
From: Wayne Davis <wayne.davis103@gmail.com>
Sent: Sunday, April 27, 2025 11:33 AM
To: CouncilMail
Subject: Support of CB27 - Transparency in Environmental Waiver Approvals

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27 April 2025

To: Howard County Council Members

From: Wayne S. Davis, Kings Contrivance, Howard County

Support of CB27 - Transparency in Environmental Waiver Approvals

Dear County Council and others,

I write in support of this bill and transparency in the Environmental Waiver Approval process. Transparency in how our government works is critical in a democracy as is public access and participation. Citizens should not have to file a request per the Maryland Public Information Act to learn about basic decision-making in the county administration.

In my experience, the county administration does not have a good track record of willful compliance with the Open Meetings Act, and this bill will ensure greater transparency with environmental waivers for forest conservation and protection of wetlands, streams, & steep slopes.

Related to this bill is the issue of removing vital riparian habitat that protect steep slopes and streams because they are not native trees. We have been fixated on this issue for years while the slopes, stream and wetlands really don't care if the trees are native if they provide the important ecological function of stabilizing the banks, holding moisture, and shading the waterways.

Also related to this bill is the concept that since our streams are degraded then waivers and other invasive and disturbing actions can be implemented since there is only one possible outcome – the stream will be improved or at worse stay the same. This is a fallacy. Almost all of these “degraded” streams and waterways have aquatic life in them and the potential for meeting Maryland water quality standards. The belief that they are degraded so they are open to engineering experimentation with stream “restorations” rather than BMPs and upland remedies is a false belief. In fact, it is just that – a belief. It is a credit and money making machine “belief”, rather than the basis for stream improvement. Even degraded streams can be substantially improved if the perturbations are mitigated – reduce and slow the stormwater flow throughout the county. These streams do not need to be “reconnected” to a floodplain that they haven't had for hundreds of years, if ever. It is a belief fostered

by an industry to faithful government administrations and their allies. I hope our county will wake up in time while we still have streams worth protecting that are more than mere stormwater conveyances.

I urge you to approve this important Council Bill. **CB27 - Transparency in Environmental Waiver Approvals**

Wayne S. Davis, Kings Contrivance, Howard County, 301-335-8926

From: Alan Schwartz <amsesq48@aol.com>
Sent: Tuesday, April 29, 2025 4:11 PM
To: CouncilMail
Subject: CB 27 and 29

Follow Up Flag: Follow up
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Dear Councilmembers,

I wish to offer my support for CB27 & CB29. They both serve a goal which we very much need to protect our environment. CB27 does this by ensuring that there is public transparency when our local government is reviewing proposals that could have a dramatic impact on the environment like waivers of the Forest Conservation Act. Indeed, I have witnessed a case where the administration waived the Act based on specious and inappropriate statements. And that waiver became an “official” action that carried more weight than it should have with other departments. Had the public had a chance to fully participate with public hearings a different, and better, result could’ve occurred.

With respect to CB29, the bill would prevent actions in the Tiber Branch Watershed that should never even be considered. The bill is important so developers and so-called restoration companies do not have a chance to damage the areas described.

For these reasons, I support both bills. Thank you for your consideration.

Sincerely,
Alan M. Schwartz
Columbia, Md.

April 30, 2025

Howard County

CB27-2025

Open Meetings – Waiver and Variance Requests

Position – Favorable – please support

Dear Members of the Howard County Council,

Thank you for the opportunity to comment on CB27 -2025. An Act to amend the Howard County Code which would require that the evaluation of Protection of Wetlands, Streams, & Steep Slopes waivers and Forest Conservation variances be subject to the provisions of the Maryland Open Meetings Act; and generally relating to waivers and variances. Introduced by Liz Walsh.

I am asking you to please vote in favor of the amendment.

I think it's fair to say at this point that many unpopular and inappropriate actions have taken place in Howard County in recent years due to environmental waivers and variances signed behind closed doors. These exemptions have allowed anything from logging mature forests in neighborhoods and parks, to projects that knowingly degrade water quality (1)(2) and increase erosion, encourage growth of invasive species, and increase the potential for flooding on resident's property (3)(4)(5) while creating urban heat islands where cool, shady forests once stood. I've witnessed a vital wetland with vernal pools, a creek, seeps and springs (6), be drained, logged of specimen trees, and filled in, to make way for an apartment building with no consideration given to the neighbors downstream.

<https://www.epa.gov/wetlands/why-are-wetlands-important>

Some of these projects have reduced our climate resiliency and have accelerated the impacts of species die off, climate change, and global warming during this time of record-breaking heat, year after year.

CB27 is a common sense, common courtesy amendment to a county code that has allowed tremendous permanent environmental harm to take place in our forests and sensitive locations without the taxpayers' and residents' knowledge until it's too late.

