

September 20, 2016

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RE: Request that Magothy River Association No Longer Participate in deliberations of Watershed Protection Workgroup

To Whom It May Concern:

On August 24, 2016 County Attorney Nancy Duden wrote to Magothy River Association (MRA) president Paul Spadaro requesting that he and all other MRA members take a “leave of absence” from the Watershed Protection Workgroup convened earlier this year to study and evaluate watershed issues in Anne Arundel County. Ms. Duden requested that MRA no longer participate in the Workgroup’s deliberations because the County believes that MRA’s appeal of the County’s approvals for the Cattail Commons project generates a conflict of interest which would “curtail the free flow of discussion in the Work Group”. Presumably, this means that the County would curtail its own free flow of discussion, as MRA appears as ready as ever to discuss anything related to the deliberations of the Workgroup.¹ Subsequent articles in the Capital have quoted County Executive spokesman Owen McEvoy’s defense of this decision as “common, standard legal practice” and that “[w]hen you’re in litigation with an entity (you) leave the communication up to the attorneys.”²

It is unclear what about this decision represents “common, standard legal practice.” It would be interesting to see examples of prior informal stakeholder advisory groups with representation from multiple government agencies being formed on the recommendation of a non-profit which is subsequently ejected from that group due to its appeal of a development approval. No citation to any statute, regulation, ordinance, rule or professional conduct, etc., was made to explain the basis of this “common, standard legal practice,” probably because there isn’t any.

Apart from the County’s nebulous rationale related to conflicts of interest, this decision raises serious questions about County government transparency and accountability to its citizens. Is it fair that an organization or individual should be excluded from civic participation because they express disagreement with a County decision? How far is the County willing to push this wagon-circling mentality? If a parent of a child with special needs challenges the assessment of the Board of Education

¹ “Cattail Creek is a very small piece of our watershed,” Spadaro said. “Why should the Magothy River, that has all this 67 miles of shoreline protected, be removed from the consideration or the policy-making decisions that might influence its future, over a very small, little section of the river?” *Anne Arundel environmentalists asked to take break from watershed group*, Capital Gazette, Sept. 15, 2016

² *Id.*

that their child is not eligible for special education, would the County write the parent a letter demanding that they no longer attend PTA meetings until their appeal of the Board of Ed.'s decision is ironed out?

The easier route would have been to send MRA a letter stating that it would not entertain any discussion of the Cattail Commons appeal during Workgroup sessions. An assistant county attorney has been present for all meetings and could easily have enforced this simple request. Instead, the County decided to cut MRA out of the deliberations of the Workgroup entirely. This was an unfortunate mistake that has a chilling effect on citizen participation in government across the board, and raises serious doubts about whether the County ever intended to take any proposals of MRA (or the South River Federation, for that matter) seriously. The South River Federation calls on the County to rectify this error immediately, and in support of and solidarity with MRA, will not participate in the meetings of the workgroup until the MRA is invited back to the table. If Anne Arundel County truly wishes to have the input of local environmental advocates, it will reverse this misguided attempt to silence its dissenters.

Sincerely,



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