



March 4, 2024

Re: HOUSE BILL 0969

Position: OPPOSED

Seneca Creek Watershed Partners is an all-volunteer non-profit dedicated to the health of Seneca Creek watershed, the largest watershed in Montgomery County.

We OPPOSE HB0969 "WHOLE WATERSHED ACT" for the following reasons:

- The bill would create, and fund, an unnecessary bureaucracy stacked with stream restoration (engineering) industry representatives, political appointees and staff. One representative each of MDE and DNR would be included although their expertise is not specified. No biologists, ecologist, hydrologists or any other relevant science discipline would necessarily be included.
- It would divert funds that should be used for more effective stormwater management and nature-based restoration. State funds for restoration should be used efficiently and effectively to reach the Chesapeake Bay restoration goals under the Chesapeake Bay TMDL.
- This bill would exacerbate an already heavily weighted system that pushes for restorations. Local governments view stream restorations as an easier and cheaper path to MS4 permits, and thus have no incentive to seek what is ecologically preferable. We have experienced stream restorations in the Seneca Creek watershed that could only be described as devastating to the natural environment.
- A stated goal of the bill is to fast-track removal of water bodies from the State 303d impairment list. Without out-of-stream stormwater management, this will never be possible. The vast majority of streams in Maryland are impaired by nutrients, sediment and biological stressors. This bill would continue to prioritize stream restoration projects that only address the symptoms, not the cause, of stormwater pollution and stream degradation.

- Instream net biological uplift should always be a stated goal of any stream restoration. Studies of macroinvertebrate and fish population health have found that these are nearly always worse post-restoration. According to a research summary of 40 Maryland stream restoration projects:

“Despite the promise and allure of repairing damaged streams, there is little evidence for ecological uplift after a stream’s geomorphic attributes have been repaired....In fact, the unrestored sections upstream were often ecologically better than the restored sections or those downstream of restorations. Our results suggest that restoration activities do not mitigate the reasons causing the ecological declines. Higher levels of Impervious Surface Cover (ISC) in the watershed have an overarching influence on Piedmont streams (but not in the Coastal Plain). Restorations actually decreased in ecological health measures to a greater extent as ISC increased than their unrestored counterparts upstream. Ecological measures also responded negatively to the degree of disruption caused by the restoration. Longer restorations and those with more installed structures had lower ecological uplift measures in the Piedmont, while those in the Coastal Plain responded negatively to greater amounts of installed root wads and step pools. A key point here is that the amount or intensity of restoration did not improve outcomes in either region.” - https://cbtrust.org/wp-content/uploads/Hilderbrand-et-al_Quantifying-the-Ecological-Uplift.p

- The Board would approve continuing education requirements for licensees. The required curriculum is not described. Would contractors be required to meet aquatic and riparian ecological knowledge?
- Projects would require only cursory public notice, not much different from current practice. Public notice is not the same as public engagement.

While we appreciate our delegates’ efforts to address the impacts of stream restorations, HB 0969 does not adequately protect or restore our waterways and riparian habitat, nor does it serve the purpose of the Clean Water Act “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”

Sincerely,

Deborah Sarabia, M.En.
Advisor, Seneca Creek Watershed Partners
www.senecacreekwp.org

cc: Kevin Misener, President