Environmental waivers and variances are being granted behind closed doors without any community knowledge or engagement, yet the constituents are the ones who suffer from the consequences of these secret meetings and decisions made by others, some who might even have conflicts of interest.

We allow contractors, middlemen for private financiers, and MS4 permit holders to grade and develop steep slopes and cut down mature forests at the same time we pay contractors and rely on volunteers and non-profits supported by the county to plant nursery grown seedlings and allow invasive species to take over areas that were previously covered by leaf litter. Mature forests root networks hold steep slopes together and reduce erosion, while soaking up nutrients and providing oxygen, and habitat for birds, insects, bats, and mammals all of which are disappearing at an alarming rate.

It's very important to note that CB27 isn't requesting amendments that would stop any projects from happening, or request changes to how projects are physically performed. CB27 is merely asking for Howard County to be a good neighbor, to remember we live here, to notify us and allow us the chance to speak up about what has been requested by others. CB27 will allow the community the opportunity to learn about what is being proposed and weigh in before a waiver is granted.

Just like “scoping” for a project on federal land, and what NEPA aims to achieve, it seems it would only make sense for an applicant to face any community opposition, learn what the community’s concerns are, and work together to come up with solutions for those concerns before an applicant gets too far along in the permitting process for projects that are known to be controversial, instead of a committee just rubber-stamping them through the process.

Currently Howard County forests, wetlands, and streams and creeks are facing the ever-increasing threat of permanent harm from the intense competition from developers, MS4 permits holders such as Howard County and the SHA, and private Wetland Mitigation Banks to see who can get to them first to either develop them, or “restore them “or “stabilize their stream banks” for MS4 & mitigation credits. We have a finite amount of these fragile habitats, and they should not be for sale to the lowest bidder and especially without the community’s knowledge beforehand. (7) Disturbing soil and tree removal on steep slopes leads to erosion.

Indeed, my neighborhood will never be the same after a project was granted a variance from the Forest Conservation Act without the resident’s knowledge beforehand.

There is nothing more gut-wrenching than watching your mature, healthy, neighborhood forest leave your neighborhood stacked (8) on the backs of log trucks. Exemptions, waivers, and variances that allow logging and construction in riparian zones, in wetlands, in forests, and on steep slopes have not been given the appropriate consideration they deserve by the people tasked with making these permanent decisions for all Howard County citizens, including future generations of people, and wildlife.

For example, currently, waivers can be granted under

Section 16.116 – Protection of wetlands, streams, and steep slopes.

20 (d) Waivers.

21 (1) The Director of the Department of Planning and Zoning, the Administrator of the Office of Community Sustainability and the Director of the Department of Public Works may grant waivers which allow for alternative compliance to this Section if the applicant can demonstrate in sufficient detail through evidence that the project meets the criteria set forth in section 16.104 and the following additional criteria:

One item is on line 26 -

26 (i) Any area of disturbance is returned to its natural condition to the greatest extent possible; - **But, how can the removal of mature forest, and development and construction in streams and wetlands ever be returned to their natural condition?**

And, from line 28 -

28 (ii) Mitigation is provided to minimize adverse impacts to water quality and fish, - **But, stream restorations, tree removal, and grading and developing steep slopes, cause adverse impacts to water quality and stream biology.**

Also, under Subtitle 12 – Forest Conservation

28 Sec. 16.1216. - Variances.

One requirement is—

(3) Verify that the granting of a variance will not adversely affect water quality; - **But, tree removal has many adverse effects on water quality!**

And,

[[[(d)]] (E) Any native specimen tree removed shall be replaced on-site by at least two native trees with a DBH (diameter at breast height) of at least three inches. – **This is not happening in all projects in Howard County. Who is enforcing compliance? Also, not all species of trees will ever reach the size limit set to qualify as a specimen tree, and not all non- native trees are bad trees. Trees that are smaller species and non- natives should still be counted as trees in a forest. There is a huge difference between non-native trees, and invasive trees and this should never be conflated in discussions about a tree’s worth. It will take decades for trees that are grown in a nursery, to provide the same eco-services and benefits of a mature tree.**

When I see how many stream corridors are mapped for potential stream restorations in heavily wooded stream corridors (shown in the links below), it is unconscionable to think that Howard County could consider degrading so many residents’ quality of life, and without even allowing the tax paying citizens the opportunity to weigh in on the environmental waivers and variances before they are approved. The citizens of Howard County should have every right to know how our money is being spent and how our environment is being cared for or sold for development and credits.

<https://www.howardcountymd.gov/bureau-environmental-services/watershed-management>

<https://www.howardcountymd.gov/sites/default/files/media/2017-01/Patuxent%20River%20Upper%20Assessment%20Sites%20Map.pdf>

When I look around it is clear to me that there have been many times where we have failed to take into consideration all the relevant issues, and what they include before environmental waivers and variances have been granted.

