. I want you to think about what that message looks like. And what we think on the Eastern Shore as watermen when that decision is made and the news becomes real. I got to be honest with you, I didn't hear about this issue until fairly recently. I promise you that we as an Eastern Shore delegation and representatives want our citizens to know what's going on here. And we want to make sure that our citizens are heard, and not just the advocates who are writing letters of support in a boilerplate fashion.

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The second message I want to share with you, there's a negotiation between two parties. And the government, by making this decision, is putting themselves in between that negotiation to the benefit of certainly not the watermen. And I believe it creates winners and losers. Because if there is a negotiation happening -- is that -- if that's what's happening through this MOU or MO-whatever, what I'm saying to you is that they lose their leverage. To what point way will waterman be able to stand firm against U.S. Wind or the State of Maryland and say, "If you're going to buy our business out, it's going to cost you this much money." You end that leverage and that negotiation point. I believe that is bad public policy.

Which leads me to my last and most important point, which is what's the rush? I don't know that I'm necessarily here saying approve it, don't approve it. My colleagues who represent Ocean City can certainly carry valuable opinions on what they feel about this. What I'm saying is as a business owner, respect us, but I mean our business owners -- respect our ability to be heard, to be part of a negotiation. Have the grace, as Maryland quite often is shown, to work with the business community, to do it in a way that's productive, and to make a decision. And that's why you're here, but that decision does not have to come today. Thank you very much.

GOVERNOR MOORE: Thank you so much, Delegate. Thanks for being here and for your leadership.

Before I ask Mr. Bertino to come up -- Secretary Kurtz, if you wouldn't mind, I'd just love to hear your response to these questions.

MR. KURTZ: Yes, sir, so in relation to the mitigation fund?

GOVERNOR MOORE: Yes.

MS. RADOMSKY: For the record, Josh Kurtz, the Secretary of the Department of Natural Resources. Good morning, Madam Comptroller, and

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Mr. Treasurer, and Mr. Governor. So what is being negotiated and discussed right now is a voluntary MOU with U.S. Wind for compensation funding, and there are three things that are being discussed and negotiated right now.

The first is a compensatory mitigation fund that directly looks at direct economic impacts to our charter boat captains and our commercial watermen. The next is a navigational enhancement and training program, and this would allow for funding for new navigational materials or equipment that's needed, training, et cetera. And the third, I think most important for this conversation, is the Multi-Use Community Resilience Fund. And so where we are right now in the process is referenced -- there's a letter of intent.

Earlier this week, we extended the timeline on the creation of that MOU in response to the Worcester County Watermen's Association so that we can have more time to bring data into this discussion. And what we're looking at right now, and I think is important to consider in terms of this license, is as this project moves forward and we're able to better articulate and then calculate the economic impacts from the loss of these critically important pieces of infrastructure, and I think that's important to be clear about, and we're able to then build that into the MOU and into the -- into that resilience fund to try to offset the loss of those really important pieces of waterfront infrastructure. So I think those are just a couple things to consider when you consider the MOU with U.S. Wind right now.

GOVERNOR MOORE: That's helpful. Thank you.

We now have Chip Bertino, who's the -- and President Bertino is the President of the Worcester County Commissioners. Mr. President, it's good to see you.

MR. BERTINO: Good morning, thank you for having us. The narrow parameters of this Board to judge this permit are understood. Yet, the

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broad implications of your decisions will supplant the purpose and function of our commercial harbor, and here's why. The Worcester County commercial fishing industry generated \$4.2 million worth of seafood last year. It sustains hundreds of jobs locally and around the region. It is a economic driver of the Eastern Shore.

The U.S. Wind facility expected to follow this pier and bulkhead project will eliminate the only two fish packing facilities in the harbor, which is a commercial marine district designated to protect the fishing industry in perpetuity. And it should be noted that U.S. Wind approached the property owners, not the other way around. Fishermen will have nowhere to offload and sell their catch, putting them out of business. Fresh and local seafood for Ocean City's restaurants and beyond will disappear.

DNR is allegedly working on a compensation agreement, as we just heard, but none has been formulated or presented. Fishermen are in the dark, unsure how such a plan will address their financial concerns and what, if any, alternative fish packing locations are proposed. This project will eradicate one of the few nationwide facilities that collect horseshoe crab blood, a critical ingredient for safe vaccine production and integral to Maryland's substantial biotech industry.

Worcester County is yet to receive local permitting information for this project. Will the site be large enough to accommodate an O&M facility? Will there be enough parking for employees? The harbor is adjacent to a residential development. Summer traffic congests the area already. Increased traffic associated with a hundred jobs U.S. Wind claims will be created will compound existing problems. Most acutely, approval of this project will begin the industrialization of the harbor and will compromise a fragile marine ecosystem. COMAR states a project be evaluated based on, "ecological, economic, developmental, recreational, and aesthetic" values. The permit before

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you today negatively impacts all of the above.

On behalf of Worcester County's 53,000 residents, our commercial and recreational fishermen, our business owners, the hundreds of thousands of visitors attracted to Maryland's coast, and the countless number of people who seek out and enjoy locally harvested seafood, I ask that you deny or at the very least delay this permit and to protect and preserve our local economy, protect our fishermen, defend our marine environment, and save our way of life. Thank you very much.

GOVERNOR MOORE: Thank you for being here.

Next to -- next in back -- I invite Mayor Rick Meehan to the -- to the podium. Mr. Mayor, it's good to see you again.

MAYOR MEEHAN: Good morning, Governor, it is nice to see you, Madam Comptroller and Mr. Treasurer. Thank you for having us here today. Probably going to overlap a little bit of what some of my colleagues have said. I think it's important that the Town of Ocean City express their opinion as well. And I think it is unique, as Delegate Adams stated, that we have State representatives, county representatives, and now municipal representatives here all stating their opposition to what's being proposed. On behalf of the Ocean City Council as well as our businesses, residents, and visitors, I'm here to express our opposition to the proposed wetland license that's before you today.

Our opposition is based on several reasons and I'm going to name a few. One is the incomplete application, the potential environmental and property damage from pile driving, water quality impacts from pier coverage, and navigational safety risks due to increased congestion. We did send a letter to Mr. McGuinty (phonetic). It was sent by our City Manager on August 9th, detailing all of these concerns and our concerns with the applications. I don't believe we've received a response to that letter.

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Most critically here -- and the associated industrial development by U.S. Wind, will displace the only two locations Maryland's Atlantic fishing fleet can offload their catch. When I say the Atlantic fishing fleet, this is the only commercial fishing harbor that has direct access to the Atlantic Ocean in the state of Maryland. The only one. This elimination of these facilities will devastate our fishing industry, eliminating jobs, and harming local restaurants that rely on fresh, locally caught seafood.

