

STATE OF MARYLAND
BOARD OF PUBLIC WORKS
GOVERNOR'S CONFERENCE ROOM
STATE HOUSE
ANNAPOLIS, MARYLAND

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P R E S E N T

GOVERNOR WILLIAM DONALD SCHAEFER, Presiding;

HONORABLE LOUIS L. GOLDSTEIN, Comptroller;

HONORABLE LUCILLE MAURER, Treasurer;

JAMES J. MCGINTY, Secretary, Board of
Public Works;

CHARLES L. BENTON, Secretary, Department of
Budget and Fiscal Planning;

MARTIN W. WALSH, JR., Secretary, Department of
General Services;

DEBORAH PHOTIADIS, Director of Real Estate,
Department of General Services;

SANDRA REYNOLD, Procurement Advisor, Board
of Public Works; and,

MARION J. BOSCHERT, Administrative Assistant,
Board of Public Works.

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P R O C E E D I N G S

GOVERNOR SCHAEFER: All right. The Board will come to order. What's the first item?

MR. MCGINTY: The first item, we'd like to take Item 19 on the Secretary's Agenda, which is a supplemental revised, and it's an item to request the Board to approve the naming of the Department of Agriculture Building in honor of Mr. Wayne A. Cawley, Jr., the Secretary of Department of Agriculture.

GOVERNOR SCHAEFER: Who's Mr. Cawley?

MR. MCGINTY: He's the gentleman sitting back there.

GOVERNOR SCHAEFER: Would Mr. Cawley please identify himself, please.

MS. MAURER: And Barbara.

GOVERNOR SCHAEFER: And Barbara.

MR. CAWLEY: All bred and accounted for, sir.

GOVERNOR SCHAEFER: You have been an excellent, superb, whatever the term might be, head of -- Secretary of Agriculture. Besides that, you are going to retire and act as a consultant to Mr. Bob Walker, for

which I am most appreciative. The other day we were over in a building that has been your home for a long period of time. The new laboratory wing is just a superb place, and it was suggested that a building be named after you in honor of your years of service, and we wondered what you think about that. That puts you on the spot, doesn't it?

MS. MAURER: He's used to that.

MR. CAWLEY: Well, the other day when you tentatively announced it and said you wanted to take it before the Board of Public Works, that was the first time I'd ever kept my mouth shut and couldn't say anything. So I finally came up with "thank you."

And I would like to say, Governor Schaefer -- I have good speech writers, too -- Comptroller Goldstein, Treasurer Maurer, ladies and gentlemen, now I am truly honored and grateful to be here today and to have the opportunity to thank, first, the Board of Public Works for the tremendous honor they have decided to bestow on me and my family.

This farmer, and you all know I'm more proud

of being a farmer than any other title I've ever had, is humbled by your decision. I am not sure that I am deserving of it. I like to think by honoring me in this unique and significant manner you are also honoring my wife and my family, the employees of the Department of Agriculture, and farmers throughout the State of Maryland. Without their support, I would not have been able to serve as Secretary of Agriculture.

During my 12-1/2 years as Secretary of Agriculture, I have come before this Board to testify and give advice on many important issues affecting agriculture and the citizens of Maryland. You have always listened, asked appropriate questions, and acted in the best interests of all concerned. I thank you for the fair treatment and support you have given to agriculture over the years.

I was home the other day, and my wife told one of our grandchildren that the Governor knows, the name of Lance, and he said, "It looks like they might be able -- are going to name a building after Pop-Pop," and he said, "Just like George Washington."

(Laughter.)

MR. CAWLEY: So I said -- my wife, what did you say?

MRS. CAWLEY: "Father of many."

MR. CAWLEY: "Father of many" is her answer.

(Laughter.)

MR. CAWLEY: On a personal note, I will miss working closely with each of you, as we have over the years, to promote, protect and preserve agriculture. I promised the Governor I would be a consultant. So, I'll be around for a long time.

Again, my wife, my family and all of agriculture thank you for this honor.

(Applause.)

GOVERNOR SCHAEFER: Would you like to say anything, Mrs. Cawley?

MRS. CAWLEY: I can't hear you.

GOVERNOR SCHAEFER: Would you like to say anything?

MRS. CAWLEY: No, no. I just want to thank everybody. It's very nice.

GOVERNOR SCHAEFER: Wayne, before you leave, the motion hasn't been made yet. Louie.

MR. GOLDSTEIN: I'm very happy to make the motion. I've known Wayne Cawley for a long time. He graduated from Washington College, my alma mater, and I know his background and Barbara. I watched him grow and have worked with him, not only when -- even before he became Secretary of Agriculture. We campaigned together up and down the Eastern Shore. I watched him have one of the finest farm operations in the state, a veteran of World War II. I think it was the 82nd Airborne, weren't you?

MR. CAWLEY: Yes, sir.

MR. GOLDSTEIN: Over in Europe. So, he has all the qualities of an outstanding fellow American, and I know by naming this building for him, it will be an inspiration to many other people that follow in his footsteps to make contributions to our state base like he has over the years.

So, it gives me great pleasure to make the motion to name this building after Wayne A. Cawley, Jr.,

Secretary, Department of Agriculture.

MS. MAURER: I'm proud and happy to second it. It's been a pleasure getting to know Wayne and Barbara and working with Wayne, both on the "Ag" Land Preservation, through various meetings, cabinet meetings, and tours both across the state and on the tour abroad.

I remember when we were all so worried. You were so ill, we thought you shouldn't take off for another leg of a long overnight flight, and anxiously awaiting word that you had arrived recovered; but it was, again, for an agricultural meeting or experiment in which they wanted the U.S. Department of Agriculture and wanted you to participate.

But you've brought joy as well as knowledge and commitment, and it's been a very great pleasure. I'll always look forward to visiting the Wayne A. Cawley, Jr. Building.

MR. CAWLEY: Thank you.

GOVERNOR SCHAEFER: Motion has been made. Is there a second?

MS. MAURER: Second.

GOVERNOR SCHAEFER: All in favor, signify by saying "aye."

BOARD MEMBERS: Aye.

GOVERNOR SCHAEFER: All opposed, "no."

BOARD MEMBERS: (No response.)

GOVERNOR SCHAEFER: The ayes have it. The building is named Wayne A. Cawley, Jr. Agricultural Building.

(Applause.)

GOVERNOR SCHAEFER: We want to take the budget process next.

MR. MCGINTY: That's Item 2-S on the Department of Budget and Fiscal Planning Agenda.

GOVERNOR SCHAEFER: Before Mr. Benton actually makes the full presentation, I would like to explain where we are, what happened, and I've got a couple of charts that will simplify the matter.

First of all, in January we were alerted to a problem that no one wanted to believe, no one wanted to take seriously, and the taxpayers made it very well

known and clear to the members of the Legislature as to what they wanted them to do; and, under heavy pressure, the Legislature did what the taxpayers said. One, no new taxes, cut expenditures, downsize government, and reduce the number of employees.

Over the last eight or nine months, that's exactly what the state has done. It has had four major reductions before the present one was made, reduced the budget by maybe two or three thousand employees, cut expenditures in every area including the Governor's budget, the Comptroller's budget, the Treasurer's budget. Every budget was affected in the first four cuts except the State Police, which is Department of Safety, the prisons, and education.

The revenues continue to fall. The sales tax continues to be off. The personal income tax continues to be off. But the expenditures stay the same or increase.

Three weeks ago, I proposed a plan to balance the budget to cover the then \$450 million shortfall, which is now in excess of \$468 million. A lot of the

proposals were very unpopular. No matter what you did, it was the wrong cut, even though we followed exactly what the people said they wanted us to do. A lot of groups came down to Annapolis to protest the cuts.

The Board of Public Works could only make cuts within the law, and we made those and then we met with the Legislature and proposed that changes be made to restore some of the cuts. The Legislature -- want to point, Paul, to it -- the Legislature proposed to restore, instead of the proposal that I made because there was more flexibility with the legislative proposals, to restore General Public Assistance, 41 million; state-only Medicaid, 20 million; 59 State Troopers and Medevac, 3.8; School for the Blind, 2.2; drug treatment programs, 9.3; prison education, five million; rape counseling, in-home aides, 1.5; 22 Youth Service Bureaus and other items, 2.8 million.

The Legislature wanted to restore 86.6 million, and they suggested some funding that I found unacceptable. I would like to report there is no new money, there is no new money. It's just a matter of shifting funds from

one area to another. You don't have any more money. If you don't take it from people programs, you take it from another program. So, there's no new money.

I couldn't go along with the idea of furloughs as proposed by state workers, because the unions in the past have vehemently opposed that. It would have saved 22.5 million but would have cost the state employees a week's paycheck. That feeling is beginning to change now. The Legislature suggested cutting APEX by 43 million, and I did not want to cut the money that went to the classroom, and that was important to me that classroom teachers and classroom activities not be cut. The Legislature wanted to trim local transportation by 10 million, and there were some areas we couldn't agree on, but we sat down and we talked them over.

The best way to resolve a crisis like this is for all of us to work together, not shooting at each other. The budget shortfall isn't just our problem, it's a problem of everyone's. And we worked with the Legislature and came up with this plan: to restore General Public Assistance by 41 million; a portion of

state-only Medicaid by 20.8 million; 59 Troopers and Medevac, 3.8 million; School for the Blind, 2.3 million; half of the drug treatment programs, 4.5 million; part of the prison education, 3.8; rape counseling, 1.5; pre-kindergarten, which was very important, 1.7; education for handicapped, one million; half-funding for Youth Service Bureaus, 500,000; and about 3.3 million in other restorations.

Now, how did we come up with the 84.3 million? We cut foster care by 2.8 million; cut teachers' pension and Social Security by 20 million; cut local property tax credit by 48 million; cut GPA, AFDC back to the '89 level, 1989 level of 8.6; and collected about \$700,000 in court fees; and cut the overtime benefits and benefits to the State Troopers in the amount of 3.8.

What do all these proposals have in common? If you cut away what I proposed and the way the Legislature proposed, or the joint plan, it hurts. All that was done was shifting from people programs to cutting local aid; and, I repeat, there was no new money. It was shifted from people programs to local aid

and put the pressure on the local areas. None of the choices were, in my opinion, very good. We moved the pain around from one program to another, and the pain is still there.

I still get the story about "Cut the fat." I always write back to the people, "You tell me where the fat is." And, of course, they send back, "No chandeliers for the mansion," which really doesn't serve the problem.

The reason people noticed the cut this time is that we cut programs to services and to people. We cut the budget, as I said, four times before by \$650 million, 3,300 jobs before this cut. This Board action means that we will have cut one billion dollars from the budget and more than 5,300 jobs. The cuts we restored still don't take care of the millions we cut from the agencies, local aid and private groups. Even what we restored, more than 1,500 state employees lost their jobs.

And what does the final program look like? We have cut the state agencies by 13 percent, 13 percent

since last year. Most non-mandated programs have been cut by 25 percent, which is as far as the law allows it, including county police, health, fire, rescue, community colleges. Private institutions have been cut by 25 percent; that includes the private colleges, museums, University of Maryland Medical System, National Aquarium, historical sites. Local aid was cut by a total of 180 million; this realizes tough choices for the county executives. The federal government has passed off their problem to us; and, in a way, we're passing some of our problem off to the local. We've also cut Higher Education by 50 million, and we're going to lose the momentum that we have in Higher Education. Other cuts meant \$21 million from Human Resources, which is a very sad cut; 56 million from health programs; 31 million from Public Safety, and the employees got a major reduction, 3,300 jobs. One thousand five hundred will be terminated by November 1, and 407 vacancies eliminated, which is almost an elimination of 5,300 jobs.

Now, where do we go from here? Has the

picture changed? The answer is absolutely not. I do not see an end to the recession. I feel tremendous caution on behalf of people. The tax revenues still continue to fall off. More people in industry are losing their jobs. AWAC in Westinghouse will be terminated, IBM, Ford. All you're hearing about is more and more people losing their jobs, and I don't see us coming out of the recession any time soon.

We have to start thinking about putting a new budget together, including all of these cuts plus another tremendous amount of reductions. So, we'll continue to reduce the size of government, reduce the number of employees, and we'll cut expenditures.

When I started off, I did not want a temporary, "quick fix" solution. The Legislature, the Board of Public Works, the Governor, all, let's look for a long-term solution, and now is the time to do it and try to do it as soon as we possibly can.

One thing, I add a word of caution, I think there's a possibility that the Governor and the Board of Public Works and the Legislature will be called upon to

make another reduction in this year's budget, in this year's budget, before we get to next year's budget. So, the picture, outlook, is not exactly rosy. It's possibly just the opposite.

On the good side, we did retain our bond rating. We still have a financially sound government. We're complying with exactly what the voters said: no new taxes, cut expenditures, downsize government, and reduce employees. We've done them all. No one has been satisfied because, no matter what you do, if you cut expenditures, "You're cutting the wrong one." If you're downsizing government, "Don't downsize that side because that's the one I'm interested in." "Don't reduce the number of employees because that only leads to them being on welfare or unemployment, which costs money."

With that short explanation, I'd ask Mr. Benton if he'd like to add anything and then ask Louie and Lucy for their comments and then ask for the vote.

MR. BENTON: Governor, there's very little I can add. I think you covered it all. I might say, in

my 53 years of government service with the state, the city, and back to the state again, there never has been a recession that has had such a profound impact on government revenues. And little did I realize just a few short months ago, after round four, would we be back so soon to recommend additional cost containments.

As you pointed out, when added to the previous cost containment action, our total reduction is well in excess of a billion dollars and well in excess of 5,000 employees. And, as you said, the situation is not going to change. We're now confronted with the preparation of a budget for fiscal '93. We will be working closely with the Legislature to determine whether or not the level of services that we are able to provide with the revenues are adequate or whether adjustments of our revenue structure should be considered.

It hasn't been a pleasant task. I know it's been very painful so far as the Governor is concerned, because the programs that he espoused, the enhancements that have been made during the past several years, by and large, have been wiped out; and we are now funded at

well below the 1989 level. I see no alternative. It has been a rewarding experience in being able to work with the Governor, the Legislature, and come to complete agreement as to how these reductions should be made.

If there are any specific questions, I'll be pleased to answer them. Thank you.

GOVERNOR SCHAEFER: Louie.

MR. GOLDSTEIN: Governor, I first came into the state government the election of 1938 and as a member of the House of Delegates in 1939, and we had a very lean budget. It was less than \$18 million. The present budget is \$1,600,000,000. And we've seen the fantastic growth of this state. Back in '39, we had approximately about 1,750,000 people. This morning it's about 4,800,000 people. University of Maryland back in those days had approximately 2,000 students on the campus at College Park. This morning they've got some 30-some-odd thousand students at College Park, thousands of students at Baltimore County Campus, Eastern Shore Campus, Salisbury, University of Maryland Campus, Frostburg, Bowie State University, Coppin, and all the

professional schools in Baltimore, 11 of them total now, 11 of them in being, plus your state colleges and your community colleges. Just the educational thing alone, how fast that's grown.

Now, this is a very painful experience for me today to sit here and make cuts based on the presentation here, but you have to face responsibility. Fiscal responsibility is what I call it today. Let's call it fiscal responsibility. Three weeks ago, it was fiscal responsibility when we acted, because we were on the verge of \$120 million bond sale, and I think the date was October 8 or something, the 10th, maybe the 10th, 120 million, and we got a Triple-A rating by Moody's Investor Service, Standard & Poor, and Fitch's. And we wouldn't have gotten that rating if we hadn't taken the action.

Now, today we're going to have to rescind the action we took on October 2, and I'd like to make the motion that we move that the action of the Board of Public Works that was taken on October 2, 1991, the approval of the Department of Budget and Fiscal Planning

Item 12-GM, page 13B, be rescinded in its entirety.

GOVERNOR SCHAEFER: Before I second the motion, any comments by the Treasurer?

MS. MAURER: Yes. I would agree that we need to look and be prepared to work together for a longer term; but, when we talk of "longer term," it may be the concept of three or four years. And, to do that, I think the citizens need to understand fully both the severity and the magnitude of the problems, not just with government revenues but the problems of the economy as a whole. We can't be separated from the national picture. It's not something just in Maryland, and we alone can't solve that problem. That will require some effort in Washington.

Unfortunately, what we see so far presents longer-term solutions when we need some immediate actions to help jump start the economy. And, as the Governor mentioned, a national corporation can have a problem with its finances across the spectrum of many, many facilities, but sometimes we take the hit in Maryland when the problems, again, reflect both the

national economy and a national corporation.

In terms of magnitude, when you think that the General Fund, and we're talking about General Fund monies here, not the bond proceeds that build roads, but the general kind of revenues, that's about, what, about six to seven billion dollars.

MR. BENTON: 6.2, yes.

MS. MAURER: And we're cutting a billion, and you'll have to deal with a billion or more in next year's budget. Can you think of the magnitude if you cut out the whole Health Department except for Medicaid, the whole department, local, everything? That's 700 million. That doesn't hit a target. If you cut out all public assistance to four-year institutions, the whole university, all the private colleges, Morgan, St. Mary's, the whole thing, that's about 650 million.

MR. BENTON: Seven hundred million.

MS. MAURER: Seven hundred million, all right. That's off a little bit. But what I'm trying to point out, and I'm not suggesting that obviously, but the magnitude of trying to find that on top of 13 percent

cuts across all the agencies. It's not practical to think that you can keep cutting and keep cutting and keep cutting and have government perform basic services.

I think we'll need a variety of responses. I'm really pleased the state -- and Louie is pushing and the attorney general, they'll have an amicus case in three cases that are before the Supreme Court to let states enforce the collection of sales tax on catalogue sales, where the catalogue companies don't have a nexus, an office, in the state. And I think -- what was your last estimate? Fifty million?

MR. GOLDSTEIN: Fifty million at the very minimum.

MS. MAURER: That's a lot of money when we're at a very grim spot, and that's important. There are other things. It's not just here in Annapolis, but we need to push our Congressional delegation. It will be very hard to do, but in Washington they raised the cigarette tax, but we can't collect it on federal property. They say that's taxing the federal government. That taxes people, not the federal

government. Yesterday was the fifth anniversary of the Tax Reform Act of 1986, in which, in effect, they're taxing our tax-exempt bonds through something called "arbitrage," but we haven't had equality in being able to collect alcoholic beverage and cigarette taxes on federal property.

Our Legislature has to look with the Governor at what we can do for the state, but this is a grim moment; and anyone who thinks the recession is bottoming out here, I haven't found them. In the business community, I keep hearing they haven't seen the bottom yet. It is not a "good news" day except for the fact that there has been some agreement to restore some of the cuts, shift them around, but I'm not happy about it, but it does comply, as the Governor said, with what has been worked out between the Legislature and the Executive Branch, and we need to do it. But the answers have not been found for the rest of this year or for next year.

I second the -- I will vote for it. I can't --

GOVERNOR SCHAEFER: You can't second.

MS. MAURER: Having not voted with the prevailing side, I can neither make the motion nor second the rescission, but I'll obviously vote for it.

GOVERNOR SCHAEFER: Wait, Lucy, I just want to call to your attention, if we go to another reduction -- all we did was shift from these to something else. That's all we did. We did not find any more money. Instead, we put something else in. I did not revise that because -- even though I think the local governments, some local government is going to be hurt, really hurt. Some have kept enough money aside that they're going to be all right. But, if we have another reduction, you're going to get it in the areas that are left. I want to repeat that. You're going to get it in the areas of the money that's left. There will be no new money, and all the people that will be coming down, there's where the money will come from. It will not come from some place else. It will come from there.

Just be aware that, if we have another reduction and if the revenues don't stand, we are in to hit people programs. And, to clarify that, to make it

perfectly clear, we cannot touch mandates, federal mandates, state mandates, unless legislation removes them or the federal government removes them. We are confined to a very small, narrow window on where we can make reductions. And I repeat this, and I continually repeat this.

The Judge Thomas/Hill television took 200 straight hours of television time. No senator left. And I will predict that you couldn't get 17 senators to sit and listen to 200 straight hours of the problems and the worries and the concerns of mayors and governors. Now, that, to me, while I understand the hearing process, you cannot get a compliance or a worry about health care, which has actually gone beyond our ability to pay. And I listened to the radio this morning on state employees who are looking at their new health plan and said, "I can't understand this. What are we going to do?" And we're having the federal government in a way that's saying, "Okay, you solve your problem yourself." Well, some we can, and some we can't. So, I'm concerned, very concerned over that.

The motion has been made by the Comptroller.
I will second the motion. Any further comments?

(No response.)

GOVERNOR SCHAEFER: If not, all in favor,
signify by saying "aye."

BOARD MEMBERS: Aye.

GOVERNOR SCHAEFER: All opposed, "no."

BOARD MEMBERS: (No response.)

GOVERNOR SCHAEFER: There's a second motion
that must be made.

MR. GOLDSTEIN: All right, sir. On my second
motion -- and let me say this before I make the second
motion, Governor. I went through the Great Depression,
and I saw a very courageous president face the
situation. I'd like to call on Congress and the members
of the president's staff, his cabinet. The RFC,
Reconstruction Finance Corporation, that saved the
banks, that saved savings and loans. Then we had the
HOLC, Home-Owners Loan Corporation, made it possible for
people to stay in their home; got long-term mortgages.
Then we had the Production Credit Association. That gave

the people on the farms the opportunity to buy equipment, so they could stay on their farm; along with the Federal Land Bank.

Something like this has got to be done now. When I see big banks every day having problems -- and I spoke to two of them last night when I attended the Independent Colleges of Maryland meeting, and I explained to them about this cut, and they said, "We understand the situation."

I'd like to call for a high type of seminar. Maybe we ought to have it here in Annapolis or University of Maryland or Johns Hopkins, the Legislature, Governor, cabinet, Treasurer, Comptroller, and let's face this situation. Let the public really see if they can understand what's happening. So many of them think it's just a fairy tale.

Last Monday night, I spoke to 350 accountants, Maryland Accountants Association. Monday night, this Monday, I spoke to the Prince George's County Board of Trade. Yesterday I spoke to 750 retirees of the Baltimore Gas and Electric Company at Martin's West, and

I explained the situation. It's just impossible to get that many groups together because it's just hard to get people to understand when you're giving them a program and you're taking it back, like revenue sharing, the revenue sharing at the federal level or the states, counties and municipalities. That's what started these problems. That money was cut off, then other programs that were initiated in Washington, that money is cut off. Now they want the state to provide the money.

I think we've got to have these meetings and get all these different -- invite the public to participate and let them understand completely what the situation is all about.

Now, I'd like to make the second motion. I move that the Board of Public Works at this meeting approve the Department of Budget and Fiscal Planning Item 2-S, page 2B on this agenda, and the supporting documents as presented on today's agenda, October 23, 1991, and attached hereto.

MS. MAURER: Second.

GOVERNOR SCHAEFER: The motion is made and

seconded. Before I call for a vote, I agree with both Lucy and Louie on calling that seminar together; but, until you get the general public, the general public, to understand what the situation is, high level will be good in dispersing information, and maybe after that there will be some feeling that there's some credibility in what we've been saying now for four or five, six or seven months.

