

The Severn River Log



THE SEVERN RIVER ASSOCIATION, INC. • P.O. BOX 146, ANNAPOLIS, MD 21404 • August 2002 • Volume 92, Folio 2

Officers:
President
 Duane A. Wilding, P.E.
 410-923-3074
 greenengr@comcast.net
First Vice President
 James B. Sullivan
 410-757-1902
 jamesullivan@worldnet.att.net
Second Vice President
 Robert J. Vom Saal
 410-987-4476
 vomsaal@juno.com
Vice President/Treasurer
 Scott H. Hymes
 410-923-7171
 Scottyhymes@comcast.net
Recording Secretary
 Julie A. Johnson
 410-266-1510
 treereport@hotmail.com
Corresponding Secretary
 Marguerite Whilden Walbeck
 410-757-0112
 mwilden@dnr.state.md.us

Member Communities:
 Admiral Heights Improvement
 Amberley Community Assn
 Annapolis Area Christian School
 Annapolis Conservancy Board
 Annapolis Neck Peninsula Fed.
 Arden Civic Association
 Arden Civic Association (Beaches)
 Bay Ridge Civic Assn
 Bellevue Estates Civic Assn
 Behlor Farms Homeowners Assn
 Bembe Beach Assn
 Ben Oaks Civic Assn
 Bretton Woods Home Owners Assn
 Brown's Pond Improvement Assn
 Burley Creek Community Assn
 Bywater-Church & Crab Creek Assn
 Carrollton Manor Improvement
 Chartwell Garden Club
 Downs Property Owners Assn
 Dreams Landing Condominium
 Epping Forest Club
 Fairwinds Annapolis Condominiums
 Fairwinds Beach Club
 Ferry Farms Community Assn
 Greater Odenton Improvement Assn
 Herald Harbor Citizens Assn
 Holly Point Community Assn
 Hollywood on the Severn
 Lindamoor Improvement Assn
 Linstead Community Assn
 Long Point/Severn Civic Assn
 Olde Severn Park Imprv Assn
 Oyster Harbor Citizens Assn
 Palisades Civic Assn
 Point Field Landing Community
 Riverview Manor Community Assn
 Round Bay Community Assn
 Rugby Hall Community Assn
 Saefern Saddle & Yacht Club
 Sevena Forest Community Assn
 Severn School
 Severn Town Club
 Sherwood Forest Club
 St. John's College
 Ward One Residents Assn
 Wardour Garden Club
 West Annapolis Civic Assn Inc
 Whitney's Landing Community Assn

Next Meeting: The Board of Directors will meet at 7 p.m. Tuesday, Aug 20, in the Lobby Conference Room of the Department of Natural Resources, 580 Taylor Avenue, Annapolis. Duane Wilding will discuss the the ongoing Crownsville Stormwater Management Plan.

Nature hike: The August nature hike will take place from 9 a.m. to noon on Saturday, Aug. 17. We will visit Cowhide Branch, one of the feeder streams to Weems Creek. This is currently the site of the extension of Medical Parkway from Jennifer Road to Bestgate Road, and the environmental impact of the stream crossing has been of great concern. Park at Scott's Crossing housing development, off Severn Grove Road. Meet at the construction trailer. ADC mapbook page 20 D-7. Call Stevie Wilding for information: 410-923-3074.

A Modest Proposal

by Steve Carr

I saw an old friend the other day, who moved away from Annapolis quite a few years ago. He asked, "Do they still shoot off fireworks at the Navy Stadium?"

I chuckled and said, "Man, you've been gone a long time, old buddy. They stopped using the stadium for the fireworks show many, many years ago."

"How come?" he asked.

I had to think about that one for a while. "I'm not sure," was all I could finally come up with.

"So where do they shoot them off now?" asked my friend.

"Out in the harbor on a couple of big barges," I replied.

Gus nodded with a smile. "That sounds pretty cool."

"Yeah it is," I agreed. Which, in turn, got me thinking...

What is the connection between the Bay, specifically the *water*, and shooting off fireworks? Why does every little town along the Bay stage their fireworks show from out in their harbors? Solomons, Galesville, Sherwood Forest, Baltimore, and Annapolis immediately spring to mind as towns that do "The Works" on the water, rather than on land.

I guess it makes a certain amount of sense if you think about it. There's less chance for a fire. It's not as hot out there on the water. More people can attend by land and by sea. It means less traffic in town. You don't need to have all the trappings that come with a stadium event: vendors, security, parking attendants. And it's free.

But there's more to it than that. There's something innately magical about shooting fireworks off over the water. When the pyrotechnics explode, they light up not only the sky, but also the water and all the boats at

continued on page 4

Mind Over Matter

by Margie Whilden

Not many people other than watermen may recall the significance of 1994. It was the year a limit was placed on the Maryland commercial fishery. It was the year of sweeping changes in fishing licenses and, with the endorsement of the commercial fishing industry, the establishment of a fixed number of watermen who would be allowed access to the resources.

