

Tuesday, March 5 2024

TO: Brian Feldman, Chair of the Senate Education, Energy, and the Environment Committee, and Committee Members

FROM: Humna Sharif, The Nature Conservancy, Climate Adaptation Manager; Cait Kerr, The Nature Conservancy, State Policy Manager

POSITION: Support SB 969 Stream and Watershed Restoration – Stream Restoration Contractor Licensing and Chesapeake and Atlantic Coastal Bays Restoration and Funding (Whole Watershed Act)

The Nature Conservancy (TNC) supports SB 969 Stream and Watershed Restoration – Stream Restoration Contractor Licensing and Chesapeake and Atlantic Coastal Bays Restoration and Funding (Whole Watershed Act) sponsored by Senators Elfreth and Guzzone. TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In Maryland, our work focuses on delivering science-based, on-the-ground solutions that secure clean water and healthy living environments for our communities, reducing greenhouse gas emissions and increasing resilience in the face of a changing climate.

SB 969 puts forward important provisions and \$20 million in state funding to accelerate the restoration of the Chesapeake Bay, Atlantic Coastal Bays and their watersheds. This legislation would establish the Whole Watershed Fund for the purpose of coordinating multiple Best Management Practices (BMPs), in five whole-watershed restoration projects for five years. SB 969 would establish a state management team comprised of multiple state agencies, scientists, and practitioners to administer the fund. The state management team will select restoration watersheds in a variety of geographies and land-use types, including urban, suburban, and agricultural uses, with priority given to environmental justice communities.

Projects selected for funding through the Whole Watershed Act will demonstrate community involvement and have clear goals that can deliver shallow water habitat improvement results on an expedited timeline. To deliver on these ambitious goals, the Whole Watershed Act requires projects to implement practices that deliver multiple co-benefits for both the ecosystems and communities within the Chesapeake Bay watershed.

Maryland needs this legislation to deliver results for the Chesapeake Bay restoration goals that were set after the signing of the multi-state Chesapeake Bay Agreement in 1983. Over the last four decades, the multi-state partnership has expanded and water quality goals for the Chesapeake Bay have been further refined to meet the needs of a bay in flux. Nevertheless, progress on the water quality goals of the Chesapeake Bay has been slow to materialize, even as the number of projects implemented in the watershed has steadily increased. We are not on track to meet the 2025 timeline that was agreed to by the Bay states in 2010 through the Chesapeake Bay Clean Water Blueprint.

The 2023 Comprehensive Evaluation of System Response (CESR) Report written by over 100 scientists is a deep dive into the challenges and opportunities for change. The report found that the Chesapeake Bay Program's current portfolio of adaptive management processes is inadequate to address the uncertainties and response gaps that need to be filled to achieve water quality goals. The CESR Report cited several opportunities for change including improvements to incentive programs and policies to focus on target areas that generate most pollution, shifting metrics from simply installing practices to achieving pollution reduction results, and expanding the focus of monitoring projects to understand water quality responses to pollution reduction among others. A major recommendation coming from the CESR report was to refine the Bay's adaptive management tools to address its limited capacity and evaluate uncertainties and response gaps. There are opportunities to further reduce nutrients entering the Bay from nonpoint sources, but changes to programs and policies need to be considered – SB 969 is a bill that keeps these core recommendations front and center within its design of a whole watershed approach that will harmonize the needs of communities and natural resources within the Bay.

Our team of conservation practitioners at TNC also endorse the changes to the Waterway Improvement Fund that are incorporated within this legislation, which reinforce the bill's systems-based approach to natural resource management. SB 969's proposed authorization of the Waterway Improvement Fund for beneficial use of dredged material projects compliments the Fund's existing authorized expenses, which include dredging – bringing natural resource impacts and restoration into alignment. In Maryland, the beneficial use of dredged materials is already identified as the priority management practice in the Dredged Material Management Act and has led to large scale restoration projects including Hart-Miller Island, Paul S. Sarbanes Ecosystem Restoration Project at Poplar Island, and the planned Mid-Chesapeake Bay Island Ecosystem Restoration Project. Deploying additional funds to systematically catalyze the beneficial use of dredged material in the state will make it easier for practitioners to implement restoration efforts along Maryland's coastline and further reinforce the whole system strategy of SB 969.

Our increasing knowledge of climate change, its worsening impacts on ecosystems and communities, and a deeper understanding of the intricate relationships held by communities for the land and water resources they live next to are all components that need to be incorporated within Chesapeake Bay Restoration efforts. It is widely understood that conservation outcomes are longer lasting and more effective if projects are designed and implemented collaboratively with communities. However, community members are infrequently included in – or even completely absent from – priority setting for coastal restoration, habitat resilience and climate adaptation programs. The Chesapeake Bay watershed is home to more than 18 million people, and while not all 18 million live in Maryland, our state has opportunity to lead by example and create holistic, inter-connected restoration practices that prioritize collaboration over piece-meal and siloed conservation approaches.

To truly succeed in restoring and protecting the resources of the Bay, we need to widen the lens of conservation and visualize restoration efforts within the broader context of climate change, how it impacts communities, and how decision-making processes need to prioritize benefits for both people and nature. We commend Senators Elfreth and Guzzone for putting forth legislation that is forward looking and inclusive of multiple goals in its vision for the future of the Chesapeake Bay.

For these reasons we strongly urge a favorable report on SB 969.