I think, on November 1, when people are starting to feel the impact of what had to be the course of action by the Legislature and the Board of Public Works, then you're going to find that people are beginning to believe that there's not so much waste, not so much fat, so much whatever it might be that people have been calling to cut. Then I think you'll have that.

Motion had been made, motion and second. All in favor, signify by saying "aye."

BOARD MEMBERS: Aye.

GOVERNOR SCHAEFER: All opposed?

BOARD MEMBERS: (No response.)

GOVERNOR SCHAEFER: The ayes have it. The motion is passed. What's next?

MR. MCGINTY: Go back to our normal sequence, take the Secretary's Agenda.

MR. GOLDSTEIN: Do you want to take the bridge next?

MR. MCGINTY: No. We will hold Item 6 until the end of the meeting.

MR. GOLDSTEIN: Okay. Item 9, page 11, Case No. 91-1739, I wonder if Mr. Cassell could answer. Mr. Cassell.

MR. CASSELL: I'm Harold Cassell, wetlands administrator for the Board of Public Works. You had a question?

MR. GOLDSTEIN: Yes, sir. On Item Number 9, page 11, that's Case No. 91-1739. That's the Hobelman Port Service, Incorporated, dredging 70,000 cubic yards. They're going to put it in Hart-Miller Island.

MR. CASSELL: Yes, sir.

MR. GOLDSTEIN: My question is, are they paying for the deposit of that in Hart-Miller Island?

MR. CASSELL: Yes, sir, at the rate specified by the Port Administration.

MR. GOLDSTEIN: I see. I mean, the item didn't show that.

MR. CASSELL: I understand.

MR. GOLDSTEIN: Let me write this down, page 11.

MR. CASSELL: It's to facilitate passage of additional vessels to this particular marine terminal.

MR. GOLDSTEIN: And they'll pay the going rate?

MR. CASSELL: They will, sir.

MR. GOLDSTEIN: Okay, sir. Governor, there are four items, Items 12, 13, 14 and 15, Maryland Environmental Trust. Maybe we can hear from Mr. Dehart.

MR. DEHART: Yes. My name is Grant Dehart. I'm director of the Maryland Environmental Trust, and we have four items before you to provide grants that will be reimbursable by local land trusts to acquire property.

The first one is the Wallace property to be purchased by the American Chestnut Land Trust; the Singer Farm by the Carroll County Land Trust near

Uniontown; the Brown Farm in Howard County to be purchased by the Howard County Conservancy; and the Grove Farm, the historic Grove Farm at Antietam or Sharpsburg, by the Save Historic Antietam Foundation.

We would like to provide you the opportunity of asking questions of the representatives of each of those land trusts, if you have them; and we would also like to introduce former Senator Jim Clark to give a background discussion of not only the intent and the value of this particular loan program but also the importance of the particular farm, Grove Farm. Mr. Clark.

GOVERNOR SCHAEFER: Oh, good to see you, Senator. How are you?

MR. DEHART: Not the Grove Farm, but the Brown Farm.

MR. GOLDSTEIN: Yes, sir, Jim.

MR. CLARK: Good morning, honorable members of the most powerful board in America, perhaps.

GOVERNOR SCHAEFER: You look exceptionally well today. You look great.

MR. CLARK: Thank you. Well, not having been

in the General Assembly this last few months helped.

(Laughter.)

MR. CLARK: You know, I was a central figure in three re-apportionments, but I was very happy to have missed this one.

GOVERNOR SCHAEFER: I don't blame you.

MR. CLARK: The General Assembly in its wisdom created the grant fund that is administered by the Maryland Environmental Trust, and the idea was to encourage local land trusts, which is a growing movement in America, probably the fastest growing movement that I can think of. I happen to serve on the national board, the Land Trust Alliance, and I'm on my way to California to the quarterly meeting right today, this afternoon.

This is the best way and easiest way for the state to protect fragile areas. If you're going to save the Chesapeake Bay, you have to save fragile areas, streams, wetlands and all this sort of thing. We all understand this, and it's difficult for the state to do it all. And this is the best bargain possible for the public.

These grants -- the Board of Public Works has the power to make grants, straight-out grants, under this program; but, in our wisdom, we're making grants and requiring that they be paid back in many cases. In the cases before us today, I think that's the case in all of them.

You have land trusts -- I guess the one that is best known in America is the Nature Conservancy, which is huge and has millions of acres under easement, but they range all the way down to a land trust that's created in a community just to save one little area, and they're being created at a very fast rate in Maryland. We have one in Howard County now, and they're always bringing -- well, we have several in Howard County, where we didn't have any a few years ago.

A little bit of help goes a long way on getting some of these things started. So, it's probably one of the best uses of money that we can make. We get a lot done for a very little bit.

I don't know whether I'm supposed to speak to the Howard County Conservancy item at this point or not,

but I'm speaking to the general subject. Perhaps, I can come back when that comes on the agenda, which is down the line a little bit. But I think it's a good program. I happen to serve on the Maryland Environmental Trust, and we meet monthly, and it's doing a very good job. At a time when the Open Space Program is curtailed and the Farm Preservation Program is curtailed, this is really the only ball game we have left, and I would hope that you all would look favorably upon this program. Thank you.

GOVERNOR SCHAEFER: Thank you.

MR. DEHART: The representatives of the other groups, Jim Ecker from the --

MR. GOLDSTEIN: Just let me say something about Senator Clark. I agree with everything Senator Clark has said, and I'd like to see this money given in these grants, paid back and put in the Revolving Fund, so we can continue. That way, you'll be able to acquire lots of land.

MR. DEHART: Yes.

MR. GOLDSTEIN: Any objection to that, sir?

MR. DEHART: No, that's the intention of each one of these grants.

MR. GOLDSTEIN: Thank you, sir.

GOVERNOR SCHAEFER: Is there a motion on these?

MR. GOLDSTEIN: I move we approve all four of them.

MS. MAURER: Second.

MR. GOLDSTEIN: With the understanding that the money will be paid back and we'll have appropriate documents filed to satisfy that requirement.

MR. DEHART: Comptroller Goldstein, the two grants for the Grove Farm acquisition and the Singer Farm acquisition, we will include language in the grant agreement that they will make their best efforts to pay those grants back. In the event that there is no money available under the Agricultural Land Preservation Program in the future years, say five years down the road, we will make every effort we can to get the grants back, but we would urge that it not be such an absolute requirement that it would cause the local land trust to

go out of business or for them to lose the property to development that we're trying to purchase.

MR. GOLDSTEIN: They're not going to go out of business, not going to lose the land. Too many people are interested in helping them. You've got to give to get. You understand that? You've got to give to get.

MR. DEHART: Yes, sir.

MR. GOLDSTEIN: So, these people are giving, they'll get. That's the first step. Whenever I ask anybody to give money, I put my money on the table first. It's amazing how it works. You can't ask somebody to give you something unless you give first. You understand what I'm talking about?

MR. DEHART: Yes, sir.

MR. GOLDSTEIN: Very simple proposition.

GOVERNOR SCHAEFER: Okay. Anything further on this agenda?

MR. MCGINTY: I'd like to go back. Item 10 on page 16 --

MR. GOLDSTEIN: Well, wait, let's take the vote on these. I think we ought to vote on these

separately: Item 12, page 18; Item 13 on page 21; Item 14 on page 24; Item 15 on page 27.

GOVERNOR SCHAEFER: Motion has been made. Is there a second?

MS. MAURER: Second.

GOVERNOR SCHAEFER: No objection. So ordered. What's next?

MR. MCGINTY: I'd like to go back and defer Item 10 on page 16.

MR. GOLDSTEIN: Item 10?

MS. MAURER: That's the Revolving Loan Fund for Water.

GOVERNOR SCHAEFER: No objection. All right. What is next?

MS. MAURER: Want to move the approval of the rest of the agenda, Louie?

MR. GOLDSTEIN: Let's see, Item 16 -- how about these debarments, three debarments? Do they have to be acted on separately, acted on?

MS. MAURER: The what?

MR. GOLDSTEIN: The three debarments.

MS. REYNOLD: You don't need a separate motion.

MR. GOLDSTEIN: Don't?

MS. REYNOLD: But, if you'd like, it's perfectly acceptable.

GOVERNOR SCHAEFER: All right. Is there a motion on the debarment?

MR. GOLDSTEIN: So move.

GOVERNOR SCHAEFER: And is there a second? No objection. So ordered.

MR. GOLDSTEIN: I move we approve the rest of the agenda except for items that may have been withdrawn.

GOVERNOR SCHAEFER: Is there a second?

MS. MAURER: Second.

GOVERNOR SCHAEFER: No objection. So ordered. What's next?

MR. MCGINTY: Budget and Fiscal Planning, one remaining item.

MR. BENTON: We just have this one item in addition to the cost containment, which would involve an

actuarial audit of the Maryland Housing Fund, as required by the bond indenture.

MR. GOLDSTEIN: I'd like to make one motion with that, that we get a copy of that report. I have people calling me about these different items time and time again, and it's pretty hard to get the information. So I'd like to vote for this with the understanding -- is anybody here from the Department of Housing and Community Development?

MS. PAYNE: Yes, sir.

MR. GOLDSTEIN: I wonder if you could come up here, please, ma'am.

MS. PAYNE: Yes. I'm Patricia Payne.

MR. GOLDSTEIN: Yes, ma'am. Item 1-S, page 1B, where you're hiring Price Waterhouse and paying them \$150,000 to make this audit.

MS. PAYNE: Yes.

MR. GOLDSTEIN: With the understanding that the members of the Board of Public Works will receive a copy of that audit.

MS. PAYNE: Correct. Yes, sir. We'll be very

happy to provide it.

MR. GOLDSTEIN: You have no objection to that,
do you?

MS. PAYNE: Not at all.

MR. GOLDSTEIN: Okay. Thank you.

MS. PAYNE: Okay. Thank you.

GOVERNOR SCHAEFER: All right. Is there a
motion?

MR. GOLDSTEIN: I move we approve it.

MS. MAURER: Second.

GOVERNOR SCHAEFER: No objection. So ordered.
What's next?

MR. MCGINTY: University of Maryland.

MR. GOLDSTEIN: I didn't have any items. I
move we approve University of Maryland Agenda.

MS. MAURER: Second.

GOVERNOR SCHAEFER: No objection. So ordered.

Next?

MR. MCGINTY: Department of General Services.

MR. GOLDSTEIN: I only had one question. That
was Item Number 8-CGL, page 11. That's the Office of

Aging. That's that project in Anne Arundel County where the first bidder was disqualified. I want to be sure the state's money is protected.

MR. WALSH: Yes, sir.

MR. GOLDSTEIN: And you're now preparing legislation before they can --

MR. WALSH: We'll follow these much more closely.

MR. GOLDSTEIN: Yes, sir. Have checks and balances on them.

MR. WALSH: Yes, sir.

MR. GOLDSTEIN: Good. Thank you. I move we approve the agenda.

GOVERNOR SCHAEFER: No objection. So ordered. We have a hearing, I believe.

MR. MCGINTY: Yes. We'd like to go back to the Secretary's Agenda, Item 6, wetlands application by the State Highway Administration. Mr. Harold Cassell.

MR. CASSELL: Good morning. I'm Harold Cassell, wetlands administrator for the Board of Public Works. Item 6, page 6, is State Highway's request for

a tidal wetlands license to replace the Route 450, Severn River bridge at Annapolis. A 2,835-foot-long, 54-foot-wide, fixed high-level bridge is to be constructed with 12 support piers in the water at 75 feet minimum vertical clearance at the channel.