We're eliminating jobs. All I hear from U.S. Wind is they want to create jobs at the expense of eliminating other jobs. Seems contradictory to me. While the State has proposed a fund to compensate our commercial fishermen for the loss, we believe it's more important to our local area and to the State of Maryland that our fishing fleet remain a vibrant part of our economy, rather than being displaced for a foreign development project. One which we also believe will particularly impact tourism and property values.

Bottom line is our local watermen want to fish. They want to utilize the water. They want to maintain their livelihood. They're not looking for compensation. Compensation will eliminate the fishing industry and will eliminate the jobs. Is that really the goal of the State of Maryland?

However, we also believe that if such a proposal is to be presented to our local watermen, as has been previously stated, they should have been afforded the time necessary to review and respond before this application was even scheduled before the Board of Public Works. And they have not had that opportunity because there's not been a detailed formal proposal presented to them.

Since the primary purpose of this permit is contingent on both federal approval of offshore wind turbines, which is a subject of ongoing litigation -- I apologize, Madam Comptroller, for going in that direction, but I think it's important -- and a compensation package that may or may not meet the

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demands of our local watermen, the Board of Public Works should refrain from authorizing potentially unnecessarily major impacts on our wetlands.

The commercial fishing industry is part of the culture, history, and heritage of the Eastern Shore community. Why would you approve a project that will destroy this local industry and eliminate local jobs? This just does not make sense. This industry is important to our community and to the State and should be protected not eliminated. We respectfully request that you hear the voice of our local fishermen, our watermen, our elected officials, business owners, and residents and deny this application. Thank you very much for the opportunity to speak today. Nice to see all of you.

COMPTROLLER LIERMAN: You too.

GOVERNOR MOORE: Great to see you, Mr. Mayor. Thank you so much. Thank you.

We'd like to now invite Earl Gwin from the Waterman's Association of Worcester County to come up to the microphone.

MR. KURTZ: He's on by Zoom.

GOVERNOR MOORE: Via Zoom?

MR. GONTRUM: Gwin is not attendance, Governor.

GOVERNOR MOORE: He's not in attendance? Roger that.
Okay. All right. Thank you.

I'll now turn it to Diana Harris representing herself as well as Protect Our Coast - Delmarva Foundation.

Ms. Harris here?

MR. GONTRUM: Harris is online, Governor.

(Pause.)

MS. HARRIS: Am I unmuted?

GOVERNOR MOORE: Yes, you are. We hear you, Ms. Harris.

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Good morning.

MS. HARRIS: Good morning. Thank you. And thank you for the ability to speak. As you said, my name is Diana Harris. I'm a resident of West Ocean City and the founder of Protect Our Coast - Delmarva, an advocacy group opposed to the destruction of our precious coast and our ocean that represents almost 20,000 property owners and visitors to Ocean City.

I have spoken and entered a written comment at each of these hearings and my statements continually have the same point. This project should not be permitted in increments. Each and every permit is part of a whole project. And the one thing we never seem to address is that each and every phase of this project requiring a permit has many negative effects to our environment as stated in the Environmental Impact Statement. Additionally, mitigation procedures to possible harmful accidents are always redacted. And we now know U.S. Wind will be requesting a waiver of its required decommissioning bond, further putting our coast in peril.

The Board of Public Works should not rubber stamp this takeover of West Ocean City's Harbor by a foreign entity. Although the construction and operation failures we are witnessing in real time in New England waters are not related to maintenance and operations facilities, they should be considered as each and every permit contributes to the advancement of the entire project.

We now know the chosen components of the U.S. Wind project are failing. These experimental blades have never been properly tested. And in fact, there does not exist in the entire world a facility large enough to test blades of this size. I am sure you are aware of the one blade failure off the coast of Nantucket that cost BOEM to shut Vineyard Wind down, but I am not sure you are aware that up to 14 other installed blades are thought to be faulty. I would like you to know that Vineyard Wind's protocol for inspecting those blades is just visual

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inspection by the crew of transfer vessels. We also now have proof that employees of the manufacturing plant were instructed to falsify documents as to the integrity of these blades.

These blades are also failing in Dogger Bank, causing irreparable damage in England as well. Additionally, the chosen nacelles for this project are having accidents, as we can see in the news reports from them falling off of turbines being installed on new wind farms in Canada. As in every other environmental hearing, I would encourage you to look at this project as a whole. I would encourage you to look at the failures in New England, inclusive of the latest grounding of service vessels in Rhode Island Sound that resulted in massive fuel, diesel fuel, leaks of thousands of gallons.

In closing, I would ask you to research how much money groups such as the Maryland League of Conservation Voters have taken from U.S. Wind and other foreign wind construction companies. If you would like, I am happy to provide you with Save the Right Whale's Conflict of Interest Report. And I would like the representative from U.S. Wind to inform all of us on who Renexia is and/or Total Holdings because U.S. Wind is not an American company.

MR. GONTRUM: That's three minutes. Thank you, Ms. Harris.

MS. HARRIS: Thank you.

GOVERNOR MOORE: Ms. Harris, thank you so much. Thanks for your time. We'd also like to -- also from Protect Our Coast - Delmarva, ask Carol Frazier if she'd like to also join.

MR. GONTRUM: She should be here today. Let's see if she's in -- Frazier is not online, Governor.

GOVERNOR MOORE: She's not online? Okay. Great. Thank you.

Next, we'll hear from Adam Showell. Mr. Showell, good morning.

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Thank you.

MR. SHOWELL: Yes, good morning and -- Governor Moore and members of the Board of Public Works. Thank you for this opportunity to speak to you in person. I am Adam Lockhart Showell, Sr. I am the owner of the Castle in the Sand Hotel in Ocean City, Maryland, Coconuts Beachfront Bar and Grill, and The Barefoot Mailman Motel in Ocean City. My family -- I'm also representing the Ocean City Hotel-Motel-Restaurant Association as past president.

My family came here in 1623 on a land grant from Lord Baltimore in an area now known as Maryland. Okay? They were farmers, successful. My ancestor, Lemuel Showell II, extended the train to the Shore and built the bridge to Ocean City in 1875, which opened Ocean City as a tourism destination. He was one of the original founders of the Atlantic Hotel, the first hotel that started Ocean City. Since then, my son, who now manages the Castle on the Sand Hotel, is the sixth generation of Showell's to own and operate oceanfront hotels and property within Ocean City. He has two sons. I have a granddaughter. They would be the seventh generation, but they may never have that opportunity.

I am here to tell you, you can't disconnect this application of wetlands with the overall objective here. My father dreamed up Sunset Marina back in the 1960s. In the early '70s, the State of Maryland was in recession. They were looking -- the Governor and the State Senate Legislature were looking for ways to create jobs for working class people. One of the ways was to build a seafood processing plant on the land where Sunset Marina is.

My parents were offered millions of dollars in bonds, tax-exempt bonds from the State of Maryland, in order to sell that property to build that seafood processing plant. It was in their best interest. The community was vehemently opposed to that being a seafood processing plant. My parents denied

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selling it. Only after my father's death, did I take the project over and build that Marina. Halfway through the construction, John Gudelsky joined my mother and me to finish it and then acquire it.

