



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

Senate Bill 798

Stream Restoration Contractors Licensing Board, Stream Restoration
Contractors, and Stream Restoration Project Requirements

Date: March 12, 2024
To: Education, Energy, and the Environment Committee

Position: **Favorable With Amendment**
From: Doug Myers
MD Senior Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS SB 798 WITH AMENDMENTS.** The bill establishes a Stream Restoration Contractor's Licensing Board and requires regulations related to the design and implementation of stream restoration projects more broadly.

The establishment of a stream restoration contractors licensing board provides necessary accountability on entities offering stream restoration contracting services. The board created by the bill is similar to the state's licensing board for marine contractors which has proven successful in regulating the industry for those services. Initial licensing and continuing education requirements allow contractors to keep pace with evolving science on watershed restoration techniques that maximize water quality and biological benefits without causing unintended harm.

CBF recognizes that stream restoration can be a legitimate component of comprehensive watershed restoration plans to address legacy issues caused by human disturbance of the watershed. However, oftentimes the stream restoration component is prioritized over other remedies like the reduction of impervious surfaces, on-site stormwater volume control, green infrastructure to infiltrate runoff, and the protection and restoration of mature forest cover. When these other components are ignored, in stream projects fail to deliver pollution reduction and biological restoration goals, reduce existing forest cover, and alienate neighboring communities that cherish the project site in its current condition.

Licensing contractors and putting "guardrails" on the practice of stream restoration generally may help curb some of the most serious incidents where in stream projects have been met with community opposition. However, for stream restoration projects to be their most successful, Maryland must create incentives to better coordinate stormwater management practices for maximum impact, including additional upland practices.

CBF believes that many of the provisions in this bill are more appropriately considered as part of a holistic look at stormwater management practices and incentives. However, we offer a non-exhaustive list of suggested amendments to clarify or strike confusing sections:

- Subtitle 5 Section 18-501(B)(2)(III)(1) requires "public notice to residents of the entire county in which the project is to occur". The bill should clarify how this notification requirement would be satisfied

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

such as publication in a newspaper with countywide circulation, posting on a website, or other means of notification. Alternately, the committee should consider a notice requirement more narrowly targeted to communities likely to be directly impacted by a proposed project.

- Strike 18-501 (B)(2)(III)(3)(II) “Altering the Index of Biotic Integrity requirement for restoration to apply only to streams that are poor or very poor.”
- Clarify references in Subtitle 6 to confirm when/whether the provisions of the bill sunset.

CBF urges the Committee’s FAVORABLE WITH AMENDMENT report on SB 798.

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