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Patuxent riverkeeper's shocking dismissal from a key Maryland commission heightens conflict over development versus water quality

By SCOTT DANCE

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The Patuxent River Commission's roots go back decades, to the genesis of the Chesapeake Bay cleanup movement, and its 34 members are appointed by the governor and confirmed by the state Senate. That gives heft to the advisory group's advocacy as steward of the longest river entirely within Maryland borders, though it has no actual powers — just “the power to persuade,” as one member put it.

So it came as a shock to members when the Maryland secretary of planning, whose department houses the commission, tried to tell members in 2018 that they didn't even have the authority to discuss new real estate developments within the Patuxent watershed, even though such projects greatly influence the river's health. The commissioners sought legal clarification, and were advised they could indeed carry on raising concerns.

But now, some members feel they've been muzzled again, and for good — recently informed that they were not reappointed to the commission, without explanation.



Fred Tutman, the Patuxent Riverkeeper, recently was not reappointed to the Patuxent River Commission, a state advisory panel. (By Tim Prudente, Capital Gazette)

That includes Fred Tutman, who has served on the panel for more than two decades and whose work as the Patuxent Riverkeeper, an independent role focused on conservation, is central to the commission's activity and mission. Tutman had been vocal about development concerns, and said he can't think of another reason he'd be dismissed from the commission.

"It says to commissioners, 'If you step out of line, you do so at your own peril,'" Tutman said.

State Planning Secretary Robert McCord said in a statement that the push to quell the commission's development discussions came out of concerns that the state body might overreach into what should be a matter for local governments to handle.

And he said Tutman was not reappointed out of a desire to replace him with "an active farmer with a new perspective." The commission is made up of local government officials, academics, conservationists, developers and farmers, and Tutman was serving in a seat designated for a farmer.

McCord declined to be interviewed but said the suggestion that the decision was retaliatory “is demonstrably false.”

“I wanted to have new perspectives added to the commission,” McCord said in an email.

Tutman said he found that explanation surprising and puzzling, given that he grows vegetables, works as a blacksmith and leases cropland on 200 acres near the Patuxent in Prince George’s County that has been his family’s home for a century. He became the Patuxent Riverkeeper in 2004, six years after his first appointment to the river commission.

“This is a reprisal,” he said.

Chris Perry, the commission’s vice chair, said he shares Tutman’s concerns. Perry said neither he nor commission chair Mike Leszcz, who could not be reached for comment, had been informed about the dismissal or given any explanation for it.

“It certainly doesn’t look good,” Perry said. “The perception is bad.”

The commission dates to 1985, created under state law amid concern that the northern portions of the river’s drainage basin in Howard County were sending pollution downriver into Southern Maryland. Its duties include oversight of river cleanup plans and the ability to “review and comment on plans and reports related to the Patuxent River and its watershed.”

Since the creation of the Patuxent Riverkeeper position, that work has included collaboration with Tutman and his organization on river health report cards, trash pickups, and the creation of a “water trail” for canoes and kayaks to tour the river.

Tutman said he worries that without a seat on the panel, it will become harder to collaborate with the commission — and, by extension, promote the health of

the 115-mile Patuxent. And he worries the group will be less receptive to that sort of outreach going forward.

Others dismissed from the board include Barbara Sollner-Webb, professor emerita of biological chemistry at the Johns Hopkins University; Al Tucker, a physicist and farmer; Andrew Der, an environmental consultant; and John McCoy, watershed manager for the Columbia Association. Members serve staggered four-year terms and are not paid for their work.

Sollner-Webb and Tucker said they were blindsided by the decisions not to reappoint them to the commission, though both recalled contentious confrontations with McCord over the discussions about development projects. In interviews, both raised concern about the independence of the commission and confirmed they had voted in favor of motions that discouraged development near the river.

Commission records show McCoy, on the other hand, voted in support of motions encouraging Howard County to extend a deadline for one controversial development project, the Erickson at Limestone Valley senior living complex in Clarksville. He could not be reached for comment.

New appointees to the commission include:

- Frank Allen, a farmer and president of the Leonardtown-based Patuxent Tidewater Land Trust;
- Margaret Everson, who served as acting director of both the National Park Service and National Fish and Wildlife Service under President Donald Trump;
- Morgan Hall Jr., a Defense Department scientist at Aberdeen Proving Ground who also serves on the board of the Maryland Environmental Service;

- Diep Nguyen-van Houtte, a finance executive who serves on the Patuxent land trust's board;
- Brian E. Riddle, president of Homestead Gardens, a garden supply store in Davidsonville, and serving in a seat designated for a farmer;
- Hiram L. Tanner Jr., a former manager for DC Water, recently named to the Maryland Environmental Service board and serving in a seat designated for a developer; and,
- John B. Tarr, chief engineer for the Prince George's County Soil Conservation District.

What is most frustrating to Tutman is that he said he had the river's interests at heart when he brought up concerns about development. Roofs and pavement increase runoff, which sends more sediment and pollutants into waterways. And it's not as if he or the commission had the power to do any more than highlight that concern to the broader community, he said. "If all we could do is talk about this stuff, why can't we at least do that?" Tutman asked. "What's the harm?"

McCord said he feared the discussions would "disrespect local planning and zoning authority without any specific legal authority to do so," and worried it could cause confusion if commission members appear in local zoning proceedings "and give the impression that they were representing the view of the PRC."

Still, Tutman's departure is stirring worries for some that the river's health will suffer as a result.

Chesapeake Biological Laboratory Director Tom Miller, who said he recently stepped down from the commission for unrelated reasons, called it "remarkable" that Tutman wasn't reappointed, especially given that the Patuxent is one of the Chesapeake Bay's largest tributaries and in the poorest health.

Sollner-Webb echoed that, in more dramatic terms: “That the Patuxent River Commission feels they have to get rid of the Patuxent Riverkeeper suggests their missions don’t really mesh anymore.”

Perry said Tutman and Sollner-Webb were “leaps and bounds the most active people that were on the commission,” helping set the body’s agenda and lead discussion. He said both “will be sorely missed.”

And, Perry added, that even without a seat on the commission, Tutman continues to show his value to the group and to the river. Just last week, Tutman sent an email to commissioners and Anne Arundel County leaders with evidence about an ongoing sewage leak into the river, Perry said. “I don’t think we can get another commissioner that would be that connected to the river,” Perry said, “so it’s a really huge loss to the Patuxent River Commission to not have Fred on it anymore.”