



PO Box 760 Edgewater, MD
21037

410-224-3802
www.arundelrivers.org

Testimony in OPPOSITION of House Bill 1284 – Wetlands and Waterways Program – Stream Restoration Projects

Environment and Transportation Committee
March 6, 2024

Dear Chair Korman and Members of the Committee,

Thank you for the opportunity to submit testimony in **OPPOSITION OF HB1284**, on behalf of Arundel Rivers Federation. Arundel Rivers is a non-profit organization dedicated to the protection, preservation, and restoration of the South, West and Rhode Rivers with over 3,500 supporters. Our mission is to work with local communities to achieve clean, fishable, and swimmable waterways for present and future generations.

Today's streams are not what they once used to be. Due to developmental pressures and increased runoff, many of our streams have become incised, clogged with sediment, and degraded. What were once meandering, U-shaped bottomed streams with shallow banks interconnected to the floodplain through wetland pockets and side channels have now become carved, straight ravines or gullies with V-shaped bottoms and exposed, steep banks. Every time we have a large rain event, large amounts of stormwater runoff will rush down these pathways, carrying nutrient and sediment pollution to our waterways and further eroding the already degraded stream channel. Such erosion and pollution is devastating to downstream water quality and habitat, especially when the eroded streams are located mere feet from our iconic oyster reefs and underwater grass beds.

Stream restoration is a tool that repairs stream habitat while also benefiting downstream water quality. According to the Department of the Environment, the goals and objects for any stream restoration project include improving stream habitat, preventing erosion, restoring hydrology, reconnecting floodplains, reducing sediment and nutrient delivery downstream, improving water quality, removing invasives and replacing with riparian vegetation with natives, and re-establishing continuous stream channels.

We have seen instances of large-scale stream restoration often associated with mitigation work resulting in excessive tree clearing. **While HB 1284 has good intentions of trying to prevent those types of projects, it invertedly will make *all* stream restoration projects difficult to implement, including those projects that seek to provide improved habitat and downstream water quality improvements.**

Arundel Rivers is opposed to House Bill 1284 for the following reason:

1. HB1284 introduces requirements that are redundant to existing requirements.

All stream restoration projects are permitted through the US Army Corps of Engineers, which require post-construction monitoring requirements that include 5 years of post-construction monitoring. Monitoring requirements include structure assessment, vegetation analysis, invasive species analysis, and habitat assessments. Monitoring may also include flow classification, vertical stability analysis, and wetland delineation (including wetland hydrology, soil conditions, and wetland vegetation dominance) depending on the project. The monitoring

must be done using regulator-approved protocols and reports. These requirements are in addition to additional monitoring requirements from project funders for non-profits doing this work. For example, the National Fish and Wildlife Foundation requires a Quality Assurance Project Plan, a robust plan that includes monitoring requirements. When applying for grant funding for these projects, applicants must justify why the project is needed, present the co-benefits, and include public outreach. These funding programs are highly competitive. Only the best of the best are chosen by a panel of expert reviewers to be implemented.

2. HB1284 includes vague and potentially impossible requirements in regard to monitoring, plans, and mapping without identifying funding sources for that work.

Currently, a non-profit such as Arundel Rivers must apply for grant funding to design and implement restoration work. Requiring pre-construction monitoring and additional restoration plans for upland work is not feasible for groups such as us simply because there is no funding source available to us for the work. Requiring pre-monitoring will effectively halt all stream restoration work from being implemented by small nonprofit water quality organizations – those groups which probably have implemented some of the best functioning projects to date.

3. Public outreach is essential to any successful project, but the bill's public outreach components are onerous without identifying additional funding sources for the work.

Arundel Rivers supports public engagement and comments and we rely on those tools when working on clean water initiatives. However, HB1284 requires excessive outreach without identifying funding sources to implement the work, effectively stalling and potentially halting restoration work.

4. The bill attempts to change Chesapeake Bay modeling credits for best management practices.

Estimating sediment and nutrient load reduction benefits associated with restoration work are determined by a panel of experts comprised of practitioners, scientists, and state, local and federal government representatives spanning the Bay region. The process includes comprehensive review of literature and studies and uses real data and reports for verification. Arundel Rivers does not support altering the crediting process outside of this expert panel within the Chesapeake Bay Program.

Arundel Rivers Federation strongly supports the implementation of stream restoration practices that result in improved stream habitat and improved downstream water quality. We are supportive of The Whole Watershed Act, another legislative effort introduced this session that includes appropriate guardrails for stream restoration projects without halting them completely. HB1284 will not support such stream restoration practices and therefore, Arundel Rivers respectfully requests an **UNFAVORABLE REPORT on HB1284.**

Sincerely,



Elle Bassett
South, West and Rhode Riverkeeper
Arundel Rivers Federation