CB27 is an amendment to a code that any elected official seeking higher office or re-election should be eager to support. This is about standing up for your voters' rights and giving them the opportunity to speak out about their concerns before it's too late. A vote against CB27 is a vote not only against any discussion about environmental concerns before a waiver or variance is granted, it's also a vote against your neighbors and constituents who voted for you, and who you may ask to vote for you again in the near future.

To not support CB27 is to say to your constituents that they don't have the right to know about projects that could cause environmental harm, and that could be detrimental to their health, or their property or their quality of life before the bulldozers show up. This is just a common decency amendment. CB27 is a win-win, and the only real action it is asking is for the county to advise and include the taxpayers, your constituents, about requests that are received for environmental waivers and variances.

I'm asking you to please stand up for the community and vote in favor of CB27.

Thank you for your consideration.

Truly Yours,

Sharon Boies

Protect Our Streams

Columbia, MD

(1) From the "Master Stream Restoration Crediting Guide Final Draft 8-18-2021" – See Page 73

<https://cast-content.chesapeakebay.net/documents/UnifiedStreamRestorationGuide.pdf>

Please see Page 73, and Table 19 below for a list of known negative impacts associated with stream restorations.

73 | Page

3.5.2 Unintended Environmental Impacts - (* I strongly, disagree with the impacts being considered “Unintended” Environmental Impacts, at this point, when they are well known impacts, can be expected, are actually considered to be typical results, there has not been enough or possibly any adaptive management in the process to eliminate the impacts, and leave citizens wondering why there is no credit reduction or credit revocation for their occurrence? ** When there is no reduction in credit value, or revocation of credits for projects that don’t meet their stated goals, or projects that fail, there is no accountability, or incentive to do a less harmful project.)

All stream restoration design approaches (i.e., NCD, RSC, LSR and their variants) have the potential to cause unintended impacts that degrade the quality of streams and/or floodplains. These impacts have been observed in restored stream channels, floodplains and downstream ecosystems, and are documented in recent research studies in the mid-Atlantic region and elsewhere (Table 19).

Table 19. Review of Potential Unintended Impacts Associated w/ Stream and Floodplain Restoration Projects

Impact 1 Project Stream Channel -

Depleted DO - Associated with stagnant surface waters and high dissolved organic carbon. Often observed as seasonal.

Iron Flocculation - Observed in both restored and unrestored streams. Associated with high dissolved organic carbon, anoxic conditions and the use/presence of ironstone.

Warmer Stream Temps - Associated with loss of tree canopy in the riparian corridor. Stream and floodplain connection to groundwater in the hyporheic aquifer can mitigate increased temperatures.

More Acidic Water - Associated with disturbance of channel and floodplain soils during construction.

More Stream Primary Production - Associated with loss of canopy cover in the riparian corridor.

Benthic IBI Decline - Associated with construction disturbance, with recovery to pre-project levels in some cases.

Construction Turbidity - Sediment erosion during construction, especially when storm flows overwhelm instream ESC practices

Floodplain/Valley Bottom/Downstream Ecosystems -Project Tree Removal-

Riparian/floodplain forest losses are common due to clearing for design and construction access.

Post-Project Tree Loss - Field and lab studies show that long-term soil inundation results in mortality and morphological changes in tree species.

Invasive Plant Species - Construction disturbance and frequent inundation of the floodplain can serve as vectors for invasive species along restored and unrestored streams.

Change in Wetland Type or Function - Changes in vascular plant communities as a result of floodplain inundation are expected and may be desirable or undesirable depending on the habitat outcome.

Downstream Benthic Decline - Associated with changes in habitat conditions, and construction disturbance. Changes may be temporary.

Blockage of Fish Passage -Incision, large drops or structure failures can impede passage. More study is needed. (*I disagree that more study is needed, and step pools are literally dams in the stream)

“Impacts are defined in relation to the stressors measured in a comparable unrestored urban stream/floodplain system”

That is a list of 13 KNOWN negative environmental impacts, some, or even most, streams will experience all of them

(2) Degraded water quality and chemistry in a restored stream that was granted a variance without the resident’s knowledge.



(3) Flooding in a neighborhood that was not informed of the project before the environmental waivers were granted.



(4) The neighborhood had no opportunity for meaningful input.



(5) What if we get a hurricane? To be told “we better have good flood insurance” is insulting and entirely unacceptable.



This creek never left its banks before they were excavated away as part of the stream “restoration” that took place. This project has left many homes at risk that have been safe from flooding for well over 50 years. The neighborhood had no say on the waivers and no warning about what was to come.

(6) This location, this wetland carbon sink that absorbed runoff from the surrounding community, was drained, logged, and filled in for an apartment building to be built there instead. Has Howard County run out of suitable space to develop?



