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League
of
Baltimore

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REPORT

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Summary

COASTAL ZONE
INFORMATION CENTER

THE CHESAPEAKE BAY AND THE PORT OF BALTIMORE:

It Is Time To Manage The Bay As A Total Unit
And Thereby Guarantee The Port's Existence

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- “ *The Bay needs a regional approach to management, as opposed to the piecemeal handling of proposals for the resolution of problems.*”
- “ *It had fish in it when Captain John Smith sailed up it, and if those port people were out of here it would have fish again.*”
- “ *The most important function of the Bay is shipping.*”
- “ *The entire Bay estuarine system could malfunction. . . it is being eaten alive with bulkheads, rip rap and now, dredged spoil.*”
- “ *Unless it is dredged it will die in 100 years.*”
- “ *The Chesapeake Bay, from the Susquehanna to the Virginia Capes has been studied, studied, studied.*”
- “ *The dike at Hart and Miller Islands will probably not hold, and when it breaks, Back River will be destroyed and the resultant health hazard will be phenomenal.*”
- “ *No dike similar to the one proposed for Hart and Miller Islands has failed.*”
- “ *Maryland and Virginia should drop the oyster and crab war and get together on the protection of the Bay resource.*”
- “ *The Army’s Corps of Engineers has deferred its last phase of a \$50 million study of the Bay for lack of funds; the Environmental Protection Agency has begun a \$25 million study of Bay management problems.*”
- “ *Political decisions occur at the low point in public response.*”
- “ *The public should learn how to express its views; it is better to have a strong vocal majority than a strong vocal minority.*”
- “ *I don’t believe the public realizes the contribution that the port makes toward their welfare, and the economic losses that everyone will experience if the port continues in its present state of uncertainty.*”

THE ISSUE IS THIS:

- *The Chesapeake Bay and the Port of Baltimore are the largest single economic and ecological assets of the citizens of Maryland;*
- *Great financial and environmental responsibilities attend to these assets, and they are the focus of numerous and special interest groups;*
- *There is not now a single entity which will allow adequate management of these assets;*
- *And if there is no recognition at the grass roots level for the need to protect and manage the Bay, then it is impossible to do it; otherwise, all that is being done are studies;*
- *There is an apparent leadership vacuum, a reluctance by the state and other interests to consolidate what is known about the Bay;*
- *And a reluctance to establish a formal organization where each of the Bay's communities can make decisions together about Bay management;*
- *The state must take the lead to end this unproductive diversity by consolidating management of the estuary;*
- *No decisions can be made about the present and future of the Port of Baltimore until the uses and the management of the Bay are determined;*
- *The Port of Baltimore, like other ports of the nation, may be reaching an era of deficit financial operations;*
- *And this problem is compounded by the complexities of the permit process which needs also to be consolidated.*

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OUR FINDINGS

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Page 4 II The Chesapeake Bay is a vast body of water and little of its shoreline is in intensive use; it harbors two of the nation's largest ports, Baltimore and Hampton Roads.

Page 4 III The continuing life and further development of the Port of Baltimore as a significant economic resource for the nation and the state must await decisions on the uses and management of the Chesapeake Bay.

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I Recommendations About Chesapeake Bay

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Page 11 2. First, consolidate in a single report, what is now known about the Chesapeake Bay and communicate it widely, and

Page 12 3. Hold public meetings up and down the Bay to determine the public interest in the Bay--the effects continuing fragmented management of the resource will have on fish and wildlife, commercial fishing, navigation and maritime activities, air and water pollution and all of the regional needs of the present and future population of the Bay area, and

Page 12 4. Communicate, widely, their findings as they proceed, and

Page 13 5. Report to the Legislature in January, 1978 with recommended legislation defining the public interest in Chesapeake Bay and how the public interest is to be protected.

II Recommendations About the Port of Baltimore

Page 19 1. Create the Port of Baltimore Management Corporation modelled after the success of the Charles Center-Inner Harbor Management Corporation as a unit of the Maryland Port Administration;

Page 20 2. Appoint a representative Board to manage the Corporation, and

Page 20 3. Hire a small staff to do the work of the Corporation, and

Page 21 4. Coordinate all Port planning activities with appropriate community and public agencies, and

Page 22 5. Monitor Port activities and communicate these activities broadly and develop a long-range financial plan for the Port, and

Page 23 6. Negotiate and mediate disputes arising out of the administration of various government regulations and private needs.

INTRODUCTION

It is time for the Maryland State Legislature to create an appropriate institution to manage the Chesapeake Bay. Without this leadership all other levels of government will continue to decide, pursuing their own interests about how the Bay is to be used.

In recent years most state and local legislative proposals about the Bay have been designed to stop actions; for example, to prohibit the dumping of Baltimore harbor spoils into the Bay, or to stop the construction of an upland spoil disposal site. Proposals made to manage the Bay as either a state or multi-state unit have had little public notice or response, and consequently little support.

There is no consensus among the users of the Bay about how it should be managed. Until a consensus is reached, the State's richest economic resource, the Port of Baltimore, cannot plan to meet the increasing competition of other ports of the nation.

There are many interests on the Bay, and they need to be heard by the State Legislature. For it is the Legislature, through its constituents, who must decide on how the Bay is to be used.

The Bay is a living organism, and must be examined continuously. Despite a proliferation of studies, it is insufficient to say that the Bay is overstudied; but one must question why such studies are either not communicated or not understood.

The current method of managing Bay affairs is complicated, and people who live here and rely on the resource for either a livelihood, or for recreation or for just something to look at, can find no concrete way to make their views known. Many even feel that it is useless to do this.

The process for gaining permission to build a pier, a slip for a small boat or a shipping channel, or to use a wetland area or water, is complicated. Recent proposals to overcome this have only added to the confusion by the offering of one agency, for example, to intercede with another to force a decision.

There is no plan for the Bay, either in the short or long term. There are no principles agreed upon for the use of the Bay on which reasonable prospects for its future can be established.

There is no single institution involved in Bay management that represents the Bay's constituents; most decisions about Bay affairs are made by federal and state agencies, not by a representative body.