And, for the Board's information, issues beyond tidal wetlands, such as how the replacement bridge might otherwise be built, the process of selecting a high bridge, or how control of local traffic and growth may have been addressed, are not before the Board for decision today. The determination required is upon the effects of the proposed high-level bridge on tidal wetlands, effects which include down-river relocation of a submarine electric cable, construction access dredging in 1.4- and 0.9-acre areas, respectively, at the western and eastern shores of the river, dredging for placement of the support piers, barging approximately 2,000 cubic yards of dredged material to the Port Administration's Masonville containment facility, installation and maintenance of stormwater and sediment control measures, on-site

mitigation for the permanent loss of 0.24 acres of tidal wetland, removal of the drawbridge except the proposed fishing pier section abutting Jonas Green.

The proposed replacement bridge design requires few support piers and situates the bridge abutments well landward of the shorelines, so that filling and disturbance of tidal wetlands are minimized. Approximately 0.24 acres of tidal wetland would be filled. Establishment of 0.1 acres of marsh is proposed on site to offset this adverse effect, two-to-one ratio. Similarly, 0.14 acres of nontidal wetland to be filled would be mitigated by establishing 0.19 acres of similar wetland on site.

Stormwater management, sediment control and mitigation plans for this replacement bridge have been extensively reviewed by and commented on by the Department of Natural Resources, Department of Environment, Anne Arundel Soil Conservation District, U.S. Fish and Wildlife Service, National Marine Fisheries Service. All their concerns have been addressed in the current design plan.

A recent river bottom survey by DNR does not show evidence of submerged aquatic vegetation in the project area. Shells and 30 bushels of oyster, brood oysters, have been removed from the vicinity of the proposed bridge, placed elsewhere in the river at the direction of DNR and the National Marine Fisheries Service. This replanting of oysters to encourage spat set is a short-term action taken to avoid destruction of existing resources.

State Highway Administration has coordinated with the Department of Natural Resources for the planting and seeding of 1,000 bushels of oysters for longer-term mitigation.

I'll be brief in my comments in just referring to the Board that the recommendation is that a wetlands license be granted with appropriate environmental restrictions and conditions as recommended.

We have several persons here requesting an opportunity to comment in opposition to the bridge and the construction of the fixed high-level bridge. State Highway and DNR representatives are here to respond to

the Board's questions. I have cautioned the speakers that we have a time constraint on the Board's time this morning and asked their comments be submitted in writing, also brief, three minutes or less if possible.

MR. GOLDSTEIN: May I ask you a question, please, sir?

MR. CASSELL: Sure.

MR. GOLDSTEIN: Today we're talking about a wetlands license only?

MR. CASSELL: That's correct, sir. That's correct.

MR. GOLDSTEIN: Is that right, sir?

MR. CASSELL: The license required for physically putting this bridge in the river.

MR. GOLDSTEIN: In other words, the wetlands license, if you had a high bridge or low bridge, it's the same area?

MR. CASSELL: It needs a wetlands license regardless of what bridge.

MR. GOLDSTEIN: We're talking about a wetlands license today.

MR. CASSELL: That is correct, sir.

MR. GOLDSTEIN: Nothing else.

MR. CASSELL: Nothing else.

MR. GOLDSTEIN: Okay. I just want to be sure we understand what we're talking about. Thank you, sir.

MS. MAURER: Harold, would there be a significant difference in terms of the wetlands if you did a low bridge or a high bridge, considering there are different kinds of abutments, et cetera? Overall, is there a significant difference?

MR. CASSELL: I would not see a significant difference. DNR may be able to speak to it better. It requires structures in the water for support, and it requires abutment fills. In this particular case, the fills are actually minimal and kept well back and recessed from the shoreline, and there are a limited number of support piles involved in this bridge.

As I said, we have a number of speakers and we ask the Board's indulgence with this. Certainly, first, we would call the Honorable Maureen Lamb, Anne Arundel County Councilwoman, District 6.

MS. LAMB: Thank you, Mr. Cassell. Good morning, Governor, Treasurer Maurer, Comptroller Goldstein.

MR. GOLDSTEIN: Nice to see you. Good morning.

MS. LAMB: Good to see you. I'm here today to testify in opposition to the wetland report submitted to you by the Department of Natural Resources on the proposed replacement of the old Severn River Bridge.

On Monday, the students from Bates Middle School came to a meeting on the bridge, and some of them are here today, and thanked us profusely for listening to them. They had contacted their state delegation, senators and other elected officials, and no one would listen. I know how they felt, because, frankly, no one is listening to us. No one with the power to stop the high bridge will give up the \$32 million of federal funds, even though thousands of people have protested the money being spent on a project which is definitely not wanted; and because no one really knows, as the bridge has never been thoroughly inspected, it's

probably not needed.

There's eight million dollars of state funding going into this project, and it would appear to me that there are other projects in the state that could use this money, projects that people want and need and are waiting for.

I want to thank you, Governor Schaefer, for meeting with the citizens. You didn't give us the right answer, but you did listen to us. And, Lucy, thank you for meeting with several of us.

The document you have before you is very simplistic. It says the right thing. It covers the basics. What it lacks is basic honesty. Honesty in government is what all elected officials strive for.

The reason this report is so terribly flawed is that the State Highway Administration made a decision to build a high bridge without public input and skipped over all the possible requirements when the public would have that opportunity. Ordinarily, a project of this magnitude, especially one of historic significance, would not have progressed for a period of eight years

without public involvement. The State Highway Administration got an exemption from the Federal Highway Administration to avoid an environmental impact study before it was decided whether it would be a low bridge, a high bridge, how long the bridge would be, how wide the bridge would be, or how many piers would be necessary for the bridge. In fact, the second and last public hearing in 1984 was held after the Federal Highway Administration gave its approval to SHA to exclude the bridge from an environmental impact study.

Can you explain to me how a project can be exempted when nobody knows what the project will be? And, from the date of that hearing in May 1984 until this very moment, the SHA has not asked again for public input.

I know that this state spent \$500,000 for a select jury to decide on a design. That jury was only given high-bridge designs to choose from; and, again, the public was not involved in the decision.

Because of the citizens' complaints, DNR held a hearing prior to the writing of this document. Over

100 people appeared to protest the bridge because of its effect on the wetlands. One person spoke in favor of the high bridge. Numerous, over 20, people spoke eloquently against the high bridge and with very good questions about why this bridge should not be built and why the low bridge was preferable.

Mr. Cassell and his staff were very cordial to us. It was a good public hearing. We were told our questions would be answered. We have to this day never received specific response to our questions. The hearing was, frankly, a sham. No transcript was made of the hearing, and the tape was inaudible.

So I'm saying to you, the three most important, the three most influential people, the three most respected people, and probably the three most loved people in the State of Maryland, that this report is not factual. Some is glossed over. Much is left out. Conclusions are flawed as a result. And, most important, there isn't any heart -- what isn't there is the heart of the issue. The process was flawed.

SHA in its wisdom decided to have a high

bridge before the public hearing in 1984 and then set out to prove that it was the right decision instead of the other way around. The people have been left out of the process. They are saying to you, "We want a government that has the courage to admit when a mistake is made." The high bridge is a mistake. The City of Annapolis says it's a mistake. The Severn River says it's a mistake. The County Council says it's a mistake. The Severn River Commission that is given the ultimate purview over the Severn River says it's a mistake. Historic Annapolis says it's a mistake. And 8,000 people on a petition say the same thing. Now we are asking you, the leaders of our state, to say so, too. Thank you very much.

GOVERNOR SCHAEFER: Thank you very much. Very eloquent presentation.

(Applause.)

MR. CASSELL: Mr. Thomas McCarthy, Jr., an attorney representing the Citizens for the Scenic Severn River Bridge, and I have an advance statement.

MR. MCCARTHY: Good morning, Mr. Governor,

Mr. Comptroller, Madam Treasurer. Appreciate the opportunity to speak to you this morning. My name is Thomas McCarthy, Jr. I'm an attorney in Annapolis. I represent an organization called the Citizens for the Scenic Severn River Bridge. The citizens group is a grass-roots organization comprised of thousands of members representing every facet of the greater Annapolis community. The CSSRB, or the citizens, was organized in the early part of this year for the express purpose of opposing the replacement of the old Severn River Bridge, Maryland Route 450, with a high-level, fixed-span structure because of the enormous and far-reaching impacts that such a structure would have on the environment and historic character of Annapolis.

It is the public policy of this state to take into account the varying ecological, economic, developmental, recreational and aesthetic values to preserve the wetlands and to prevent their despoilization and destruction. The wetland report and recommendations of the DNR, which I shall refer to as "the report," fails to adequately consider these stated

factors.

Firstly, by eliminating the low drawbridge over the Severn River, the proposed project will have a significant negative effect on the upper Severn River, that is, on the Severn River tidal wetlands as a whole. For over 60 years, the present low drawbridge has passively benefited the upper Severn River by dissuading, and in some cases preventing, marine traffic from proceeding beyond the bridge. Many boats, both power and sail, including almost all large commercial craft, are unwilling to slow their speed and wait for the opening of the drawbridge. Consequently, the Severn River is spared a large number of marine vessels that would normally venture into its upper reaches. Furthermore, the low drawbridge has benefited the river by requiring most marine traffic to gravitate to the center of the river and then to proceed for quite a ways up the river in its center. This keeps boats away from the shallow, vulnerable shorelines where bottom mud is easily disturbed by boat props.

The removal of the low draw span will result

in the opening of the upper Severn River to increased boat traffic, as well as to large commercial craft. It will further eliminate the need for marine traffic to gravitate to the center of the river, resulting in the increased traversing of the river's shallow, vulnerable shorelines. The cumulative effect on the Severn River will be an increased erosion on its shores due to increased and larger boat wakes, also increased siltation and turbidity directly related to boat props disturbing its shallow shore areas.

The DNR report concludes that these negative effects on the Severn River caused by increased marine traffic will be adequately mitigated by the Severn River Comprehensive Vessel Management Plan, because the plan addresses safety, noise levels, shore erosion. I will refer to this as "the plan." What the DNR report fails to state is that, with few exceptions, the plan addresses these issues solely through the imposition of selected speed limits on certain parts of the river. Speed limits will not mitigate the adverse effects of increased marine traffic on the Severn River. The fact

remains that, regardless of the plan and, indeed, in spite of it, this project will result in a significant negative effect on the entire Severn River.

It is important to note that there has not been a single study of the effects on the Severn River by the removal of this low span, nor any proposals to mitigate these effects. It is our opinion that to proceed with this project in the absence of such a study and recommendations is to be playing Russian roulette with the Severn River.

Secondly, the large raised approach roads, dredging, pile driving, and the removal of the old bridge will cause a significant amount of run-off and siltation in the waters of the Severn River. The proposed project requires extensive fill. It requires extensive dredging. It requires extensive pile driving, and it requires the removal of the old bridge.

From past experience, we know that a large portion of the fill material and the material used to raise the roadways will end up in the Severn River. The DNR report states that mitigation measures in the form

of stormwater management will control this run-off. I submit to this Board that those measures are inadequate and have historically been adequate. One has only to look to the history of the destruction of Weems Creek by the applicant itself in their Route 50 upgrade to note that their stormwater mitigation measures do not work. The Severn River will be adversely affected simply because there will be raised approach roads, which are necessitated directly by its height.

Secondly, the DNR report states that siltation and turbidity in the water caused by dredging and pile driving and pile removal in the case of the old bridge will be mitigated by the use of nets. I submit to this Board that these nets have not been used very much in this state. They do not have a track record of being proven mitigation measures in this state. Again, I submit that they are inadequate mitigation measures for this project.

Thirdly, the proposed project will have a negative effect on recreational resources. The current bridge is and historically has been an important

recreational resource for the Annapolis community. It is used extensively by fishermen, crabbers, joggers, bicyclists, hikers, pedestrians, artists and sightseers. The bridge's low-level deck, its proximity to the water, and its structural and architectural relationship to the historic Naval Academy and the historic City of Annapolis creates a unique, integrated forum for each of these recreational activities.

