

**Committee:** House Committee on Environment and Transportation

**Bill:** SB 722 (same as HB 1155)

**Position:** Against

**Hearing Date:** March 26, 2025

**Testimony by:** Marion Edey, representing Friends of the Earth

Thank you for giving me the opportunity to testify. I regret that I was not aware of this legislation sooner when there would be more time to fix problems.

The bill seeks to define the term “ecological restoration”. The language is vague, and seems designed to make it as easy as possible to justify doing stream restoration projects even if they don’t meet the criteria in the goals of the Clean Water Act, or the more precise requirements stated in the Whole Watershed Act which you passed two years ago.

One problem with the bill as written is that it says the goal of ecological restorations should include “improvements to physical, chemical, OR biological characteristics...” “OR” should be “AND.” The whole point of ecological restorations is to achieve improvements to the biology – measures which provide habitat for wildlife and promote the recovery of populations of crabs, oysters and other valuable species.

There are other reasons for doing stream restoration projects: to improve water quality or control erosion. But if an agency or company is seeking to justify a project purely as a way to achieve “ecological restoration”, this should necessarily include biological improvements.

Changing “OR” to “AND” would make this bill consistent with the existing definition used by the US Army Corps of Engineers when they do stream restorations as mitigation projects.

We understand that some stream restorations are necessary. However, they typically involve the removal of hundreds if not thousands of trees to make room for earth moving machinery which is brought in to dig up the entire stream valley

and reconfigure the channel of the stream. When all existing vegetation is gone, invasive species rush in to fill the void. To improve the biology, project managers must in effect re-create an ecosystem from scratch, a daunting task which should not be undertaken unless there is a pressing need and a reasonable chance of success.

In this light, we would like to flag for you one other concern, the goal of returning stream valleys to their “historical functions”. This harkens back to a pre-colonial time. The Chesapeake Bay Program itself states that “The Bay of the future will be different from the bay of the past, because of permanent and ongoing changes in land use, climate change, population growth, and economical development.” Returning streams to their historic condition is an impossible dream. We don’t want to justify the destruction of imperfect but still living ecosystems in pursuit of the impossible. We are sure this isn’t your intention either. Therefore we urge that you remove the word “historical”.

The bill would be much more acceptable if these two changes were made. But since time is running out in this session, and the bill is vague, and there is no pressing need for it, we oppose it.

We need a shift in priorities away from the cure of stream restorations and in favor of more preventative measures to control storm water before it enters the streams. We don’t want to create additional justifications for doing stream restorations which could not otherwise be justified on the grounds of water quality, erosion control, or genuine biological improvements.

Marion Edey, representing Friends of the Earth

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