Land planners and wildlife biologists call this "carrying capacity," and all good resource managers are taught to strive for this balance. All habitats and species have an ideal carrying capacity, which is projected by population models, biological conditions, and social tolerance levels. The 1985 Critical Area Law was based on a similar optimum capacity doctrine, as is the more recent Total Maximum Daily Load standard for sewage.

In 1994, it was decided that Maryland had reached its carrying capacity for watermen. The Maryland tidewater had all the harvesters of our marine resources as it could tolerate and a limited entry was adopted. There was too much competition for a limited space, habitat and resource, and the watermen comprised a competitor that can be managed. In the big picture, they don't even make up a percentage point in the population, but they seem to be a large competitor because they appear to take a lot of fish, crabs and oysters, relative to the rest of Maryland citizens.

In fact, all of us are taking or competing for the same limited resource in some way or another. It's just not as obvious or as manageable. Unlike the watermen, no other competitor for these resources has been hit with such a direct limitation. In fact,

other competitors have increased, with the consent of local land use managers. This competition is legally permitted and apparently encouraged. The space is the same, the habitat is dwindling, but no restraints are placed on the other competitors.

continued on page 4

Inside:

Presidents Message	2
News & Updates	2
Minutes	2
Grants	7
Cuyoga Farms Pump Station .	7
Weems Creek Violations	7

President's Corner

Kevin Smith, who spoke on ALiving Shorelines@ at July's meeting (see Minutes elsewhere in this newsletter), gave a wonderful presentation and prompted a lively discussion. Hardening of shorelines is a very serious problem and I hope SRA can promote education programs for waterfront owners on the use of Asoft@ options and to push for legislative actions.

On this topic, the Arlington Echo Outdoor Center was in the news recently, announcing their project to restore 250 feet of bulkhead with natural marsh wetland.

This month's article by Margie Whilden gives a profound and enlightening perspective on private property rights, resource protection, and the complexity of managing such competing interests. In fact, after reading her article, I am still processing the message. It is obvious she has strong feelings and a deep understanding of the issues involved with protecting the Severn River and Chesapeake Bay.

On a lighter note, and reminding us how wonderful it is to live near the Severn, is Steve Carr's article on the annual Annapolis' fireworks display. After reading his essay, I am sure you won't miss next year's event, but you may contemplate his tax proposal.

The sediment discharge observed in the Severn Run was brought up again at the July meeting. The extent of the problem, even after a light rain, is very disheartening.

The Severn River Log is published monthly by The Severn River Association, Inc. The Association welcomes articles and letters-to-the editor which do not represent official positions of the Association unless otherwise noted. The **September issue deadline is August 26th**. Articles, letters and photos for publication should be mailed to:

Newsletter Editor
Severn River Association, Inc.
P.O. Box 146
Annapolis, Maryland 21404-0146

E-Mail and downloadable files may be sent to: sra@toad.net

Staff:

Editor *Steve McKerrow*
Layout *Jim Martin*
Contributors *Steve Carr,*
Margie Whilden
Printer Free State Press, Inc.

Thanks to Keith Underwood for reporting on this. He even showed a map downloaded from *Map Quest* that showed the sediment plume! We want to organize volunteers to go out during or after storms to determine the source(s) of the sediments. Please volunteer, we could use your help. And yes, this is why we need a River Watcher.

This week's trivia: DNR Fisheries Biologist, Marek Topolski reports that commercial fishing in the Severn River was abolished in 1929. Anybody remember why?

--Duane Wilding, President

News & Updates: July SRA Hike Visits Severn Run

by *Stevie Wilding*

A few dedicated SRA souls came out for the July hike in the Severn Run Natural Environmental Area that connects with Arden-on-the-Severn, Section 5. Thanks to Julie Harding, Audrey, Duane, and Eileen O'Brien for enjoying this beautiful Saturday morning together.

Our hike leader, Eileen was enthusiastic, and sure does know her plants! For the umpteenth time (for me, who needs repeated lessons) she explained that we do not have poplar trees, they are tulip trees. Their leaves look like a tulip and they are from the magnolia family. Their flowers are very magnolia-like and a favorite for bees in the spring. These trees grow so straight and tall and were popular for sail masts.

The wood is actually hard and strong, unlike a true poplar. When Eileen was little, they grew around her and she remembers finding leaves that were larger than her head. You can tell Eileen has a special relationship with this tree.

I noted that when the branches fall off, they are strong and usually take a long time to decay, in contrast to the oak ? when their branches fall they are already weak with decay. Another property of the tulip tree is that the bark is fibrous and can be used for cordage making. I made a small piece of cordage while we walked.

We did find an unknown plant that was in bloom on the path. The closest thing I could find in my Newcomb's Wildflower Guide was the water horehound (*Lycopus Americanus*).

Our walk was leisurely, with no rush. We turned over several logs in search of amphibians or reptiles. Nothing was found in the forest, which was dry and thirsty for some rain. The clethra (sweet pepper bush) was in bloom and we were thrilled to walk next to it and smell it's perfume. There were swamp magnolias, wild azaleas, high bush blueberries and a one huge river birch in the low land along with many varieties of ferns.

