



FREDERICK COUNTY GOVERNMENT

DIVISION OF ENERGY & ENVIRONMENT

Department of Stormwater

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HB1465 - Environment – Stream and Floodplain Restoration Projects – Requirements and Limitations

DATE: March 11, 2026
COMMITTEE: House Environment and Transportation Committee
POSITION: Oppose
FROM: Donald Dorsey, Stormwater Department Head, Division of Energy & Environment, Frederick County Government

Thank you for your consideration of **HB1465 - Environment – Stream and Floodplain Restoration Projects – Requirements and Limitations**. As the Department of Stormwater in the Division of Energy & Environment in Frederick County, I urge the committee to give HB1465 a UNFAVORABLE report.

The proposed bill will halt all existing stream restoration projects associated with any National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit that requires restoring a percentage of uncontrolled runoff within a five-year permit term. As part of the MS4 Permit's Maximum Extent Practicable (MEP) analysis, conducted prior to the issuance of all MS4 Phase I permits, stream restoration projects were identified as a key component of the County's comprehensive strategy to improve water quality and receive impervious surface restoration credits. These stream restoration projects are intended to improve water quality in local waterbodies that have been identified as severely degraded, with steep unvegetated vertical banks, or with County infrastructure assets that are exposed or threatened.

This legislation would prevent Frederick County from meeting its current MS4 Permit requirements and would likely result in consent decrees for failing to achieve its already challenging impervious surface restoration goals.

Frederick County has determined that when stream restoration is performed in conjunction with regenerative stormwater conveyance practices or stormwater pond retrofits, reductions in streambank erosion, improved connectivity with the stream's floodplain, and increased protection of assets are achieved. In Frederick County, degraded stream banks do not self-heal when they consist of 15-foot vertical banks with little to no vegetation. These exposed banks contribute nutrient-rich sediment through frost heave, negatively affecting the water body and suffocating critical aquatic habitat. Frederick County Studies have shown the value of stream restoration, particularly where instream structures can reduce flooding impacts and create new fish passages that allow species to migrate past existing road, sewer, or other infrastructure barriers. Frederick County has also received sincere thanks from communities experiencing severe stream degradation, and residents have expressed strong support for the County's efforts to improve water quality by using stream restoration as a key tool to halt continued degradation and prevent further uncontrolled tree loss.

Based on the testimony provided by the public who support the “*Stream and Floodplain Restoration Projects – Requirements and Limitations Bill*”, Frederick County would like to respectfully submit an opposing view based on facts and procedures taken within the Division of Energy and Environment:

- Frederick County has a comprehensive and transparent process in place: watershed studies that identify and prioritize degraded stream reaches, structured public participation with affected stakeholders, multiple design-phase meetings to incorporate stakeholder input, formal pre- and post-restoration.
- Assertions that stormwater is ignored miss the fact that Frederick County evaluates stormwater retrofits, regenerative conveyances, and other BMP opportunities as part of every holistic design; when none are feasible, stream restoration is the most effective remaining tool. The idea that project selection based on cheap credits is simply not done that way in Frederick County. The County’s ongoing watershed studies, and updates to those studies, feasibility analyses, adaptive management, invasive control, supplemental plantings, and research are all actively occurring to ensure project selection is targeted to where restoration needs to occur.
- While some argue that Green Stormwater Infrastructure (GSI) should be the primary focus, GSI is significantly more expensive to maintain, requires frequent mechanical cleanouts with a notable carbon footprint, can discharge heavy metals and elevated nitrogen, and does not mitigate the large storm events that drive severe erosion.
- While opponents raise concerns about tree impacts, many existing trees in these unstable corridors are already falling into streams as banks erode, threatening nearby properties. The species we remove are typically dry-adapted and poorly suited to riparian conditions, whereas the vegetation we plant is intentionally selected for wetland hydrology and long-term stability. Residents along these corridors are far more concerned about hazardous, uncontrolled tree failures than about the selective removals conducted during restoration.
- Claims of “no monitoring” overlook the extensive joint-permit monitoring already required, along with MS4 inspections every three years and after major storms. Modeled pollutant reductions for stream and wetland projects are also conservative and grounded in a broad scientific literature—just like upland BMP crediting. As with any public infrastructure, occasional repairs are expected and responsible, not wasteful. When needed, small repairs are made to ensure the minor adjustments do not turn into larger, more costly maintenance concerns.
- Claims that restoration harms habitat are contradicted by Frederick County’s own monitoring, which shows improved habitat and bank stability in eight projects, and by others recent research, such as Dr. Hilderbrand’s eDNA work, demonstrating increased sensitive taxa and greater species richness in restored reaches.