MR. GONTRUM: That's three minutes, Mr. Showell.

MR. SHOWELL: Can I indulge, please? Thank you.

Sunset Marina provides an enormous amount of economic positive impact in the Ocean City area. It complements the resort and the State and National park. To build this offshore wind farm 10.7 miles or maybe even someday 3 miles off the coast will leave us vulnerable to the inevitable failure of these blades.

MR. GONTRUM: Thank you, Mr. Showell.

MR. SHOWELL: When that happens, the destruction to the economy of Ocean City, Worcester County, will be catastrophic. If this ever goes through to where it's really going to be fruition, I will be forced into converting our property over to a condominium and un-employing 225 women and minorities. The majority that we do each and every year --

MR. GONTRUM: Thank you, Mr. Showell.

MR. SHOWELL: -- as does the entire city of Ocean City.

MR. GONTRUM: Thank you, sir.

MR. SHOWELL: The women and the minorities are the major employees within the city of Ocean City.

MR. GONTRUM: Thank you, sir. Thank you.

GOVERNOR MOORE: Thank you so much, Mr. Showell.

Thank you. We'll now hear from Jamie Steiert. She's not here?

MR. GONTRUM: Not in attendance, sir.

GOVERNOR MOORE: Next, I'd like to invite Rocco Porreco.

MR. GONTRUM: No.

GOVERNOR MOORE: Okay.

MR. KURTZ: In person, correct?

MR. GONTRUM: No, sir, not in attendance.

GOVERNOR MOORE: All right. We'll go on to Gwen Cordner.

MR. GONTRUM: I don't see them online, sir.

UNIDENTIFIED SPEAKER: It's his wife, Jeanene. Said she's
online.

MR. GONTRUM: Okay. And is that Ms. Gwin or --

UNIDENTIFIED SPEAKER: No, that's Jeanene Gwin.

MR. GONTRUM: You mean Cordner, Jeanene Gwin Cordner?

UNIDENTIFIED SPEAKER: Jeanene Gwin in the Waterman's
Association -- his wife has signed up because he had to fish.

MR. GONTRUM: Okay.

(Pause.)

MR. GONTRUM: Ms. Gwin, you're connected. Please go ahead.

(Pause.)

GOVERNOR MOORE: And just for clarity, this is Jeanene Gwin
from the Waterman's Association?

UNIDENTIFIED SPEAKER: Yes.

GOVERNOR MOORE: Thank you.

MS. GWIN: Hello, this is Jeanene Gwin. Can you hear me?

GOVERNOR MOORE: Yes, ma'am. Good morning.

MS. GWIN: Yes. Good morning, thank you. Thank you for
allowing me to speak today. My husband, Earl Gwin, is not here today because
we have a very small window of opportunity to fish today. We have incoming
weather and dangerous situations and conditions, so he has today to fish. That's
the life of a fisherman. He would rather be here, but he has to do what he needs

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to do to make a living. His catch today, just to put it in perspective, of sea bass and hopefully some lobster will feed approximately 3,000 people. That's one small boat out of the harbor in West Ocean City.

My name is Jeanene Gwin and I'm the Vice President of the Watermen's Association of Worcester County. In addition to our commercial fishing business and a retail seafood business that sells fresh seafood that is sourced through the harbor in West Ocean City, I am also the person that wrote the so-called form letters that 835 people signed in opposition to this permit -- and I'd like to say 10 in favor. Out of those 835 people, I've heard of no one that received information about this hearing today.

I am speaking to you not only as a concerned citizen, but also as a commercial fishing family, I have three sons as well, and the Watermen's Association. Watermen who have dedicated their lives to preserving the marine heritage that defines our community. Our local marine heritage is an invaluable treasure that deserves our utmost celebration and protection. Sadly, the proposed project risks overshadowing this legacy and threatening the very foundation of our industry, an industry that began in 1933 with the creation of the inlet that led to a larger fishing industry. Actually this project -- this project stands to erode --

GOVERNOR MOORE: I'm sorry, Ms. Gwin.

COMPTROLLER LIERMAN: Keep going, we're listening.

MS. GWIN: Sorry, that's the teacher in me coming out.

COMPTROLLER LIERMAN: Understood.

(Laughter.)

COMPTROLLER LIERMAN: Thank you for --

MS. GWIN: This project stands to erode the sense of community that has bound us together for generations. As a commercial fisherman, we rely heavily on the infrastructure provided by our existing businesses, places where we

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can pack fish, purchase ice, and access essential services that are needed to sustain the commercial fishing livelihood. The removal of our two vital fish houses for industrial complex could have a devastating repercussion for not only our ability to earn livings, but for the entire fishing industry and the consumers. We need to remember the consumers who depend on fresh local seafood. In 2019 alone, the West Ocean City Harbor generated over \$7 million. A clear indication of the economic significance it holds for our community.

Transforming our historical fishing harbor into an industry threatens to erase the character and nature of our harbors. We would love to have all of you come and have a real tour of what it's like to pack fish, send fish, catch fish, and see what our community is really about. West Ocean City is the only commercial fishing harbor in Maryland with direct access to the Atlantic Ocean. This unique characteristic should be preserved, and that's not sacrificed. Commercial fishing has a long-standing positive impact on the town of Ocean City.

Again, I'm not going to repeat what the others have said, but we do have the ongoing litigation opposing the federal approval. The outcome of this litigation is unknown, and it is premature to make these -- to make this permit today. I urge you to understand the lack of knowledge reflected in the Bureau of Public Works outlook regarding our harbor. While you may have taken the time to tour the harbor, it appears there's been little engagement with the watermen. We don't even know who was spoken to on this tour; not any of our commercial fishermen. Bill Morgante spoke to my son one day trying to gain information. It was a very productive meeting -- or a discussion -- and he learned a lot, I believe, but none of that is reflected here. I can go on to discuss the memorandum of understanding and the letter of intent between the DNR and U.S. Wind. I have been involved in that from the beginning. The letter of intent was dated July the

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9th. The watermen received it September 24th.

MR. GONTRUM: Thank you, Ms. Gwin. That's time.

MS. GWIN: Two more minutes, please -- two more seconds.

MR. GONTRUM: Okay.

MS. GWIN: We have talked to Mr. Kurtz, and we have gotten an extension so that we can also look at this a little bit more. We're looking at legal issues. The memorandum of understanding addresses, as Mr. Kurtz said, the economic impact. They've given us a number. That number isn't enough to get us through a year. Technical money and training, my husband is 67 years old. You're not going to train him for another job. I've spent most of my life trying to train him. It's not going to happen. He is a waterman, as are most of these men and their children. And the --

MR. GONTRUM: Please conclude, Ms. Gwin.

