

**Committee:** Senate Education, Energy, and the Environment

**Legislation:** SB 969

**Position:** SUPPORT

**Date:** March 5, 2024

Dear Chairman Feldman and Members of the Committee:

The Severn River Association (SRA) requests a favorable report for SB 969, which will enhance the practice of Chesapeake Bay restoration in two transformative ways:

- 1) The bill will require licensure for stream restoration contractors to ensure that restoration projects are carried out by qualified professionals who adhere to best practices and ecological principles; and
- 2) The bill creates a new approach to watershed restoration in the State, guided by the best science and leveraging support from local governments, private landowners, and the non-profit sector to generate accelerated, cost-effective, ecologically and socially enhanced outcomes.

### **The Problem**

The Comprehensive Evaluation of System Response (CESR) Report, released May 2023, finds that existing actions to reduce nonpoint sources of nutrients are insufficient to achieve the Total Maximum Daily Load (TMDL) goals for the Bay, and that there are significant gaps between the expected and observed pollutant reductions and water quality responses. The report notes that nutrient load reductions have not produced the expected level of improvement in estuary water quality, especially in the deep channel habitat, and that climate change and other factors may offset or complicate the water quality response. The report suggests that a tiered approach to TMDL implementation should prioritize the habitats and regions that have the greatest potential for living resource benefits—the “shallow water habitat” defined in SB969.

Restoration projects can deliver considerable benefits to aquatic resources in the State, but current funding, permitting, and outreach constraints often result in local governments, restoration contractors, private landowners and non-profit partners taking a more opportunistic approach to project identification and construction. In other words, there is a need for more strategic, coordinated, and reliably funded planning and execution of restoration work. That is what SB969 delivers.

## **The Bill's Solution**

As noted above, SB969 has two main components, ensuring that restoration professionals adhere to defined standards of practice and care for the living resources they work within, and launching a pilot program to enhance and accelerate positive restoration outcomes within specific tributaries of the Bay.

### **Restoration Professional Licensing**

The licensure provisions of this bill ensure that restoration work in sensitive areas like streams and wetlands be done with the utmost care for the natural resource in question. Every two years, practitioners will be required to demonstrate adequate insurance, resolution of any regulatory violations, completion of 12 hours of continuing professional education, and technical knowledge via written exam. Currently, no special licensure is required for restoration professionals, notwithstanding the ecologically sensitive areas within which these firms do their work, and the development of continuing professional education requirements to maintain licensure assures that the firms competing in this space have the benefit of current science and ecological best practices as part of their ability to do business. In other words, the licensure provisions in this bill will advance the stated goals of watershed restoration work by ensuring the companies doing this restoration work are scientifically and technically proficient with it.

### **Targeted Restoration Funding**

The Whole Watershed Fund established in SB969 will deliver targeted and strategic funding to specific watersheds in the State to accelerate and enhance restoration efforts by ensuring broad stakeholder involvement, cost-effective project identification, and that funding is directed to watersheds with the best potential to show rapid systemic improvement.

The nature of restoration funding is often tied to disparate grant programs which come from different sources with different priorities (e.g. stream restoration vs. planting trees vs. small-scale rain gardens vs. riparian buffer plantings, etc.) Each of the various types of restoration best management practices (BMP) fill important roles in a watershed's health, but far too often there are geographic or temporal gaps between them which prevent the diverse BMPs from complementing one another or reaching their full potential. For example, if a watershed organization like the Severn River Association seeks to improve water quality in a specific creek on the river, we may identify a need to restore a section of stream, and also identify areas that flow into that stream where trees could be planted and small-scale stormwater management projects can help reduce flow to the stream in the first place. However, existing disparate funding sources may not all apply to the various projects in that watershed, and so considerable time and expense can be lost in the sequencing of the various BMP grant applications throughout a given fiscal year to perform all the potential work. The Whole Watershed Fund and the projects it can coordinate will help alleviate this problem and accelerate the implementation of restoration projects in a holistic way, all while ensuring the contractors performing the work are appropriately trained and licensed.

**Conclusion**

Senate Bill 969 will demand higher standards of performance by practitioners of environmental restoration and demonstrate the efficacy of a holistic approach to watershed restoration in a targeted and strategic manner. The Severn River Association urges a favorable report.

Respectfully submitted,



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