There is no single representative institution with the authority to plan for the Bay, and to implement this plan. Local governments around the Bay have achieved a measure of this individually, but the concept of total Bay management has not been accepted, which, if it were, would assure adequate protection of the total Bay in terms agreed upon by all jurisdictions. Recent attempts to do this fall short.

The time has come to decide whether or not the Bay should be managed by a representative state institution as a whole for the benefit of all who use it. If we cannot decide to do this then other levels of government will have to do it for us.

Total Bay management is a difficult and, at times, an unpopular task. Individual interests cannot always be served.

Only grass roots support for the protection of the Bay can achieve this, and it can only be done through the state legislative process.

DETAIL OF
SUMMARY OF FINDINGS*

I Technological advances in the ocean shipping industry which have generated heavy investments in the nation's harbors, might be leading to the deficit financing of ports.

- * The shipping industry has seen dramatic technological changes in recent years;
- * Changes in the industry and the increase of foreign trade have generated new requirements for individual port development;
- * The continuing expansion of Port facilities is a direct result of changing transportation methods and often causes displacement of adjacent communities;
- * Shipping by containers has speeded up the ship-handling process in ports and has created new facility demands;
- * New container ship design may soon stabilize channel depth requirements;
- * The container shipping method is expected to expand and to generate continuing pressures on ports;
- * Continuing monitoring of Port economics is necessary to maintain a balance of facilities;
- * The large catalogue of government regulations at all levels, and inter-port and international competition on this continent complicate the management of ports as business institutions;
- * Some port managers see a collapse in traditional port financing and anticipate more federal financial aid on the horizon;

*Additional discussion of our Findings and Conclusions are available in Volume I, Background, and can be obtained by calling the Citizens League office in Baltimore at 828-1353.

II The Chesapeake Bay is a vast body of water and little of its shoreline is in intensive use; it harbors two of the nation's largest ports, Baltimore and Hampton Roads.

- * The Chesapeake Bay drains a 64,000 square mile area, eight million people live within its environs; but most of the land on its shores is vacant;
- * Most of the land around the Bay is used for agricultural purposes;
- * Most of the sediment generated from the land around the Bay is from urban areas, approximately 5% of the peripheral area;
- * The natural sedimentation process in the Bay will, eventually, fill it in, expel the intruding sea and convert the Bay to a river;
- * The Bay supports two of the five major seaports of the North American Range of ports-- Baltimore and the Norfolk-Newport News complex at Hampton Roads, Virginia;
- * A deeper C & D Canal, at 50', the depth of the channel at Norfolk, could have a profound impact on the competitive position of the Port of Baltimore;
- * The dredging of federal channels, under the supervision of the Corps of Engineers, is widely employed in the Chesapeake Bay region;
- * Nearly 80% of all the Bay's federal channels are in the Upper Bay north of the Chesapeake Bay Bridge, which connects the western and eastern shores of Maryland.

III The continuing life and further development of the Port of Baltimore as a significant economic resource for the nation and the state must await decisions on the uses and management of the Chesapeake Bay.

- * The Port of Baltimore has historically ranked among the most significant ports in the United States and in world trade;
- * The Maryland Port Administration, as originally created, and as it exists today, is a unique state agency, operating as a profit-making entity;

- * The important measure in establishing Baltimore's position among other ports is the real value and type of cargo handled, not only tonnage;
- * The Port of Baltimore continues to maintain a healthy growth rate in high value cargo, especially containers;
- * Despite good general economic health, the economic growth rate of the Port fell behind that of the state between 1966 and 1973;
- * The Port has a significant impact on citizens of the state and particularly on those in the Baltimore Metropolitan area;
- * There is a continuing debate over whether or not the Maryland Port Administration should remain under the state's Department of Transportation or again become an independent agency;
- * Sources of funding for development of Port facilities are drying-up and more federal participation in planning and financing may result;
- * The Port of Baltimore has one of the highest investment programs in container facilities under the North American range of ports;
- * It is difficult to obtain a comprehensive knowledge of the complex economics of Port development and management when numerous agencies and conflicting reporting systems exist;
- * Potential conflicts exist between new or changing maritime services and local populations;
- * The Port must also be understood as a transfer facility between ships, rail and trucks. The transportation system is central to Port operations;
- * There are significant problems with highway and rail service and access which could threaten the vitality of the Port;
- * Problems of rail access are complex and are not easily understood.

IV At any given time, 54 units of federal, state and local government, four private organizations and an academic consortium are at work on the Port and the Bay.

- * The proliferation of agencies and interests at work on the Bay result in overlaps, duplication of efforts, and time lost due to seemingly endless reviews in the various permitting processes;
- * The principal federal agencies concerned with permitting procedures are the Army's Corps of Engineers, the Interior Department's Fish and Wildlife Service, the National Marine and Fisheries Service of the Department of Commerce and the Environmental Protection Agency;
- * At the state level, the Maryland Port Administration of the Department of Transportation and the Departments of Natural Resources and Health participate in the permit process;
- * The permit process involves a number of competing and conflicting interests which must be accommodated but which often serve as counter-productive forces;
- * The permit process is not all counter-productive, however;
- * The Corps of Engineers has concluded that there is a need for a 50 foot channel from Cape Charles to Baltimore which would be cost beneficial to the Port;
- * The major hindrance to maintenance dredging and to the new dredging by the Corps has been the lack of an approved spoil disposal site;
- * The proposal to construct a diked disposal area at Hart and Miller Islands represents a classic confrontation between environmental and economic interests and illustrates the delays and lack of cooperation under the present decision-making process;
- * The Hart and Miller Islands controversy underscores the Port's intricate relationship to the Bay and to the people who live on it.

V Since 1916, at least 50 reports have been prepared about the Port and the Bay but very few have been translated into programs that can be implemented.

- * In recent years, 12 studies have been completed and several legislative proposals have been made;
- * Many of the reports agree on their conclusions about problems associated with the Port and Bay;
- * Twenty-four issues and problems stemming from these issues are common to all studies;
- * Eight specific proposals have been made to manage some or all of the problems identified; only two have been implemented.

DETAIL OF
SUMMARY OF CONCLUSIONS

- I What level of government should manage the nation's ports, and should ports be created away from present concentrations, are questions that need to be asked...and answered.
 - * Governments at all levels and port managers and their diverse constituents need to debate these questions;
 - * In reality, ports are approaching or have already reached an era of deficit operations.
- II The economic gains to the state from the shipping industry on the Bay should not outweigh the environmental value of the Bay resource.
 - * Land for maritime uses consumes a small portion of the Bay area, but facilities associated with commercial shipping make a major impact on the Bay's waters;
 - * Commerce on the Bay could soon be limited because of the need for spoil disposal sites.
- III The Port of Baltimore needs a management structure with authority to address its problems in a comprehensive manner.
 - * There is a very delicate balance between the public port agency, its parent department and the private business sector;
 - * The perception of the Port by its local public is not as clear as that of the world's shippers;
 - * Although the Port Administration has shown a profit in its operations, its current estimate of \$200 million for a ten-year expansion program cannot be met through traditional revenue sources;
 - * There is a need for the Port agency to communicate more often and more completely the activities and problems of the Port;
 - * Even though the Port has the greatest economic impact on the City of Baltimore...50% of income and 49% of employment...the City has virtually no role in Port management;

- * The Port Administration reports that it cannot meet its needs to finance a ten-year building program and thereby maintain its competitive position;
- * What does federal aid to ports really mean?
- * Inter-modal operations of ship, rail, air and truck are totally related to one another.

IV The existing governmental process is not adequate to manage issues of the Port, which, in most cases, have a direct relationship to the Bay.

- * A system is needed to evaluate all of the impacts associated with one project through one permit even though delays might be experienced;
- * Consolidated hearings should be mandatory rather than by informal agreement;
- * The fragmentation of Bay management with no one agency authorized to consider alternatives in order to make rational decisions is well illustrated in the Hart and Miller Islands issue;
- * Issues arising out of economic and environmental conflicts need to be negotiated.

V There is a lack of consensus on what is being done and what should be done to manage the Bay.

- * No leadership has arisen to break the confusion surrounding the problem of managing the Bay;
- * Three projects, two in Baltimore and one in California, illustrate how economy in funding, personnel and time can be effective in planning and management of public projects;
- * In all of the projects there was a recognized need, a consensus about what should be done, leadership to do what had to be done, and action was taken through a citizen-government partnership. In addition, costs and staffs were small and work was accomplished quickly and with high quality;
- * An effective Bay management system is needed, an entity, to judge the alternative courses of action arising from the increasing conflicts among users, an entity with the authority to implement its decisions. It must be representative of the Chesapeake Bay area's constituents.

RECOMMENDATIONS

I Recommendations About Chesapeake Bay

1. Establish a temporary Chesapeake Bay Consolidation Commission, headed by a member of the State Legislature to determine what kind of management institution is needed for the Bay;
2. First, consolidate in a single report what is known about the Chesapeake Bay and communicate it widely. The focus of the report will be to communicate in clear terms just what issues and problems exist and what kinds of proposals have been made to manage the Bay.
3. Hold public meetings up and down the Bay to determine the public interest in the Bay--the effects that continuing fragmented management of the resource will have on fish and wildlife, commercial fishing, navigation and maritime activities, air and water pollution and all of the regional needs of the present and future population of the Bay area;
4. Communicate widely, their findings as they proceed;
5. Report to the Legislature in January, 1978 with recommended legislation defining the public interest in Chesapeake Bay and how the public interest is to be protected.

Our Recommendations in Detail:

1. Establish a temporary Chesapeake Bay Consolidation Commission, headed by a member of the Legislature.

A State Legislator should request the Legislative Council to assign to a standing committee of the Legislature, the establishment of the Chesapeake Bay Consolidation Commission with a strong leader as chairman. This is the missing element in previous proposals for Bay management. Other proposals have either been prepared by individual agencies on the local, regional, state or federal levels, and a definition of the public interest has not been obtained. Since the State of Maryland has the primary responsibility to manage the Bay, its citizens, through their legislators, should decide how this is to be done. Citizens would gather behind strong legislative leadership which could demonstrate that they, the legislators, are seeking citizen consultation.

Members of the Commission should be chosen from the Legislature and the general public.

The Chairman of the Chesapeake Bay Consolidation Commission should be a Legislative leader, with a Vice Chairman chosen from the general public, preferably a person with broad management experience who has developed a good rapport with government and who has a definite interest in the conservation of the Bay resource.

Other members should represent sub-regional organizations of the Western and Eastern Shores, the Baltimore region, and an active citizen organization which deals with Bay affairs. There should be two legislators on the Commission, one from both the Western and Eastern Shores, one of whom would be appointed Chairman.

Since the Commission would be defining what the problems of Bay Management are, through hearings of various public and private interests, it would not be necessary to include representatives of government agencies on the Commission. Their advice would be sought through the hearing process.

Members of the Commission should be people with the power of decision.

2. Consolidate, in a single report, what is now known about the Chesapeake Bay, and communicate it widely.

The Commission should have the authority to request from each public agency, at all levels of government and from each person now proposing a Bay management solution, both legislators, members of organizations and individuals, to summarize succinctly their proposals and submit them to the Commission through the hearing process. An alternative to this is to have this work done on a contractual basis with a professional at a reasonable cost.

As these proposals are received, a staff member of the Commission will summarize them in such a way that they will receive broad communication throughout the Bay area through the various media while the study is in process. A summary of the testimony of every witness should be released by the Commission.

3. Hold public hearings up and down the Bay

The Commission should know at the outset that a great deal of their time will be required, but that this time will be compressed into a short period.

This is necessary to economize on their time, to keep costs at a minimum, and to maximize public interest through an intensive communication campaign.

Determine the public interest in the Bay.

Is there now a consensus on the Bay that it is the most valuable single resource of an entire region, a resource that gives special character to the Bay area; as a single body of water that can be used for many purposes, from conservation to planned development; and as a delicate physical mechanism in which changes that affect one part of it may also affect all other parts?

Is it in the public interest, therefore, to create a politically-responsible, democratic process by which the Bay and its shoreline can be analyzed, planned, and regulated as a unit?

Who is most effected by changes due to - dredging, development, recreation - and how is this interest to be represented?

Determine the effects which continued fragmented management of the resource will have on fish and wildlife, commercial fishing, navigation and maritime activities, air and water pollution and all of the regional needs of the present and future population of the Bay area.

Although some cities and counties, and the state have prepared detailed master plans for their own use of the Bay lands, the fact remains that no one governmental mechanism exists for evaluating individual projects in their effects on the entire Bay.

4. Communicate widely their findings as they proceed.

The State has to have grass root support for the management of the Bay. If there is no recognition at the grass roots level for the need to protect the Bay, then it is impossible to do it...otherwise, all that is being done are studies.

Assuming that the Commission finds that it is necessary to preserve the Bay, it will have to conduct a Campaign in order to inform the public at large, so that legislators can be convinced that the public considers it indeed necessary to preserve the Bay.

All of the arguments for its management and preservation need to be documented and communicated broadly, therefore, in order to justify public and political action. This should also assure sufficient public outcry to gain attention. Masterful legislative maneuvering will be required.

5. Report to the legislature in January, 1978 with recommended legislation defining the public interest in Chesapeake Bay and how the public interest is to be protected.

The Commission should prepare a report on its findings that will have immediate and broad appeal among the legislators. In all probability, the legislators will not be persuaded and will not do anything until there is a reasonable and persuasive report that outlines the problem, documents the public interest, and has a draft bill attached.

Suggested sites for public hearings on the Bay:

1. Annapolis Anne Arundel and Prince George's counties and the cities and communities of Glen Burnie and Catonsville. Most state agencies are located in Annapolis, and representative federal agencies and legislators
2. Lexington Park Calvert, St. Mary's and Charles Counties. : Residents of
: Virginia might
3. Pocomoke City Crisfield and Somerset and Worcester Counties. : be invited to
: these hearings
4. Salisbury Wicomico and Worcester Counties.

5. <u>Cambridge</u>	Dorchester County.	
6. <u>Easton</u>	Talbot and Caroline Counties.	
7. <u>Matapeake</u>	Site of the Chesapeake Bay Model. Queen Ann's County.	
8. <u>Wye Institute</u>	Queen Anne's County	Has special facilities
9. <u>Chestertown</u>	Kent County	: Residents of Delaware might
10. <u>Elkton</u>	Cecil County	: be invited to these hearings.
11. <u>Havre de Grace</u>	Harford County, Bel Air and Aberdeen	: Residents of Penna. might be invited to these hearings.
12. <u>Essex</u>	Baltimore County Joppatowne and Middle River-Essex	
13. <u>Towson</u>	Baltimore County, Northern Baltimore City and the hinterland.	
14. <u>Baltimore City</u>	City administration and agencies and citizens of Baltimore and north Anne Arundel County.	

There is a need to allay the fears of the general public that this work would be a huge undertaking.

The task outlined can be completed in six months. It could cost less than \$100,000. To accomplish its work, the Commission would have to hold 14 public hearings, one each week, (each of these hearings would be approximately three hours long); hire a staff director and a secretary; occasionally buy time from consultants to supplement the work of the staff director; require funds for travel, meals and lodging; and set aside funds for the printing of the final report.

Probable questions, and some comments about the Commissions' deliberations on its recommendations to the Legislature.

1. Since the Bay is a regional resource, can it be managed as an entire region or by smaller areas?

One of the current problems in the Bay Coastal Zone process is that the Bay has been split up into units: The Baltimore Region, the Upper Eastern Shore, the Lower Shore and the Lower Western Shore. This tends to emphasize existing parochialism and interferes with reaching a consensus on Bay problems.

2. How can an agency that represents widely divergent local and regional needs achieve consensus?

Serious consideration needs to be given to the composition of a Bay management organization to assure representation of all jurisdictions, even though the body might be large and seem unwieldy. It must insulate its members from demands of their local constituents. If one exception is made "the whole plan goes". It should combine career civil servants, politicians and concerned citizens. The original Consolidation Commission should form the core of the new organization.

3. How can the Commission assure that the management organization will not be a rubber stamp for its staff?

One solution could be the requirement that the organization's members learn the assumptions behind its Plan as well as its inner logic. They might then support the Plan politically because it is "their" plan, in that sense. The organization should develop a Plan that it must also implement.

4. What is the simplest and most effective way to involve the public in the plan-making process?

Usually, the public is given "A Plan", which is a voluminous document and often is subjected to media review before the public has been made aware of it. Copies of plans are not generally available. They often cannot be purchased because there is no arrangement to pay for the document which is often expensive to produce.

One method of involving the public is to do this:

- a. The staff of the organization should write summaries of each part of the Plan as it is developed.
- b. These summaries should be reviewed by a wide audience, and preliminary conclusions should be drawn.
- c. After a public hearing, of which the public would be well informed beforehand, the organization should adopt the preliminary conclusions on the part of the Plan under consideration.

This involves a well-informed and more helpful public. It also begins to develop the full thrust of the Plan. It is not incremental as long as each section or part of the Plan adheres to the original design format set forth in the original legislation.

This continues the inter-action process begun in the original Consolidation Commission work.

5. How can criteria be developed to assure that the organization will do what it is supposed to do?

The best way to do this is to incorporate decision criteria in operating rules and regulations in the original legislation. If rules are clear and selected to allow only decisions which contribute to achieving the organization's goals, then achieving aims is assured. The means to attain the goals must be clearly spelled out in both the legislation that the Consolidation Commission prepared and in the state's administrative code. Goals of the legislation, then, must be defined in operational terms.

