CHESAPEAKE BAY FOUNDATION

Senate Bill 688

Environment - Stream and Floodplain Restoration Projects - Requirements and Limitations

Date: March 3, 2026
To: Education, Energy, & Environment Committee
Position: **FAVORABLE WITH AMENDMENT**
From: Matt Stegman, MD Staff Attorney

The Chesapeake Bay Foundation (CBF) **SUPPORTS Senate Bill 688 WITH AMENDMENT.** The bill would direct MDE to prioritize less intensive stormwater management practices over invasive in-stream construction practices (stream restoration). The bill would also disallow the awarding of mitigation credits for most in-stream construction projects.

"Stream Restoration" has become a popular tool for local governments to derive pollution reduction credits under their Municipal Separate Storm Sewer System (MS4) permits. Some of the same techniques are used in rural areas as part of farm best management practices aimed at improving ecological function of streams which have been degraded by various past legacy land uses such as mill dams, deforestation and tillage of adjacent fields. To date, the techniques and watershed positions of these project are highly variable as are their success in meeting restoration objectives.

As a common principle, it is better to treat pollution at its source rather than attempting to reverse damage done by upstream development runoff or altered hydrology. Without treatment of the root cause, stream restoration can cause more harm than good. However, when paired with treatment of the cause of stream degradation and with care toward minimizing the impact of the project on tree canopy and hydrology, stream restoration can be an effective tool in a broader watershed approach to restoration.

Currently, certain cost and pragmatic decisions limit the perceived feasibility of source reduction in favor of instream construction located on available properties offered by willing landowners or controlled by local government entities. These decisions may further reduce success in reaching restoration goals as well as give rise to unintended consequences such as loss of mature riparian forests and associated wildlife and recreational habitat, over-armoring of newly constructed stream channels, and increased water temperature and altered sediment geochemistry which could be toxic to sensitive fish and invertebrate species, among others.

While CBF agrees with the goal of de-emphasizing in-stream projects in favor of more cost-effective upland practices, we think that any efforts to change current mitigation crediting practices should be done in consultation with relevant stakeholders including scientists, practitioners, and regulators. We understand the aversion the General Assembly has shown in recent years to legislation directing the creation of issue studies, but feel that restoration practice crediting and weighting is a subject that would benefit from that type of focused, collaborative discussion that is often not possible during the legislative session.

CBF urges the Committee's FAVORABLE WITH AMENDMENT report on SB 688.

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

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