

March 3, 2023

The Honorable Kumar P. Barve  
Chair, Environment and Transportation Committee  
Room 251, House Office Building  
Annapolis MD 21401

***RE: Letter of Information – House Bill 942 – Wetlands and Waterways Program – Authorization for Stream Restoration Projects***

Dear Chair Barve and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 942 but offers the following information for the Committee’s consideration.

House Bill 942 requires the Maryland Department of the Environment (MDE) to revise its eligibility requirements for project mitigation goals and restoration credits. House Bill 942 specifically prioritizes mitigation practices that are allegedly less invasive with less environmental impacts from construction. House Bill 942 also requires mitigation sights to be maintained and monitored for 10 years following the construction, as opposed to the current requirement of 5 years. Finally, House Bill 942 requires public notification during the application process and a public meeting on each respective project.

The MDOT State Highway Administration (SHA) is required by the Federal Highway Administration (FHWA) and MDE to mitigate stormwater from the roadway system. Any increase in impervious service, due to a SHA project, requires mitigation either on-site or in the form of credits earned from stormwater upgrades at a different facility. Typically, on-site storm water management includes things such as grass swales, rain gardens, or tree plantings. In many instances, SHA does not have the necessary right-of-way or conditions to construct on-site mitigation and must use the credit system.

Stream restoration projects are one of the most effective methods for SHA to mitigate highway runoff impacts and improve the surrounding environment. It also happens to be one of the most cost-effective ways for SHA to obtain and use stormwater management credits. SHA has a successful model of using land owned by a third party to restore streams to their more natural state. This practice allows SHA to acquire credits without the time consuming and expensive process of buying and maintaining more right-of way. This method is also proven to improve water quality and mitigate stormwater in areas that have greater needs.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating House Bill 942.

Respectfully submitted,

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