6. Some may say that the proposal to study is too often used as an excuse for inaction.

A study commission is not proposed. We recommend that it is now time to consolidate what information we have, determine the public interest in the Bay and to act. There is a need to bring together the separate parts into a single whole--to unite functions and to combine them, seeking in the process to economize and to make organizations more approachable. Many propose that existing organizations be

coordinated--essentially to leave untouched basic units of government that participate in a function. Coordination can fit the definition of another study, for it often treats the symptoms of a conflict while ignoring its cure. Coordination certainly has its place where the creation of a new organization is impractical or where its cost is prohibitive.

7. If another agency is proposed, how can this simplify the process of Bay management where there are already over 50 organizations regulating and planning for the Bay?

The major organizations now regulating and planning in the Bay area are agencies of government that do not offer the public a process to become involved in, in either planning or regulating what happens to the Bay through a broadly representative body of people. There are public hearings on almost every permit applied for, that are held either jointly or by individual agencies. But there is no one agency that, by agreement with all of the others, can issue or deny a permit by the action of organization that broadly represents the entire Bay area. Such an organization, if proposed to the Legislature by the Consolidation Commission, has a better chance of success than the others because it not only will design the Plan but will have the regulatory powers to carry it out. It will be very difficult for such an organization to compromise its own plan.

8. How is the Public Interest defined? It is often an elusive platitude.

Most probably believe that the term Public Interest cannot be defined and that it only denotes what is, in someone's opinion, good for the public. Others think that it is used to refer to the common good--that is, to values that could be agreed to by almost everyone in the society, and that would therefore not be disputed by informed and rational persons. But some believe that the term "Public Interest" carries large uncertainties of meaning. The fact remains that the larger the constituency, the more probable is it that the group is committed to equality. It is meaningful to speak of public values of the Bay in that these values are shared by broad constituencies and must be achieved through consensus. This is our definition of the Public

Interest:

The public has an interest in the Bay for a wide variety of uses. The Public Interest is manifold; it is a consensus of the many and sometimes-conflicting uses of the waters of the Bay and of the Bay shoreline.

The Public Interest requires creation of a governmental mechanism to balance competing interests in the Bay, to weigh all the alternatives in making choices relative to the Bay, and to guide the conservation and development of the Bay and its shoreline.

But this is only one of many possible definitions.

9. If a new agency with regulatory powers is proposed by the Consolidation Commission, wouldn't this simply add to the confusion of the many agencies already at work on the Bay?

If a new agency is proposed that would have permit authority, it could begin to eliminate the current confusion over the problems inherent in the multi-agency permit process. As proposed in the Coastal Zone Management Plan, a coordination process could be established but with a common form for all, decision times could be unified, and coordinated hearings would become a matter of course. The state could request memoranda of understanding that if the Bay agency approved a permit or denied it, this would represent an action by the agency that be primary evidence of the general public interest of the state and would probably be guided by it. This process would differ from the proposed Coastal Zone process in that one representative agency, in the process of implementing the Plan, would coordinate the permit process.

II Recommendations About the Port of Baltimore

1. Create the Port of Blatimore Management Corporation modelled after the success of the Charles Center - Inner Harbor Management Corporation;
2. Appoint a representative board to manage the Corporation and to advise the Port Director;
3. Hire a small staff to do the work of the Corporation;
4. Coordinate all port planning activities with appropriate community and public agencies;
5. Monitor port activities and communicate these findings broadly, and develop a long-range financial plan for the Port;
6. Negotiate and mediate disputes arising out of the administration of regulations and in the implementation of plans.

Our Recommendations in Detail

1. Create the Port of Baltimore Management Corporation modelled after the success of the Charles Center - Inner Harbor Corporation as an independent unit of the Maryland Port Administration.

The purpose in establishing the Corporation in lieu of adding to the staff of the Port Administration is fourfold:

- * To create a formal institution outside of the Administration and the Department of Transportation that can over-ride the normal bureaucratic delays in resolving problems in port management and expedite decisions.
- * To assist the Port Director in tasks that might require the inefficient use of existing staff or cause the hiring of additional personnel under that agency's budget to handle tasks that require specialized skills. Such persons would be available to the Administration on a permanent basis and would be an agent of the Port Administration to draw together diverse interests.
- * To re-establish, in a formal way, local, metropolitan and Bay area interests in the management and operations of the Port Administration, but not to diminish the relationship between the Administration and its parent department;

- * To act as a liaison between the Port Administration and the residential, financial and other diverse interests of the Port community.

2. Appoint a representative board to manage the Corporation and to advise the Port Director.

Members of the Corporation's Board should be chosen by the President of the Corporation and the Port Director with the advice of the Secretary of Transportation.

Care should be taken to make the Board small, but representative and efficient. There should be at least one member from each of the following categories:

Business, Labor, the Maritime interests, the Residential communities of the Port, the Eastern and the Western Shores and the Baltimore Metropolitan Area.

The Board, with staff assistance, would receive requests from the Port Director to investigate problems that require specialized research and action. For example, problems of port financing, the positive and negative aspects of federal aid programs, and liaison with local interests in business, industry, environmental affairs, the maritime industry and the general public.

The President of the Board of the Corporation and the Port Director would be members of the Chesapeake Bay management organization that will be recommended to the Legislature in 1978.

3. Hire a small staff to do the work of the Corporation.

The guiding principles in considering staff are the functions that it must perform...coordinating, planning, monitoring port activities, developing a financial plan, and mediating disputes.

Accordingly, two professionals with clerical assistance could handle the initial assignments to the Corporation at an estimated cost of \$150,000 per year.

In considering this proposal, it is necessary to think about the necessity for these functions and the actual

costs of performing them within the present agency and, most importantly, the cost of not performing them.

Persons chosen should have a background in law and in real estate economics and planning. These should be people with extensive experience in dealing with the public and private sectors in large scale developments, who have established records of success in their work.

Another requirement, as important as the foregoing, is the ability of the staff to communicate the results of their work to the corporation and to the general public.

Funding for the Corporation should be shared by the benefactors of the Port.

Funds should be provided to the agency either through a shared-time principle of the use of public and private staffs, or on the basis of a jurisdiction's revenues from port activities. An investigation should be made immediately of obtaining funds from the Federal Maritime Administration. This agency has recently funded a pioneering study of the ports of Seattle, Portland (Oregon), San Francisco and New York, and is seeking innovative demonstrations in port management. If Baltimore is successful in this instance, the amount given by the Maritime Administration to the Seattle study could account for two-thirds of the Corporation's first year budget.