On our way back we saw a large stand of ADevil's walking stick@ all in bloom. The fruit will supply the birds with food for the fall and winter. On our way out, we picked up the trash and left the area in better shape than when we came.

This hike was very educational and sorry you missed it. But there is always next time.

Minutes

President Duane Wilding called the July 16 meeting of the Severn River Association to order at 7:09 p.m., and immediately introduced our guest speaker for the evening. Kevin Smith is chief of the Department of Natural Resources' Riparian and Wetland Restoration Section, and has been a biologist with DNR for 17 years. He was ably assisted by Mitch Keiler, project manager for watershed restoration, in a slide presentation called ALiving Shorelines@.

Kevin explained this is a term coined by the Upper Eastern Shore Tributary Team, which is working near the Chester River. They were kicking around various names for the more modern and desirable techniques.

As a state we've come a long way in terms of shoreline control,@ said Kevin, citing pioneers such as Ed Garbish and his group, Environmental Concern, who did marsh-grass planting projects in relatively quiet coves, meandering river-bends, etc. But after a number of these projects were done, the science of protecting shorelines with higher-energy-level waves and currents did not seem to advance and things stagnated. The non-structural projects were limited / restricted to low-energy environments.

Great loss was the disappearance of the grant program that gave incentive to property owners. Participation in such programs dropped by one-half.

Kevin noted some earlier publications urged the use of Astacked tire bulkheads@ and other outdated hardening techniques, and asked us to compare these antiquated strategies to the more recent publication AHow to Control Shore Erosion@ dated Jan. 2000. This document also sets up a framework for counties and other government groups to set standards, policies and practices.

One example of poor practice is just south of St. Mary's City on the St Mary's River, where a landowner proposed to construct a stone sill about five feet high, filled with sand behind and planted with grasses. Kevin called it Athe worst project I've ever seen,@ and noted that there was no evidence of erosion to begin with. In fact, 400 years of documented history shows that

during this very long period of time, the shoreline may have lost only 50 feet. The project was built and extends 3,000 feet, but the sand and plants are inaccessible to turtles, young fish and crabs, etc. He suggests that *every* agency is at fault.

Kevin continued with innumerable interjections from various members, so that we had an exceptionally interactive presentation. In summary, it was estimated that 75 percent of the Severn River has been hardened. We have blocked the land and water from each other and the biologically-vital transition zone is missing. These are the places where juvenile fish feed, grow, hide from predators, and soft crabs shed their shells, and innumerable creatures lay eggs.

However, the problem of ravaged shorelines is not restricted to the Severn. Kevin noted that anyone flying over the Bay will be amazed at the alteration of the natural shorelines on the Eastern Shore. There the rivers are wide, winding, and comparatively slow moving, with very few, if any cliffs. Therefore, erosion is very slight. Yet shoreline protection projects are rampant.

One slide showed a location just over the Kent Narrows east, where a stone sill was built on a low-energy, erosion-less beach. Why did owner do this? Should owners be allowed to do this?

Their next slide showed the Tucker Street boat ramp on Weems Creek, and the rock sill constructed about a year ago just below the ramp. The area behind the stone was planted with *Spartina alterniflora*, also called cord grass closer to the water, and *Spartina patens*, also called saltmarsh hay. But how can critters get into and out of - this marsh? And if they do get in when the water is high, when the water goes out they will be stranded to die.)

Additional slides showed a Navy project near the Severn River B ridge, College Creek, and Marshy Hope Creek on the Eastern Shore

Kevin said we need to remember that erosion is not necessarily a bad thing. Shorelines are so dynamic and when humans interfere with these processes, we create problems. Regulatory agencies need to examine impacts of proposed projects on creatures in the area, including oyster beds, nursery grounds, nesting areas, etc.

A member suggested that we should recognize Dr. Smith (a dentist) who is the only one who has not stone-revetted his property for his environmental sensitivity and his preservation of the natural shoreline.

Another responded that in Ocean City one owner wanted *no* bulkhead, but the city made him build one.

Kevin wanted us to be aware there are other, different, ways to protect shorelines. He illustrated with a slide from Smith Island, where old engine blocks, oil tanks, and similar materials occupy the shore. John Flood made the observation that this is part of the Smith Island Rusty charm.

One slide showed a natural tidal shoreline system, where plants and fallen trees create rich habitat. Every fisherman knows to look for such structure to find fish, Kevin said. It is part of the natural process to have trees fall in the water. This sort of natural shoreline filled with all kinds of living creatures is our goal.

Kevin showed an example of a successful shoreline restoration, done by Keith Underwood in Crab Alley Bay, which relocated rock from a stone sill farther offshore to create small islands planted with spartina. The homeowner is now pleased that he can walk to the water, and turtles next on his beach, and he can putt around in his small boat.

Additional slides showed other soft approaches to controlling shoreline erosion, including so-called Abio logs, such as used all along College Creek at St. John's College.

Jim Sullivan: How long do biologs last?

Kevin: In a freshwater system, five to seven years. In salt water, I'm not sure.

Jim: For homeowners we need to develop a system. Personally, I would like a system that would last 20 to 30 years.

