



5550 Newbury Street
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February 27, 2026

The Honorable Brian Feldman, Chair

The Honorable Cheryl Kagan, Vice Chair

Members of the Senate Education, Energy, and Environment Committee

Dear Chair Feldman, Vice Chair Kagan, and Members:

I write in opposition to SB 0688 and request an unfavorable report.

My name is Nick Dilks, and I am a Founder and Managing Partner of Ecosystem Investment Partners (EIP). I am proud to say both our company headquarters and my home are in Senator Mary Washington's District in Baltimore City.

Founded in 2006, EIP is a private investment manager and one of the nation's leading providers of large-scale environmental restoration and conservation outcomes. Over the past 20 years, EIP has invested over \$1 billion of institutional capital in nature-based solutions including wetland and stream restoration, endangered species habitat conservation, and water quality improvement projects nationwide. In our home state of Maryland, EIP has invested over \$25 million in stream and wetland restoration projects that significantly reduce nonpoint source water pollution of the Chesapeake Bay watershed while supporting economic growth and creating lasting environmental value for local communities.

SB 0688 proposes to essentially ban stream restoration projects. We find this troubling for several reasons:

First, after an extensive study and debate with a large group of stakeholders three years ago, the legislators who co-chaired the Committee sponsored the Whole Watershed Act which embraces a science-driven, "all of the above" strategy in a limited number of priority watersheds, directing resources "where they'll have the greatest impact, with the ultimate goal of restoring impaired streams and removing them from the federal impaired waters list once water quality standards are met." SB 688 moves in the opposite direction: it elevates one narrow category of practice (upland stormwater controls) while sidelining in-stream and floodplain restoration techniques that are often indispensable in built-out catchments with minimal upland retrofit opportunities. That is inconsistent with the Whole Watershed Act's core intent and will make it harder to deliver measurable improvements in impaired waters. To address the concerns around stream restoration techniques, the WWA included several sections of conditions, prohibitions and requirements for citizen involvement that applicants for stream restoration projects have to meet to be granted permits. The landscape is still settling in on all these requirements so it is premature to consider yet another proposal like SB 0666.

Second, SB 0688 stream restoration is one of the most essential US EPA credited practices to curtail sediments and nutrients from flowing into Chesapeake Bay waters from impaired streams. The Bay TMDL focuses on state-by-state goals to reduce sediments and nutrients from Bay waters. We all know



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that the major states have yet again failed to achieve these goals. Eliminating one of the most important and scalable pollution-reducing practices, stream channel restoration is a move in the wrong direction. We need more tools, not fewer, to achieve the TMDL goals.

Third, far from improving environmental protection, SB 688 would make it harder to restore degraded creeks and streams, reduce nutrient and sediment pollution, and deliver the outcomes this Committee and the General Assembly have repeatedly said they want for Maryland's rivers and the Chesapeake Bay. Stream restoration in Maryland is a strategic, science-based investment that repairs degraded waterways, protects communities, and restores the health of the Chesapeake Bay. Most of Maryland's streams eventually flow into the Bay, carrying sediment from eroding stream banks and polluted runoff from urban development and agriculture, degrading water quality and threatening habitat. Stream restoration addresses this problem at its source by returning stream channels to a natural form and function, reconnecting streams to their floodplains, and restoring natural habitat structure so that sediment and nutrient pollution are trapped on the floodplain rather than delivered downstream. In doing so, restoration projects not only create healthier streams and a cleaner Chesapeake, but also rebuild resilient ecosystems where native plants and wildlife can thrive, and nearby homes, roads, and utilities are better protected from flooding and erosion.

Fourth, SB 688 would directly conflict with the permitting requirements of Section 404 of the federal Clean Water Act, which mandates mitigation for unavoidable impacts to streams in Maryland. Under the "*Maryland Stream Mitigation Framework Version 1, Final Manual for Stream Impact and Stream Mitigation Calculation*," issued by the U.S. Army Corps of Engineers' Baltimore District in September 2023, viable compensatory mitigation projects must include some component of stream channel enhancement and/or restoration. Preservation of existing high-quality streams may be used as a component of a larger mitigation package, but **preservation alone cannot satisfy compensatory mitigation requirements or meet the Clean Water Act's no-net-loss provisions**. Accordingly, if SB688 were to prohibit stream channel restoration and/or enhancement as compensatory mitigation activities in Maryland, stream mitigation projects would be unable to comply simultaneously with federal Section 404 requirements and state-level prohibitions. In practice, this conflict would impede, if not effectively halt, the issuance of Section 404 permits for projects with stream impacts, thereby delaying or preventing associated economic development and public infrastructure projects that depend on such permits.

We thank you for taking the above into account as each of you decide how to vote on this Bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nicholas Dilks".

Nicholas Dilks
Managing Partner