4. Coordinate all port planning activities with appropriate community and public agencies.

Individuals with experience in urban development problems and techniques, working full time with the Port Administration, could probably be more efficient, and the costs of doing this work could be less than is now the case. Presently, top managers and many staff persons devote considerable amounts of time in coordinating the planning of the Port and its environs which might be handled, in part, by the Corporation's staff.

Many of the agencies cited earlier (Section IV) are involved specifically with planning and managing the Port of Baltimore. The planning function for the Port's

facilities rests primarily with the Port Administration. Those agencies which plan for areas on the Port's periphery include:

- * Private firms and public utilities, the coastal zone program unit, the State's Departments of Transportation, Planning and Natural Resources; the City's Department of Planning and its Department of Housing and Community Development, (the latter includes the Charles Center - Inner Harbor Management Corporation); Anne Arundel and Baltimore counties' Departments of Planning and Public Works; the Army's Corps of Engineers and the Federal Departments of Commerce and Interior; and the Regional Planning Council.

Our investigation has shown that most of these agencies favor a more formal organization and operation of the Port's planning functions which is relative to their own responsibilities and interests.

5. Monitor Port activities and communicate these findings broadly and develop a long range financial plan for the Port.

There is known interest on the part of the State Department of Transportation, the City's Planning Department, the Port Administration, the coastal zone management program and the federal Environmental Protection Agency and the Johns Hopkins Metro Center in finding out about the net economic and social effect of present and future uses of the Port as they relate to the Port's total environs.

One device which would enable the Corporation in developing a long range financial plan for the Port is the construction of the Port Capacity Model, designed to indicate the most serious constraint areas which tend to limit the Port's capacity to handle specific types of cargo.

Appendix A illustrates the general form and uses of such a model.

6. Negotiate and mediate disputes arising out of the administration of regulations and in the implementation of plans.

There are of course a number of legal remedies to disputes of this nature. But the settlement of disputes that might be negotiated at an early stage needs to be established, otherwise all proposals for change will proceed through the various levels of the judicial process and timely resolution might not be possible.

Outstanding recent examples of this are: the Port Administration's proposal to build a maritime facility at Hawkins Point, whose delay has now doubled the cost of the project; and the Hart and Miller Islands spoil disposal case. Many governmental agencies in such cases are forced to make political decisions which they do not believe are theirs to make. Important projects are delayed or eliminated.

Central to these two issues and to many others is the use and allocation of our natural resources. An appropriate way must be developed to address the difficult choices that must be made.

Negotiation and mediation are needed in many instances in the management of the Port. While the development of a Bay Plan and implementation will resolve some disputes on goals for the use of the Port and the Bay, the intensive activities within the Port will go on during its preparation and will require immediate attention.

The most important question to be asked in determining if mediation can be used in a specific dispute is whether or not those directly involved are interested in finding a solution.

APPENDIX A

APPENDIX A

The Port Capacity Model

This model would indicate which areas are the most serious bottlenecks or constraints in limiting the Port's capacity to handle cargo. Potential constraints could be identified and dealt with before they are created, while specific programs could be evaluated by examining their impact on the Port's capacity to handle specific cargoes. Potential economic gains could be measured in income, employment and tax revenues generated by Port activities.

The Port Capacity Model is composed of five constraints each using several variables to indicate the effect of the constraint. A Cargo Impact Area would be further subdivided into 5 basic types of cargoes: bulk, liquid bulk, break bulk, containerized and general which is affected by each of the constraint areas.

Each constraint area contains one or more Policy Control Variables which can be directly influenced by policy decisions and thus are more amenable to decision making.

Although the following Flow Chart is sequenced, the actual sequence used, beginning with the Channel Depth Constraint, and ending with the Cargo Demand Constraint, is rather arbitrary and could be changed without affecting the results of the model.

The designation of each of the variables in the model follows the Flow Chart.

The Channel Depth Constraint - Two Policy Control Variables, Dredged Channel Depth and Dredged Berth Depth, which, when adjusted for the average siltation rate of the Port, determine the effective depth of water for ships in the harbor.

Couple this with Deadweight Tons (DWT) per foot of vessel draw statistics, and the size of the largest ships available to carry this maximum tonnage of each cargo type with the number of berths available can be ascertained for a given time period by cargo type. If the number of berths available is less than the number of ships capable of carrying this maximum tonnage, then Dockage rather than Channel Depth is the constraining factor.

The number of berths available for a given time period is found by adjusting the absolute number of berths for each type by the average turn around time for the loading and unloading of each type of cargo vessel.

But this loading - unloading rate will depend on the average size of the ship as well as dockage equipment.

At this stage in the model, we have determined the maximum tonnage of each cargo capable of being handled, given channel depth and dockage restrictions.

To examine whether this cargo can be adequately stored with existing facilities, we must first determine the amount of cargo capable of being transported out of the storage area in each time period. This is applied to the storage facilities available for each cargo type. This will result in a storage facilities level, in tons, adjusted for potential transportation movements as well as average inventory levels stored for each time period.

This will determine whether existing storage or transportation facilities are constraints.

Transportation in this case consists of the maximum number of railroad cars and trucks available in each time period adjusted for tonnage capacities, while square footage of storage facilities are translated into tonnage capacities which are subsequently adjusted for average inventory storage to determine the remaining storage capacity available for incoming cargo.

The final constraint involves forecasted cargo demand levels based on historical trends, population, business cycle forecasts, etc. These levels would be forecast for each type of cargo and compared with the maximum number of dead weight tons of each cargo type capable of being handled for each time period.

If this area turns out to be the constraint area, the model would indicate how soon and to what extent any of the other four areas would become the constraint area.

The resulting Cargo Impact Model in tons could be transformed into an "Economic" impact by applying income per ton statistics to the tonnage for each cargo.