Kevin: In Maryland there is a law that the property owner has a right to protect his property from erosion and the regulatory agency ought to check to ensure that there is an erosion problem before any permits are granted.

Jim Martin: Why not tell the property owners that they have to pay rent for the waters they fill in? The majority of people in the state do not have waterfront property. They are not happy with the channel-ward movement from the addition of rocks and sills, etc. by the waterfront property owners.

Member: Isn't the 1972 shoreline recognized as the reclamation line.

Mitch: The Board of Public Works does not recognize that rule anymore.

Jim Sullivan: The SRA has received a grant to do shoreline restoration. Some people are willing to push the envelope.

Among more slides, Kevin illustrated that a project on the Shore obtained material from the destruction of Baltimore's Memorial Stadium to build an oyster bar.

Kevin posed the question: What needs to happen to increase the popularity and use of living Shorelines? And he provided three answers:

1. We need to change the law about what people have a right to do.

2. The regulatory agencies should not rubberstamp permit applications.

3. We need to find a way to inform the property owners of the alternatives. Currently what happens is a homeowner calls a contractor, who sells them the job, such as a typical stone sill, and the contractor goes to get the permit application without the homeowner, who never realizes there are other alternatives.

Mitch noted that citizens in the Chester River share the SRA concerns, because many people are coming from the greater metropolitan D.C. areas, such as McClean, Potomac, etc., and think that their beaches should have a Look@.

Keith Underwood: Is there anything our group can do to help you do what you're doing?

Kevin: As long as the law stands that the property owners have the right to protect against erosion, we will have a problem.

Mitch: Inside DNR we are preparing a small tri-fold flier to target counties and people involved in realty to get the word to the waterfront property owners, the regulators, etc.

Margie Whilden: Like anti-smoking efforts, where bans spurred action, can this approach be adopted?

Jim Sullivan: On a national basis, lawsuits have been most influential.

Jim Martin: We need to appeal decisions.

Further discussion involved using the restrictions for critical areas, and suggested Anne Arundel County could lead the state out of this mess, with intelligent and committed county employees who are very capable.

Mitch: You may want to contact Wayne Bell, director of environmental studies at Washington College. On Sept 13 they are putting on a presentation about shoreline protection. SRA could do something similar.

Jim Martin: The Legislature is going to be needing funds during the next session, so the idea of charging rent for these filled-in areas may have a lot more appeal than it had in the past.

Member: Yes, while Anne Arundel County has a lot of affluent and politically influential waterfront property owners, state-wide there are a lot more people who are not waterfront owners. Yet they subsidize the waterfront owners. Jim's rent idea might be more politically attractive than we might expect from our parochial vantage point.

Duane: To summarize, it seems we need to seek changes in the statute to remove the property owner's right to protect his shoreline from erosion, to require he

A Modest Proposal continued from page one

anchor nearby. It's like a painting suddenly comes to life in moonlit wonder, as silhouettes are repeatedly caught in a strange, freeze-frame exposure. The silvery light switches on like magic, bathing the harbor in an incandescent glow that brightens in intensity as each firework detonates into multiple patterns and colors.

My house sits up on a high cliff above the Severn, and this year I found myself watching the reflective interplay of light upon the water more than the aerial show. Like a snapshot, the boats and the people standing on the surrounding docks blinked eerily into view for a few brief seconds, only to fade into darkness as if they had been a mirage.

I don't know who came up with the idea of combining water and fireworks, but whoever did deserves our hearty thanks. It's a real winner.

The July 4 fireworks show in Annapolis Harbor draws hundreds of boats, boats of all shapes and sizes. It's funny to watch it all come together.

The skyrockets are delivered to the Naval Academy seawall in yellow rental vans a few days before the show. They appear with little fanfare but much security, especially after 9/11. The two fireworks barges arrive soon thereafter and the Italian blast masters begin carefully loading the floating platforms.

On the day of the big event another barge, this one with a giant crane, arrives from somewhere - probably Baltimore - and carefully tows the fireworks barges out into the middle of Annapolis Harbor, dodging rubbernecking boaters. Periodic explosions usually accompany this, as the pyros test their handiwork and serve notice to the town that something big is afoot. By noon the barges are anchored in the harbor and the water dance begins.

Boats, especially BIG boats, begin anchoring around the fireworks barges. As with any good show, the idea is to get as close to the action as possible. I always find this a bit amusing, because being *close* to something that gets fired high into the sky is obviously a relative concept when viewed from sea level. In addition, coming nine hours early so you can be right next to a barge laden with high explosives has always struck me as a bit loony. And if that's not crazy enough, there's all that burning debris falling onto your boat. I am amazed

each and every year when a boat doesn't catch fire. There seems to be a constant drizzle of burning debris raining down during the show and yet nothing ever goes up in flames.

I don't want to think about it.

Nope, what I want to remember are all of the other things that make a Chesapeake Bay Independence Day such a joyous occasion.

