



3/5/24

**Testimony in SUPPORT for SB969 -
Stream and Watershed Restoration – Stream Restoration Contractor Licensing and Chesapeake and
Atlantic Coastal Bays Restoration and Funding (Whole Watershed Act)**

To Chair Feldman and Members of the Committee,

Thank you for this opportunity to submit testimony in **SUPPORT of SB969** on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland’s Eastern Shore with more than 2,500 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration, and education.

Our rivers are impaired by nitrogen, phosphorus, sediment, and bacteria. After 40 years of pollution reduction efforts in the Chesapeake Bay, our rivers and our communities are still falling short of the envisioned restoration goals. Scientists who advise on state clean-up efforts recently completed a study to understand why. The Chesapeake Bay Program’s [CESR Report—A Comprehensive Evaluation of System Response](#)—outlines the following key points:

- Runoff pollution in our rivers comes from only 5–20% of our land—and we need to effectively target our restoration work on that land.
- Nonpoint source pollution is our last and largest obstacle to meeting our restoration goals—and agriculture is the largest nonpoint source on the Eastern Shore.
- **We need to increase our monitoring efforts to improve the efficacy of future restoration beyond 2025—this will take funding and government support to implement effectively!**
- Restoration practices cannot keep pace with the imbalance of nutrients introduced to the watershed—we need large-scale behavior change that will reduce the amount of nutrients introduced to the watershed.
- Voluntary and incentive programs—as currently imagined—are not enough to achieve restoration goals.

Following the recommendations of the CESR report beyond 2025 will mean a shift in goals and perspectives when engaging in water quality restoration. One of the most interesting components of the CESR report is the inclusion of human interaction with this unique resource. For decades, restoration metrics have been largely unrelated to the ways we interact with and enjoy our local waterways. By making changes like shifting our focus from deep channel oxygen levels to shallow water habitat responses, we can prioritize increasing biodiverse ecosystems with grasses, oyster beds, and native marsh lands that sustain fisheries, increase opportunities for recreation, and increase water quality in the parts of the Bay humans interact with most.

There will be many changes and innovations needed to address all that the CESR report recommends, and **the Whole Watershed Act is one of our first attempts to do so in five statewide pilot programs covering a diversity of communities and land uses. This bill will also encourage and strengthen interdepartmental collaboration at the state level to support restoration work.** ShoreRivers’ own Restoration Department has implemented more than 260 projects, most of which have been funded by state and federal grants. These projects assist farmers

with addressing nutrient runoff, local governments with managing urban runoff, and underserved communities with addressing flooding and critical infrastructure challenges. Increased coordination between state agencies will bolster our work and increase efficiency with state investments.

ShoreRivers supports SB969 for its commitment to fund monitoring efforts. Despite decades of restoration Bay wide, there is a response gap between best management practices (BMPs) installed and water quality improvement. By conducting more frequent and comprehensive monitoring, we can bridge this gap, identifying areas where BMPs are effective and where they may need adjustment or additional support. Ultimately, increased water quality monitoring data can feed into improved pollution reduction models. These models can help policymakers make more informed decisions by predicting the outcomes of different restoration strategies, by calculating nutrient and sediment reductions, and by identifying areas of highest priority. In this way, enhanced monitoring contributes to a better understanding of water quality trends and the development of more effective policies for Chesapeake Bay cleanup and restoration.

While ShoreRivers supports **SB969** as introduced, we feel it is important to provide context for our support on this bill in relation to others this session that seek to regulate stream restoration. As previously mentioned, much of our restoration work—including but not limited to stream restoration—is funded through state and federal grants, which have meticulous technical review and public notice protocols to ensure quality projects are implemented. **We support the Whole Watershed Act's work to establish a licensing board to make sure that stream restoration projects—grant funded or not—are implemented by quality contractors.** This is a reasonable correction to offer in response to several detrimental stream restoration projects that have been implemented as mitigation measures on the Western Shore. However, if amendments are later added to this bill that unnecessarily restrict stream restoration unrelated to mitigation requirements or that are duplicative of grant funder regulations, ShoreRivers reserves the right to change our position and offer counter amendments. **In particular, we are concerned about:**

- **Ambiguous monitoring requirements**— While we are very supportive of increased monitoring efforts, requirements and parameters should be tied to specific project designs and permits associated with those designs, as every project is different, just like every watershed is unique.
- **Public meetings for projects on private farmland**— much of the stream restoration work on the Eastern Shore takes place on large private properties that are many (if not hundreds) of acres in size. Requiring a public meeting to discuss projects that have no impact to adjoining properties would place land owners under an unreasonable amount of scrutiny and may deter landowners—often farmers— from engaging in practices we know to be beneficial for water quality.

As written, this bill does not currently contain such amendments of concern, and ShoreRivers encourages the committee to give **SB969 a favorable report, as written.**

Sincerely,
Annie Richards, Chester Riverkeeper, on behalf of:

ShoreRivers

Isabel Hardesty, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper

Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper