

March 24 2025

To the Committee on Education, Energy and Environment, Maryland Senate

In Re: SB 722 (HB 1155) , *Department of the Environment – Definition of Ecological Restoration*

Regarding Section 1-1001 Item 1, the principal objective of ecological restoration is the enhancement of biological communities—such as fish, oysters, crabs, and native vegetation—in the Chesapeake Bay and its tributaries. While physical and chemical improvements are essential, they are insufficient by themselves. True ecological restoration must result in measurable biological improvements. In the absence of such biological gains, restoration expenditures provide minimal value to Maryland residents and adversely affect commercial and recreational fishing interests.

Additionally, replacing “or biological” with “and biological” would bring the bill’s language into alignment with the U.S. Army Corps of Engineers and Environmental Protection Agency’s Mitigation Rule, which defines ecological function as “the physical, chemical, and biological processes that occur in ecosystems.” Proposed use of “or biological” instead of “and biological” is a clear effort on the part of industry to weaken its legal obligations to protect our priceless ecosystems. Such a seemingly minor change would have catastrophic implications for the current regulatory regime.

More generally, I object to any effort to legally broaden the scope of activities that could be considered as “stream restoration,” as this bill would do. Previous stream restoration projects have proven disastrous to the affected ecologies, so it can hardly be said that such activities are in the interest of the environment; the real beneficiaries of such projects are industries who would like to take advantage of the financial benefits offered by mitigation credits. I am outraged that the financial interests of these companies would be valued more by the Maryland Senate than the interests of the many Maryland citizens who prize and very much want to preserve Maryland’s amazing local ecosystems.

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