



POSTION STATEMENT

Bill: HB SB 688/ HB1465 Environment - Stream and Floodplain Restoration Projects - Requirements and Limitations

Position: OPPOSE

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Contact: Debra Borden, General Counsel

Jordan Baucum Colbert, Senior Government Affairs Analyst

Dear Chair Brian Feldman,

The Maryland-National Capital Park and Planning Commission (“M-NCPPC” or the “Commission”) has voted to oppose this bill.

What this Bill Does. This bill requires the Department of the Environment to prioritize certain practices when carrying out certain duties related to stormwater management; establishing certain restrictions on the use of a stream or floodplain restoration project to satisfy certain compensatory mitigation, MS4 permit, or total maximum daily load requirements; establishing requirements for stormwater management plans that include certain stream-related projects. It also alters certain responsibilities of the Department related to the review and assessment of stream and floodplain restoration projects.

This bill proposes that Stream Restoration projects would not be approved for compliance with MS4 permits, TMDL requirements, or Compensatory Mitigation. This would effectively remove one of the most important land management tools that we utilize in our stream valleys to restore them from degradation caused by decades of upstream development.

- In our most recent Phase II NPDES MS4 Permit, stream and outfall restoration projects accounted for 60% of the credits toward our 20% Impervious Surface Restoration Requirement. Future permit requirements will be much more expensive to implement if stream restoration is not in our toolbox, and the resulting effort would be less effective in managing the health and integrity of our aquatic resources. The practices that would

replace stream restoration would not only be exponentially more expensive to install, but also would require routine operational maintenance in perpetuity, further stressing our already tight operational budget.

- Montgomery Parks benefits greatly from the implementation of stream restoration projects on parkland that fulfill MS4, TMDL, and Compensatory Mitigation requirements for outside agencies.
- The bill proposes that projects involving in-stream construction undertake an alternatives analysis to justify the use of stream work over other stormwater management practices. This costly and laborious exercise would be triggered for stream restoration projects as well as bridge, culvert, and trail projects that are completed on parkland to provide stabilization where the stream is influenced by this infrastructure. Stream restoration is a critical tool for the Department to manage a stream valley park system where our ownership is often limited to the outfalls of storm drain systems. When presenting the justification for an instream approach, the definition of infeasible does not consider cost or property ownership, which raises the concern that no stream restoration project would be permitted if this bill passes. While there may be infrastructure protection and rehabilitation projects that would be able to proceed, it would not be without additional costs and delays.
- Montgomery Parks is supportive of installing upstream stormwater management practices that capture and manage stormwater runoff at and near the source. However, the existing damage to our stream valleys cannot be reversed with the installation of upstream stormwater management practices alone. Stream restoration is an essential tool for the ecological health of our Parks.

Overall, this bill appears to have the goal of minimizing stream restoration projects implemented by public agencies and jurisdictions, as well as developers. The negative environmental and financial impacts from this bill will be widespread and particularly burdensome to our stream valley park system.

We therefore urge this committee to give an unfavorable report on SB 688.