

Fred Tutman

A Different Kind of Riverkeeper

by Captain Art Pine

By his own admission, Fred Tutman is not your typical Chesapeake Bay Riverkeeper.

Some of the Bay's 18 Riverkeepers seek to improve the quality of the waterways they oversee by taking frequent water samples to analyze. Others carry out extensive public education programs. A few plant and nurture oyster larvae, hoping to raise shell-bearing bivalves that eventually will mature and help filter out water-harming excess oxygen.

But Tutman likes to focus his efforts directly on the companies he believes are polluting the river. First, he visits corporate executives to talk about how their firms are hurting the Patuxent. If that doesn't convince them to change, he knocks on the doors of federal and state regulatory agencies. If necessary, he eventually takes his cases to the courts.

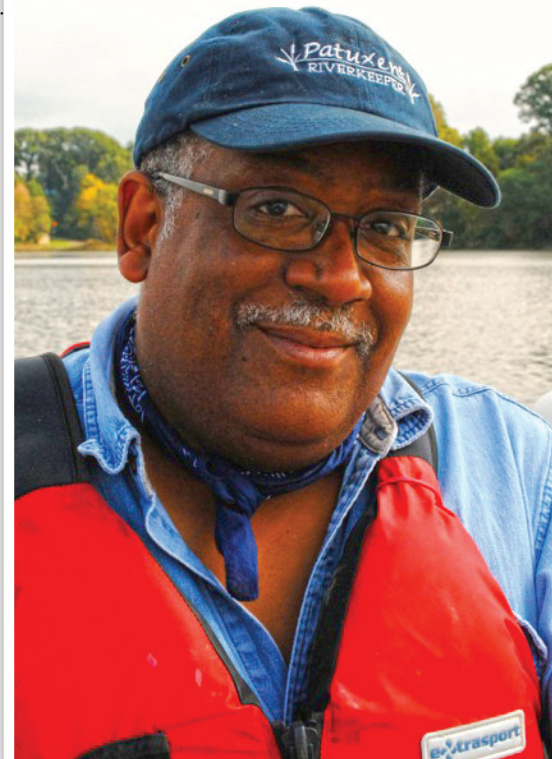
Over the decade-plus that he's been on the job, Tutman has been instrumental in filing some 11 lawsuits to force corporations and governmental agencies to obey (or enforce) federal

and state environmental statutes and has prodded dozens more by cajoling or embarrassing them. "I'm an adversary," he says. "I'm for lowering the boom."

At first blush, Tutman, now 56, doesn't look very tough. At five feet, 11 inches and 240 pounds, he's not exactly pro-football material. Introduce yourself and you get a wide smile, an old-friend demeanor, and a quiet-spoken, articulate way of talking that makes you think you've bumped into a man who's used to dealing with the public and is comfortable with his job.

If you thought that, you'd be right. Although Tutman grew up near the shores of the Patuxent, he picked up his people skills (and left behind any trace of a local accent) during a 25-year career as a contract journalist, working at various times as a writer and producer for major U.S. and foreign networks and traveling extensively over the United States and abroad. Between jobs, he worked as an environmental activist on the Patuxent.

When he was 40, Tutman left radio and television for good, capping an



M.A. he'd earned earlier at Beacon College in Boston, MA, and enrolled in law school. But when he was four classes shy of a law degree, his father suffered a stroke. Tutman dropped out to run his dad's 20-person information technology business.

In 2004, Tutman founded Patuxent Riverkeeper, a non-profit advocacy group dedicated to protecting and restoring clean water in this 110-mile Bay tributary. The Patuxent is the longest and deepest intrastate river in Maryland, stretching over seven counties, from wetland marshes to a depth of more than 180 feet. Tutman acts as chief executive officer.

Tutman uses his law-school training on the job. "We patrol the river, investigate and resolve water quality and pollution complaints, launch and manage restoration projects, raise awareness about the river and its problems, and work toward better enforcement of current laws and better laws to protect the river," Tutman says on the Patuxent Riverkeeper website.