There are the goofy little parades - in Severna Park, Galesville, and Annapolis - where small, bayside communities let their imaginations run wild, decorating dogs, and bicycles, and almost anything imaginable, so they can stroll down Main Street and express their inherent silliness, while celebrating the freedom we all hold so dear. And while little towns all over America are strutting their patriotic style with similar abandon, only along the Bay will you find people dressed up like dancing Diamond-back terrapins and pickup truck floats adorned with crab pots and Chessie the sea monster.

And then there is that unmistakable smell of backyard barbecues working overtime to cook all those hotdogs and hamburgers, along with fresh corn from the Eastern Shore. But from Dundalk to Lusby, the familiar sound of wooden mallets breaking open crabs claws also accompanies the holiday grilling frenzy. Around here, the 4th of July is the most popular day of the year to eat steamed crabs and many families spend the hours leading up to the fireworks sitting at newspaper-covered picnic tables, eating blue crabs and partying with friends.

And then there are the boats. If you own a boat, you are out on the Bay for the nation's birthday. Starting at dawn, the water games begin, culminating at the end of the day, when all the boats converge on such places as Annapolis Harbor or Kent Narrows to settle in for the fireworks show. And what's really comical is when the fireworks are over, nearly every boat quickly pulls anchor and heads off into the starry night - the last parade of the day. It looks like a Beltway traffic jam at evening rush hour, except, of course, the drivers somehow manage to avoid running into one another. By midnight, the boats are all home, tucked safely into their docks, and the Bay is once again at peace.

You know, it's funny. You would think that doing and seeing the same things year

in and year out on July 4 would grow boring or tiresome. But just the opposite is true. The rituals and tradition seem to fan a patriotic flame that is eternal. Young and old delight together in the warm glow of family and country.

What is it then that makes the 4th of July so special?

Well, it seems pretty obvious to me: it's the only holiday we celebrate with *FIREWORKS*. And everybody loves to see colors exploding brightly in the sky. I think it brings out some primeval pleasure that rests deeply inside each and everyone of us.

The Asians figured this out long ago, and were nice enough to share their fireworks with us. That's why Japanese cities not much bigger than Annapolis have extravagant fireworks celebrations. And everybody in town, not just the government, helps pay for the skyrockets. They compete against other nearby towns to see who can put on the best show. In Asia, fireworks are big business. Towns spend millions of dollars putting on a fireworks show. And they don't need a national holiday to justify the expense.

Annapolis has had to go hat-in-hand these last few years to put on its fireworks display. The cost is somewhere around \$20,000, and several local businesses have generously stepped in at the last minute to make sure we could afford the holiday light show.

This is crazy. It shows how incredibly out of whack our priorities are. In fact, I would not only suggest that the 4th of July fireworks show is one of the most appreciated things that local government does over the course of any given year, but also that it is vital to our spirit and survival.

And so, I propose a Fireworks Tax be imposed on all citizens of the Annapolis area, everyone with a zip code that begins with the numbers 214, a head tax of sorts for children and adults alike. I'm thinking \$1 per person. This way, we can be sure that as nighttime descends every future July 4 will be greeted by the sounds and sights of splendiferous fireworks.

In the fractured words of our Founding Fathers, each of us, as American citizens, has the inalienable right to "life, liberty and the pursuit of fireworks."

BOOM!!!

Mind Over Matter *continued from page one*

Who are they? If you work on the water for six days a week you know you are not seeing more workboats. You are seeing more pleasure boats, more powerful, gas powered leisure craft, the SUVs of the water. Unlike cars, for which new roads can be built to alleviate congestion, we cannot build new waterways, so we compete for the same limited space.

If you are out there six days a week, you also notice the shorelines are dotted with new homes. The Critical Area Law were intended to address this encroachment, but shoreline development and alteration continues. One explanation may be that at the time of the 1985 legislation, much of the shoreline was already plotted into existing lots, to which the Critical Area Law does not apply.

Furthermore, the Critical Area Law allowed for an additional tolerance level of development, which differs from county to county. This tolerance level allows for expansions of existing water dependent facilities, such as marinas, which by their very nature require the public trust to yield to private ventures. These facilities pay a relatively hefty tax fee, which is not mandated to compensating that which is lost to this now private use of the public trust.

Further evident, and not sufficiently examined by zoning laws, is re-development. Where once modest older homes existed with minimal impact on the shorelines, mansions are now perched, producing far greater impact and habitat destruction. Think about it: If you spent a million dollars for a waterfront lot, wouldn't you try to get every square inch out of it and more?

In some situations, that is precisely what is happening and this is the real point. These properties are beginning to creep out into the public domain under the disguise of private riparian property rights, or the minimum necessary to mitigate shore erosion, maintenance of water dependent facilities, repair to existing shore erosion measures, or marsh creation. Private property is advancing out onto the submerged bottomland *beyond* the tide line that, theoretically and in statute, belongs to us all. It is the modern day Tragedy of the Commons: the Tragedy of the Bottoms.

There is supposed to be something more urgent, much bigger than our own particular property rights, fishing endeavor, livelihood, or hobby. There is democracy and a goal for a restored Chesapeake Bay.

