

JEN TERRASA  
Legislative District 13  
Howard County

Environment and Transportation  
Committee

House Chair

Joint Committee on Children,  
Youth, and Families



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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

March 3, 2023

To: The Honorable Kumar P. Barve  
Chair, Environment and Transportation Committee

From: Delegate Jen Terrasa  
District 13, Howard County

Re: Sponsor Testimony in Support of HB942 Wetlands and Waterways  
Program - Authorizations for Stream Restoration Projects

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Dear Chairman Barve, Vice Chair Stein, and Members of the Environment and Transportation Committee,

Thank you for the opportunity to present HB942, which would require the Department of the Environment to revise the criteria it currently uses to approve stream restoration projects based on the perceived impact it would have on wetlands and waterways. While stream restoration may sound overall good on its face, the concern this bill addresses is that in some cases these projects also cause a significant amount of destruction, including removal of mature trees and habitat for existing wildlife.

There has been a recent push in past years to support stream restoration projects with the goal to lessen stream erosion and ultimately promote biological uplift in the Chesapeake Bay. However, these projects have not resulted in their intended effects. Some current stream restoration projects tear out forests and vegetation to alter the channel structure of streams. These changes disrupt the surrounding habitats and ecosystems, hurting various wildlife that depend on these environments. In addition, these projects have not been effective in stopping stream bank erosion and, in some cases, have left the stream and its water health in worse shape.

In order to support the habitats both in and surrounding the streams, HB942 requires that biological uplift and improvement be proven throughout this process, as well as tree removal be minimized. Since one of the main goals of stream restorations and MS4 permits are to promote the biological uplift of the Chesapeake Bay, it should also be a main goal of the stream restoration projects. These steps will protect natural vegetation and wildlife around the streams.

HB942 works to solve these issues by changing the incentives surrounding stream restoration projects. Instead of incentivizing large projects that negatively affect the habitats surrounding streams, and consequently streams' water health, this bill will provide more credits for smaller, upland projects through the Maryland Department of Environment's (MDE) Municipal Separate Storm Sewer System (MS4) Permits and Total Maximum Daily Load (TMDL) goals. Upland projects, including rain gardens and permeable pavements, work to limit the amount of stormwater that ends up flowing into streams and causing destruction. Without incentivizing projects that will control stormwater before it reaches the streams, they will continue to be destroyed.

Stream restorations have become a multi-billion-dollar industry. Municipalities are spending enormous amounts of money on projects to generate the necessary water quality credits for MS4 permits. MS4 permits are issued by MDE under authorization of the federal Environmental Protection Agency. In Maryland, the MS4 permit system requires certain jurisdictions to reduce the amount of nitrogen, phosphorus, and sediment that enters the Chesapeake Bay **but** not all require them to demonstrate biological uplift in streams.

Mitigation projects are another driver of stream restorations. These mitigation projects are used to compensate for environmental harms created in one place, typically by a construction project, by making attempted environmental enhancements such as a stream restoration in a different location. Mitigation projects must meet the Federal Mitigation Rules and state requirements. Current laws and regulations enable the frequent use of stream restorations for both mitigation projects and MS4 permits.

### **WHAT THE BILL DOES:**

HB942 has five main goals. The first is to incentivize use of alternatives to stream restorations that are less destructive to the environment, such as rain gardens, tree plantings, permeable pavement, etc. The second is to require projects to focus on biological uplift of instream biology and net overall impact on the environment. Third, to require projects to minimize tree removal and protect remaining trees. Fourth, to improve public notice/transparency regarding these projects. Fifth, to require that stream restoration mitigation projects be located in the same watershed as the stream for which mitigation is required. And lastly, to monitor and evaluate projects to ensure stated goals are achieved before credits are issued. (However, we are working with stakeholders to reduce that timeline for when credits are released.)

This bill works to reduce stream degradation, incentivize solutions that will actually protect our streams and their surrounding environments, and set up safeguards to ensure their effectiveness.

I respectfully urge a favorable report of HB942.