MS. GWIN: The Community Resilience Fund on buying a property, there's nowhere to buy a property in West Ocean City. So thank you for hearing me out. I appreciate the time and please deny this permit today.

GOVERNOR MOORE: Ms. Gwin, thank you. Thank you and thank you to all of our -- thanks to all of our watermen as well, and to the Association.

Ms. Cordner is -- is (indiscernible), correct?

MR. GONTRUM: Is she here today? No, Governor.

GOVERNOR MOORE: We'll go to Pat Barbely.

MR. GONTRUM: Barbely? And Governor, we are going to go out in the hallway, just make sure anyone that may have showed up late will have the opportunity to talk at some point during the proceedings. But Ms. Barbely is not in the room.

GOVERNOR MOORE: In the room? Did you want to do that

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now and take it -- take a quick pause or --

MR. GONTRUM: Well, Governor, I think we have enough speakers that by the time -- if we keep going down the list, those individuals will be able to --

GOVERNOR MOORE: Sounds great.

COMPTROLLER LIERMAN: Okay.

GOVERNOR MOORE: Okay. We'll now go to Jeff Fernley.

MR. GONTRUM: Is Mr. Fernley here?

GOVERNOR MOORE: Okay. We'll go to James Hahn. James Hahn?

MR. GONTRUM: Mr. Hahn?

GOVERNOR MOORE: Okay. We'll go to Mr. Joseph Wilson.

MR. GONTRUM: Okay. Mr. Wilson should be online.

GOVERNOR MOORE: Okay. Is Mr. Joseph Wilson with the Ocean City Development Corporation?

MR. WILSON: Good morning, everyone. Can you hear me okay?

GOVERNOR MOORE: Good morning. I hear you great, Mr. Wilson.

MR. WILSON: Thank you very much. I appreciate it. Appreciate your time. I chair the Planning and Zoning Commission here in Ocean City and we had a three and a half hour public hearing last night, so I know exactly what it's like to sit in your shoes. So thank you so much for your time and attention. I am the current President of the Ocean City Development Corporation, which envisions a economically viable downtown Ocean City. We work in partnership with the State to get grants for revitalization. We've had a great relationship with them so far. But in addition to that, I'm also a real estate broker here and I'm a past president of the Coastal Association of Realtors. So I'm going to stick to

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what I know in my speech, and I will keep it short.

This is definitely going to have a negative impact on real estate values surrounding the harbor. You know, what is currently a charming and commercial area will be an overly industrialized area with a lot of traffic and activity. It's going to negatively impact several homes, many of which are -- currently have very high price tags and pay a lot of property tax here locally into the State. So that's the first issue that I have with it and the reason why I think you should deny it.

Additionally, it doesn't seem like there are a tremendous number of environmental organizations that are out there. I think we had one so far that testified that it's a positive impact for the environment. And really, that wasn't about the pier. That was about something that you would ask us to avoid discussing, which was the impact of the turbines on our area. So personally, I just -- I don't see the environmental positive net impact. I don't see the economic net impact. And I would ask that you deny the request. Thank you.

GOVERNOR MOORE: Thank you so much, Mr. Wilson. Thanks for your time.

We'll now hear from Amy Thompson, the Greater Ocean City Chamber of Commerce.

MR. GONTRUM: Ms. Thompson is online. Go ahead, Ms. Thompson.

MS. THOMPSON: Hi. Can you guys hear me?

MR. GONTRUM: Yes.

GOVERNOR MOORE: Hi, Ms. Thompson, good morning.

MS. THOMPSON: Hi, good morning, Governor.

My name is Amy Thompson and I'm the Executive Director of the Greater Ocean City Maryland Chamber of Commerce, representing over 750

businesses in this community. I'm here today in opposition to the proposed wetlands license by U.S. Wind. My concerns are related to the impact upon business in our region.

As a chamber, we're in the business of supporting business, right? So as we look at the proposal, there are a couple areas of concern for our business community specifically. Our town is built on hospitality. We serve tourists. The ability to provide fresh and local seafood has a significant impact here on restaurants, visitors, and a local economy. If I'm going to Maine, I expect to get lobster. We're Maryland's coast, the only access point to the Atlantic Ocean in the state. And for us to shut down the only two locations where Maryland's Atlantic fishing fleet can offload their catch would obviously have a negative impact.

For me, it's like Mayor Meehan. It's all about jobs. This would negatively impact both the commercial fishing community, but the recreational vessels that move in and out of this harbor daily are an integral part of the tourism experience as well. I heard the earlier comments in support of the proposal. It sounds like all the T's are crossed and I's dotted for wetlands preservation, but just because something can be done doesn't necessarily mean it should. So I respectfully request the Board of Public Works deny or at least delay advancement of this application on behalf of the business community and the greater Ocean City area. Thanks so much for your time.

GOVERNOR MOORE: Thank you, truly appreciate it. Thank you so much. I believe Mr. Gwin's out fishing, that correct?

MR. GONTRUM: Correct, Governor.

GOVERNOR MOORE: We'll now hear from James Motsko from White Marlin Open.

MR. GONTRUM: Online, Governor.

GOVERNOR MOORE: Online?

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MR. MOTSKO: Hello, Governor Moore?

GOVERNOR MOORE: Mr. Motsko, good morning.

MR. MOTSKO: Good morning, sir. Thank you for giving me the opportunity to explain what I think is going to be a problem for the White Marlin Open. I am the President and Founder of Ocean City, Maryland's White Marlin Open that -- I guess about 15 years ago, Governor O'Malley had a economic impact study done. And at that time, it generated in that one week over \$16 million to the State of Maryland, Worcester County, and the federal government.

My major concern would be if the turbines are built, the congestion in the Ocean City Inlet with the boats trying to fish -- over 400 boats trying to get through the inlet with that pier extended out into the inlet farther than it is right now, it would definitely have a negative effect on one of the biggest events that Ocean City holds and the state of Maryland holds. And it would hurt our chances of getting large boats to participate in the White Marlin Open, if they're constructing and sending their boats out through the inlet during that period of time. I respectfully ask that you rethink this and not make that decision today to grant this permit. Thank you very much, sir.

GOVERNOR MOORE: Thank you so much, Mr. Motsko.

Thanks. Thanks for your time.

We'll now hear from Michael Coppa.

MR. GONTRUM: Governor, I'm not seeing Mr. Coppa online.

GOVERNOR MOORE: Okay. We'll go to Ruth Waters.

MR. GONTRUM: I'm not seeing Ms. Waters, but I am seeing Mr. Harrison.

GOVERNOR MOORE: Okay, wonderful. Mr. George Hale Harrison?

MR. HARRISON: Can you hear me?

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GOVERNOR MOORE: Yes, sir. Good morning.

COMPTROLLER LIERMAN: Now, we can't hear him.

GOVERNOR MOORE: Well, I think we lost you, Mr. Harrison.

MR. HARRISON: Can you hear me now?

