



Testimony in Opposition of Senate Bill 688 Stream and Floodplain Restoration Projects – Requirements and Limitations

February 27, 2026

To Chair Feldman and members of the committee,

Thank you for this opportunity to submit testimony in **OPPOSITION** to **SB688** on behalf of ShoreRivers. ShoreRivers is a river protection organization on Maryland's Eastern Shore with more than 2,000 members. *Our mission is to protect Maryland's Eastern Shore waterways through science-based advocacy, restoration, education, and engagement.*

ShoreRivers helps to fundraise, design, and manage millions of dollars' worth of restoration projects to help local governments, private landowners, and farmers achieve the pollution reduction goals established under the Chesapeake Bay Total Maximum Daily Load (TMDL). We focus on projects that address real resource concerns and water quality issues. Our restoration experience spans across agricultural, urban, and suburban landscapes. Our strategies include upland stormwater best management practices (BMPs), tree plantings and reforestation projects, and wetland and stream restoration practices. **We understand that each landscape is unique and requires different, and often multiple, restoration techniques to address resource degradation and water quality issues. SB688 will restrict the use of stream restoration as an effective restoration tool, and add unnecessary challenges and delays at a critical juncture in Bay restoration efforts as we strive to meet clean up and resilience goals.**

Focusing on upland stormwater projects alone won't fix the significant number of degraded streams across the state that are contributing sediment pollution to local waterways.

According to the Department of Natural Resources (DNR) [Stream Health Index Map](#), the current ecological condition of most streams throughout the state is fair to poor as stream health has declined significantly in the past 100 years and continues to this day. When a stream becomes channelized, disconnected from its floodplain, and otherwise degraded, it becomes prone to erosion and a source of sediment pollution adding to the impairment of local waterways. Addressing stormwater runoff at upland sources is a necessary part of the equation to capture and filter nutrient and sediment pollution, but it does not fix a degraded stream. **Opportunities for upland stormwater projects are limited, costly, challenging to secure landowner permission, and are highly demanding in terms of maintenance needs.** This bill's definition of infeasible does not include consideration of costs, property ownership, or administrative convenience. This puts local municipalities in a precarious position where, technically, an upland stormwater project(s) could be implemented, but because of cost and/or unwilling landowners, the municipality is unable

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to move forward with the project. Under this bill they would be unable to then rely on stream restoration to help achieve the necessary stormwater treatment and would have to look into much less feasible options such as eminent domain.

SB688 would also halt agricultural (non-urban) stream restoration. Available land and adequate space for upland projects is limited and usually on private property where landowner permission is required. As an example, in an agricultural setting, **finding opportunities for upland projects often requires taking viable farmland out of production, thus impacting a farmer's bottom line and creating a barrier to implementation.** Under this bill's definition of infeasible, this landowner hurdle would not allow Maryland Department of the Environment to approve a stream restoration project.

Pollution credits need to be based on outcomes. Requiring the Maryland Department of the Environment (MDE) to withhold or disallow pollution reduction or mitigation credits for stream restoration projects undermines the pollution crediting program and the science used to develop it. Stream restoration projects provide the opportunity to achieve many diverse habitat and water quality goals that stormwater retrofit projects do not provide. Pollution credits should remain based on measurable outcomes that consider a specific set of criteria and metrics established by experts and restoration professionals.

Creating unattainable authorization provisions puts a moratorium on stream restoration in the state of Maryland. The bill language makes almost all situations impossible to support a stream restoration project, even when it is the most practical and impactful option. Additionally, requirements for *postconstruction monitoring* creates an approval structure based on data that has not been collected and puts state agencies in a precarious position of approving projects without the needed information to justify the approval.

ShoreRivers understands the intention of this legislation is to help remedy issues with stream restoration projects in certain very specific regions of the state, but the all-encompassing language in this bill will have impacts on every stream restoration projects regardless of where they are located and the positive nutrient and habitat benefits those stream restorations will have. **For these reasons, ShoreRivers respectfully urges the Committee to issue an unfavorable report on SB688.**

Sincerely,

Timothy Rosen

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