



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

House Bill 942

Wetlands and Waterways Program – Authorizations for Stream Restoration Projects

Date: March 3, 2023	Position: Favorable with Amendment
To: House Environment and Transportation Committee	From: Doug Myers, Maryland Senior Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS WITH AMENDMENT** HB 942, which requires the Maryland Department of Environment (MDE) to revise criteria for stream restoration projects associated with stormwater permits, bay restoration, mitigation and other restoration goals.

MDE, the US Army Corps of Engineers and the Chesapeake Bay Program have all had a hand in developing regulatory requirements, guidance and crediting systems that have made “stream restoration” a popular management practice for multiple restoration goals. The unintended consequence is that it has become a default practice when other best management practices would be more appropriate and beneficial to the environment. Goals for nutrient reduction, for example, may not be compatible with goals for improving the hydrology of streams or their biological function, especially when the site-specific practice ignores upstream impervious surface growth or requires the removal of mature trees.

MDE is beginning to address some of the permitting issues with stream restoration projects through a working group created by legislation during the 2022 session. CBF is participating in this forum but feels additional legislative clarification is warranted at this time. HB 942 expresses a review framework for such projects to take a larger landscape view of streams within the context of the watersheds in which they occur and values their existing functions without heavy-handed instream construction.

The sponsor’s amendment corrects a drafting error to maintain the importance of post-construction monitoring while allowing credits to be awarded for appropriate projects in a fashion that protects the business model of restoration.

CBF urges the Committee’s FAVORABLE WITH AMENDMENT report on HB 942.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.