



Eve Austin: Okay, it is September 20th, 2019. This is Eve Austin and I am doing an oral history interview for the Town Creek Foundation. I'm doing the interview at 2526 Saint Paul Street, Baltimore, Maryland, and I'm with Russell Stevenson. I'm going to ask him to identify himself.

Russell S.: I am Russ Stephenson. I live in Severna Park, Maryland. I'm the Chairman of the Chesapeake Legal Alliance.

Russell S.: All right. Well when I was, my last job was as general counsel of a public company and I was approaching the age of 65, in fact, I was getting beyond the age of 65 and began to think about what I would do in the next chapter of my life and thought I wanted to do something that would give back and if possible, make use of my legal training.

I grew up in Baltimore. I'd been sailing and enjoying the Bay for, since I was a child. I've owned a house on the Bay since 1979 and lived there full time for 16 or 17 years now and I watched the Bay decline and thought maybe I could use my legal background to do something to help the Bay.

So I spent a lot of time talking with people in the environmental movement, particularly those who were working on Chesapeake Bay issues and finally decided I would start an organization that would provide free legal services to people and institutions that are trying to clean up the Bay and may not be able to afford legal services, because I recognized as most people in the environmental movement do, that the law is extremely important to the environmental improvement and to defending the environment.

Without legal action, we wouldn't be, we'd be in a lot worse shape than we are now. So in 2009, I incorporated the Chesapeake Legal Alliance and we have been providing free legal services ever since then.

Eve Austin: That's great. How do you get people to provide the actual services for free?

Russell S.: Well, most lawyers volunteer some part of their time for pro bono services of one kind or another, and so it's been not very difficult to find lawyers who are interested in the environment who care about the Chesapeake Bay and are willing to contribute some of their time to these causes.

We also have a small staff of attorneys who also are knowledgeable about these issues and do some of the work that we do.

Eve Austin: So it sounds like even though you had a whole different career before this, it was your formative years, spending time around the water and sailing, that's part of what led you into this work. I don't know if you could talk a little bit about that, about just your background with sailing and the environment in the Bay and how that affected your



outlook.

Russell S.: Well, when I was growing up, my parents loved sailing. They didn't have a sailboat, but we had friends who did and so we would go sailing with them some.

When I was in my teenage years, I was a Boy Scout and my Boy Scout troop had a little camp on the Severn river and I would spend two or three weeks every summer at that summer camp and we would swim and canoe and boat and otherwise enjoy the water.

Then when I graduated from law school and started to work in Washington, my wife and I bought and renovated a house in DuPont Circle, very urban environment and when our two daughters came along, we decided we needed a place for them to play and be outdoors, which is hard in an urban environment, so we bought this little house on the Bay. There's an old summer cottage. I like to tell people that was built to have a useful life of 50 years, 80 years ago.

We spent summer weekends down there for many years and the kids grew up swimming and boating. We finally did get a sailboat. My parents bought a sailboat first and we used theirs some and then eventually we inherited their sailboat when they got too old to sail it and then since then I've owned a succession of sailboats, the four or five altogether.

Now we live on the water; 16 or 17 years ago we decided we would tear down the old summer cottage and build a year round house and that's what we've been doing since. In the early days, when we were going down to the cottage on the weekend, we would look at the water in front of our dock and it was full of what we then called seaweed. Today I know to call it subaquatic vegetation, which, and it was so thick that we would take rakes and rake it up so that the kids who had ever placed a swim. We didn't know any better at the time. Today, sadly there is no subaquatic vegetation in front of our house. It's all gone because the water quality has gotten worse and that was part of what motivated me to do something about this, to see what I could do to help in some small way.

Eve Austin: Can you talk about some of the challenges that you've faced, that you've had to address while you had been doing this work?

Russell S.: Well, anybody who works on Chesapeake Bay issues knows that well the Bay is suffering a death from a thousand cuts. It's septic systems, it's runoff from streets and roads and suburban lawns, it's agricultural pollution, it's some industrial pollution, waste water treatment plants, we know as point sources and it's all of those have got to be addressed if we're going to get the Bay back to health.

What's interesting is that a lot of this work, or a lot of the legal issues that are designed to control pollution, are administered by state and local governance by bureaucrats in



those governance, mostly people who grant permits who enforce permits.

Those bureaucrats, almost all of whom want to do the right thing, are being pushed every day in one direction by commercial interests, economic interests that can afford to pay high price lawyers to push and push and push and like any human being, those people tend to begin to lean in the direction they're being pushed. So one of the things we're trying to do is to push back and by having hundreds of lawyers on our volunteer network who can show up at little hearings for permits, or zoning changes, or that sort of thing, and object and hold the bureaucrats to the laws that they're supposed to be enforcing. We are, I think, making a difference.

Then there are the big issues; the policy issues. The Total Maximum Daily Load Program, which in my view, has the potential for being the salvation of the Bay and after 10 years, has actually begun to show some change. The Bay is slightly better now than it was 10 years ago. In fact, there are parts of the Bay where the progress is really quite exciting. People are now seeing dolphins off of the South River and the Southern River. The fish and and subaquatic vegetation are beginning to appear and reappear back in some areas where they were absent.