GOVERNOR MOORE: I think. I think we got you back. Try again?

MR. HARRISON: Okay. I apologize. Thank you, Governor Moore. I appreciate the opportunity to speak with you today. I believe that the comments from the President of the County Commissioners, the Mayor of Ocean City, our local senator, our local delegate uniform that this project is not -- and it's supposed to be narrowly considered to the Marina, as you explained, in the project. It is not in the State's interest for ecological, economic, developmental, recreational, or aesthetic reasons. It doesn't meet any of those categories. The people who are closest to it have given comment to the fact that it doesn't.

My background, my family's company, Harrison Group Hotels and Restaurants, we have 14 hotels in Ocean City, Maryland. We're the largest hotel owner and operator and we have a restaurant, Harrison's Harbor Watch Restaurant, that overlooks the inlet and the marina. Putting a 353-foot concrete pier is not good for aesthetic reasons. It tears at the character of the heritage in Worcester County. You heard from the watermen. It's terrible that you're talking about closing down the only fish packing house and shutting down the only Atlantic port for watermen, and taking that part of Worcester County's heritage away and industrializing this harbor.

This is a terrible idea for a variety of reasons. And Harrison Group, we're one of the co-plaintiffs in the pending litigation over the federal approvals. And it's premature to make a decision on building this concrete pier and eliminating the only outlet or venue for commercial watermen when all of the

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permits aren't in place and there's pending litigation. It would be terrible to have this pier built and have Martin's Fish Company and the fish packing houses taken away and watermen lose their livelihood when the project may or may not even go forward. And again, thank you very much. I really appreciate the opportunity to address the Board of Public Works.

GOVERNOR MOORE: Mr. Harrison, thank you. Thanks for your time. And thanks for making your making your -- making time this morning for your work.

MR. HARRISON: Thank you.

GOVERNOR MOORE: We'll now hear from Shah Amir. Is Mr. Amir --

MR. GONTRUM: Governor, Mr. Amir is not online.

GOVERNOR MOORE: Okay.

MR. GONTRUM: In fact --

GOVERNOR MOORE: Okay. Is Andrew Jackson?

MR. GONTRUM: No, Governor. I'm trying to find the next person who's online. If you give me one moment, please.

GOVERNOR MOORE: Okay.

(Pause.)

MR. GONTRUM: We did confirm, Governor, that no one was out in the hallway in person.

GOVERNOR MOORE: Nobody was in the hallway?

MR. GONTRUM: Correct. Mr. Ryan Freese, Governor.

GOVERNOR MOORE: Who is it? I'm sorry.

MR. GONTRUM: Mr. Ryan Freese.

GOVERNOR MOORE: Oh, Ryan Freese? Okay. Mr. Ryan Freese, can you hear me?

MR. FREESE: Yes. Yes, good morning. Can you hear me?

GOVERNOR MOORE: Yes, sir, good morning.

MR. FREESE: Well, thank you so much, Governor Moore. I appreciate the time to speak. I won't take a whole --

GOVERNOR MOORE: Thank you.

MR. FREESE: -- I won't take a whole lot of time. I am very, very impressed and thank our local Ocean City constituents of coming out to speak for West Ocean City, our fishermen, our commercial fishermen, recreational, and a town that is very well known for it being family-friendly. First and foremost, again, I'm Ryan Freese. I am the President of the Ocean City Marlin Club. I represent almost 800 members, which consists of local Ocean City landowners, recreational fishermen, commercial fishermen, and people up and down the East Coast that enjoy to come to Ocean City during the summer and enjoy what Ocean City and the town of West Ocean City represent.

Like I said, I don't want to take too much time. But I do want to say that we would greatly appreciate if you would take the time to reconsider all the facts that have been brought up throughout the day, and at least postpone a decision on this wetlands and the pier, and just think of the jobs, the fishermen, and what we've had to say today. So I appreciate the time. Thank you again.

GOVERNOR MOORE: Thank you, Mr. Freese. Thank you. Thanks for all you do too. Thank you.

MR. FREESE: Thank you.

GOVERNOR MOORE: Okay. Wonderful. Next, we have Zach Bankert.

(Pause.)

GOVERNOR MOORE: Mr. Bankert, can you hear us?

(Pause.)

MR. GONTRUM: Is he muted?

GOVERNOR MOORE: Mr. Bankert, if you're speaking, we can't hear you, unfortunately.

(Pause.)

GOVERNOR MOORE: Do you want to move on?

MR. BANKERT: Do you hear me now?

GOVERNOR MOORE: Oh, roger that. Hear you great. Thank you.

MR. BANKERT: Very sorry about that. I appreciate your time today. My name is Zach Bankert. I'm the Executive Director of the Ocean City Development Corporation. You heard from our President earlier today, Joe Wilson. I will keep my comments short just because I feel like we've had a lot of people speaking today that are against the proposed project. I think that speaks numbers, just the amount of people we've heard in opposition to it as opposed to people who came out today to speak for it.

The one thing I will say is that our organization is built and set up to revitalize downtown Ocean City. And when we look at revitalization efforts in Ocean City, you know, the first thing we always look at is our number one industry, which is tourism. And if we were to complete this proposed project in the West Ocean City Harbor, you're going to have a negative, devastating effect on tourism. As Mr. Motsko spoke to earlier today, you're eliminating or making it very difficult for sport fishing to continue in this town. We have multiple very large tournaments that bring in a lot of out-of-state money into our area, as well as just providing activity for our local tourists that's a, you know, wholesome family-friendly activity.

The other thing I will mention is that, you know, when you think of Ocean City, you think of going out and having fresh seafood. And if you

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destroy -- you know, if you get rid of the fish packing houses there, you know, you're really cutting off our supply of fresh local seafood to our local restaurants and hotels. Finally, in attempting to keep my comments brief here, it just seems premature with ongoing litigation of, which my organization is one of the co-plaintiffs on, in making a decision today when we have an ongoing lawsuit currently with them. Thank you for your time.

(Pause.)

GOVERNOR MOORE: Thank you so much, Mr. Bankert. Thank you for your -- for your time.

Now, I'd like to invite Ms. Deborah Stanley.

(Pause.)

GOVERNOR MOORE: Ms. Stanley, good morning. If you're speaking, we can't hear you.

(Pause.)

GOVERNOR MOORE: Ms. Stanley?

MR. GONTRUM: Ms. Stanley is connected, but her -- she is self-muted. Governor, perhaps while Ms. Stanley works through her audio issues, we go to Mr. Cropper, who's --

GOVERNOR MOORE: Sounds good.

Ms. Stanley, we're going to -- we're going to go on to our next person, but we'll try to figure out the audio issue. While offering up the audio issue, I'd like to ask Reese Cropper to be able to join.

MR. CROPPER: Yes, yes. Can you hear me all right?

GOVERNOR MOORE: We hear you great, Mr. Cropper. Thank you so much for making the time.

