

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 722 (Senators Henson and Augustine)
Education, Energy, and the Environment

Department of the Environment - Ecological Restoration

This bill establishes a definition of “ecological restoration” in the Environment Article; the term means an activity undertaken with the goal of recovering, re-establishing, or enhancing a degraded, damaged, or destroyed ecosystem through (1) improvements to physical, chemical, or biological characteristics or processes; (2) returning natural or historical functions or services; or (3) protecting or improving resiliency. The bill also requires the Maryland Department of the Environment (MDE) to update any relevant regulation adopted under the Environment Article to, as appropriate, incorporate that definition or be consistent with that definition.

Fiscal Summary

State Effect: MDE can likely fulfill the bill’s requirements using existing budgeted resources, as discussed below. State revenues are not directly affected. Any indirect effects, including on other State agencies, ultimately depend on the updated regulations adopted pursuant to the bill and cannot be predicted in advance.

Local Effect: Local finances and operations are not anticipated to be directly affected. Any indirect effects ultimately depend on the updated regulations adopted pursuant to the bill, which cannot be predicted in advance.

Small Business Effect: Minimal direct effect.

Analysis

Current Law: Although ecological restoration is referenced in conjunction with the Green and Blue Infrastructure Policy Advisory Committee under Title 5, Subtitle 14 of the Environment Article, the phrase is not defined in State statute or regulations.

Chapter 465 of 2022 required MDE's Wetlands and Waterways Program Division, in consultation and coordination with specified entities, including the Department of Natural Resources, to conduct a comprehensive study, analysis, and evaluation of various items related to the permitting and completion of ecological restoration projects. The Wetlands and Waterways Program Division was required to develop legislative and regulatory recommendations based on the results of the study, analysis, and evaluation. MDE submitted the resulting [Ecological Restoration Permitting Study Report](#) to the General Assembly in August 2024.

State/Local Fiscal Effect: MDE advises that adding the bill's definition of ecological restoration in relevant regulations can likely be handled with existing staff, assuming MDE merely incorporates the definition into its regulations.

However, MDE notes that it is not clear what the bill means by "any relevant regulation" or how MDE should update its regulations for consistency. MDE notes that, given the broad definition established by the bill, "any relevant regulation" could potentially cover any regulation dealing with the restoration of any ecosystem. To the extent MDE is required to update any existing regulation governing the activities described in the bill's definition, such an effort could have a significant operational impact on the department. If MDE needs to conduct a more extensive review and revision of its regulations, rather than just incorporating the bill's definition, MDE likely needs additional contractual staff, resulting in an increase in general and/or special fund expenditures. For context, if the workload stemming from the bill requires MDE to hire one contractual assistant Attorney General and two natural resource planners, costs increase by at least \$200,000 annually until the effort is complete.

Other State agencies and local governments are often regulated entities under various provisions of the Environment Article and their implementing regulations. The extent to which the bill's changes ultimately affect regulated entities is unclear and has not been accounted for in this analysis. Any indirect effect depends on the updated regulations adopted pursuant to the bill and cannot be predicted in advance.

Additional Comments: This bill addresses one of the recommendations included in the Ecological Restoration Permitting Study Report referenced above (see pp. 7-8). Specifically, the report recommended that the General Assembly should adopt a definition for ecological restoration that is consistent with the definition included in the bill. The report further stated that MDE will incorporate the statutory definition in regulation.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1155 (Delegate Stein) - Environment and Transportation.

Information Source(s): Maryland Environmental Service; Harford, Montgomery, and Wicomico counties; Maryland Association of Counties; Northeast Maryland Waste Disposal Authority; Maryland Department of Emergency Management; Maryland Department of Agriculture; Maryland Department of the Environment; Department of General Services; Department of Natural Resources; Board of Public Works; Maryland Department of Transportation; Department of Legislative Services

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