(7) Slopes scraped clean of specimen trees and all vegetation, for a stream restoration/stabilization project. The community was not informed about the environmental waivers or given the opportunity to weigh in on the project.



(8) Logs that came from the riparian zone in the picture above, waiting for pick-up. Who determined that our natural resources that have provided benefits to thousands, for decades, should be given away at this moment in time to a contractor?



From: stukohn@verizon.net
Sent: Saturday, May 3, 2025 8:35 PM
To: CouncilMail
Cc: STUART KOHN
Subject: HCCA FAVORS CB27-2025
Attachments: HCCA - Testimony - CB27-2025 Waivers Open Meetings (1) (1).docx

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Dear Council Members,

The following is the Howard County Citizens Association, HCCA testimony regarding CB27-2025 including an attachment. We would hope this Bill will be **APPROVED** by all Council Members.

Thank You,

Stu Kohn
HCCA President

Date: 3 May 2025
Subject: Support for CB27-2025

Dear Council Members,

The Howard County Citizens Association (HCCA) expresses its support for CB27-2025 concerning Open Meetings – Waiver and Variance Requests.

This proposed bill to amend the Howard County Code, which requires the evaluation of Protection of Wetlands, Streams, and Steep Slopes waivers and Forest Conservation variances, is straightforward. We agree with Council Member Liz Walsh that the provisions of the Maryland Open Meetings Act regarding waivers and variances are appropriate. Therefore, we respectfully request your consideration to vote in favor of CB27-2025, especially if you believe in ensuring transparency for your constituents.

If passed, CB27 will enhance transparency and community involvement in the process of granting environmental waivers and variances for projects that might negatively impact wetlands, streams, steep slopes, and mature forests. The concerns raised during public testimony by the Maryland Building Industry Association, suggesting that increased transparency and public scrutiny would lead to delays and reduce housing supply, are unfounded. The idea that public oversight would delay essential housing projects presupposes that such waivers need to be granted improperly and without public knowledge. It also presumes that any improper granting would be reversed due to public criticism. Both assumptions lack credibility and do not justify obstructing transparent oversight.

Environmental projects often provoke controversy as they permanently alter viewsheds and sensitive habitats valued by many residents. Yet, those most affected by these waivers and variances are frequently excluded from the discussion and decision-making processes. A favorable vote on CB27-2025 will ensure the opportunity for community awareness and engagement before waivers and variances are granted. We urge you to vote in favor of this bill.

Thank you for your consideration.

Stu Kohn
HCCA President

From: Sharon Boies <sbmuzicmts@gmail.com>
Sent: Monday, May 5, 2025 10:09 AM
To: Anderson, Isaiah
Subject: Re: **TIME SENSITIVE** CB27-2025 & CB29-2025 Could you please assist me?

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Thank you for your email Isaiah.

I reached out for help because it's my understanding that the council is probably voting on this tonight and I really want to make sure they see my testimony for CB27 and CB29 before they vote.

It would be really beneficial if they could review all the testimonies that came in before they vote.

Thank you so much in advance for your help, I appreciate it.

Have a great day!

Sincerely,

Sharon

On Mon, May 5, 2025 at 10:02 AM Anderson, Isaiah <ianderson@howardcountymd.gov> wrote:

Good Morning Sharon,

Yes this was received, thank you! Public testimony is not posted on a daily basis due to the volume received, but we will be adding the testimony to CB27-2025 within the next few business days.

Thank you,

Isaiah Anderson

Executive Assistant to the Council Administrator

Howard County Council

3430 Court House Drive, Ellicott City, MD 21043

ianderson@howardcountymd.gov

410-313-0832 (office)

From: Sharon Boies <sbmuzicmts@gmail.com>

Sent: Monday, May 5, 2025 10:00 AM

To: Anderson, Isaiah <ianderson@howardcountymd.gov>; CouncilMail <CouncilMail@howardcountymd.gov>

Subject: Re: **TIME SENSITIVE** CB27-2025 & CB29-2025 Could you please assist me?

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Good morning,

I'm just making sure you saw this.

Thank you!

Sharon

On Sun, May 4, 2025 at 11:21 AM Sharon Boies <sbmuzicmts@gmail.com> wrote:

Hi Isaiah and "Council mail" recipient,

I am inquiring about Public testimony that I sent in on CB27 last Thursday 5/1, and CB29 that I sent in last Friday, 5/2.

I don't see either comment listed under supporting documents on the county council legislation webpage with the other testimonies that were submitted for these bills. Additionally, I know of testimony sent in by another person that isn't listed either. It's my understanding the bills could be voted on, on Monday night, the 5th. Could you please post the testimonies that came in for these bills? And could you please ensure that each council member receives them as well as time is now of the essence.

Finally, could you please let me know that you saw this email?

Thank you so much in advance for all your help.

Very Sincerely,

Sharon Boies