MR. CROPPER: Thank you so much for allowing us all to speak. I wish you all were here so we could speak a little closer. I'm sorry so many of us

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are actually not there personally. However, I'm a native of Ocean City. Like Adam Showell, my family came over in the 1600's from England and they've always worked here in this area, even during the time when Virginia and Maryland followed over the line.

Eco is a very, very popular your word. I don't think there's a person in this country that wouldn't want more ecological things to happen to help us all, whether it be electric or whatever. The one thing that I find interesting, though, is that while we talk about all this I heard of these several funds that the State's looking at putting together for the watermen, and bless you for thinking about that. However, that's extra expense. This money that's being given to U.S. Wind, I know for a fact and other people do too, that many eco organizations out there receive checks from them. If you're all on the same team, why do you have to pay them?

I don't understand what's going on here, but I tell you it's been really bad because we do have a problem with that inlet that I don't think you all really realize, but it's very shallow. We've had commercial fishermen get stuck. Not only that, but part of the problem is because in 2010, we had Hurricane Sandy. The inlet was breached and a lot of the jetties were breached there. Has Maryland come to help us out? We've got sand going all over the place, filling in the bay, filling in right in front of where you're talking about this work should be done.

I couldn't figure out how to get my webcam on, but I wanted you to see that right behind me is a large, large tract of marshland that for 10 years I've been begging somebody to help us out with that. Maryland has put other -- oh, I'm sorry. Thank you. Did that do it? There you go.

GOVERNOR MOORE: Looking good.

MR. CROPPER: See all that? That used to be solid marshland.

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Now the sand -- it breaks -- we -- it costs us \$40,000 a year to just dredge our canal so we can go out -- and go --

(Pause.)

GOVERNOR MOORE: No --

MR. GONTRUM: We cannot hear you, Mr. Cropper.

GOVERNOR MOORE: Yeah, I'm sorry. We lost your audio.

(Pause.)

COMPTROLLER LIERMAN: Maybe turn the camera off?

GOVERNOR MOORE: Yeah. I'm sorry, Mr. Cropper.

COMPTROLLER LIERMAN: I don't think he can hear us.

MR. CROPPER: Mr. Matsko said, when he was speaking about his tournament -- do you know how many fishermen come here to fish in the Sunset Marina? They have to go 10 knots, as I recall. It is -- now, we're going to -- I'm sorry to hear what you said?

GOVERNOR MOORE: I'm sorry. I'm sorry, Mr. --

MR. CROPPER: Did you say something?

GOVERNOR MOORE: Yeah. Once you turn on your camera, we lost your audio.

MR. CROPPER: I'll turn off my webcam. Does that help?

GOVERNOR MOORE: Yeah. We've got you back.

MR. CROPPER: Can you hear me?

GOVERNOR MOORE: We hear you now, yes. Thank you.

MR. CROPPER: Thank you, I apologize. We could use some more cyber help here.

(Laughter.)

MR. CROPPER: But these work vessels, they said 90 feet is comparable. I heard one of the people speaking in for -- in favor of -- of the

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different committees, saying that the 90-foot vessels were comparable to what's there now. I disagree. If you have three 90-foot vessels -- and I don't know if they'll be able to fit into end-to-end-to-end ballast to stern all the way down that pier. That -- the front of that inlet -- or going into the commercial harbor is getting shallow and that would just encroach on the navigable water.

I feel like a lot of this sounds like we're talking about OC, and this is not about just Ocean City. This is a Maryland issue. Governor, I appreciate your drive to make Maryland an eco-state, the best one in the country. I admire that. So let's just put this on hold and instead let's take -- there's a canal in Annapolis. They used to call it Ego Alley, where all the boats used to go up and down, where there's a couple of hotels and a shop or two. Why don't we go ahead and let U.S. Wind start there? And since you've signed for the State of Maryland to have these all around, Chesapeake Bay is coming. So this is not just an Ocean City issue. I talk to people all the time. My friends in Baltimore, they don't know anything about this project. My point is --

MR. GONTRUM: Thank you, Mr. Cropper.

MR. CROPPER: -- is that -- I'm sorry?

MR. GONTRUM: Thank you, sir. That's three minutes.

MR. CROPPER: Okay. Well, Chesapeake Bay is next.

MR. GONTRUM: Governor, perhaps we could allow Ms. Stanley to try her audio one more time and then --

GOVERNOR MOORE: Absolutely, absolutely.

First, Mr. Cropper, if you're still there and you can hear us, I just want to say thank you. Thanks. Thanks for your time and for your work.

Ms. Stanley, can you hear us now?

MR. GONTRUM: The audio is not turning on, Governor. The last speaker we have with us is Ms. Heather Melson.

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GOVERNOR MOORE: Okay. Ms. Melson -- can you hear us, Ms. Melson?

(Pause.)

MR. GONTRUM: Ms. Melson, if you're speaking we can't hear you, unfortunately.

MR. GONTRUM: Ms. Melson has left the meeting, Governor.

GOVERNOR MOORE: She's left?

MR. GONTRUM: That was the last speaker we have in attendance on this item.

GOVERNOR MOORE: Thank you so much.

Madam Comptroller, do you have comments also?

COMPTROLLER LIERMAN: Sure.

UNIDENTIFIED SPEAKER: May I go first?

COMPTROLLER LIERMAN: Okay.

Thank you, Mr. Governor. Thank you everybody who took the time to be here -- Senators, Delegates. Thank you to Mr. Morgante, our Wetlands Administrator, Secretary McIlwain and Secretary Kurtz for introducing and providing background on the license. And really thank you to all the proponents and opponents. You being here today and you engaging in the process is a really important part of this work. So whether you agree with the decision that we make or not, I do want to thank you for -- and know that you were heard and that we really do appreciate your comments. In fact, you probably saw me writing lots of notes, while you were speaking. So I really appreciate you being here.

I want to talk a little bit about what the process and the substance of our decision today, and how I look at this kind of decision. And I'll start with the substance. I want to reiterate that the tidal wetlands license before us is only for the work to be completed on the bulkhead and the existing pier. It's not the

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actual operations and maintenance facility or the turbines themselves. We are not permitted to look at what this is actually being used for. We are looking at what is actually happening to the -- regarding the physical structure. What this pier will be used for is not dispositive, and it's not even something we take into account.

This is the only -- you know, as the commercial fishing pier, I also want to note that it is privately owned. So the owner has the right to sell to whom he wants. I understand and have heard -- certainly, I love going to Ocean City, we love fresh seafood, and I'm supportive of the commercial fishing industry. I certainly hope that the city and the county, if this does move forward and it does move to fruition, that they will develop a new facility. Investing in infrastructure like this to support economic development is something that I know I support. I'm sure the Governor's Administration supports. We want to make sure that we can continue supporting all different types of our economy and all different types of businesses around the State.

