



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Acting Secretary
Allan Fisher, Deputy Secretary

March 3, 2023

BILL NUMBER: House Bill 942 – First Reader

SHORT TITLE: Wetlands and Waterways Program - Authorizations for Stream Restoration Projects

DEPARTMENT’S POSITION: LETTER OF INFORMATION

EXPLANATION OF DEPARTMENT’S POSITION:

HB 942 would revise certain criteria, standards, and requirements for the Maryland Department of the Environment pertaining to authorizing stream restoration projects.

DNR is currently working with MDE on the issues described within HB 942 through a study organized and led by MDE based on requirements from the last session. We are an active participant in this study, and believe it is a good avenue with diversified input to investigate and seek solutions to stream restoration needs and concerns expressed in HB 942.

BACKGROUND INFORMATION:

HB 869 of 2022 requires MDE to perform a comprehensive study, analysis, and evaluation of: state statutes and regulations; the permit review process; opportunities for public comments and community review; time taken to review projects; efficiency and efficacy of the joint application permit review process and counter intuitiveness to watershed-based restoration. The study is to be conducted with DNR, industry, advocacy organizations, community groups, county governments, university (if available). The study should provide recommendations pertaining to: definition of ecological restoration; nutrient reduction; improved benthic habitat; potential separate review process for restoration; incorporation of science; evaluating the need for education for reviewers; and if reviews occur in a way that considers benefits and detriments. A report is to be completed by June 1, 2024.

BILL EXPLANATION:

HB 942 would require MDE to revise certain criteria, standards, and requirements for stream restoration authorizations based on the best available science; incentivize upland projects outside the stream channel; require mitigation credits within the same watershed where impacts occur; require biological uplift as a stated goal; minimize tree removal; monitor and evaluate projects for 10 years after completion before credits are issued; and provide public notice and public meetings before authorization of projects.

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