The proposed high bridge project will eliminate this unique, integrated forum and will offer no comparable substitute. The proposed bridge will climb to a height of over 90 feet above the water at a five-percent grade, making it extremely difficult for biking, hiking, jogging, walking, if not impossible. Furthermore, the height of the bridge will preclude all fishing and crabbing activities from it. The designation of 280 feet of the existing bridge as a fishing pier is a poor substitute for the over 1800 feet of deck that fishers and crabbers enjoy today.

Finally, the height and design of the proposed bridge will jar violently with its surroundings,

particularly with the United States Naval Academy and the City of Annapolis, thus eliminating it as a recreational resource for artists and sightseers.

Fourthly, the DNR report fails to address the economic values of the application. In fact, the only economic implications that the DNR report addresses is the fact that bridge discretionary funds have been received by the state for this project. It does not discuss the tremendous economic effects that will most probably occur by the destruction of the historic character and fabric of the City of Annapolis, on which its tourist industry, its largest industry, is based. In fact, not a single report by the state or the federal government has addressed these possible economic effects and nor have they been presented to the public or have public comments been solicited thereto.

Our group has performed a study where we believe that there are alternatives to this large bridge that will have significant cost-effective benefits as well as be far less intrusive into the environment and damaging to the environment. The first of these is to

rehabilitate the current bridge. This can be done, as in Chestertown, for a cost of 12 to 20 million dollars. The second is to build another low bridge adjacent to the current bridge for a cost of approximately \$35 million.

The State Highway Administration states, first of all, that the condition of the old Severn River Bridge cannot be rehabilitated, alluding that they used wood pilings. These wood pilings have not been checked. They can be checked for the sum of \$100,000. I would suggest that this state spend \$100,000 to check the condition of the pilings before wasting millions on building this unnecessary and damaging high bridge.

Finally, the report fails to properly consider the aesthetic effects of the project. The report incorrectly indicates that the aesthetic values of the project were considered through the use of a design competition. The design competition chose the design of the bridge through the use of a hand-picked jury of 14 persons, only three of which were citizens of this area that were not county, state or local employees. The competition was limited only to high-bridge entries and

did not afford the jury the opportunity to view low-bridge designs. Furthermore, the design criteria used by the jury specifically instructed the jury to judge the high-bridge entries by the appropriateness of each design to the Naval Academy's 20th Century classroom buildings, the radio towers, and the Naval Academy's satellite dish.

I submit to this Board that those factors which were considered aesthetic landmarks evidence criteria that are themselves aesthetically obtuse. For these reasons, the aesthetic values of this project have not been properly considered.

I would further submit to this Board that it is the public that controls the real criteria for aesthetic values of projects, and yet this project was not presented to the public. This project was instead given to the design competition, precluding public involvement. I do not think that was the purpose of the design competition. I think it was the unfortunate consequence.

For these reasons, the Citizens for the Scenic

Severn River Bridge respectfully urge that this Board deny the application until these areas have been thoroughly discussed. And, as a footnote, I would like to add that the SHA will also state that there is no guarantee that federal bridge funds will be available in the future, yet we all know that they fully intend to get federal bridge funds in the future for their Woodrow Wilson Bridge project. I submit let's redesign this bridge and let's go after those funds as well.

In closing, I would like to introduce Sylvia Anderson, who's the library media specialist for Bates Junior High School, who has several students who would like to address the Board. Thank you very much.

GOVERNOR SCHAEFER: Thank you, counselor. Very good. We would ask you now to restrict your comments to the wetland permit and not whether the bridge is a high bridge or low bridge. Under any circumstances, you still need a wetlands permit. So, if you'll just stick with what we're here for, we'd appreciate it.

MR. CASSELL: We have three students. I'd ask

them to come up simultaneously and maybe immediately give their short statements. This is Hope Neal, Ahsen Kahan, and Justin Hetherington.

GOVERNOR SCHAEFER: Okay.

MS. NEAL: Good morning. My name is Hope Neal, and I'm here with a group of eighth grade students representing Bates Middle School. Today we are here to voice our opinions concerning the Severn River Bridge. Monday we met with the Severn River Bridge Council and expressed our views. While discussing this matter, interesting questions came up, such as "What are you going to do with the bridge when or if you destroy it, and what will happen to our environment?"

We presented them with a survey that we did independently and, surprisingly enough, a lot of our participants agreed that the bridge should be repaired and not replaced. So, when you talk about destroying a bridge, you're also destroying a historical landmark in our community.

I'd also like to thank you for listening.

GOVERNOR SCHAEFER: Thank you.

MR. KAHAN: Hello. My name is Ashen Kahan. I've been sent here today to represent the eighth grade of Bates Middle School and a portion of this historical city. I have been involved in a science project pertaining to possible alternatives to the old Severn River Bridge. I am certain such an able body of men and women will be able to make a decision which has the environment in mind and the safety of the citizens of Annapolis in mind. I also hope it will take into view the historical value of Annapolis.

Thank you for your time, and I hope that what you have heard today will help you make your decision on the course of action that you will take towards the old Severn River Bridge.

GOVERNOR SCHAEFER: What kind of scientific studies are you doing?

MR. KAHAN: It's an issue investigation.

GOVERNOR SCHAEFER: An issue investigation?

MR. KAHAN: Yes.

GOVERNOR SCHAEFER: What does that mean?

MR. KAHAN: We were looking into the Severn

River Bridge about a month ago, and it was about the environment and the social matters.

GOVERNOR SCHAEFER: And the what?

MR. KAHAN: And social matters. Most of the school is against the 80-foot-high bridge.

GOVERNOR SCHAEFER: All right.

MR. HETHERINGTON: Good morning, ladies and gentlemen. My name is Justin Hetherington. I'm a student at Bates Middle School. I used to ask myself what a 13-year-old could do for the city. Now I understand that a 13-year-old can make a big difference. You are shaping our future. If the 80-foot bridge is built, it may cause the destruction of shoreline which may affect aquatic plant and animal life. Also, it could produce a number of recreational boaters which will add more pollution to the Severn River. It will affect recreational swimmers like myself and many others.

I ask you to keep these environmental issues in mind when you make your decision.

GOVERNOR SCHAEFER: Thank you.

MR. GOLDSTEIN: Thank you.

MR. CASSELL: We appreciate the students --

GOVERNOR SCHAEFER: Now, if we could just stay with the one problem that we have.

MR. CASSELL: Yes.

GOVERNOR SCHAEFER: That is the wetland permit and not the height of the bridge or the width of the bridge, just on the wetlands.

MR. CASSELL: Mr. Richard Colaresi, an attorney representing the City of Annapolis, has a short statement.

MR. GOLDSTEIN: I didn't catch his name.

MR. COLARESI: Richard Colaresi, representing the City of Annapolis.

MR. GOLDSTEIN: I didn't see the name on this list here.

MR. COLARESI: I am representing Bryson Popham, who is -- both of us represent the City of Annapolis. Thank you for the opportunity to speak to you, and I will be brief to you today. I simply have several questions for you as a Board to consider.

Why was there such inadequate performance by the state in both the visual, traffic and environmental reports on this bridge and even the issuance of the wetlands permit? Why should this project proceed when the current bridge is under consideration by the Department of Interior for inclusion on the National Register of Historic Places? Why was a complete archaeological study not performed on this site by the state archaeologist -- as recommended by the state archaeologist? Why was there no environmental impact statement performed as required by federal law? Why wasn't an environmental effects report completed as required by the Maryland Environmental Policy Act? Why didn't the State Highway Administration comply with its own regulations and undertake an adequate environmental review of this project throughout its life? Why did Secretary Brown of the Department of Natural Resources fail to act as required under Maryland's Scenic and Wild Rivers Act? Why has this project not been reviewed under Maryland's Critical Areas law and regulations and the Federal Coastal Zone Management Act?

Of particular concern to us and to the City of Annapolis is the report of the hearing officer, dated September 19, 1991, in preparation for this hearing. Despite the City of Annapolis's oral and written requests, there has been no response to the question of why an environmental effects report has not been done. There has been no study of marine traffic to date that has addressed the issue of volume of such traffic in a meaningful way.

The effect of this project is like replacing a country road with one traffic light with a super highway. What effect will this have on Maryland's most valued historic asset, its capital? How can this body issue a wetlands permit prior to an environmental report being filed with this body? Thank you very much.

MR. GOLDSTEIN: Do you have a copy of your statement, please, sir?

MR. COLARESI: I don't have a copy of it written.

MR. GOLDSTEIN: Thank you.

MR. COLARESI: I'll be glad to provide it to

you, though.

MR. GOLDSTEIN: Okay. Thank you, sir.

GOVERNOR SCHAEFER: I, again, ask you, if you will -- we've allowed counsel and council lady to wander onto the bridge, and we wanted to stick with the permit process. Now, that's what we have before us today.

MR. CASSELL: I have a request from Ms. Sarah Filkins, representing the Historic Annapolis Foundation, and I reiterate the Governor's request the conversation be kept to the tidal wetlands jurisdictional issue.

Thank you.

MS. FILKINS: Good morning, Governor, Mrs. Maurer and Mr. Goldstein.

MR. GOLDSTEIN: Pleasant good morning.

MS. FILKINS: I believe our comments are pertinent because we feel that there has been inadequate investigation of the condition of the existing bridge, and we are proposing that an adequate evaluation be conducted so that we can determine whether or not this bridge can be rehabilitated.

Historic Annapolis Foundation is extremely

concerned about the negative impact that the proposed Route 450 bridge across the Severn River will have on this area. As a preservation organization, our concerns have long extended beyond the preservation of buildings to encompass the cultural history and the environment of Annapolis and Anne Arundel County as well.

The proposed bridge's long approaches and berms threaten the neighboring shoreline and wetlands. The present draw span limits the number and speed of boats entering the Severn. A high bridge will open the entire river to a much greater degree of damage from the tremendous increase in high-speed, high-volume boat traffic and marine trade. The beauty and value of the Severn River has been recognized by its official designation as a scenic river in this report.

The Route 450 bridge controls a primary viewshed into an area which includes both the United States Naval Academy and the Colonial Annapolis Registered National Historic Landmark Districts, in addition to six individual Registered National Historic Landmarks. The existing bridge and approach introduces

the traveler to the scale and character of a city dominated by the domes and steeples of Francis Nicholson's 1695 baroque town plan. Charles Emery, the first president of Historic Annapolis Foundation, described the experience of driving into Annapolis via Route 450 in 1948, and I quote, "You top a rise in the road capped by the Ritchie Memorial monument and, without warning, there's a view below you whose beauty makes you catch your breath. Your highway sweeps down through a hillside lawn to the bridge over the half-mile-wide, picturesque Severn River. Beyond the Severn lies Annapolis, big Bancroft Hall and the dome of the United States Naval Academy Chapel, the State House tower and the spires of St. Anne's and St. Mary's breaking the wooded horizon."

This sense of human scale, already protected by an Annapolis local ordinance which regulates height and bulk, would be severely diminished by an 80-foot-high bridge at a point less than a mile from the center of the historic district.

And 80-foot-high bridge with a high traffic

limit, no draw span and no restrictions on truck traffic could become a through route to the Bay Bridge area, placing an increased burden on King George Street and West Annapolis. Heavy trucks accelerating and braking on the steep grade would generate extensive noise audible from both the Naval Academy and the downtown area.

The present structure, which would be destroyed, possesses unique engineering merits. It is one of only a few movable bridges remaining in the state and the only one with steel arched spans. Its Strauss trunion articulated counterweight basecule mechanism is unusual and especially notable among vehicular bridges. This has not been adequately evaluated to date, and hopefully that will happen in the near future.

Construction of the proposed bridge also endangers important archaeological resources along both banks of the Severn, including potential underwater sites. This also to date has not been properly evaluated.

