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# Making a Case For Capital's Other River

*Sylvia Moreno*

8–10 minutes

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Damon Whitehead entered Georgetown University Law School in the early 1990s with the old '80s "greed is good" attitude made infamous by Gordon Gekko, protagonist of the movie "Wall Street."

Whitehead thought he was headed for a big-bucks career as a corporate lawyer. But he took an environmental law course, then another. In 1995, his last year at Georgetown, he did his clinical work with the Institute for Public Representation and his professor, Hope Babcock, a former general counsel to the National Audubon Society, "made me see the light."

Today, Whitehead, 33, is working as the Anacostia Riverkeeper, a job that has many parts: lawyer, investigator, scientist, lobbyist and public relations

agent. He was named to the newly created post in April last year and later met [Robert F. Kennedy Jr.](#), president of the Water Keeper Alliance, an umbrella environmental "neighborhood watch" organization.

At a waterfront ceremony, Kennedy said that the Anacostia "has been called the nation's most forgotten river" and that the neighborhoods through which it flows "are forgotten communities." Cleaning up the river, he noted, "is an important step in restoring dignity and vitality to those communities."

Whitehead agrees, saying the river, which runs through the predominantly black quadrants of Southeast and Northeast, has been neglected intentionally for years.

"I believe the reason that resources haven't been dedicated to restoring this river is directly related to the fact that it flows through the poorest wards in the city -- 6, 7 and 8," he said. "But for race, this river would have been cleaned up a long time ago."

Whitehead's point of view took shape at Georgetown, where Babcock teaches a seminar that explores issues of environmental equity and whether a disproportionate number of environmental problems occur in poor communities or those heavily populated by minorities.

Do these communities "often get the short end of the stick?" Babcock asked. "And if there's a problem, what's making it happen?"

Whitehead's law school classmates may well be earning almost \$200,000, especially if they are sixth-year associates at a big firm. As riverkeeper, he said he makes less than \$70,000.

But how many lawyers can go to work in shorts, golf shirts and sneakers and have a job description that includes steering a boat up and down a river?

There are only 63 "riverkeepers" in the world, according to the Water Keeper Alliance. All but six work on waterways in the continental United States.

This is Whitehead's third public service job since his graduation from law school. He spent three years as an environmental litigation lawyer with the Sierra Club Legal Defense Fund, now known as Earthjustice. In 1998, he joined the Lawyers' Committee for Civil Rights Under Law, litigating environmental cases.

A year ago, the Earth Conservation Corps and the Anacostia Watershed Society received a \$150,000 grant from the Summit Fund of Washington to create the Anacostia riverkeeper job.

The conservation corps applied to the Water Keeper Alliance for the riverkeeper's license. A grant from the Tides Foundation paid for the boat, an 18-foot Parker, that Whitehead uses to navigate the river. He docks it on the southeast waterfront at the old Capitol pump house, next door to the Navy Yard, and shares office space in the building with the corps.

"Damon being out here is really helpful," said Bob Nixon, the conservation corps' executive director.

"There's always something going on out here."

An essential part of Whitehead's job is to ensure compliance with environmental laws and regulations and to file lawsuits, if necessary, against violators -- be they District or federal agencies, or individual residents.

Whitehead said he has been investigating potential violations, filing comments in various environmental cases and filing administrative actions against agencies, especially if they issue permits that violate federal environmental laws.

He works with students in the University of Maryland environmental law clinic. He's also actively involved in Mayor Anthony A. Williams's Anacostia Waterfront Development Initiative and is awaiting the release this

summer of a long-term plan by the D.C. Water and Sewer Authority for controlling sewage overflows into the river.

Just as important, he said, are his efforts to show off the Anacostia by taking area residents on boat tours. Swimming has been banned in the river since 1971, and an advisory has warned people since 1989 to limit monthly consumption of bottom-feeding fish. But fishing is not banned, and the river has many recreational uses.

"People think that if they fall in the Anacostia that they're going to die, and that's just not so," Whitehead said. "People have been told the river is bad, and we're trying to change that impression."

A recent weekday patrol up the Anacostia, which is 8.4 miles long and lined with willows and oaks, revealed plenty of activity. There were osprey nests, where a mama bird was divebombing Canada geese that came too close to her eggs. Upriver, a Canada goose sat on her own nest of five large speckled eggs, while another goose led eight goslings in a swim along the shore.

The riverkeeper's boat explored the lush, peaceful Kenilworth Aquatic Gardens and passed the splendor

of the National Arboretum. The river sights included the opening to lower Beaver Dam Creek, once considered the worst dumping spot along the river, where student volunteers with the Earth Conservation Corps pulled out more than 5,000 abandoned tires several years ago.

There were Kingman and Heritage islands, wild and overgrown. The Sierra Club Legal Defense Fund, with Whitehead on staff, went to court several years ago to save the islands from being turned into a children's theme park.

But the shoreline also was troubling in places. A smattering of garbage was flushed into the river after an early morning rain, traveling through one of the District's many combined storm water and sewage drain pipes. A few men stood on a makeshift platform near River Terrace NE, drilling, they told Whitehead, for soil samples to see whether a pier could be built there.

Bottles, paper and plastic were snared in the marshland near the Prince George's County line, all likely washed down from Maryland, where most of the Anacostia's 170 square miles of watershed is located, Whitehead said. And, where a nice grove of trees once hugged the shoreline at the foot of the Benning Bridge,

is a spot ripped bald by the D.C. Department of Public Works, which is repairing the overpass.

Whitehead pointed out something he has dubbed "mystery mountain," created by a half-million tons of construction debris dumped in the Kenilworth section of Anacostia National Park. The huge mound, which Whitehead worries could contain harmful contaminants, is slowly slipping into the river, helped by gravity and rain.

"It's an absolute disgrace," said Whitehead, who is gathering information about the site for referral to federal agencies.

Whitehead fondly recalls his childhood in suburban Chicago, where he and his friends enjoyed the Fox River. He said he wished that District children had a similar chance to explore the Anacostia.

"They've been denied," he said. "But if you see kids' eyes light up when you take them out and they see a turtle or an osprey or a nest, it's great. We want to give every kid an experience on the river before they graduate."

Whitehead said he hopes that the river tours will result in youths, and their parents, lobbying the D.C. Council

and government agencies to increase funding to clean the river and keep it that way.

"Making advocates for the Anacostia," he said, "is part of my job too."

Damon Whitehead takes people on boat tours of the Anacostia River by appointment. Contact him at 202-554-1960 or through [www.anacostiariverkeeper.org](http://www.anacostiariverkeeper.org).

Damon Whitehead, a public interest lawyer who was appointed Anacostia Riverkeeper last year, regularly inspects the fragile river. The CSX railroad bridge is visible behind him. Above, a crew taking soil samples for a proposed pier near River Terrace NE arouses Whitehead's interest. At right, in a sign of the river's gradual recovery, an osprey soars away from its nest. Occasionally, man and nature achieve a harmony on the Anacostia River. A Canada goose, above, maintains her nest on the CSX railroad bridge that crosses the waterway. Whitehead's duties include giving tours to show off the Anacostia. Here, he escorts members of the Columbia River Inter-Tribal Fish Commission. Whitehead also leads tours for local youth.