So what we're considering today is limited by the Board's regulations. It's limited by precedent from the Supreme Court of Maryland to only work in the wetlands, the pier itself. A hundred percent of the -- oh, I'll say 99 percent of the protests really have to do with the use of the pier, not the renovation of the physical structure of the pier. I'll actually say most of what the proponents have to say too is not about the structure itself, it's about the use, and that is not State statute. That is not what we consider according to State statute. So to the substance, you know, we -- after Bill Morgante went through his process, I will note, you know, that he did visit the site. He went through a long process to see to -- and talked with folks.

And after reviewing by MDE, DNR, and the Wetlands Administrator, it's clear that this request is consistent with many of the other

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licenses that this Board issues almost every meeting. In fact, last year we issued more than 120 such approvals. And I think regulatory certainty and having a standard process is really essential to having a fair process for everyone. And as someone said -- that we should look at it as a whole. And unfortunately, we cannot look at it as a whole. What we are looking at is at the pier itself, so that's the substance.

Number two, the process. Look, I really think that process matters, especially in a representative democracy. And giving people the opportunity to be heard is essential. A promise to listen and to consider thoughtfully is not always a promise to agree. I think -- you know, one of the things that I really appreciate is that in the record -- and anybody can see it -- is the work that was done to meet with people and to talk with them. I'm trying to find it now. This whole process began in September of 2023 when this was posted, so over a year ago. And Bill Morgante reviewed every comment. My team and I reviewed many of them, including letters.

He's not required to respond to mass emails, but he did respond to everyone who contacted him directly. He also sent emails and information to every person at the Salisbury High School open house to make sure everybody knew how to provide information to us and to be involved in the process. And so you know, I want to thank him and thank all of you. Some opponents are seeking a delay and more time. This process, as I noted, began in September 2023. Originally this item -- I will say we did grant more time. Originally, this item was on the agenda for over a month ago. And at the request of the State delegation, we did pull it. And we -- for five weeks. The request to push it to after DNR and commercial fishermen have discussions conclude, that's just simply not relevant. Those discussions aren't relevant to construction of the pier. And as Senator Carrozza noted, this license is moot and will not take effect unless all other

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requirements are met. That's one of the many special conditions.

And back to the substance, there are numerous special conditions that we're putting on this license to protect horseshoe crab spawning, to make sure we're minimizing acoustic impacts and more. All about just the construction of the pier itself. So hearing the concerns, these special conditions really are the belt and suspenders approach. So I want to thank again the Wetlands Administrator and everybody for doing their due diligence. As Ms. Gwin noted, he did reach out to her and numerous other people. So because the process was fair and open and considering the State statute factors that we are allowed to consider, I will be supporting the wetlands license recommendation. Thanks.

GOVERNOR MOORE: Thank you so much.

Mr. Treasurer, any comments?

TREASURER DAVIS: Yes, I -- boy, this is reminiscent of the old days for me -- this hearing. A lot of times, you know, folks will look at me and just assume, you know, because I grew up in Prince George's County that I'm not familiar or I can't relate, you know, to hunting and fishing and -- you know, the agricultural way of life. But the truth of the matter is both of my parents grew up as farmers. Growing up as a child in south central Virginia -- well, as a child in south central Virginia, we would often spend summers at my -- on my grandparent's farm and -- you know, we would go hunting and fishing and you know. And I'm glad I grew up in Prince George's County. That is not an easy life, but I certainly get the love and all the dedication that goes into that.

Now, I've only lived -- I've only had three homes in my life. Two of them are in Prince George's County and one of them is in Ocean City, currently. I consider the folks on the Shore to be my neighbors. Certainly, Senator Carrozza is -- I consider her my Senator as well, and Delegate Hartman. So they're -- you know, the neighbors down there, those are my neighbors, as far

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as I'm concerned. Those, you know, things that affect Ocean City affect me as well. In listening to this, and I think the Comptroller actually covered it very succinctly in the sense that I believe a lot of what I've heard relates to the larger issue that, you know, that being -- that's under discussion.

And the things that I've read, you know, in my backup material and Maryland Supreme Court decisions, formerly Court of Appeals, if what I'm reading is accurate, it's clear that the things that we've heard, the concerns that have been expressed, we can't take those into consideration in our vote and our decision. And you know, when you read the material, it says -- it comes off as a warning from the Court of Appeals. And so that's a hint that if we do anything other than that, we've basically provided grounds for it to be challenged in court, like I said, if the material that we have been provided is accurate as it relates to the law and previous litigation. And then I guess finally, when I think about the fishing houses, and the Comptroller touched upon that as well, it -- this -- all right, you know for the sake of argument, let's say if we were to deny the license, is there an obligation on behalf of the fish houses, those two companies, to continue operating as such? Can they -- I mean, can they be compelled to continue operating? From what I'm told, those houses are have fallen to a bit of a state of disrepair.

And generally, when you start to let things fall into a state of disrepair, you're sending a signal. Intentionally or not, you're sending a signal. You don't let your property, something that you live in, or a business, or whatever you own, you don't let it fall into a state of disrepair if you can either, a), afford it to keep it going; or b), you intend to keep it going. And so intentional or otherwise, I think we may be getting a signal there. So I guess what I'm going with that is, even if we were to deny this and even if it stood up under legal scrutiny, are those two businesses committed to going forward with those fish

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houses? Because if they're not, then we're still in the same position -- or our watermen are still in the same position that they don't have a place to do their quotas or whatever the appropriate term is.

So all of that to say, really, I am extremely sympathetic because for me, I'll be honest, I could take the easy way out of this, the political way out of this, and I could have just voted no, or abstained, or anything like that. You've heard the term it's hard to serve two masters, try 188. That's what I have. I have 188 that -- you know, and I'm -- and I've heard from both sides on this issue. But ultimately, I'm not going to choose to take the political way out because that would be disrespectful in my view. The fact of the matter is on this is as sympathetic as I am to what's being lodged here, I know what my legal obligation is as a member of this Board. And I know what will happen or could happen, if we skirt that. So with that, I intend to vote yes as well, folks.

GOVERNOR MOORE: Thank you.

Thank you both. And nothing substantive to add, after what I thought were two very good -- very good explanations and thinking. Just sincere and deep thanks and appreciation to everybody who didn't just testify today, but also knowing that you are representing a population. You're representing a group. This is a complex issue. It's challenging. And the thing that we know is that while we understand the -- while we understand the parameters of a decision that's taking place today, we also understand that there is lots more work that needs to be done.

And Delegate Hartman, you're right to point out that we said nothing happens, you know, to the Eastern Shore that doesn't happen in in concert -- in coordination with it. That is a pledge we plan on keeping. And so again, while we understand what the ask is of today, the limitation, the parameters of the ask of today, just know that your voices were heard loud and clear. And we

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know that nothing can happen to the Eastern Shore, unless it's done in coordination with the Eastern Shore.

With that, are there any other discussions on this item or anything else on the Secretary's Agenda?

