RE: SB688/HB1465 – Environment – Stream and Floodplain Restoration Projects – Requirements and Limitations – UNFAVORABLE

On behalf of the American Council of Engineering Companies of Maryland (ACEC/MD) and the Chesapeake Watershed Restoration Professionals (CWRP), whose member firms design, implement, monitor, and steward restoration and stormwater projects across the State, we strongly oppose SB688/HB1465. The bill would strip away science-based tools that local governments and nonprofit partners currently rely on to meet water quality obligations, directly undercutting Maryland's commitments under the federal Clean Water Act, the Whole Watershed Act, and the Chesapeake Bay restoration framework.

Our organizations work on the ground in some of Maryland's most impaired and overdeveloped watersheds. Far from improving environmental protection, SB688/HB1465 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. In our view, this bill is not just misguided policy; it is affirmatively harmful to Bay health.

This letter lays out the fundamental issues with this bill in the following order:

- **Conflict with The Revised Chesapeake Bay Watershed Agreement**
- **Conflict with federal law.**
- **Conflict with the Whole Watershed Act**
- **Contradicts the Maryland Department of the Environment's 2024 Ecological Restoration Permitting Study, completed pursuant to Chapter 465 of 2022**
- **This bill is bad for Chesapeake Bay Health**
- **Current Science: What It Actually Says About Stream Restoration**
- **Harm to Maryland Companies**
- **Harm to Compensatory Mitigation**

Overview

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 stabilizing and reshaping eroding banks, 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.

These environmental gains translate directly into economic value for Maryland. Analyses of the Chesapeake Clean Water Blueprint estimate that fully implementing Bay restoration will increase the total annual value of the watershed's natural benefits to nearly $130 billion, including an additional $4.6 billion per year in ecosystem service value for Maryland alone. Maryland's own "Return on Environment" assessment finds that the state's streams, wetlands, forests, and coastal waters already provide about $11.4 billion in benefits each year, including nearly $6 billion annually in stormwater and flood protection and about $2 billion from recreation and wildlife-related value. Stream and wetland restoration are key practices within this portfolio: every dollar invested in source water protection can save many times that amount in downstream treatment costs, and restoration projects that slow and safely convey stormwater help avoid billions in long-term infrastructure repairs and flood damages. In short, healthy streams are not just an environmental priority; they are a core piece of Maryland's economic resilience strategy, aligning with new tools like the Whole Watershed Act to deliver measurable, transparent benefits for both communities and the Bay.

Conflict with The Revised Chesapeake Bay Watershed Agreement

Stream work is central to how the new commitments in the revised Chesapeake Bay Watershed Agreement that Governor Moore and the other Bay leaders approved in December 2025, will be met. The agreement's clean water objectives focus on reducing nitrogen, phosphorus, and sediment loads by 2040, which translates on the ground into projects like stabilizing eroding streambanks, reconnecting floodplains, and retrofitting local drainage so less polluted runoff reaches the Bay. Likewise, its habitat and brook trout outcomes are explicitly tied to improving conditions in headwater streams, including cooler temperatures, better in-stream structure, and reconnecting fragmented reaches. In practice, that means states will rely heavily on stream and riparian restoration as core implementation tools to achieve the pollution-reduction and habitat targets embedded in the new agreement.

Conflict with Federal Law

SB688/HB1465 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/HB1465 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.

Out of Step with the Clean Water Act and the Whole Watershed Act

The federal Clean Water Act, MS4 permits, and Chesapeake Bay TMDL explicitly rely on a portfolio of best management practices, upland, floodplain, and in-stream, to reduce nitrogen, phosphorus, and sediment loads to levels that meet water quality standards. SB688/HB1465 would categorically prohibit the use of many in-stream restoration practices for MS4, TMDL, and compensatory mitigation compliance, even where site conditions make these the only practical way to stabilize channels, reconnect floodplains, and intercept legacy sediment and nutrients. That rigid prohibition is fundamentally at odds with the adaptive, watershed-based implementation approach that federal law expects states and localities to use.

The General Assembly's own Whole Watershed Act 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." SB688/HB1465 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.

New “post Whole Watershed” Requirements

The Whole Watershed Act requirements create multiple layers of environmental protection, public oversight, and long-term accountability that ensure stream restoration projects deliver genuine ecological benefits while respecting community concerns and existing natural resources. These requirements make it virtually impossible for poorly conceived projects to proceed, while still allowing science-based restoration of truly degraded waterways.

