

Kenneth Bawer,
8 Cleveland Ct., Rockville, MD 20850

March 4, 2024

Committee: Environment and Transportation Committee

Testimony on: HOUSE BILL 1284 “Wetlands and Waterways Program – Stream Restoration Projects”

Position: FAVORABLE

Hearing Date: March 6, 2024

I **SUPPORT** HB 1284 for the following reasons since this bill would advance efforts to restore the health of the Chesapeake Bay, protect communities from the effects of climate change, and advance environmental progress.

First, in the spirit of full disclosure, I have no financial interest in the practice of stormwater control or stream “restorations.” This is important to state since some who may testify or who have lobbied may be industry employees with a financial interest in stream “restorations” or who are paid by nonprofits to promote stream “restorations.” As always, follow the money to determine the motivation.

Repealing an exemption for stream “restoration” projects from application fees for projects that impact a wetland or waterway is a common-sense action given our budget shortfalls.

It makes common sense to require that applications for a stream “restoration” permit include how the goals of biological uplift, ecological uplift, Chesapeake Bay water quality, forest conservation, and climate change will be attained.

The current Maryland Department of the Environment (MDE) community engagement process is woefully inadequate. This bill would improve that process.

I agree with requiring MDE to maintain on its website more information for stream “restoration” projects.

Unlike MDE’s current credit award schema, it is essential that pollution reduction credits reflect reality. Thus, I agree with requiring MDE to adjust pollution reduction credits for stream “restorations.” Currently, MDE allows the use of theoretical calculations to determine stream erosion rates that are known to be junk science. MDE relies on the faulty Chesapeake Bay Program’s Expert Panel Report¹ that:

- 1) included industry representatives - a potential conflict of interest;
- 2) suggested credit calculations based on theoretical rates of erosion, not on-site physical measurements over time; and
- 3) admitted that the calculations in #2 above are not reproducible (“susceptible to high variability”) when done by different practitioners – if results cannot be repeated, they are not reliable.

¹ 2019 Protocol 1 Guidance: “Consensus Recommendations for Improving the Application of the Prevented Sediment Protocol for Urban Stream Restoration Projects Built for Pollutant Removal Credit,” <https://chesapeakestormwater.net/wp-content/uploads/2022/07/9928-1.pdf>

Kenneth Bawer,
8 Cleveland Ct., Rockville, MD 20850

I agree with repealing an exemption for stream “restoration” projects under the Forest Conservation Act.

Most importantly, this bill would require applicants to have a plan a for addressing each of the potential unintended impacts associated with stream and floodplain restoration projects in the Chesapeake Bay Program’s “Unified Guide for Crediting Stream Floodplain Restoration Projects.”²

We can protect our streams and save money by meeting stormwater control and mitigation regulations with cheaper and more effective out-of-stream practices compared to so-called stream “restorations” which create unnatural frankenstreams. If this bill results in fewer stream “restorations” in favor of out-of-stream stormwater control projects, it would decrease the costs of meeting pollution reduction targets and hasten meeting the deadlines agreed to by Chesapeake Bay states.

Unlike so-called stream “restorations,” out-of-stream practices address the root cause, not the symptom, of stream erosion. Out-of-stream practices capture stormwater from impervious surfaces such as roads, roofs, and parking lots and from farm runoff before it fire-hoses into our streams.

For these reasons, I SUPPORT HB 1284 and I urge a FAVORABLE report.

Thank-you for consideration.

² “A Unified Guide to Crediting Stream and Floodplain Restoration Practices in the Chesapeake Bay Watershed,” <https://chesapeakestormwater.net/resource/a-unified-guide-to-crediting-stream-and-floodplain-restoration-practices-in-the-chesapeake-bay-watershed/>