CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

Senate Bill 611

Office of the Attorney General – Environment and Natural Resources Monitoring Unit - Establishment

Date:	March 8, 2023	Position:	Support
To:	Education, Energy & Environment Committee	From:	Allison Colden, Sr. Fisheries Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS** Senate Bill 611 which would create a special unit within the Attorney General's office to prosecute environmental and natural resources crimes and provide support to Maryland Department of the Environment (MDE) and Maryland Department of Natural Resources (DNR) in investigating civil suits. This bill follows a long history of lack of enforcement of environmental and natural resources laws, and could significantly improve the outcomes of natural resources cases by providing MDE and DNR with additional expertise and resources needed for proper enforcement.

In a 2022 study, the Chesapeake Accountability Project found that between 2017 and 2020, nearly three quarters of Maryland's industrial facilities were not in compliance with their stormwater permits, yet formal enforcement actions were taken against less than 1 percent of sites found out of compliance. The lack of follow-up enforcement action after a finding of noncompliance was attributed to the lack of available resources and capacity at MDE. Lack of enforcement of MDE permit terms places the fragile recovery of the Chesapeake Bay at risk and sends a message to permittees that noncompliance is an acceptable outcomes to permit violations.

Similarly, Maryland's natural resources laws have suffered from a lack of enforcement. Though there are strong laws on the books, lack of enforcement has led to repeat offenses which damage Maryland's natural resources and economy. For example, in a 2018 review of oyster poaching violations dating back to 2013, CBF found that enforcement of laws is uneven across counties, with Somerset County declining to prosecute in one-third of cases while Talbot County dropped poaching charges in only five percent of cases. District Courts also frequently assessed fines on offenders at a fraction of what state laws permit or for court costs only. Dedicated prosecutors for natural resources violations has been a long-standing recommendation of the Oyster Advisory Commission, who noted in their 2008 and 2013 reports that a lack of legal support has results in lack of prosecution for many arrests and citations issued by Natural Resources Police.

Establishing an Environment and Natural Resources Monitoring Unit within the Office of the Attorney General to assist agencies with prosecution of criminal cases and mitigation of damages through civil suits would help increase the capacity of the agencies to carry out meaningful enforcement.

CBF urges the Committee's FAVORABLE report on SB 611.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

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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.