
Testimony encouraging a FAVORABLE WITH AMENDMENTS report on House Bill 942 – Wetlands and Waterways Program – Authorizations for Stream Restoration Projects

Environment and Transportation Committee

March 3, 2023

Dear Chairman Barve and Members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF HB942 WITH AMENDMENTS**, 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 be. Due to developmental pressures and increased runoff, many of our streams have become incised, clogged with sediment, and degraded. What was once a meandering, U-shaped bottom stream with banks connected to the floodplain has now become a carved ravine or gully with a V-shape bottom 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.

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.¹

We have seen instances of large-scale stream restoration often associated with mitigation work result in extensive tree clearing. While HB 942 had 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. Therefore, Arundel Rivers is requesting the following amendments:

- *Strike language throughout the bill that targets “stream restoration projects associated with achieving local Municipal Separate Storm Sewer System targets, Chesapeake Bay Total Maximum Daily Load goals, or other restoration goals.*

Stream restoration is one of the most cost effective restoration tools we have to meet these targets and goals, why would we target the projects that seek to achieve them?

- *Add “(VIII) SHALL BE DESIGNED TO MINIMIZE TREE REMOVAL AND IMPROVE HABITAT to (B)(1). Maintaining tree habitat is already a goal of stream restoration design. Minimizing tree impacts and tree removal during design and construction is important, however it is important to note that some tree species will likely naturally change due to the desired change in hydrology from the project. For example, a tree that has grown with dry roots may not adjust well to the reconnected floodplain and wetland-like conditions of the now frequently flooded habitat around a stream restoration project. That tree will likely die and be replaced with a tree that prefers wet roots.*

¹ Maryland Department of the Environment. Stream Restoration.
https://mde.maryland.gov/programs/Water/Pages/Stream_Restoration.aspx

- *Strike all of (B) (2)*

Upland projects alone will not restore eroded streams and crediting should be based on scientifically proven outcomes. Often times, there is not adequate space for upland work to be accomplished and maintenance of upland projects has proven to be a challenge. Upland projects are often more costly for less nutrient and sediment reduction benefits. This will further delay Maryland in reaching our restoration goals.

Requiring 10 years of monitoring before providing credits will significantly reduce the incentive for stream restoration projects. This will create a substantial fiscal burden for small non-profits doing this work and increase the amount of grant funding that will be required to achieve this from grant-making organizations. Ultimately, that will result in funding being taken away from other projects that might include upland work.

- *Add new language addressing required mitigation be located within the same watershed when feasible. Suggested language:*

REQUIRE THE APPLICANT FOR A PROJECT BEING UNDERTAKEN EXPRESSLY FOR THE PURPOSE OF PROVIDING CREDITS FOR WETLAND LOSSES FROM FUTURE ACTIVITIES, THE DEPARTMENT SHALL REQUIRE THE PROJECT BE LOCATED IN THE SAME WATERSHED AS THE WETLAND FOR WHICH MITIGATION IS REQUIRED, OR

(i) IF THE RESTORATION PROJECT CANNOT BE REASONABLY ACCOMPLISHED IN THE WATERSHED IN WHICH THE CONSTRUCTION ACTIVITY IS LOCATED, THEN THE RESTORATION SHALL OCCUR IN THE SAME COUNTY FOR WHICH MITIGATION IS REQUIRED.

Arundel Rivers Federation strongly supports the implementation of stream restoration practices that result in improved stream habitat and improved downstream water quality. HB942 will not support such stream restoration practices as currently written and therefore, we respectfully request a **FAVORABLE WITH AMENDMENTS REPORT on HB942 and we look forward to continued conversations with the bill sponsors on this important topic.**

Sincerely,

Elle Bassett

Elle Bassett
South, West and Rhode Riverkeeper
Arundel Rivers Federation



Photo taken before stream restoration project

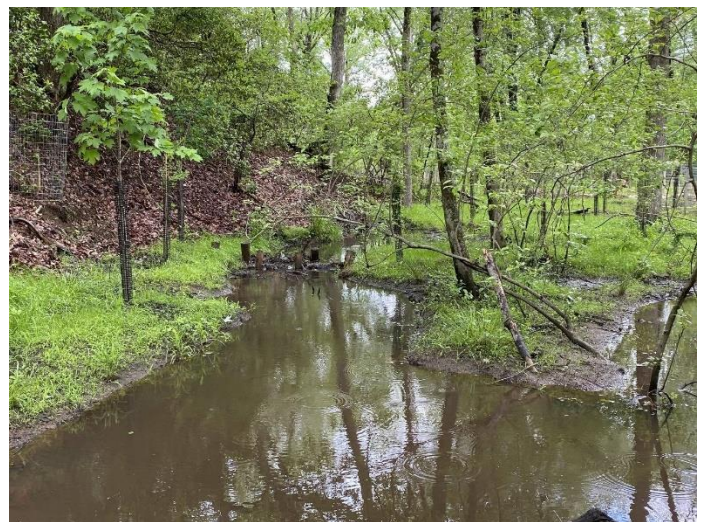


Photo taken from same location after stream restoration

Annapolis Landing Pre-Restoration Photos



Annapolis Landing Post Stream Restoration

