



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

House Bill 869

Wetlands and Waterways Program – Authorizations for Ecological Restoration Projects

Date: February 25, 2022

Position: Support with Amendments

To: Environment and Transportation Committee

From: Doug Myers, Maryland Senior Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS HB 869 WITH AMENDMENTS**. This bill establishes a separate evaluation and review process within the Department of Environment for Ecological Restoration Projects than what currently exists for development projects.

The new procedure would compare functions of the existing wetland or waterway to the proposed restored state, however that restored state does not express itself on the landscape instantaneously. CBF appreciates this legislation as the current review procedures often devalue the existing functions of a stream. Current project review lacks sufficient baseline data collection to establish current values and opportunities for restoration including fish and wildlife habitat, water quality, and carbon sequestration capacity.

Many stream restoration projects fail to consider the appropriateness and viability of a site for restoration. Site variable such as growth in impervious surfaces can completely negate the ability of a restoration project downstream to function. There is also often a substantial lag time between the restoration intervention and acquisition of the desired restored state which is often not accounted for in permit review processes. Any new procedure should amortize benefits across a scientifically determined lag time based on monitoring of similar projects in the past. An improved review process could address these shortcomings.

Without amendments addressing the gaps cited above, the legislation's expedited review process poses concerns. CBF questions the basis of stream restoration projects performed towards the scientifically undefined term "ecological uplift," and calls for nutrient reductions to be a qualifier for these projects. The bill's concern for ensuring state funding is used most effectively and efficiently in implementing the Chesapeake Bay TMDL and Chesapeake Bay Agreement should be focused on that objective. A poorly sited project, or poorly designed project may require repeated maintenance expenditures. Additionally, to ensure any new process is responsive to environmental concerns, that process should be a formal rulemaking that allows stakeholders to raise concerns.

CBF urges the Committee's FAVORABLE WITH AMENDMENTS report on HB 869. For more information, please contact Robin Clark, Maryland Staff Attorney at rclark@cbf.org and 443.995.8753.

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.