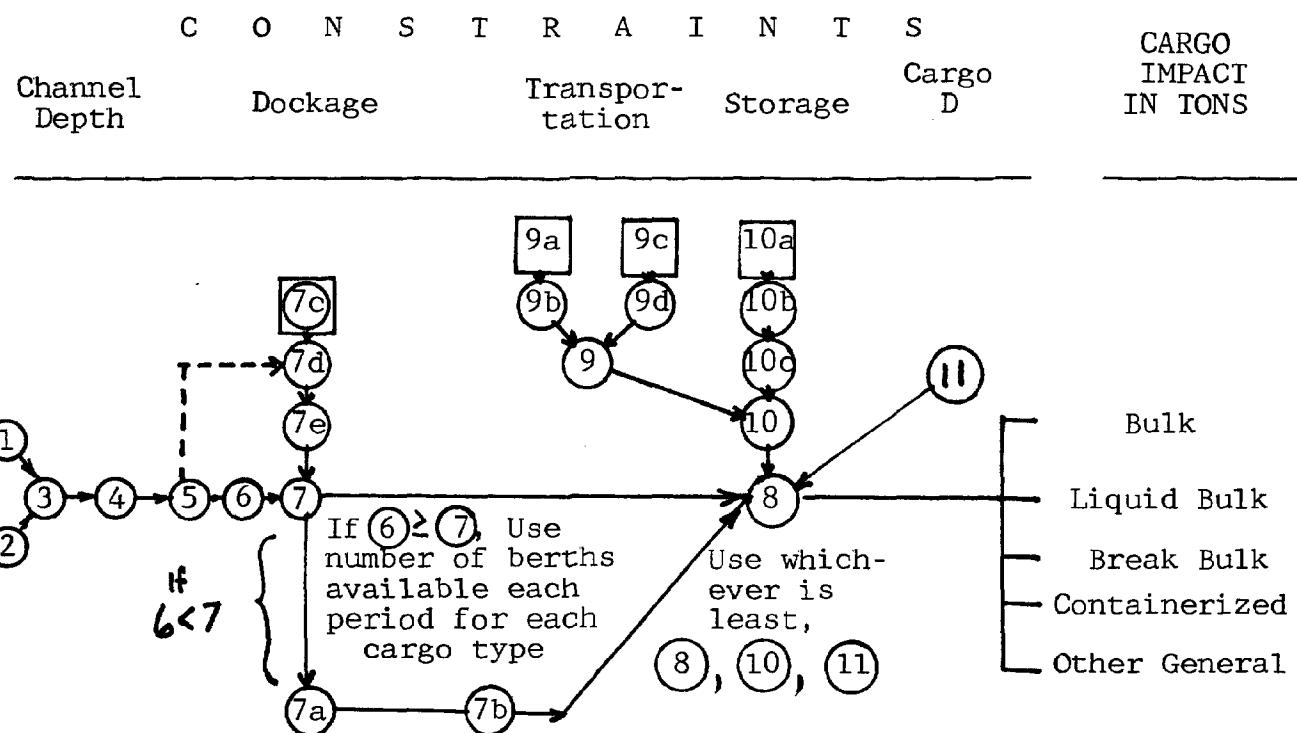
While this model requires additional refinement, it nevertheless would be of significant value to the decision makers involved in setting priorities for port programs. The variables required appear to be either presently available or are capable of being determined fairly easily.

PORt CAPACITY MODEL FLOW CHART

To Indicate:

1. Bottlenecks that would limit Port capacity;
2. The ability of the Port to handle specific cargo types under different levels of Policy Control Variables;
3. Economic effects of handling specific types of cargoes under different Port programs.

To Forecast:



VARIABLES IN THE PORT CAPACITY MODEL FLOW CHART

- 1 Dredged Channel Depth in feet
- 2 Dredged Depth of Berths for Each Cargo Type in feet
- 3 Average Siltation Rate in feet per period
- 4 Adjusted Effective Channel Depth in feet. (Channel Depth or Berth Depth, whichever is less)
- 5 Maximum DWT per foot of Vessel Draw (Technology)
- 6 Number of Vessels capable of Carrying DWT (Maximum DWT as Indicated in 5, for Each Cargo Type)
- 7 Maximum Number of Each Type of Cargo Vessel Capable of Being Handled per Period (Number of Vessels)
- 7a Difference between 7 - 6 = Number of Vessels
- 7b Average DWT of vessels/Maximum DWT Allowed per 5 (DWT)
- 7c Available Cargo Berths for Each Type of Cargo Vessel (Number of Berths)
- 7d Average Turnaround Time for Loading/Unloading for Each Type of Cargo (Hours per Vessel)
- 7e Number of Berths Available for Each Cargo Type per Period (Number of Berths)
- 8 DWT Capable of Being Handled per Period for Each Cargo Type
- 9 Number of DWT of Each Cargo Type Capable of Being Transported Out of Storage Area per Period (DWT)
- 9a Maximum Number of Railroad Cars Available per Period for Each Cargo Type (Number of Cars)
- 9b Maximum DWT Capable of Being Carried per Railroad Car (DWT)
- 9c Maximum Number of Trucks Available per Period for Each Cargo Type (Number of Trucks)
- 9d Maximum DWT Capable of Being Carried per Truck (DWT)
- 10 Storage Facilities Available per Period for each Cargo Type (DWT)
- 10a Storage Facilities Available for Each Cargo Type (ft.²)
- 10b Storage Facilities Required for Each Cargo Type (ft. ²/DWT)
- 10c Average Inventory Stored per Period for Each Cargo Type (DWT)
- 11 Forecasted Industrial Demand for Each Cargo Type Based on Historical Trends, Projections, Etc. (DWT)
- Indicates "Policy Control Variable"

THE RESEARCH COMMITTEE

The Committee met 50 times between February 1975 and April 1977 and interviewed 36 persons.

In addition to interviewing Resource Persons, the Committee systematically studied two current texts on port management through the seminar method.

The Committee and staff were guests of the Maryland Port Administration for a tour of the port. The staff, in addition, was involved in a detailed examination of port records and interviews with the Administration over a two month period.