Since the General Assembly first authorized a

public ferry across the Severn in 1695 for, quote, "the accommodation of the public," end quote, both pedestrian and vehicle-borne travelers have been able to enjoy both the river and the cityscape directly on a human scale. A three-century-old tradition of crossing that accommodates both the public and the river will be forever lost if the proposed bridge is constructed.

Annapolis, the capital of the state, deserves a bridge that preserves the viewshed, deserves a bridge that protects irreplaceable Severn River and wetlands environmental resources, and deserves a bridge that protects irreplaceable archaeological resources. Historic Annapolis Foundation believes that the proposed bridge does none of these.

The Historic Annapolis Foundation Board of Directors recently passed unanimously a resolution opposing the construction of this bridge. We believe that it is possible to build a bridge that will complement our capital city and the Chesapeake Bay. This can only begin by opening up the public process and by completing the required environmental assessment

documents and archaeological assessment documents and bridge assessment documents that should have been prepared prior to this meeting. Thank you.

GOVERNOR SCHAEFER: Thank you very much. I, again, now am going to insist that we discuss only the wetlands permit. I think all of us understand that you're opposed to the high-level bridge. It's been told to us by your council lady, by your attorneys, and by Historic Annapolis. Now we will concentrate on opposition to the permit.

MR. CASSELL: Next is Mr. Eugene Somers, president of the Wardour Improvement Association.

GOVERNOR SCHAEFER: Mr. Somers, if you have a written statement, we'd like to have that, and we'd like just the comments on the wetlands, on the permit.

MR. SOMERS: Governor Schaefer, Mr. Goldstein, Ms. Maurer, Maureen, Mr. Cassell, and other members of the Water Resources Administration, and members of the Highway Administration, fellow citizens. In answer to your request, Governor, I'd like to say that I prepared my response here on the basis of a larger picture than

just the wetlands because the report itself concerns itself with many things other than wetlands. It goes into the economics of the bridge. It goes into traffic counts. It goes into several things that are outside the wetlands issue.

As recently as last night, I was talking over the issue with a professor. I submitted him a copy of the report. He said it sounds more like a brief to the Governor to sell a high bridge than it does a wetlands report. So, with your permission, I would like to touch briefly -- time is very short, but I would like to touch on those other points.

We do thank you all for the opportunity to appear in opposition to the report, because we occupy a very key position with respect to the intended location of the 80-foot-high span and, of course, the current and we hope the continuing site of a very picturesque and functional drawbridge. The site has been the location of a Severn River crossing for, perhaps, 250 years, and there's been a draw span there for well over 100 years, the current one for 67 years.

We in Wardour live and work between the two Severn River bridges. Most of us view and travel over and under both the new Route 50 high bridge and the old drawbridge, Route 450, nearly every day. We really know the highways and the waterways, the problems they cause, the conveniences and the pleasures they provide. We are literally forced to view the bridges in a context larger than just as roads to get from point "A" to point "B." We're acutely aware of both the utilitarian and the many other aspects of the bridge that are under its influence that we're discussing today.

Our conclusion, which is expressed in two unanimous resolutions, our appearance here today and our dedication to continue this struggle for as long as it takes, is that the 80-foot design is not for the Route 450 crossing over the Severn at Annapolis. Few of us would disagree that it would be beautiful spanning a mile-wide gorge in Arizona or Colorado against the setting of mountains or forests, but it does not belong on the Severn to dominate the skyline of one of the most historic pre-Revolutionary period cities in America and

a city whose early history and cultural values equate to Williamsburg, Lexington, Concord, Boston, and early Baltimore.

A first point, and one that I will just skip over briefly, we believe that the hearings on the issues have been biased at the state level towards the high-bridge design and did not allow full consideration of the drawbridge options as time progressed and the opposition became more vocal. This bias has prevailed from planning in the early 1980s right up through the hearings on 30 July of this year and the preparation of the report, which is dated 19 September. This report was characterized yesterday by the professor that I mentioned in my opening remarks.

The July hearing, in our opinion, was not conducted for the purpose of letting citizens be heard and their knowledge and their opinions be considered, only to let them speak as required by custom and law. There were many very sincere speakers at that meeting and several nationally recognized experts on the bay and ecological matters. I personally asked for a record of

the meeting and the transcripts of the speakers on this \$44 million issue. I was told there was no record of the speakers, only personal notes from which a final report would be produced. Others tried harder to obtain a readable tape record with equally negative results. There's something flawed in a process where citizens give of their time to appear and speak on an issue of this magnitude and their words and opinions are ignored.

Skipping something here, I personally spent almost 40 years in the budgeting, planning and programming processes of the federal government, and it is not possible for me to accept carte blanc the fact that the availability of money must be the overwhelming, absolute, driving force behind the decision on this issue, which I think it has become. With the expertise in fiscal matters that we have in this state, starting with you, Governor Schaefer, Mr. Goldstein, Mr. Lighthizer, Bob Neall, Mrs. Maurer, our Congressional representatives, Bentley and Mikulski and Hoyer and others, we need have little fear of the relatively few millions that would be needed to renovate or replace the

drawbridge.

My honest opinion is that the funds have been earmarked for the State of Maryland and that, through a determined set of maneuvers, under the new ground rules that came about on October 1 and further changes expected in the near future, the 32 million now allocated to Maryland can be sheltered and retained or reprogrammed, at least in part, or in some way retained for this bridge by the gentleman that I have mentioned, particularly Mr. Lighthizer. I think that he is known for a man who has never met a tax dollar that he doesn't like. He's in a position where he has \$32 million earmarked for him, and I have ultimate faith that he will in some way retain enough of that money to take care of the bridge problem.

We have been told that there is no intent to connect the high bridge with other roads to form a corridor through West Annapolis. Perhaps this is true in a very technical sense, very technical sense, but its construction would certainly create a very strong invitation to do so. Why build a \$44 million bridge,

two lanes, only two lanes, with a high speed limit, high capacity, high weight capability, and a width that will tolerate expansion to four lanes without major alterations? To where does it lead?

We do not believe that, if built, the high design bridge would remain two lanes for many years, and I sincerely doubt that the majority in this room believes it either.

In closing, I would like to say that much has changed since the decision was made in '84 to go for the high design. We've realized there is a greater need to retain and protect our historical and cultural artifacts. We have learned that we're exploiting our rivers and our natural resources too far and too fast. We've learned that building more roads does not always relieve crowded highways nor relieve urban congestion. It causes a city to be seriously damaged or to die. I think our motto should be in this situation where we have a very fluid set of opinions -- is to adopt the motto of another profession, that is, first do no harm until we know all of the facts.

I have some papers here that I want to give Mr. Cassell for the record. Thank you again very much for allowing us to appear.

GOVERNOR SCHAEFER: Thank you. We have allowed the dissertation on opposition to the bridge, and some of the things you say are extremely interesting and I think they're worthy of note. If the following speakers will only talk about the wetlands permit -- we cannot stop the bridge -- talk about the wetlands permit only, because I think you've got in the record all that you wanted to get in on the height and your opposition. We can't stop the bridge. The only thing we can do is judge the wetland permit.

So anyone else who has anything on the wetland permit -- have you got copies of your statement?

MR. SOMERS: I know of one other presentation that will be on wetlands only, yes.

GOVERNOR SCHAEFER: Okay. That's the only one I'd like to hear, the wetlands permit. You're going to give us a copy of yours? You're going to give us a copy of your statement?

MR. SOMERS: Yes, sir.

GOVERNOR SCHAEFER: Okay. Wetland permit only.

MR. CASSELL: We had four additional speakers: Keith Oliver, Eleanor Faithorn, Elizabeth McWethy, and Laura Ricciardelli. Any of those, again, you're cautioned to keep to tidal wetlands issues. Mr. Oliver.

MR. OLIVER: Yes. Keith Oliver with the Annapolis Town Meeting. Good morning to the Board. And, Governor, I'm going to talk about wetlands.

I have a confession to make. I'm not one of those who love you, but I do respect you.

GOVERNOR SCHAEFER: Well, I know that. You don't have to tell me.

MR. OLIVER: I respect you very much, and I respect the office that you represent, as well as the members of this Board. I think it's wonderful that the state has people of your quality in your position.

What I want to address is some of the broader issues around the possible destruction of the wetland, and I'd like to do that through an anecdote, something

that happened to me about three weeks ago, which I have found very disturbing. Some very dear friends of mine, a couple in their early 30s, had a second child, a beautiful, healthy baby boy, and that child was born with all the advantages that one could imagine in a society such as ours. Both parents are accomplished professionals. Mother decided to stay home and raise the child. They both came from families over 200 years old. The child will never experience any financial difficulty in his life. He will be given the finest education possible. And, yet, that evening when she was to come home from the hospital and I happened to be in the room with her husband and we got to talking, waiting for the discharge papers and so on, both of them, to my surprise, began to talk about the kind of world that they were bringing their child into. And it's not the first time that I've heard this conversation, and it's something I think you should all be aware of.

They had some real questions about the quality of life that we are creating or, if you will, destroying. They had some questions about the quality of the air we

breathe, the water that we're drinking. As of yesterday, we can now be officially concerned about the quality of sunlight that we're receiving. In that hospital room, the joy of that moment was being replaced by a great apprehension about the future and the future of their infant son, what would the world be like 20 years hence.

It's quite a world that we're creating; and, when I say "we," I mean everyone in this room. We all have responsibility for what is going on in this world of ours. I'm 54 years old. I was born two years before you entered office. I've seen a number of things. I've experienced war. I've experienced great social movements. I've experienced the tensions of the possibility of nuclear holocaust. They were very real in the late '50s and the early '60s, and I remember them well. But never before have I heard people question what the future is going to be like.

We're losing our optimism over the future, and I think we're doing it because we understand that we are not dealing with the problems that we face, social as

well as environmental. They're all linked together. We consider ourselves superior beings on this planet. Our intelligence, we say, is our mark of superiority; and, yet, we're creating a cardinal sin in the game of survival; and, that is, that we're using our intelligence to change our environment faster than we can adapt to those changes. That is a rule or a formula for our own demise.

The American Institute of Biological Sciences in a recent publication made a clear statement that we only know about two percent of the life on this planet. We've only been able to catalogue that much. We only know how one-third of one percent of life on this planet actually functions. And, yet, we destroy forests in the name of development; and, in their place, we plant a hay field full of loblolly pine saplings and oak, and we think somehow we've replaced what nature has taken hundreds of years to create. We put up great silt containment structures in our developments and think that we're protecting our rivers and our streams, and we're not. The silt gets through. It's just a matter

of time. And, by the same arrogance, we think that we can take a wetland that is a complicated ecosystem -- the most important part of the life in that ecosystem is the microbial life there that we can't even see, and we're just beginning to learn about, and we think that somehow we can destroy that life and build something else somewhere else to our convenience.

This is folly, it's sheer folly, and we have to stop these unsustainable practices. We are destroying the Chesapeake Bay as violently and as purposefully as if we put our collective hands around the throat of the Chesapeake Bay and strangled it to death. I really believe that. I'm not a person of extreme views, but this is a conclusion that I've come to.

Governor, we've supported many of your programs, and we give you great credit for the kind of follow-up that you've engaged in, in response to the 2020 Commission. We worked very hard as a group to promote the Maryland Growth and Chesapeake Bay Protection Act. We think there are a lot of things to

learn from what happened to that act and the processes that it went through that could be improved, that could become more inclusive. But the fact is we have to change.

And what we are urging you as a Board to do is to say to this community, "No more wetland destruction. The end. We will not destroy any more. We've done enough already, and we've seen the consequences of it." We urge you to deny the permit on that basis, that we simply don't know enough, we don't know what we're doing with our environment. And we ask you in a very real way to give us hope again, to give us a sense that we can actually deal with our environmental problems in a rational and sane way. On that basis, we urge you to deny the permit. I appreciate the opportunity.