Additionally, please see five examples of how this legislation would negatively impact Frederick County below:

- Example 1: Point of Rocks high hazard dam decommissioning and stream restoration - Frederick County utilized stream restoration practices to remove an existing high hazard dam in the Point of Rocks Community Park while receiving MS4 restoration credit. The stream restoration created storage within the stream channel that allowed the decommissioning of the high hazard dam, which prevented a four foot wall of water from potentially washing downstream across the heavily used Maryland State Route 28 and into the MARC Train station, thereby proactively protecting lives from a potentially catastrophic event. This project was widely praised and received Fiscal Year 2022 Congressionally Directed Spending support from United States Senator Ben Cardin, as well as funding from the Federal Emergency Management Agency's Building Resilient Infrastructure and Communities program to complete the stream restoration necessary to decommission the dam. The project also enabled the removal of an existing dwelling within the floodplain and provided additional wetland and riparian buffers along the restored stream reach. Residents immediately next to the stream corridor praised the return of water obligatory amphibians including green frogs, spring peepers, and bullfrogs. Nearby residents were also extremely concerned that the heavily eroded vertical stream banks were causing significant tree loss, leaving trees vulnerable to heavy winds and creating hazardous conditions where trees could fall unpredictably on or near their properties and the community park trails and fields. With the removal of the inline embankment in 2025, the County anticipates the reconnection of the anadromous native American Eel to this restored tributary.
- Example 2: Ballenger Creek Stormwater Pond retrofits and stream restoration – During the County's holistic feasibility study for the Ballenger Creek Community, several storm water ponds and three sections of stream were identified for restoration. The project is currently at the 60 percent design stage, where the stream restoration component will address an exposed sewer line created by multiple head cuts that are producing significant amounts of sediment. The design will also reconnect the floodplain to slow erosive flows and reduce the existing ten- to fifteen-foot vertical banks. The entire HOA community fully supports the need to provide stream restoration to protect the unraveling stream and ensure the sewer line is adequately protected to ensure no sewage leaking will occur.
- Example 3: Lower Monocacy Watershed Study - Windsor Knolls HOA. The Windsor Knolls HOA has expressed significant concern about the uniquely steep terrain within their community, which has caused extensive head cutting, a lack of vegetation on the stream banks, and substantial tree and sediment loss along their stream corridors downstream of existing storm water controls. Risks to the HOA's assets, infrastructure, and remaining trees continue to be at the forefront of their concerns. The HOA fully supports the need for stream restoration within their severely degraded stream valley, which will provide opportunities for the County to slow erosive forces, reestablish vegetated stream banks, and increase riparian canopy cover that has been reduced by undermined trees falling along the stream corridor.

- Example 4: Attachment 1 provides real-world stream corridors where there are no opportunities to provide additional stormwater management to control the runoff from impervious surfaces as there is no room to do so unless the County were to acquire dwellings in the upstream terrain and demo them to install a larger stormwater facility.
- Example 5: In many situations, older stormwater Best Management Practices (BMPs) are located slightly lower in the stream valley. As a result, those stream reaches have become significant sources of nutrients and sediments due to their instability during more intense storm events and winter frost heave. Restoring these stream segments is crucial to reducing the frequent and intensive maintenance required for the existing inline ponds located further downstream. Aerial photographs depicting these stream reaches, the inline ponds, and areas where there is no available space to install a new facility are provided in Attachment 2.

Frederick County urges an unfavorable report on HB1465 because the bill would halt essential stream restoration projects that are required for compliance with the County's MS4 Permit and for meeting federally mandated water quality goals. Stream restoration is one of the County's most effective tools for reducing erosion, protecting infrastructure, restoring habitat, and addressing severely degraded stream systems that do not recover on their own. Residents across multiple communities have consistently voiced strong support for these projects because they see firsthand the benefits to safety, water quality, and long-term stream stability. Passing HB1465 would jeopardize public safety, undermine environmental progress, and expose the County to significant regulatory and legal consequences.

Thank you for your consideration of HB1465. On behalf of Frederick County Government, I urge a UNFAVORABLE report.

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Point of Rocks Phase 1 Photos, Frederick County







Sam Hill Estates Photos, Frederick County









Spring Ridge, Frederick County





Urbana, Frederick County

Limited room upstream to install additional stormwater features. Blue is the eroding stream channel and the circular outfall labeled as "77" and "60" are the existing older stormwater facility.



Sam Hill Estates Photos, Frederick County

Limited room upstream to install additional stormwater features. Blue is the eroding stream channel and the circular outfall labeled as "52". This site was recently completed with upgrading the old stormwater facility and providing stream restoration immediately upstream of this facility to reduce stream bank erosion and sedimentation into the pond.



