



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

**BILL:** House Bill 942 – Wetlands and Waterways Program - Authorizations for Stream Restoration Projects

**SPONSOR:** Delegates Terrasa, *et al.*

**HEARING DATE:** March 3, 2023

**COMMITTEE:** Environment and Transportation

**CONTACT:** Intergovernmental Affairs Office, 301-780-8411

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**POSITION:** OPPOSE

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The Office of the Prince George's County Executive **OPPOSES House Bill 942 – Wetlands and Waterways Program - Authorizations for Stream Restoration Projects**, requiring MDE to revise certain criteria, standards, and requirements for wetlands and waterways authorizations for stream restoration projects.

The Prince George's County's Department of the Environment agrees with the tenets by which stream restorations should be used in addition to the improvement of water quality- to provide biological uplift of the stream and to improve the health of the stream and the surrounding tree cover. The County further agrees that activities designed to mitigate water quality should occur in the watershed where the development impacting water quality occurs; and that these projects should be monitored for 10 years (we actually monitor them for 30). However, we oppose **HB 942** because it would make it virtually impossible for MS4 permittees, including Prince George's County, to implement stream restoration projects.

We oppose **HB 942** because stream restoration projects are very beneficial to Prince George's County residents, because in addition to providing a water quality benefit as credited through Impervious Surface Restoration, they also make these streams better habitat, provide flood mitigation co-benefits, and result in a clean, litter-free usable stream for recreation and community enjoyment. In Prince George's County- these projects are designed with a 30 year+ maintenance plan, meaning a community will have access to these natural areas in perpetuity, and we can be assured that the project will work as intended now and in the future. Stream Restorations are a cost-effective way to improve water quality for the Chesapeake Bay clean-up and provide high levels of flood mitigation, quality-of life, ecological uplift, and recreational benefits. For those reasons, detailed below, we oppose **HB 942**.

These projects are part of a regulatory scheme developed and evaluated by experts and supported by the Chesapeake Bay Program and MDE. Stream restoration has gone through two separate rigorous expert panels, once in 2014 and again from 2018 through 2020. Regarding concerns about the long-term health of these projects, it is important to note that MS4 permittees to continue to take credit for a project that is no longer functioning. There are extensive and detailed verification requirements that are mandatory and that focus on determining whether a project is still effectively reducing sediment and nutrients.

These projects are not done on healthy streams, and the surrounding forests are not healthy forests. Stream restorations are done on highly degraded streams that no longer have a natural pattern and pools and riffles that are home to macroinvertebrate (midges, caddisflies, beetles, etc.) and vertebrate (fish, frogs, etc.) species. In a degraded stream these areas are eroded and there isn't a sufficient stream structure to support a healthy ecosystem. We understand as stormwater practitioners that citizens have concerns about removing trees and other impacts during projects- which is why we actively engage the communities around these streams and provide them with an understanding of the value of these projects and what they can expect before, during and after a restoration. In these projects, we are not removing healthy forests. Regularly, the plant species in these areas are non-natives and invasives, the trees are burdened by vines, and the understory is either a choked tangle of bramble, or non-existent. The streams are inaccessible and dangerous. Prince George's County Department of Environment and our Clean Water Partnership carefully choose projects that will provide multiple benefits—not only improving water quality in the stream, which in turn improves Bay water quality, but finding projects that allow for connected BMPs and provides flood mitigation co benefits, projects where the rehabilitation of the stream will have quality of life benefits for our residents as the area can now be utilized for recreation, and kept clean of litter and illegal dumping.

The United States Environmental Protection Agency (EPA) and the US Army Corps of Engineers (USACE) support these projects as environmentally beneficial. In December 2022, the USACE and Prince George's County began an approximately 40-million-dollar project in the Anacostia Watershed to restore 7 miles of instream habitat; open 4 miles for fish passage; and connect 14 miles of stream to previously restored stream reaches. This project is a habitat restoration project, and environmental justice project and a water quality project- supported by USACE and USEPA.

For the reasons stated above, the Office of the Prince George's County Executive **OPPOSES House Bill 942** and asks for an **UNFAVORABLE** report.