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CFC#: 31891

February 23, 2022

FAVORABLE – HB 0716: Environment and Transportation – Patuxent River Commission - Membership, with recommended amendment

Mr. Chairman and Members of the Committee,

We are writing in strong support of House Bill 716 on behalf of Waterkeepers Chesapeake, and the 54 organizations that signed the attached letter to the Patuxent River Commission demanding the reinstatement of the commissioners who were recently tossed off the Commission for their dedication to environmental protection. Waterkeepers Chesapeake is a coalition of seventeen Waterkeepers, Riverkeepers, and Coastkeepers working to make the waters of the Chesapeake and Coastal Bays swimmable and fishable. As we here at Waterkeepers work to protect and maintain the ability of the public to safely enjoy the waters of our State, we are also in support of ensuring that the Patuxent River Commission, Maryland's only River Commission, establish and adhere to criteria for appropriate appointments and to prevent conflicts of interest. The recent dismissal of the Patuxent Riverkeeper Fred Tutman, the commission's most outspoken advocate for the environment, is an egregious example of the consequences a lack of adherence to criteria can lead to. Fred Tutman had served on the commission since 1996 and became the founding Patuxent Riverkeeper in 2004, working on the very same river he was born and raised along. It is difficult to imagine anyone who has a greater vested interest in the health of the Patuxent River than Mr. Tutman, who has been an outspoken advocate for environmental justice and provide a voice for communities opposing development.

Waterkeepers Chesapeake supports House Bill 716 and its expressed goals, but would also recommend that the other members of the Commission who were removed for no cause also be reappointed to the commission. We understand that since Governor Hogan filled all vacancies after removing these

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commissioners, that doing so at this time would increase the number of members of the commission. Thus we request that these members be re-appointed as quickly as possible, with an additional recommendation that those who were improperly appointed step down and allow the wrong to be made right.

By preventing the unwarranted removal of future outspoken advocates for the environment, the commission will begin to once again show its priorities are with protecting communities and the environment, as opposed to developers. Therefore, we believe these requirements would properly be carried out under **House Bill 716 Program** in order to establish criteria to **ensure appropriate appointments and prevent conflict of interest, as well as requiring a permanent position on the Patuxent River Commission for the Patuxent Riverkeeper.**

For these reasons, we urge a favorable report on HB 716.

Betsy Nicholas
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Date: January 28, 2022

To: MD Secretary of Planning Robert S. McCord - robert.mccord@maryland.gov

CC: Governor Larry Hogan - Keiffer.Mitchell@maryland.gov
Sen Bill Ferguson - bill.ferguson@senate.state.md.us
Del. Adrienne A. Jones - adrienne.jones@house.state.md.us
Sec. Ben Grumbles - ben.grumbles@maryland.gov

Dear Secretary McCord:

The 52 undersigned organizations are writing to express our profound concern regarding your actions to dismiss Fred Tutman and others from the Patuxent River Commission, which we believe is outside of your jurisdiction. The justification you articulated to the Baltimore Sun—that Mr. Tutman in particular was not reappointed out of a desire to “have new perspectives added to the commission”—seems short-sighted at best, if not outright disingenuous. The Commission’s enabling legislation clearly states that new “citizen” appointees must be ratified by the Maryland Senate and appointed by Governor Hogan, **we are demanding that these leaders ensure his immediate reinstatement as part of the process.**

As you are well aware, Mr. Tutman has served on the commission since 1996, and it is difficult to imagine anyone who has a greater vested interest in the health of the Patuxent River. As the founding Patuxent Riverkeeper since 2004, his office is located in Upper Marlboro, where Mr. Tutman was born and raised, along the Patuxent, as were seven generations of his ancestors. He still lives on the farm where he grew up, where he grows vegetables, works as a blacksmith and leases cropland on 200 acres.

His perspectives are varied beyond that of a farmer and Prince George’s native son. Mr. Tutman was a broadcast journalist for 25 years before attending law school. Since founding Patuxent Riverkeeper, he has played a role in litigating 19 cases to protect the health of the river and the communities whose lives are intertwined with it. He is an outspoken advocate for environmental justice, and has provided a bullhorn to communities opposing development, particularly minority communities.

He helped these communities by fighting to block construction of a mega-development on watershed farmland, joining a community group’s civil rights complaint accusing the state of Maryland of approving a disproportionate number of power plants near a community where nearly three-quarters of the population is African-American, and, in a precedent-setting win, leading a legal challenge that

earned residents and organizations with aesthetic or recreational interest the legal standing to contest proposed development in Maryland.

“It was Fred who opened our eyes to pollution and environmental issues in general,” says former Eagle Harbor Mayor James Crudup.

It is also documented that you have pushed to quell the Commission’s development discussions, which Mr. Tutman has been at the center of, claiming it was beyond the scope of the Commission’s work. Yet the Commission has been addressing land use issues since it was created in 1980, according to former Secretary of Planning Richard Eberhart Hall.

In our opinion, the Patuxent River Commission simply cannot fulfill its mission without the Riverkeeper’s involvement. Your actions have caused the Commission to lose its credibility in the community and you have fractured what had evolved into a hand-in-glove beneficial relationship between private and public conservation on the Patuxent River. If, as you claim, Fred’s ouster from the Commission is not a reaction to his role as a fierce and unapologetic advocate for environmental justice, then your misguided dismissal of Mr. Tutman should be corrected, and you should advocate with the Commission, the Maryland Senate, and Governor Hogan to make that happen immediately.

We look forward to your response. You can contact me at the address above.

Sincerely,

Betsy Nicholas
Executive Director
Waterkeepers Chesapeake
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Action Information
Anacostia Riverkeeper
Arundel Rivers
Assateague Coastal Trust
Audubon Naturalist Society
Beaverdam Creek Watershed Watch Group
Blue Water Baltimore
Chapman Forest Foundation
Chesapeake Climate Action Network
Chesapeake Foundation
Chesapeake Legal Alliance

Clean Water Action
Ecorizons Conservation Consulting
Edgesville Farm
Environmental Integrity Project
Food & Water Watch
Frack-Free Frostburg
Friends of Sligo Creek
Friends of Swann Park
Friends of Ten Mile Creek & Little Seneca Reservoir
Friends of the Nanticoke River
Greenbelt Access Television
Greenbelt Climate Action Network
Gunpowder RIVERKEEPER
HoCo Climate Action
Interfaith Partners for the Chesapeake
Lower Susquehanna Riverkeeper Association
Maryland Pesticide Education Network
Maryland Conservation Council
Mattawoman Watershed Society
MD Campaign for Environmental Human Rights
Middle Susquehanna Riverkeeper Association
Minorities In Aquaculture
Montgomery Countryside Alliance
Mountain Maryland Movement
Namati
Potomac Conservancy
Potomac Riverkeeper Network
Prince George's County Sierra Club
Protect Our Stream Long Reach
Proud Union Retirees of Western Maryland
Safe Skies Maryland
SAVE BARC-STOP the BEP
Shenandoah Riverkeeper
ShoreRivers
Southern Maryland Audubon Society
SouthWings
St. Mary's River Watershed Association
Upper Potomac Riverkeeper
Waterkeeper Alliance

Wicomico Environmental Trust