GOVERNOR SCHAEFER: I didn't see all these groups come down and fight hard for the 2020.

MR. OLIVER: Sir, we were --

GOVERNOR SCHAEFER: And I was doing many of the things that you talked about. I noticed the absence of many of the groups. Your theoretical explanation is

very nice, and I agree with many of the things you say except you're going by theory and, when the time comes to produce and support efforts like this, they sort of stay away.

MR. OLIVER: Sir, the only thing I can say. I can't apologize --

GOVERNOR SCHAEFER: What is important sometimes is action.

MR. OLIVER: I agree. I can't apologize for my compatriots, but our group supported the bill. We testified at every hearing.

GOVERNOR SCHAEFER: You weren't very successful. Maybe you weren't able to get off that message that you're trying to give us. Thank you very much for that, though, Mr. Oliver.

MR. OLIVER: Thank you, sir.

MR. GOLDSTEIN: Mr. Oliver, may I ask you a question, please, sir?

MR. OLIVER: Yes.

MR. GOLDSTEIN: Where do you make your residence, sir?

MR. OLIVER: I'm sorry?

MR. GOLDSTEIN: Where do you live, sir?

MR. OLIVER: In Watergate Village here in Annapolis.

MR. GOLDSTEIN: And it has modern conveniences?

MR. OLIVER: Yes, sir.

MR. GOLDSTEIN: I was born down in Calvert County. I lived in a house where we didn't have any electricity, didn't have any running water, had a three-holer by an oak tree, had a spring about 150 yards from the house.

MR. OLIVER: Right.

MR. GOLDSTEIN: And I said to myself one day, "I hope I can improve my environment, that I'll have a nice little home where I can have modern conveniences and modern sewerage, water." And I have three children, and I know my mother struggled to raise six children. Took a bath once a week, a big old galvanized tub. Heated the water on a big old wood stove. They call them the "good old days." The good old days are right now. Think about that.

MR. OLIVER: I'm an architect and a city planner, and I'm trained essentially to recognize, identify and solve problems, and I fully believe that we can maintain the quality of our lives --

MR. GOLDSTEIN: I agree with you. I do that.

MR. OLIVER: -- in fact, improve the quality of our lives and still find a way of living in harmony with the natural environment.

MR. GOLDSTEIN: Well, I mean, now where you live, you live in harmony, but I can remember when that was a nice, big tract of timber where you live.

MR. OLIVER: Yes.

MR. GOLDSTEIN: And I can remember when they cut the trees down to build that facility. Where were you then?

MR. OLIVER: Well, there's too many of us. I think that's the point, anyway.

MR. GOLDSTEIN: That's what I'm talking about, see.

MR. OLIVER: Sounds like we have a good basis for an evening here.

MR. GOLDSTEIN: I'll be glad to -- look, I'm an environmentalist. I live on a farm. I restored an old home. I've got my own 600 acres of beautiful trees, and I'm still planting them.

MR. OLIVER: Right.

MR. GOLDSTEIN: I'll be glad to meet with you any time. I enjoyed your talk.

MR. OLIVER: Thank you very much.

GOVERNOR SCHAEFER: Okay. Thank you. If we could, the remaining speakers, if they could do me the favor of talking about the wetlands. We've heard philosophy and philosophical approaches. Now I need to know if the remaining three speakers will talk on the wetlands permit.

MR. CASSELL: I'm advised that Ms. Faithorn and Ms. McWethy will speak on wetlands.

MS. RICCIARDELLI: And so will I.

GOVERNOR SCHAEFER: Wetlands only. We've heard all we need to know. You got everything you wanted in the record. So I think we're pretty good on that.

MS. FAITHORN: Governor Schaefer, Mr. Goldstein --

MR. GOLDSTEIN: You want to give your name,
please.

MS. FAITHORN: Eleanor Faithorn. I came to Annapolis 50 years ago. Though my professional life has taken me elsewhere for periods, I've maintained my residence here as a taxpayer and voter. Annapolis is my home port. My professional training is in oceanography, primarily marine biology. In that capacity, I've been associated with the Smithsonian, the University of Rhode Island Graduate School of Oceanography, the Marine Biological Laboratory in Glatow, Massachusetts, and the American Institute of Biological Sciences in Washington, D.C.

For the past 28 years, I've owned and captained a 65-foot vessel and, therefore, I've been aware of many aspects of boats and boaters' ways. It is obvious the ever increasing numbers of boats here and up and down the whole coast. It is the low bridge at the mouth of the Severn River that has been and is the river's real protection. When you go into a harbor or

seek an anchorage, as one at the helm of a vessel, one tends not to go where there is an obstruction, a low bridge or even a drawbridge; but, with no hindrance, it is also the nature of boating to explore.

Annapolis is now a major port on the East Coast. I remember it 50 years ago, "Crab Town." I lived in a little log cabin the first year I was here on the banks of the Severn opposite the Naval Academy and bought a little sailboat the first week I was here. I was the only boat in that area mostly except for the Naval Academy yawls and the crew. Annapolis is a major port. It's not just for bay boaters but for transient boaters from across the ocean, from Canada, Florida and beyond. What could be more inviting than a wide-open, scenic river with its protective coves and inlets?

To open wide the Severn River by a high-span bridge will be opening the floodgates not only to local boat owners but commercial sightseeing and cruise boats of any size from here and other places.

The Chesapeake Bay is the largest estuary in the United States. The Severn River as part of the bay

is a major spawning area, not only for creatures of the bay but for spawning and larval stages of major marine species, shad, rock, ocean bass, herring, blues, to name a few. It's a vital ecological environment, extremely complex and delicate. In this regard, all interface of land and water in tidal areas of estuaries are wetlands. We cannot just talk about this one little area at the north end of the proposed bridge. All are wetlands vital in their function. This is the point.

Boats and their by-products are not compatible with this delicate ecology. There are no enforced regulations as to sewage disposal and not likely to be in the foreseeable future. It's been an issue I have followed closely for 20 years. Attempts have been made by the federal government and certain states, but no one has been willing to police, not the Coast Guard nor the Corps of Army Engineers nor the local jurisdictions. Pump-out stations are almost non-existent.

There is the fact of gray water. This is discharge from galley sinks, dishwashers, washing machines. Boats have these now, basins and showers.

There is no way to regulate this discharge. Bottom paints on boats are made to be toxic to marine life. Many of them are called soft bottom paints, so that they will slough off into the water and the organisms cannot attach.

Most all boats have automatic bilge pumps, which discharge oil or whatever is in the bilge along with the water. Boat engines, even as small as outboards, pollute. Boats churn up sediment, which cuts out light and prevents photosynthesis, the source of oxygen, from taking place, and microscopic organisms is at the bottom of the food web of life.

The Severn is a particularly vulnerable river, the river of the capital city of Maryland that needs and deserves all possible protection. A low bridge at its mouth is vital.

I would just like to add, I remember there was an old railroad bridge there. I believe that did a lot in protecting the Severn River. It's gone now, but boats simply didn't go beyond there, that old swing bridge. And, if you know the Potomac River, if you will

look at it below the 14th Street Bridge, which is a low bridge, and above it, below now since -- I've spent quite a bit of time there -- is almost solid boats. Above it is a beautiful river.

You speak of Back Creek. I remember going in there in a rowboat. This wasn't that many years ago, because it was the wild area of Annapolis. I'd just drift around and read a book. Now it is solid boats.

MR. GOLDSTEIN: Do you have a holding tank in your boat?

MS. FAITHORN: What?

MR. GOLDSTEIN: Do you have a holding tank in your boat?

MS. FAITHORN: Yes, I do.

MR. GOLDSTEIN: What happens when you take a shower and all the water?

MS. FAITHORN: There is no control over that. There are no laws about that.

MR. GOLDSTEIN: I know. I say --

MS. FAITHORN: That's the point.

MR. GOLDSTEIN: In 1956, I tried to get a law

passed when I was president of the Maryland Senate. Went out to Seattle, tried to get a boat bill after '56 to do the very thing you're talking about.

MS. FAITHORN: But the major point is that all the shores of the Severn River are wetlands. It's not just this one specific one that keeps being mentioned.

MR. GOLDSTEIN: Thank you.

GOVERNOR SCHAEFER: Thank you.

MR. CASSELL: Mrs. McWethy has a short statement.

MS. MCWETHY: Thank you for hearing me today, Governor Schaefer. I know it's very irksome to go through a day of listening to so much.

MR. GOLDSTEIN: You want to give your name, please.

MS. MCWETHY: McWethy, Elizabeth McWethy.

MR. GOLDSTEIN: Yes, ma'am. Thank you.

MS. MCWETHY: My family has been here for six generations, and you've also rented a place from us years ago out on Weems Creek.

MR. GOLDSTEIN: Yes, ma'am.

MS. MCWETHY: I'm the chairman of the Weems Creek Conservancy. I just want to bring something to your attention very briefly. This was sort of glossed over. It was glossed over in that hearing that went on for four hours, in which there has not been an adequate transcript. There was testimony on July 30 to the effect that with the very best controls -- now, you have also sent me a great deal of material on the importance of wetlands and what they do for at least as long as I can remember and the state has been interested in this.

Eighty percent -- according to experts that day from the state, when we had that hearing, 80 percent of loose dirt could be contained on a construction site. At least 20 percent would go into the run-off. Now, Mr. Kassoff has also testified that the roads can only guarantee at their best work 75 percent. The State Highway is not required under anything except the state law to contain so much. So that means, to use the 75 percent, every ton of dirt, a quarter of a ton, a fourth of that, is going to go into the Severn or cover over this wetland. This is an important factor here, and I'm

so glad to be able to bring this before you.

These are wounding construction. The men do the best they can, and I've been out there with them a good deal, as some of you might know. From our experience with Weems Creek during the Route 50 construction, we're convinced that this much run-off goes into the waterways and covers over what's ever there. It will certainly be the case here because they have to move enormous amounts of dirt, earth, when they do this.

This high-bridge plan will require massive amounts of fill on the approaches. The high bridge will do that. You have to have a longer approach to build this bridge. This is going to be a clear danger to the Severn River and the Chesapeake Bay that would not exist with other options. Thank you for listening to me. I really am glad to be here with this.

MR. GOLDSTEIN: Thank you. Nice to see you.

MS. MCWETHY: Our final speaker, Ms. Laura T. Ricciardelli.

MS. RICCIARDELLI: My name is Laura Ricciardelli. I will speak quickly because I understand

we're running out of time. Good morning. I am here to ask briefly that this Board deny the requested permit based upon the overly narrow scope of the DNR report.

I firmly believe that the biggest loser in the construction of any bridge, but particularly the high bridge, will be the environment, the Severn River and the Chesapeake Bay. The SHA's repeated contention that 0.4 acres of wetlands will be impacted by this proposed project is simply not credible. We know from experience that a project of this massive scale will damage the entire Severn River and the Chesapeake Bay.

I left my book, but William Warner who wrote The Beautiful Swimmer labored for 291 pages to describe the delicate environmental balance which supports the Chesapeake Bay, its rivers and its estuaries. One such estuary is Shady Lake, and it is adjacent to the bridge. Shady Lake is a tidal pond and has been acknowledged as a valuable feeding and breeding area.

In 1974 the City of Annapolis, the Chesapeake Bay Foundation and others worked diligently to protect Shady Lake from an SHA project. There is no doubt that

the proposed project with its hundreds of tons of run-off will destroy Shady Lake.

What other precious natural resources will be lost? We do not know, because there is no extensive environmental report, and the SHA refused to be realistic about the extensive environmental damage that will occur from construction barges, from increased noise, from increased boat traffic, from increased pollution.

