

March 24, 2025

Dear Members of the Education, Energy, and the Environment committee, and the Environment and Transportation committee,

I am writing to request that you vote against SB 722/HB 1155, Department of the Environment - Definition of Ecological Restoration. The relevant section of the Bill I find so disturbing is "IN THIS SUBTITLE, "ECOLOGICAL RESTORATION" MEANS AN ACTIVITY 1 UNDERTAKEN WITH THE GOAL OF RECOVERING, RE-ESTABLISHING, OR ENHANCING 2 A DEGRADED, DAMAGED, OR DESTROYED ECOSYSTEM THROUGH: 3 (1) IMPROVEMENTS TO PHYSICAL, CHEMICAL, OR BIOLOGICAL 4 CHARACTERISTICS OR PROCESSES; 5 (2) RETURNING NATURAL OR HISTORICAL FUNCTIONS OR SERVICES; 6 OR 7 (3) PROTECTING OR IMPROVING RESILIENCY." I am not a lawyer or an English major but that law seems to say that all someone has to say is they have a goal followed by an ill defined list of possible practices where the word "or" is used seven times.

Chapter 465 of the Maryland Code for 2022, stemming from House Bill 869, directed MDE to "...I develop legislative and regulatory recommendations based on the results of the comprehensive study, analysis, and evaluation required under subsection (a) of this section, including: **(1) the definition of ecological restoration that incorporates measurable scientific aims, including: (i) the reduction of nitrogen, sediment, and phosphorus pollution; and (ii) the improvement of benthic environment as compared with conditions existing at the site of the project during site selection;**"(my emphasis). That law had the word "including" used twice and not a single use of the word "or".

It appears to me that MDE did not follow a very clearly written law. I can think of several possibilities to explain this. One possibility is that MDE was pressured by the counties and developers to write a definition that allows stream restorations to be permitted easily since they are the cheapest way to get MS4 permit and mitigation credits. The other possibility is that stream restorations can't show measurable scientific results, including a reduction of pollutants or an improvement of the biology of the environment because they don't work and there is no real science supporting the practice. The practice of stream restorations are a perfect example of bad government. The Chesapeake Bay Program and MDE have embraced faulty models for so long without empirical data to back them up that their reputations would suffer if the public found out how much money was wasted and actual damage is done to the Bay and the environment. The inspector general of the EPA even criticized the CBP for claiming improvements to the Bay that were based on models rather than actual data. The CBP published a major 133 page report in 2023, the Comprehensive Evaluation of System Response. The words "stream restoration" are mentioned twice in this report even though stream restorations are one of the major practices responsible for the failure of the CBP.

Please do not pass SB722/HB 1155. It is an attempt to promote stream restorations which are a waste of taxpayer's money and damage the Bay and the environment where they are done.

Thank You,

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