COMPTROLLER LIERMAN: Nope.

TREASURER DAVIS: No, sir.

GOVERNOR MOORE: Okay. I'll proceed with the vote on the Secretary's Agenda. May I have a motion to approve?

COMPTROLLER LIERMAN: Motion to approve the Secretary's Agenda.

GOVERNOR MOORE: And is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Okay. Thank you so much.

Oh, yes, I apologize, I actually have to -- I have a family commitment I have to run to. I ask our outstanding Lieutenant Governor to come in and share the remainder of the meeting.

MR. GONTRUM: And perhaps, Governor, we could use this opportunity -- anyone who is just here for the Secretary's Agenda, feel free to leave at this time.

GOVERNOR MOORE: Sure.

COMPTROLLER LIERMAN: Thanks, good to see you.

(Pause.)

LIEUTENANT GOVERNOR MILLER: Good afternoon, everyone. Let's proceed to the Department of Natural Resources Agenda.

Secretary Kurtz, good afternoon.

MR. KURTZ: Good afternoon, Madam Governor, Madam Comptroller, Mr. Treasurer. And for the record, my name is Josh Kurtz,

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Secretary of the Department of Natural Resources. Department is presenting eight items for your review today and approval. I'm available and I have staff available to answer any questions you may have.

LIEUTENANT GOVERNOR MILLER: Is there a motion to approve the agenda or is there any discussion on --

COMPTROLLER LIERMAN: No discussion.

LIEUTENANT GOVERNOR MILLER: Okay. Is there a second?

TREASURER DAVIS: Second.

LIEUTENANT GOVERNOR MILLER: All right. Thank you.

TREASURER DAVIS: Yeah, we all are talked out.

(Laughter.)

LIEUTENANT GOVERNOR MILLER: Next up is the University System of Maryland. Good afternoon, Mr. Hickey.

MR. HICKEY: Good afternoon, Governor and Mr. Treasurer and Madam Comptroller. Tom Hickey representing University System of Maryland. There are five items for your consideration, and I'm happy to answer any questions.

LIEUTENANT GOVERNOR MILLER: Thank you, Mr. Hickey. Is there a discussion on the USM agenda?

COMPTROLLER LIERMAN: No question, move to approve.

LIEUTENANT GOVERNOR MILLER: All right. Is there a second?

TREASURER DAVIS: Second.

LIEUTENANT GOVERNOR MILLER: Thank you.

MR. HICKEY: Thank you.

LIEUTENANT GOVERNOR MILLER: Let's -- thank you. Let's proceed to the MDOT Agenda. Good afternoon, Ms. Radomsky.

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MS. RADOMSKY: Good afternoon Madam Governor, Madam Comptroller, and Mr. Treasurer. For the record, my name is Valerie Radomsky, Chief Procurement Officer at the Maryland Department of Transportation. Today, we are presenting 21 agenda items for your consideration.

We are seeking approval of two awards to certified small businesses, four awards to dually certified small minority business enterprises, one award to a minority business enterprise, and one award to a dually certified small disadvantaged business enterprise. We have representatives available for any questions you may have.

LIEUTENANT GOVERNOR MILLER: Thank you.

Madam Comptroller, I believe you may have some comments?

COMPTROLLER LIERMAN: Yeah, I just have a question about 3-AE-MOD. So when I first looked at this, I'll be honest, my -- I was going to vote against it. Not to exceed means not to exceed in my viewpoint, but we did some research with you all. And so could you explain why the original not to exceed award was 11.5 million, as well as the need for this additional funding? Because it sounds like from what we learned, actually, you're not exceeding -- your -- the increase is actually taking us back to what you had originally planned to spend anyway. Can you --

MS. RADOMSKY: Exactly.

COMPTROLLER LIERMAN: -- explain that?

MS. RADOMSKY: Exactly. I can. We also have Executive Director Bruce Gartner available virtually.

COMPTROLLER LIERMAN: Either one is fine.

MR. GONTRUM: Not seeing Mr. Gartner.

COMPTROLLER LIERMAN: He didn't wait it out.

(Laughter.)

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MS. RADOMSKY: I thought he was back. Okay. That's fine. I can -- I can talk about it. Happy to.

So we only had -- so when we originally solicited, there would have been a total amount of \$16 million, but we only made one award one time for 11.5 million. So we're just seeking to make it whole, since we only have the one contractor work --

COMPTROLLER LIERMAN: Got it.

MS. RADOMSKY: -- who have the \$6 million worth of work overall.

COMPTROLLER LIERMAN: And are you -- thank you for that. And are you confident that -- right now, the compliance with the MBE goal is only 40 percent. You're confident that you will be able to -- your -- RK&K will be able to increase that to its full amount?

MS. RADOMSKY: Yes, by the end of the contract with the additional work.

COMPTROLLER LIERMAN: Okay. Thank you.

LIEUTENANT GOVERNOR MILLER: Any other discussions?
All right. So may I have a motion to approve the agenda?

COMPTROLLER LIERMAN: Move to approve.

LIEUTENANT GOVERNOR MILLER: Is there a second?

TREASURER DAVIS: Second.

LIEUTENANT GOVERNOR MILLER: Thank you.

MS. RADOMSKY: Thank you.

LIEUTENANT GOVERNOR MILLER: So let's conclude with the DGS Agenda. Good afternoon, Secretary Chaudhry. Please proceed.

MR. CHAUDHRY: Morning, Madam Governor, Madam Comptroller, Mr. Treasurer. For the record, I am Atif Chaudhry, Secretary of the

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Maryland Department of General Services. Today, the Department is presenting 41 items in our agenda. We are withdrawing one item, that is Item 22-S.

And our agenda does feature over \$23 million in capital grants and loans. And as we continue to keep an eye on our minority business participation across the State, our agenda does include four contract awards and modifications to certified minority businesses totaling more than \$3.5 million. And we have agency representatives here to answer any questions you may have.

LIEUTENANT GOVERNOR MILLER: Thank you. Is there any discussion on the DGS Agenda?

COMPTROLLER LIERMAN: I'm really excited to see the Penn Station Redevelopment Project move forward. Any other agenda, I think that would have gotten a shout out and a highlight. So it's exciting to see that and many other awards as well. Thank you.

MR. CHAUDHRY: Thank you.

LIEUTENANT GOVERNOR MILLER: Thank you, Secretary Chaudhry.

May I have a motion to approve the agenda?

COMPTROLLER LIERMAN: Move the DGS agenda.

LIEUTENANT GOVERNOR MILLER: Is there a second?

TREASURER DAVIS: Second.

LIEUTENANT GOVERNOR MILLER: Thank you. So this concludes the meeting of the Board of Public Works. We will see you all on December 4th. We are adjourned.

COMPTROLLER LIERMAN: Thank you.

LIEUTENANT GOVERNOR MILLER: Thank you.

(Whereupon, at 12:12 p.m., the meeting was concluded.)