This issue is high bridge versus low bridge. The berming, the pollution and the noise which will result from the construction of an 80-foot bridge trigger the critical issues. Ignorance is not bliss. It is unconscionable, and we know that mitigation is a rationalization, it is a fantasy.

From my experience as a lawyer and a corporate manager, I know that major decisions are complex. The benefits must be weighed against the burdens. But, please, I ask the Governor and the balance of this Board not to be fooled. There is no benefit in this proposed project to outweigh the environmental destruction of all

or part of the Severn River and the Chesapeake Bay. A sound decision cannot be measured by marginal convenience, by political allegiances, or by an infusion of federal money.

The Governor has spoken sincerely of Maryland's commitment to protect and nurture the Chesapeake Bay. It is a delicate ecosystem which necessarily includes its rivers. I am offering him my time to work in any way he would like on his Chesapeake Bay projects. Governor Schaefer has challenged Governor Wilder of Virginia to clean up the Chesapeake Bay. It is now time for Governor Schaefer and the balance of this Board to act in the best interest of the Chesapeake Bay and the State of Maryland to deny the requested permit based upon the overly narrow scope of the DNR study and to repair the existing bridge. Thank you.

(Applause.)

GOVERNOR SCHAEFER: It's interesting, the impassioned pleas that are made on a wetland permit. I also remember the violence against the 2020. I also noticed the reluctance of many to help with the clean-up

of the Chesapeake Bay. We're just getting it moving.

What is the alternative of having no bridge? There's access to another bridge. Why not just -- this bridge, in my opinion, can't be repaired without a tremendous expenditure of money, in which the federal government will not participate. The state does not have the funds to fully fund the entire matter. When the bridge is no longer accessible and can't be used, by studies made by everyone that the bridge is safe for maybe two or three more years and, after that, they're concerned as to the safety. What would be the alternative to remove the bridges and return the whole thing to wetlands? Something to think about.

(Applause.)

MR. GOLDSTEIN: Want to hear from the highway people?

MR. CASSELL: We could bring a panel of the agency representatives up if the Board had questions, but I don't think your time constraint --

MR. GOLDSTEIN: I'd like to hear from them.

GOVERNOR SCHAEFER: Okay. Let's hear from

Highways.

MR. CASSELL: Are there any questions of State Highway or Department of Natural Resources representatives you want to bring forward?

MR. GOLDSTEIN: I think they ought to summarize and put it in the record.

MS. HOMER: I'm Elizabeth Homer, deputy administrator of the State Highway Administration.

MR. GOLDSTEIN: You want to speak up, please.

MS. HOMER: Elizabeth Homer, deputy administrator, State Highway Administration. We've listened with interest to the objections raised. I believe that the report provided to the Board by DNR addresses all of the aspects of the wetlands license, and we do believe that the mitigation that is suggested by the plan, the impact will be mitigated for a net gain of .17 acres of tidal wetlands, which we believe is a benefit.

I don't believe that we have erred in terms of public participation. This process has gone on for many years, as you're probably aware; and, as you know, we

are in court right now. So I'll limit my comments at this time, because I believe many of these issues will be discussed in that forum.

If the Board has any questions, I'd be happy to try to address them. Yes, Treasurer Maurer?

MS. MAURER: Would any action on the wetlands, either pro or con, influence the outcome of the court cases, or is this completely separate from the issues as they are to be determined by the courts?

MS. HOMER: Let me ask my lawyer, Doug Silber, for some advice on that one. Doug.

MR. SILBER: Good morning.

MR. GOLDSTEIN: You want to give your name for the record, please.

MR. SILBER: Douglas Silber, assistant attorney general.

MR. GOLDSTEIN: Right.

MR. SILBER: Whether or not this permit is issued will not affect the litigation. It's a separate legal issue in the litigation.

MS. MAURER: So the citizens will have full

rights in terms of the issues that are in court now.

MR. SILBER: Absolutely. That's why the process --

MS. MAURER: Whether we do pass or don't pass.

MR. SILBER: Yes. If I might, I believe that what they're attempting to do, and I salute their attempts, is to try to obviate the court process by the presentation today.

MS. MAURER: But in the court it would be Scenic Rivers?

MR. SILBER: The court has before it Scenic Rivers, Critical Areas Commission, the wetlands, the state and federal environmental policies, all of that.

MS. MAURER: Either the environmental impact or the issues that have been raised here can be settled as a matter of judicial question.

MR. SILBER: Yes, ma'am. Yes, ma'am.

MS. HOMER: In addition, I might add that whether there is a high bridge or a low bridge, there would be a need for a wetlands license; and we believe that the design that this wetlands license would permit

is the least impact for wetlands, tidal wetlands.

MS. MAURER: Elizabeth, would you put on the record what studies have been done on the condition of the present bridge and the issues of public safety.

MS. HOMER: Yes. I'd like to bring Jacques Freedman, who is our deputy chief engineer for bridge design, here to --

MS. MAURER: If something falls in --

MS. HOMER: Yes, to address that question.

MS. MAURER: -- we're the ones that have --

MS. HOMER: Jacques, you want to come up here.

MR. FREEDMAN: The question has been raised --

MR. GOLDSTEIN: You want to give your name and title for the record, please, sir.

MR. FREEDMAN: My name is Earle Freedman. I'm head of the Bridge Department for State Highway.

MR. GOLDSTEIN: Thank you.

MR. FREEDMAN: The question has been raised many times as to the condition of the bridge. Naturally, we're just as concerned about that as anybody is. In fact, we're so concerned that the bridge now is

on a six-month inspection cycle. We just had an underwater inspection of the bridge.

What concerns us is that four spans of the bridge that are identical to maybe 20 that now exist failed back in 1979 and had to be totally replaced. We look at the remainder of the bridge and we see all sorts of deterioration. We see misalignment in the railings, both vertically and horizontally, which leads us to believe that movement is taking place in the remainder of the bridge.

The opposition has suggested that maybe we can re-use the timber piles. We looked into that. There are 12 or 14 hundred timber piles. Yes, we might be able to expose small portions of the tops of those piles. We have no idea what the full length of the pile is, whether the pile was broken or whether something else has occurred. To try to re-use the existing bridge is just -- it is not a feasible alternative.

And, as the Governor suggested, we are concerned about how much life is left in that structure. Right now we're still able to accommodate emergency

vehicles and school buses; but, if we lower the posting any lower than what it is now, which would be the next step if we become concerned, then they would have to be routed up to the Route 50 bridge, which in itself would cause additional problems.

GOVERNOR SCHAEFER: That was my understanding, and I did accompany you when you looked at the bridge and the pilings and underwater. I didn't go underwater, but I did see deterioration. I did see exposed rods and so on. The drawbridge -- you know, you make a professional judgment that the bridge will soon be an unsafe bridge, possibly would be an unsafe bridge in the next two or three years. But the question -- I think we allowed those who are in opposition to express their opposition to the high bridge. I understand that, but the question is you would still need a wetlands permit whether you had a high bridge or a low bridge.

MR. FREEDMAN: Yes, sir.

GOVERNOR SCHAEFER: And I think that was really the question before us today, not the aesthetics. Unfortunately, that is not part of the application. So

the question is you'd need -- no matter what you'd have, you'd have a wetlands permit, low bridge, high bridge or major improvements to the present bridge.

MR. GOLDSTEIN: Governor, I wonder if Mr. Charles Wheeler -- is he here? I wonder if he could put a statement in the record.

MR. WHEELER: My name is Charles Wheeler. I'm the director of the Wetlands Program for the Department of Natural Resources. I would just very briefly add that the application before the department was for a bridge as designed and, in this case, a high-level bridge with the associated tidal wetland impacts. That is what the department reviewed. A number of project modifications were suggested by both DNR, Department of the Environment, and some of the other environmental agencies, and the State Highway Administration implemented those suggestions which further minimized impacts to tidal wetland resources.

I might also point out that the tidal wetland resource that we're talking about here today is primarily river bottom associated with the dredging

necessary for barge access, river bottom associated with the fill as a result of the pier construction; and I also might add that, in that regard, this bridge as designed will result in less amount of fill than the current bridge, the low-level bridge, with its associated higher number of pilings or piers, and that the remainder of the wetlands impacts are primarily shoreline stabilization impacts. They are not vegetated marsh wetlands that are being lost. What we're talking about here is primarily a cobbly shoreline that will be replaced with stone revetment and its associated benefits to the wetland resource from erosion protection and habitat creation.

MS. MAURER: Mr. Wheeler, a comment has been that the report was based on an excessively narrow interpretation of the responsibility to evaluate wetlands impacts. Do you have a comment?

MR. WHEELER: Yes. I'd like to address that, in that we believe that the purpose of the DNR review is to bring together all of the various aspects of a project like this, not to second-guess what some of the

other experts are doing, for example, what the Historical Trust folks have done, what Department of Environment has done with respect to looking at water quality issues, those kinds of things. So that our report is, more or less, I think, as one of the folks speaking mentioned, it is a briefing for this Board wherein we summarize all of these issues and what has been done about it. We don't go into excruciating detail of the archaeological resources. We leave that to the experts, and we insure that that has been done before making a recommendation to the Board.

MS. MAURER: So you feel that you have complied with the spirit as well as the --

MR. WHEELER: Absolutely, yes, ma'am.

MS. MAURER: -- language of the law?

MR. WHEELER: Yes.

GOVERNOR SCHAEFER: All right.

MR. GOLDSTEIN: What is your background for the record? Put it in the record.

MR. WHEELER: Well, I'm the program director for the Wetlands Administration. I've been involved

with the tidal wetlands program for about 10 years; and, recently, as you may know, we have just taken on the nontidal wetlands protection program, and I'm also responsible for that.

MR. GOLDSTEIN: I mean, but your education.

MR. WHEELER: University of Maryland graduate. My education is not directly in biology with respect to wetlands, but in administrative kinds of things, that I administer this program that includes a number of biologists and so forth that look at the technical issues.

MR. GOLDSTEIN: On your staff, you have those people on your staff.

MR. WHEELER: Yes, sir, absolutely.

MR. GOLDSTEIN: Thank you, sir.

GOVERNOR SCHAEFER: We've heard the testimony from the proponents and the opponents to the wetland license.

MR. CASSELL: Governor, if I might interrupt, Councilwoman Lamb had a statement or two in closing, if I could.

MS. LAMB: It's not a closing statement. I just thought that you all should know that the Coast Guard has recognized that the federal categorical exclusion which was given to this project perhaps should not have been given, and they have changed their environmental class of this project to an environmental assessment. They have asked for public input; and, based upon the comments that will be sent to the Coast Guard, it's very possible that they will ask for an environmental impact study. But I think, in essence, what I'm saying is that the -- to bypass an environmental impact study originally should never have been done, and that they are looking at that, because this was done long before they knew what kind of a bridge was going to be built.

MR. GOLDSTEIN: Thank you.

GOVERNOR SCHAEFER: All right. Is there a motion, a suggestion? Let me make a suggestion that this be an agenda item next week while we have an opportunity to review the reports that we have, and we'll give a decision next week. The opponents

presented a very interesting, well prepared case, and went far beyond, but we allowed that, the question of wetland, into the history of Annapolis and, also, into all the other aspects; but we wanted to make sure that it was a fair hearing. We'll make a decision next week.

MR. CASSELL: Governor, and I understand there will be no additional testimony taken on the matter.

GOVERNOR SCHAEFER: No additional testimony.

MR. CASSELL: Yes, sir.

GOVERNOR SCHAEFER: Okay. Anything further?

(No response.)

GOVERNOR SCHAEFER: The Board will stand adjourned.

(Whereupon, at 12:15 p.m., the above-entitled meeting was adjourned.)