His model, he says, "stresses grassroots engagement, a willingness to challenge the status quo, confront polluters, and where necessary, sue them,



and pursue an uncompromising vision of clean water.”

The aggressive stance isn’t the only thing that’s different about Tutman’s approach. He also publicly criticizes mainstream environmental groups, such as the Chesapeake Bay Foundation, for drawing their money and board members from “some of the same corporations that are polluting the water” by dumping toxic chemicals into it. “The [Save-the-] Bay movement has failed,” Tutman mutters disparagingly. “The water quality hasn’t improved despite all they’ve done to try to clean it up.”

Unlike many environmentalists, he has little taste for what he calls bigger-government solutions to environmental problems, such as large federal and state subsidies or Maryland’s so-called “rain-tax,” a levy on property containing impervious patios and driveways that might create drainage problems in the Chesapeake Bay watershed.

Instead of such programs, Tutman argues, what’s needed is simply to enforce current environmental laws, and that will do the job more cheaply and effectively. “I don’t think the tree-huggers have it right all the time,” he says.

Finally, Tutman’s notion of drumming up political support for his pollution-cleanup efforts is to convince local residents along the Patuxent — ordinary people — how the environmental damage is actually hurting their own lives and property, and then recruit their support to help prod companies, regulators, and courts to crack down on violators.

There’s one other thing: Tutman is also the only African-American riverkeeper in Maryland — and, indeed, in the U.S. — a factor that he insists hasn’t met with the sort of resistance that urbanites might have expected in

the conservative, mostly-white sections of the lower Patuxent. He says the only time race has come up has been among other African-Americans, where community builders occasionally have challenged him with questions such as, “How much is whitey paying you to ruin my construction?” His solution: to show how environmental damage hurts African-American residents as well.

Patuxent Riverkeeper’s headquarters is in a two-story white frame house, overlooking the river, of course, in tiny Nottingham, MD. Tutman has a three-person staff, a 24-foot Grady-White

and appeared at an evening hearing in Deale to testify on renewal of an industrial permit.

Tutman spent the rest of the week patrolling a portion of the Patuxent to look for pollution problems such as pipe-discharges and to chat with local residents, catching up on paperwork, and meeting (in Annapolis) with other Riverkeepers to discuss overall strategy and nutrient management problems.

The jury’s still out on how effectively Tutman’s boom-lowering approach has been. By his own reckoning, legal actions by his Patuxent Riverkeeper organization

have led to almost \$400 million in court fines, reparations, and remediation monies from polluters during the past 11 years and spurred state agencies to force corporate violators to obey the law.

At the same time, more than three-quarters of the total emerged from a single 2005 case against the Washington Suburban Sanitary Commission. That case ended in a \$300 million consent decree requiring the utility to repair and

replace its antique infrastructure, which had led to significant sewage spills. Some of the other cases are still pending, or are in limbo.

Nevertheless, Tutman is convinced he’s on the right path and on the right river. “I’m out on the water two or three times a week,” he says, “usually for a couple of hours at a time.” And, he points out wryly, “my perspective has changed” since his days in TV newsgathering. “These days, I’m more inclined to wear flip-flops,” he says. Just not in court. ■



powerboat, a jon-boat, six canoes, and 20 kayaks. He rents out the canoes and kayaks to help raise money for his operations.

With a grown-up daughter and a girlfriend (also a Riverkeeper) who lives in North Carolina, Tutman keeps a busy, but unconventional, schedule. In a recent week, he spent Monday participating in a mock trial (via Skype) intended to prepare litigants for a court-case against a local coal-burning power plant. On Tuesday, he visited a commercial developer to advise him on how to make his plan for a new government complex more ecology-friendly, had lunch with a University of Maryland Bay policy expert, attended a meeting of senior Bay policymakers and scientists in Annapolis,

About the author: Art Pine is a Coast-Guard-licensed captain and a longtime powerboater and sailor on the Chesapeake Bay.