Sadly, good economic times for most in Maryland have signaled a downturn for

those depending on the natural resources for traditional income, avocation, or enjoyment. Among the original goals of the unified Bay clean up effort, which got underway in 1985, was restoration of species abundance, diversity and natural beauty. In a recent forum including a Congressman, a State cabinet level appointee, and the judge overseeing the Critical Area Law, the consensus was that things may not be getting better, the water is not getting any clearer, fisheries are not more abundant, and the impact to the habitat is not static.

The Congressman pointed out that \$60 million dollars are spent annually on the Chesapeake Bay, most of which goes to research. So it's not for lack of trying. However, in our system we do not have the luxury of decisions backed by sound science, and therein lies the need to elect representatives who are in step with society, not necessarily with science.

Government must react to the demands of society within the framework of a constitution, good sense, changing conditions and diverging perceptions. Science often takes too long to produce defensible, applicable data. We must address this encroachment onto the public trust and the continued degradation of the water's edge. Somehow, in the maze of private property rights and careful negotiations to preserve these rights, as well as our natural heritage, we have lost sight of that vital public good, the public trust, the republic for which we stand and sometimes die.

Science is not essential to confirm that which is self-evident. In the Severn River alone we have lost more than 75% of the natural edge. The shorelines are under siege. Many of our shorelines are no longer natural, productive or diverse, and some of us think these alterations qualify as unethical. A glaring example is the famous cliff of orange clay on Whitehall Bay, which once provided bearings for colonial mariners and navigators. This shoreline has been completely obliterated into a green lawn terminated by a rock face. To some, the destruction of that cliff face was comparable to what the Taliban did to the sacred Buddha temples of Bamiyan, which we all witnessed on videotape. But no one recorded the destruction of the Whitehall Bay cliff, which reflected like a beacon in the moonlight and was majestic at sunrise. Few but watermen and a handful of sailors noticed that a colonial vestige had been destroyed.

Does this really matter and if so, what are we going to do about it?

Maryland is a state with the largest and once most productive estuary, award winning environmental advances and reverence for our natural, historical and cultural heritage. Does it not seem odd that we should sacrifice this sacred estate, i.e. the waterfront, to private property rights, private enterprise, and ad hoc obliterations?

There is clear definition to the extent of private property rights, if the property in question is historic or otherwise significant. There is clear definition to the extent of private property rights, if the subject parcel joins a public piece of fast land property. Why then does it appear that private interests seem to be encroaching with little restriction on to submerged public land?

We need to start asking these questions if we are serious about riparian habitat protection, restoration, and the Chesapeake Bay. We have figured out ways to protect the shorelines from the ravages of nature and time, but can we protect the same vital habitats and historic landmarks from ourselves? Is the rest of society obligated to subsidize riparian alterations and habitat destruction by supporting the permit and inspection system that facilitates these activities?

More and more citizens are challenging these outmoded interpretations of private property rights and entitlements. These rights are colliding out of control with our environmental urgencies and quality of life. Contrary to convention, many of those challenging these heretofore-undisputed rights, are themselves owners of large parcels and are worried about the impacts of this increased competition for the limited resource. There is value in keeping certain things whole the way they are, the way they should be, the way we have come to know them.

However, we should know that not all traditions are worth saving and the difference between a good tradition and a bad tradition can be subjective. Apparently, by virtue of Maryland law, riparian owners have the traditional right to protect and in some cases reclaim that land which has been lost to erosion. However, new owners have not lost any land during their brief ownership, but somehow have the right to extend their reclamation efforts out 10 feet and in some cases 35 feet, beyond the reach of mean high tide, that is 35 feet on to public

Mind Over Matter

continued from page 5

property without compensation to the public trust.

Apparently, these new owners have the right, means and incentive to take submerged public land, not only from us, but all those species that depend on this natural transition zone and shallow water area. Piecemeal riparian alterations, such as piers, "marsh creation", rock sills, and slope modifications disrupt the natural processes and eventually will have a bearing on adjacent properties, either by accelerating erosion, increasing sedimentation, diverting wave energies and destroying adjacent natural wetlands and submerged vegetation beds.

All this encroachment or "taking" occurs with sanction from the federal and state laws. Yet these encroachments or facilitated adverse possessions offer no mitigating features to wildlife or habitat restoration, no compensation to the public. Natural submerged habitat is replaced with inert, non-native, thermal altering materials. Let us simply begin to question these traditional management statutes that could be considered obsolete, and were conceived to manage resource destruction, rather than resource restoration.

We have reached the biological, or more accurately, the social carrying capacity for watermen, a cultural icon in Maryland, and a few other species, such as black bears, deer and mute swans.

Might this signal a new ethic in resource use and allocation and greater regard for our natural treasures? When will we know we have reached the carrying capacity for other consumers of the resource, such as boats, piers, revetments, cars, effluent, people?

Let's begin at the water's edge. The traditional notion of private property rights must be challenged and re-evaluated in light of our current situation, else we resemble the Old English serfdoms where land barons or those with means to become land barons call the shots.

Competition for a finite resource must be managed further and the limits must be fairly distributed among all competitors, not simply those who, due to their minority, are easier to manage. While competition for the fish in the water has been limited to a fixed number of watermen; the competition, access, destruction, and adverse possession of fisheries habitat and the public trust marches on at an accelerated pace.