So there's progress being made, but that progress is now under threat from the Trump administration, unfortunately. We've got to keep fighting. We've got to keep protecting that TMDL program and encouraging the States to carry out their obligations under that program and to defend it from legal attacks, which we've done some of.

One of the cases I took on as a volunteer lawyer early on, was to represent the city of Annapolis and a suit brought by the American Farm Bureau Federation challenging the TMDL program. On behalf of the city of Annapolis, we filed briefs and to the courts, the district court and the circuit court of appeals, supporting the TMDL program and I'm pleased to say that we, which is really EPA, which had the lead and the Justice Department were successful in beating back those challenges. But that's going to keep happening and it keeps happening in large and small ways with respect to all of the aspects of the Bay cleanup program.

Eve Austin: Just going to that specific case, can you tell me around when that was and then also, what is it that you all did that you think helped you to prevail in the end, to be successful with that case?

Russell S.: Well, the TMDL program was created in the first year of the Obama administration and that would have been, I think it took effect in December of 2009. I believe, from thinking back now, that the Farm Bureau Federation suit was filed in sometime in 2010, challenging whether the EPA had the authority to do what it had done in the TMDL program and that suit was joined by I think 17 attorneys, state attorneys general, mostly from Midwestern farm states; it had nothing to do with the Chesapeake Bay, but they were concerned that the impact on the agriculture industry, if it were successful in the



Chesapeake, that the program would be imported into or exported to the Midwest states where the Mississippi river has similar problems and the Justice Department, in defending the EPA, took the lead in the defense case and a number of private organizations filed an amicus brief and the mayor of the city of Annapolis came to me.

I had gotten to know him and Annapolis has obligations under the TMDL program and its economy depends heavily on the health of the Bay because so much of it is sailing and boating and rec, other kinds of recreation on the Bay. So he came to me and asked whether we would be willing to write an amicus brief on their behalf in support of the TMDL program and we agreed and I, and a couple of my colleagues prepared and filed briefs in that case.

Judge Rambo, Judge Sylvia Rambo, was the Judge in the Middle District, Pennsylvania, a tiny little woman with a big name, wrote a 100 page opinion in that case. If I had written that opinion myself, I couldn't have done any better. It was great opinion supporting our position. That was appealed to the court of appeals and they, the court of appeals, upheld the district court's decision and the Supreme Court denied [inaudible 00:00:16:42]. So that was the end of that challenge but it was an important, maybe an important part of what's happened in the Bay.

Now, how much our amicus brief helped, I don't know. I think probably the Justice Department and EPA would have won the case anyway but we did our little part.

Eve Austin: Thank you. So now, today is September 20th, 2019, just by chance today is just a place, the day in context, there's this worldwide student climate strike happening today. So I wonder if you could talk about what you see as the challenges that you think young leaders in the environmental movement.

What kind of challenges do you think they'll be facing? And then I guess any advice or thoughts you might have for people now coming up in the environmental movement today?

Russell S.: Well, I believe that climate change poses an exponential threat to the globe. I was just reading this morning that the bird population in this country in the last, since 1970, has declined almost 30%. We've lost 3 billion birds. That's frightening and the potential effects of climate change on the globe are frightening both in the long term because I think it threatens the health of the survival of the American, of the human species and in the short term, the effects of climate change are already driving geopolitical changes that are creating all kinds of turmoil throughout the world. The population migration, famines, droughts, floods, bigger storms, and these have an impact that's geopolitical in addition to two environmental and the younger generation is going to inherit these problems.

Climate change is also having an impact on the Bay. The last two years have seen



unprecedented amounts of fresh water coming into the Bay, coming down the Sasquatch washing pollutants into the Bay, have created a dead zone in the Bay that's larger than any in recorded history and so we have to address climate changes as part of our efforts to clean up the Bay as well.

As I say, I'm in the sunset of my years and it is our children and grandchildren who were going to inherit these problems. I wish them well and I'm delighted to see the energy and enthusiasm that the younger generation is showing around this issue. Gives me some cause for hope.

Eve Austin: Thank you.

Is there anything else that you would like to talk about or share? Any thoughts or any other stories that I guess stand out to you in the work that you've done that you'd like to share?

Russell S.: Well, I guess I would like to express my thanks to all the people who have contributed to our little efforts of both the volunteer lawyers who've been very generous in giving of their time and the funders and the individual donors who've supported our small little nonprofit operation. Without them, we wouldn't have been able to make the progress we made and the other organizations in the Chesapeake Bay environmental movement, of which there are quite a few, many of which have been our clients. We provided legal services to them and in many, many cases we collaborate with them and cooperate with them and in ways that have amplified our own ability to be successful. So I like to say that.

I can't think of anything else much I want to add, but I've enjoyed this conversation with you.

Eve Austin: So have I. Thank you and thank you for all the good work that you've done. So we're going to sign out, and again, this is today is September 20th, 2019.

I'm here speaking to Russell Stevenson and we are talking in Baltimore, Maryland.

That's it.

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