



The Severn RIVERKEEPER® Program

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March 14, 2022

Chairman Paul G. Pinsky
Education, Health and Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, MD 21401

SB0945 – Wetlands and Waterways Program – Authorizations for Ecological Restoration Project
Testimony on Behalf of: The Severn Riverkeeper Program
Position: Support

The Severn Riverkeeper Program is an active environmental non-profit dedicated to conservation, wetland preservation and restoration in the Severn River Watershed. Our goal is to create fishable and swimmable waters and a resilient and sustainable watershed. Our focus is to stop pollution. The Severn's water quality has deteriorated significantly due to stormwater runoff and hardening shorelines. The solution is to work in the ravines and stream valleys to restore the riparian ecosystems and create nature-based restoration projects that process and filter the sediment and excess nutrients before entering tidewater. We also work at the shoreline to stop erosion by creating dynamic living shorelines that create habitat and stabilize. Our goal is to Save the Severn, "One Creek at a Time".

In the 20 years since our founding, we have completed 11 major voluntary restoration projects with several others currently in design and permitting. We have leveraged over \$6 million of investment in restoration. Many of those projects have won awards and helped set the standard for regenerative nature-based approaches that replace lost ecosystem functions of the streams and adjacent floodplains and wetlands.

Positive trend for funding restoration: Initially it was difficult to identify funding sufficient to build projects at the scale necessary to stop pollution. However, over the last few years that has improved and the State of Maryland and the local jurisdictions such as Anne Arundel County have stepped up their support of restoration projects by non-profits. We have been able to create viable partnerships to improve the environment and reduce TMDL's.

Downward trend for Design and Permitting Restoration: The trend for design and permitting has been the opposite, however. The cost and timeline for obtaining permits for restoration has increased over the past 20 years. The State process for obtaining permits is daunting and does not differentiate between voluntary restoration and mitigation/development whose goals and motivations are very different. This creates a regulatory culture that is often more inclined to pound the "developer" of a voluntary restoration with a punitive mindset instead of creating a partnership to increase the benefits of restoration for the resource – partner or adversary? This raises the following concerns:

- The process is inefficient and compartmentalized among the various resources within a larger stream and riparian ecosystem. Each area has its own reviewers who are narrowly focused on that specific resource. This can create the scenario that we are forced to protect a degraded wetland in its current state at the expense of creating ecological uplift for the entire stream system. In one extreme example, our organization was forced to give back nearly \$1 million dollars that we had secured for a stream restoration due to this exact issue. It created such a permit impasse, that we had to abandon the project, unable to pay for the level of impact studies being demanded by the reviewers.

- This creates a tendency to design to the permit and “regression toward the mean” so that we get less resilient projects, less pollution processing and less long-term ecosystem re-establishment – ironically, all in the name of Clean Water.
- It’s all about science and ecosystem balance. The science is evolving as we come to understand more about how to work with the natural processes, reconnect floodplains, re-establish groundwater exchange and create long-term resilient ecosystems. This calls for reviewers who operate within a “restoration” mindset.
- This is a multi-tiered issue, involving regulatory review at not only the State level, but also the Federal and Local levels. The State of Maryland has the opportunity here to set the bar for regulatory consistency and science that meets the goals of the Chesapeake Bay Watershed Agreement. I support the effort to conduct a thorough review of the regulations that govern these vital restoration projects and would welcome participation in such an effort. Local jurisdictions look to the State to set the tone for rigorous yet appropriate and efficient review for proposed restoration and this can create better projects moving forward.

I appreciate the opportunity to comment on this proposed bill and very much appreciate the leadership within the State that has shown that they value restoration and the goals of the Chesapeake Bay Agreement.

Sara Caldes – Severn Riverkeeper

