

## **SB 969 - Whole Watershed Act**

### **COMMITTEE – Environment and Transportation Committee**

#### **Testimony on SB 969 (Elfreth)**

#### **POSITION - UNFAV**

#### **Hearing Date - March 26th, 2024**

Good afternoon. My name is Allegra Cangelosi. I am a Maryland citizen of 35 years, and a retired environmental professional focused on the Great Lakes environmental protection and management. Thank you for this opportunity to testify on SB 969, introduced by Senator Elfreth. My position today regarding SB 969 is UNFAVORABLE. Maybe if we give it another year of discussion and modification, SB 969 can be the environmental achievement its sponsors set out for it to be.

It is understandable to think provisions of SB 969 would be good for the environment. Those include requiring expensive pilot studies and the licensing of stream restoration contractors. But unfortunately, the bill does nothing to rectify a glaring problem: the ongoing abuse of the restoration credit system in the form of unnecessary and destructive tear-it-up-and-rebuild-it stream-restoration projects throughout Maryland.

We may want to believe otherwise, but heavily-engineered approaches to stream work do not restore Maryland streams. In fact, the mature tree loss incurred to give access to the heavy equipment is profoundly harmful to the very stream valleys we set out to help. The re-plantings of saplings that are the finishing touches are little consolation because saplings are unlikely to survive in the absence of the tree canopy and fertile forest soil sacrificed to the demolition stage. In short, these projects may produce outcomes that “look like stream system” for a period of time, but they fail to thrive, and as such, fall victim to invasive species infestations and continuous erosion.

In lieu of tear-it-up-and-rebuild-it projects, we should be reducing the deadly pressures on natural stream systems so they can muster their remaining resources to fully recover. This means reducing storm runoff into them, which causes most of the problem in the first place. Upland, out-of-stream best management practices are already authorized for this purpose; they are just underutilized. Despite its title, the Whole Watershed Act misses the opportunity to initiate this useful course of action in routine stream work. Worse, it cements tear-it-up-and-rebuild-it practices in place through creating a licensing board which only considers these most destructive approaches within its purview. Rather than constraining instances in which of tear-it-up-and-rebuild-it approaches are employed, It allows engineering firms to even solicit this project work from less-well-informed neighborhoods.

#### **Ways to Improve SB 969**

SB 969 should be amended to:

- Prohibit use of heavy equipment in most stream restoration projects and incentivize use of upland BMPs that conserve natural stream beds and existing trees.
- Include upland BMPs the range of tools for which firms conducting stream restoration work must show competency, either by including upland BMPs in the statutory definition of “stream restoration practices” or defining them separately.

- Require all project applications to specify goals for biological and ecological uplift, water quality, and mature tree conservation, and to measure and report outcomes against them. Require timely public access to this information.
- Require mature tree preservation plans and pre- and post-project mature tree maps to create accountability that losses were in fact minimized.
- Require expanded public notice, transparency, and community engagement, generally.

Fortunately, a Wetlands and Waterways Program — Stream Restoration Projects bill (HB 1284) contains well-crafted provisions that illustrate ways to address these oversights, and could be productively incorporated into SB 969. But time is now very short. Clearly, the industry conducting tear-it-up-and-rebuild-it stream restorations is in favor of cementing the status quo in place and has a powerful voice in Annapolis. At this point, it would be best for the Maryland Legislature to put off acting on SB 969 this year so that these problems can be better addressed, and more voices can be heard.

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