The Committee was chaired by John Nolan and Thomas Juliano. Other members of the Committee were:

John Bacon	Albert Hutzler, III
Judith Baer	Eugene Leake
Mark Beck	Gust Mitchell
John Beers	William Penn
Frank Bramble	Peter Ialiaferro
David Daneker	Albert Trout
Richard Donkervoet	Dennis Urner
Lynn Duncan	Milton Young
Rev. Frederick Hanna	

The Committee was assisted by William McDonnell, Director, Richard Keister, Joan Fowler and Joyce McArtor.

RESOURCE PERSONS TO THE COMMITTEE

The following persons appeared before the Committee in this order:

Albert Trout, Bay Sailor and Manufacturer's Representative;
Michael Burns, Environmental Reporter, The Sun;
Joseph Helewicz, Maritime Reporter, The Sun;
Arthur Sherwood, Director, The Chesapeake Bay Foundation;
Joseph Bormel, President, Hart and Miller Island Environmental Group;
Larry Shanks, U. S. Fish and Wildlife Service, Dept. of the Interior;
John T. Ward, Admiralty Lawyer;
Dr. Walter Boyer, Deputy Director, Maryland Port Administration;
Col. Robert McGarry, Baltimore District Engineer, Corps of Engineers;
Hon. Theodore Venetoulis, Executive, Baltimore County, Maryland;

Bernard Berkowitz, Development Coordinator for Mayor Schaefer, City of Baltimore;
Professor Garrett Power, Law School, University of Maryland, Baltimore;
Dr. Kevin Sullivan, Director, Chesapeake Bay Center for Environmental Studies, Smithsonian Institution, Annapolis;
Dr. M. Gordon Wolman, Chairman, Dept. of Environmental Engineering, Johns Hopkins University;
Hon. Helen Delich Benteley, Chairman, Federal Maritime Commission;
Jacob Kaminsky, Regional Planning Council, Baltimore;
Albert Copp, Charles Center - Inner Harbor Management Corporation;
Dr. John Starr, Department of Geography, University of Maryland, Baltimore County;
Martin Stein, Manager, Social and Economic Studies, Maryland Department of Transportation;
James Fortune, Managing Director and William Detweiler, Director of Labor Relations, Steamship Trade Association;
Hon. Harry Hughes, Secretary, Maryland Department of Transportation;
Larry Reich, Director; Leslie Graef, Deputy Director; and David Carroll, Environmental Planner, Baltimore City Planning Department;
William Boucher, III, Executive Director, The Greater Baltimore Committee;
Senator John Carroll Byrnes, District 44, Baltimore City, Maryland State Senate;
Dr. Grant Gross, Director, Chesapeake Bay Institute, Johns Hopkins and Chairman, Baltimore Region Coastal Zone Committee;
Dr. Armand Thiebot, Jr., Bureau of Economic Research, University of Maryland, College Park;
William Okert, Transportation Planner, Regional Planning Council;
Richard Gucker, Maryland State Planning Department;
Sigbert Schaknies, Transportation Planner, Baltimore City Department of Planning;
Jack Thacker, Transportation Planner, Baltimore County Office of Planning;
Louis Hecht, Natural Resource Planner, Maryland Coastal Zone Management Program;
Stuart Janney, former staff member, Senator Charles McMathias
Judy Johnson, Environmentalist, President, Save Assateague Island Association.

The staff also interviewed the following persons:

John O'Hagan, Chief of Operations, Baltimore District, U.S. Army Corps of Engineers;
Joseph Bodivitz, Director, California Coastal Zone Program and former Director, San Francisco Bay Conservation and Development Commission;
William Roberts, Director, San Francisco Bay Conservation and Development Commission;
Leonard Mangiaracina, Director, Chesapeake Bay Program, Environmental Protection Agency, Region III, Philadelphia.

MATERIALS STUDIED BY THE COMMITTEE AND STAFF

The Committee studied these two texts in detail in order to gain a comprehensive understanding of port management problems.

Panel on Future Port Requirements of the United States, Eric Schenker, Chairman, Port Development in the United States, The National Research Council, National Academy of Sciences, Washington, D.C., 1976

Schenker and Brockel, eds., Port Planning and Development, Maritime Press, Cambridge, Md., 1975

During the course of the study, the Committee subscribed to the following publications:

World Ports, American Seaport, American Association of Port Authorities, Washington, D.C. (Monthly)

Maritime Technology Society Journal, Marine Technology Society, Washington, DC (Monthly)

Coastal Zone Management Journal, Crane, Russak & Co., New York (Quarterly)

Environmental Law Reporter, Environmental Law Institute, Washington, D.C. (Monthly)

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Some selected materials used in the preparation of this report other than those reviewed in Part V:

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WHAT THE CITIZENS LEAGUE DOES

Study Committees

- 4 major studies will have been undertaken in 1977. 2 will have been completed.
- Each committee works approximately 2 hours per week for about 8 months.
- Since 1973, 100 persons have made presentations to an average of 15 members per session.
- A full time professional staff provides direct assistance to committees.
- An average of 50 persons follows committee hearings with summary minutes prepared by the staff.
- Full reports of about 30 to 60 pages are distributed to 1,000 - 2,000 people, in addition to summaries provided in the League Journal.

Citizens League Journal

- Published monthly, except in July and December.
- Provides reader with general information, original data and League analysis on public affairs issues.

Information Assistance

- The League responds to many requests for information, and will provide background information to the news media, and serve as resource speakers to community groups.

Public Issues Review

- A monthly report on public issues which helps keep in touch with developments in a host of fields that require in depth exploration. It is shared widely in the community with about 2,000, most of whom are not League members. Although distributed free, a subscription policy must soon be established.

Question and Answer Luncheons

- Feature national and local authorities who respond to questions from a panel on key public policy issues.

Community Leadership Breakfasts

- To be held at various city - county locations, bi-weekly, beginning in the Fall of 1977.
- People in the news speak to us on current and emerging issues.

League Members and Public Affairs

- Several League members are now being invited to serve on public and private bodies after becoming well grounded in issues as League study committee participants.

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