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The Honorable Brian J. Feldman

Chair, Education, Energy, and the Environment Committee

2 West Miller Senate Office Building

11 Bladen Street, Annapolis, MD 21401

Re: FAVORABLE REPORT for Senate Bill 688 – Environment – Stream and Floodplain Restoration Projects

Dear Chair Feldman and Members of the Committee,

I am writing to express my strong professional support for **Senate Bill 688**.

By way of background, I am a retired senior environmental scientist formerly with the U.S. Environmental Protection Agency's Office of Environmental Information. My career has focused extensively on the development of environmental indicators, assessing environmental results, and establishing scientifically sound performance measures for aquatic systems. It is through the lens of objective performance measurement that I view the vital improvements proposed in this legislation.

The stream restoration industry provides valuable services to the State of Maryland, and this bill does not seek to end stream restoration. Rather, SB 688 represents a necessary maturation of our stormwater management strategy. It aligns state policy with four fundamental principles of environmental management:

1. It Establishes Accurate Environmental Indicators (Section 18-102) In any environmental program, the definition of "success" must be tied to actual ecological health. Currently, regulatory compliance in stream restoration relies heavily on modeled estimates of sediment or nutrient reduction. While models are useful, they are not direct indicators of a living ecosystem's recovery.

SB 688 introduces a critical quality control measure by mandating that "measurable functional lift" must include documented improvements in biological community conditions, assessed using scientifically accepted indices (such as the Benthic Index of Biotic Integrity, or BIBI). Establishing biological indices as the performance measure ensures that taxpayer funds and regulatory credits are awarded for actual ecological results, rather than solely for construction outputs.

2. It Shifts Investment to Practical Upland Methods (Section 4-203) SB 688 codifies the scientific hierarchy of "Upland First." It is a basic tenet of hydrology that stream channel instability is often a symptom of altered watershed hydrology, specifically uncontrolled runoff from impervious surfaces.

This legislation does not eliminate funding or MS4 credits for stormwater management; instead, it smartly shifts those resources toward proven, practical, and less invasive upland methods. By requiring the Department to prioritize source controls (like bioretention and permeable pavement), the bill ensures we treat the root cause of the degradation before resorting to heavy in-stream construction. This is a highly efficient, cost-effective way to manage watershed health.

3. It Protects Industry Integrity through "Right Project, Right Place" (Section 4-203) By prioritizing upland treatment and requiring rigorous site selection, this bill protects the restoration industry from the reputational risk of failed projects. It ensures that heavy in-stream construction is reserved for sites where it is technically the only viable option, rather than the default. This "right project, right place" approach will ultimately lead to a more sustainable, defensible, and scientifically credible restoration sector.

4. It Promotes Performance-Based Compliance (Section 4-203) The bill prohibits the awarding of pollution reduction credits based solely on the "completion of construction." In the scientific and regulatory community, this is a standard of accountability that is long overdue. Regulatory credit should be a currency exchanged for verified environmental outcomes. This provision ensures that the industry is incentivized to prioritize long-term project success and measurable environmental results.

Senate Bill 688 does not penalize compliance; it simply ensures that our investments are directed toward the most effective, least destructive, and most verifiable methods of watershed management. It is scientifically sound, fiscally responsible, and essential for the genuine recovery of our waterways.

I urge a **favorable report** on SB 688.

Sincerely,

Wayne S. Davis Retired, U.S. Environmental Protection Agency