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March 5, 2024

SUPPORT: SB969 - Stream and Watershed Restoration – Stream Restoration Contractor Licensing and Chesapeake and Atlantic Coastal Bays Restoration and Funding (Whole Watershed Act)

Chair Feldman and Members of the Committee:

Maryland LCV supports SB969 - Stream and Watershed Restoration – Stream Restoration Contractor Licensing and Chesapeake and Atlantic Coastal Bays Restoration and Funding (Whole Watershed Act) - and we thank Senator Elfreth and Chairman Guzzone for their continued leadership for Chesapeake Bay restoration.

As we come to 2025 knowing we will not achieve the goals set by the Chesapeake Bay Partnership more than a decade ago, it is imperative we take strides to reassess and alter our strategies for bay restoration and the health of the waters across the Chesapeake Bay watershed. In Maryland, we have successfully addressed major nutrient pollutants from point sources, especially large wastewater treatment plants, but our ability to effectively address nonpoint source pollution - especially from agricultural land use and urban stormwater - has been frustratingly less effective. Efforts to reduce nonpoint source pollutants have been scattered across large geographies, rather than targeted into single systems, contributing to missing targets for water quality. SB969 addresses the need to adjust our strategy for watershed restoration across the state. The legislation establishes a pilot program to serve as a proof of concept as we work in a more coordinated and targeted way to effectively achieve our goals for watershed-wide restoration.

The pilot program in SB969, the Whole Watershed Act, will identify and target five watersheds in Maryland on the HUC-8 scale, the scale used for designating waters as impaired under the Clean Water Act. This watershed scale is also large enough to need extra effort to coordinate across it; and within this size watershed, many smaller, feeder streams will provide the opportunity for demonstrating meaningful results. This program takes recommendations and lessons learned from two sources: (1) the Comprehensive Evaluation of System Response (CESR) report the Scientific and Technical Advisory Committee to the Chesapeake Bay Program released in May 2023, and (2) a successful program to rapidly moved streams from impairment to health in a watershed in Lancaster County, Pennsylvania.

From the CESR report, the Whole Watershed pilot program will target restoration efforts and shift the emphasized program goals from water chemistry in the deepest channels of the mainstem of the bay to shallow waters - building habitat and providing connections to clean water for people in the places where they live and recreate.

From the watershed restoration program, launched in 2018 with a group called the Lancaster Clean Water Partners, Whole Watershed takes the lesson to use fine-scale data and scientific analysis for a targeted approach while also incorporating community coordination to address community needs for things like reducing flooding risks and providing more fishing and hunting habitat while also improving water quality.

SB996 centers people and community needs into the work of watershed restoration. It ensures community voices are included in the design and coordination of restoration practices by requiring co-benefits are included in restoration plans, additional community concerns will be addressed and the upland treatments most important to achieving sustainable water quality improvements will be prioritized. Additionally, equity is built into the plan, which requires that at least two of the five watersheds chosen for the pilot program must benefit overburdened or underserved communities. These provisions make this the right program for right now.

In addition to the pilot program for watershed restoration, SB969 establishes an important licensure program for stream restoration professionals. The program uses a similar structure to that already in place for marine contractors in Maryland and will help to ensure those working in sensitive aquatic environments have both a basis of knowledge about the ecosystems in which they work and maintain an understanding of scientific developments relevant to their field.

SB969 is an important bill, responding to the most up to date science and current policy recommendations to advance Chesapeake Bay restoration and improve Maryland's efforts for achieving water quality and health within our watersheds. Maryland LCV urges a favorable report on this bill.