But, if you don't mind, it won't matter.

provide proof that there is erosion, to require that new homeowners of waterfront property be informed of their duty to provide stewardship for protecting the waters of the creeks, rivers and bay. [Duane subsequently said he would form a committee to examine these issues, initially including John Flood and Scott Hymes, as well as others who express interest.]

Member: We need to add the strategy of objecting to new permit applications when they are not needed or where the project is biologically destructive.

There was spirited interaction supporting these ideas in the audience.

Scott Hymes: The county is afraid of lawsuits from property owners. Perhaps we can become a force for the good, if the county begins to believe that we could and would file lawsuits.

Ratification of Executive Committee:

Duane formally asked for a vote to ratify the Executive Committee: Duane Wilding, Jim Sullivan, Bob vom Saal, Scott Hymes, Julie Johnson, Margie Whilden, and Sally Hornor. It was approved unanimously. Duane said the committee, Directors at Large, and past presidents will meet at 5:30 p.m. on the Monday of the week preceding the SRA Meeting.

Nature Walks:

Stevie Wilding, our new nature walk chair, reported that on June 28, an evening walk took place at Greenbury Point. She also distributed a flier with the announcements of the locations and leaders of the next walks. July 20 was a hike to the Indian Creek Branch in Crownsville, Arden on the Severn, with Eileen O'Brien; Aug. 17, in Cowhide Branch, and in September (most likely the 14th) a visit to Horizon Organic Dairy Farm.

Treasurer's Report:

Scott Hymes reported he is working to convert the SRA books to AQuickBooks.@ (Bob Clay used a home program.) Also he is working with an accountant to do our tax return. He and the review committee, Julie Harding, Jim Martin, etc., are working on reviewing our books to make sure everything is in order.

Old Business:

Duane invited reports from the community reps for news of issues, projects, concerns from their associations.

Scott Hymes, from Herald Harbor, reported that their newsletter is spreading the word that Sally Hornor's Operation Clearwater has been finding exceptionally high counts of the human waste indicator

bacterium, *Enterococcus*. They have asked residents to look for sources of this contamination. Also they have been trying to educate their members about the advantages of rain barrels, rain gardens, selecting front-loading washing machines (which save 25 gallons of water per load) and the need to replace failing septic systems. They are talking about water quality issues.

Charlotte Lubbert, also from Herald Harbor, asked, "How many sites are there for boats to pump out their heads?" and explained that she wondered if some of these high counts could be explained that way. Charlotte also asked if improved signage would inform some boaters and would result in less discharge of human waste from watercraft.

Several members explained that all boaters are informed of the requirements for pumping out waste, but that some boaters are just irresponsible, and others, too cheap.

Scott added that in Herald Harbor there is growing public opposition to the rash of building on small, in-fill lots, building new homes with sand filter-septic systems, when it is well-known that these sand-filters (and the shale-filters) fail as quickly as five years, as in one Herald Harbor home. There is wide-spread sentiment that this is over-development.

Scott added that a big block of land (95 acres) has been listed for sale. A 26-acre parcel of this is listed at \$1.5 million. The chorus replied, "Call Sandy-Parks Trusz at Severn River Land Trust (SRLT)@." A member suggested contacting certain County Council members, because there are certain lot fees, which, if spread out over 30 years can make a big project like this affordable. The residents of Bay Ridge have mortgaged themselves to pay off the large parcel of land along with the Bay Ridge Land Trust. You can try to couple this with open space money and forest conservation funds.

Stevie Wilding added that there is Greenspace money that is not being used. Another member added that the money for the bogs was lost because it wasn't used.

Member: The Critical Area Reforestation money allows a very small amount for land acquisition.

Steve McKerrow, from Admiral Heights reported: the Weems Creek Conservancy (WCC) is making new signage on every storm drain in the neighborhood, alerting residents that all drains lead to Chesapeake Bay. This project is being led in Admiral Heights by Corinne Reid-Miller.

Evan Belaga, president of the Weems Creek Conservancy, reported he had attended a meeting of the Severn River Commission (SRC) and Annapolis Environmental Commission (AEC), and suggested these

groups need input from SRA. He suggested our group could also benefit from a similar facilitated meeting.

After some discussion, Margie proposed, ALet's do it! We need our own facilitated meeting, and it would aid in the work on the SRA's business plan.@

Duane noted the Annapolis Environmental Commission (AEC) is meeting Sept. 4 in City Council chambers.

Fish and Wildlife Foundation Grant:

Jim Sullivan: We have been invited to an EPA meeting about Chesapeake Bay grants. We hope this means we are getting something from them. This is being held July 29 in Norfolk. Who can go?

Hidden Pond Grant:

Keith Underwood brought illustrations of the history of the Howards Branch project with before and after views. He reminded us of Billy Moulden's work in 1997 to restore Brewer Pond and to acquire the Green Cathedral. The next parcel to be restored is called AHidden Pond,@ (locally ATurtle Pond@ because there are a lot of different kinds of turtles there). Keith has identified five different species of turtles. Hidden Pond is a tidal pond and the project involves dredging out material similar to the Hartley shoreline project.

Keith explained that now there is \$100,000 in grants available from EPA, NOAA, and Fisheries to fund part of the \$300,000 to \$350,000 estimated costs for the entire project. Obviously, only part of the work can be completed, but better a half loaf than none. This has been the SRA's keystone project in restoration of shallow water habitat

Keith added we will be dredging phragmites, the rapid-growing, invasive, grass that excludes the native and biologically significant species.

David Taylor:

Jim Martin reported that at the County Council has been considering three 3 pieces of legislation relative to David Taylor.

He also cited these points:

- The legislation allows the David Taylor property to come into the County already subdivided without going through the sub-division process eliminating adequacy of facilities review;
- For several years the local residents have been told that only the County Executive was needed to finalize the agreement. After all of this time we learned the County Council needs to scrutinize the contract;
- We worry that increased traffic will be new, dramatic and adverse to the nature, character, and safety of this community.

The council will hold public hearings on the legislation in late July and August and adopt it in August.

Severn Run:

Keith Underwood asked members to recall the aerial photograph David Wallace took of a dramatic sediment plume in Severn Run. Keith brought a copy of a letter from Ginger Ellis, of the Lower Western Shore Tributary Team, to Chuck Fox, Secretary of DNR, reporting this sediment plume and asking him for his assistance. Members recommended that letters be sent to the other trib teams. Keith brought photos of the main stem of Severn Run at Rt.3 after a 0.1 inch gentle rainfall last week (July 9) showing heavy sediment discharge and contamination. Keith pointed out that if there is this much sediment in the Jabez Branch, the fish are probably dead.

A number of members volunteered to try to locate the source of this sediment during the next rain event.

New Business:

Oyster Reef in Whitehall Bay

Duane noted that the Whitehall Bay-Meredith Creek Association (Bob Poor and others) have objected to the oyster reef. Various members volunteered to will go so see the site by boat. We should try to arrange to go with people from CBF so they can show us what they are proposing, where, etc. The volunteers will seek to make arrangements for the boat(s).

Margie suggested we wait until Aug. 12 to schedule the boat trip.

Cuyoga Farms Pumping Station

Bob vom Saal reported that Paul Rauth, of Millersville, has requested SRA look into Anne Arundel County adding a sewer pumping station near his home because of development in the area. The property is located along the east side of New Cut Road, south of Pasture Brook Road in Severn. The exact address is 8147 New Cut Road in the Cayuga Farms subdivision and comprises 27.641 acres and is split zoned R-2 Residential and OS Open Space.

Mr. Rauth is concerned that construction of the facility and pipelines are too close to Pasture Brook, a feeder branch into Severn Run and the River. He is requesting that SRA look into this to insure protection of the stream. He has provided a copy of the Administrative Hearing's findings in case #2002-0098-S dated June 18, 2002.

Mr. Rauth also suggested that one possible source of sediment in Severn Run may be from the development in his neighborhood because the sediment control devices on construction sites in Dennis Pur-

chase have failed to keep large volumes of mud off the streets. He is concerned about the amount of waste this site is going to be handling. There will be the waste from properties that were on septic systems formerly (now to be on sewage) and the magnitude of the Dennis Purchase development.

Critical Areas Violation in Weems Creek

Jim Martin noted we received an email about a problem with a man who was cited for a Critical Areas violation in Weems Creek, who then threatened the woman who filed the complaint that he was going to cut down all of the trees between their properties.

John Flood reported that the South River Federation has been hot on this issue. He had a meeting with Ron Bowen and Bob Walker.

Drew Koslow (President of South River Federation) and John wrote a letter, emphasizing the need to focus on the contractors. John suggested we need to appoint some one to rep SRA on the committee.

John Flood also reminded us about the River keeper recently established on South River. A property owner can file her complaint with the River keeper, show him the violation etc., but he will protect her identity so that the violator does not have the opportunity to attempt to intimidate the whistleblower/ He said he has spoken to Senator Paul Sarbanes, who agreed that each river should have its own Riverkeeper.

Attendance:

Evan Belaga, Weems Creek
 Steve McKerrow, Admiral Heights
 John Flood, Board member
 Julie Harding, Palisades
 Scott Hymes, Treasurer
 Mitch Keiler, DNR, speaker
 Kery Kehoe, member
 Charlotte Lubbert, Herald Harbor
 Jim Martin, Past president
 Mike Maszczenki, member
 Julie Johnson, sec.
 Bob vom Saal, 2nd VP & Ben Oaks
 Kevin Smith, DNR, speaker
 Jim Sullivan, Burley Creek
 Keith Underwood, member
 Marguerite Whilden, Whitehall Bay
 Duane Wilding, Pres.
 Stevie Wilding, member

THE SEVERN RIVER ASSOCIATION, INC.
P.O. BOX 146
ANNAPOLIS, MD 21404



Non-Profit Org.
U. S. Postage
PAID
Permit No. 130
Annapolis, MD

CHANGE SERVICE REQUESTED

APRIL © 2002 THE STAR 7-23