Enhanced Public Engagement and Transparency

Mandatory Community Notification: All projects must provide written notice to every residence and business within 200 feet of the project boundary at 30% design completion. This early notification allows neighbors to understand and respond to proposals before designs are finalized.

Required Public Meetings: At 60% design completion, applicants must hold in-person public meetings with virtual attendance options, ensuring all community members can participate regardless of schedule or mobility constraints.

Online Transparency: Within 24 hours of application submission, applicants must post the complete application, notification of submission, and submission date on their website—creating a permanent public record.

Comprehensive Environmental Assessment Requirements

Biological Function Assessment: All projects must demonstrate degradation through Maryland Biological Stream Survey protocols or equivalent MDE-approved

methodologies. Projects cannot proceed in healthy streams, restoration is only authorized where ecological degradation is documented.

Multi-Parameter Analysis: Projects require assessment of both biological function (Benthic Index of Biotic Integrity scores) AND geomorphic/hydraulic parameters (lateral stability, floodplain connectivity, bank erosion rates). This dual-track approach ensures comprehensive evaluation.

Forest Protection Requirements: Applicants must provide Forest Stand Delineations identifying every tree to be removed, demonstrate efforts to avoid specimen trees (30+ inches diameter), use best management practices to minimize tree loss, and clearly depict Limits of Disturbance and Limits of Clearing on all design drawings.

Riparian Best Practices: All projects must follow the *Maintaining Forests in Stream Corridor Restoration* best practices guide, including site selection avoiding high-quality habitats, protection of mature trees, minimized construction footprints, and comprehensive replanting plans using native species.

Co-Benefits and Holistic Watershed Approach

Mandatory Co-Benefit Analysis: Applications must detail how projects incorporate wildlife habitat creation, aquatic resource restoration, carbon sequestration, climate resilience, public health improvements, and recreational access.

Watershed Context Required: Projects associated with MS4 permits or TMDL goals must submit watershed planning documentation demonstrating the project location is a restoration priority within a holistic watershed management strategy that includes both upland and in-stream practices.

Functional Uplift Requirement: Applicants must provide narrative and tabular descriptions of expected ecological improvements, quantifying anticipated changes to vegetation, hydrology, aquatic life, wildlife habitat, and water quality. Projects must demonstrate net overall resource improvement.

Long-Term Accountability Through Monitoring

Five-Year Monitoring Mandate: All authorized projects require post-construction monitoring for at least five years, with periodic reports documenting stream stability, floodplain function, and vegetation viability.

Adaptive Management: Monitoring reports must detail any corrective actions taken to ensure continued ecological performance, creating accountability for long-term success rather than "build and abandon" approaches.

Dedicated State Review: MDE's Wetlands and Waterways Program maintains a specialized team of two engineers and a natural resources planner who exclusively review restoration projects, ensuring expertise-driven evaluation distinct from development project review.

Protection of Sensitive Resources

Avoidance Requirements: Projects must avoid large native plant communities, specimen trees, State-listed rare and threatened species, wetlands of special State concern, temperature-sensitive streams, and high-quality vegetative communities.

No-Degradation Standard: Any resource conversions must not result in adverse impacts to significant wetlands, sensitive species habitat, ambient thermal regimes, or existing water quality parameters.

Spring Flow Protection: Projects must maintain existing spring flows to stream channels and adjacent wetlands.

MDE's Own Study Contradicts SB688/HB1465

The Committee should also be aware that the Maryland Department of the Environment's 2024 Ecological Restoration Permitting Study, completed pursuant to Chapter 465 of 2022 and transmitted to the Governor and General Assembly, directly undercuts the premise of SB688/HB1465. MDE's comprehensive review, based on two years of stakeholder consultation, comparison with other Mid-Atlantic states, and an extensive literature review, recognizes that current science on ecological restoration shows "mixed results" across techniques and outcomes, and therefore calls for clearer definitions, streamlined and more holistic permitting, and better monitoring and staff training, not for categorical statutory prohibitions on stream and floodplain restoration.

Importantly, the Study does not identify any pattern of systemic complaints, violations, or enforcement problems with Maryland's stream and floodplain restoration program; instead, it focuses on process improvements, regulatory clarity, and alignment with the Whole Watershed Act and federal permitting tools. SB688/HB1465 ignores these findings and recommendations, substitutes anecdote for evidence, and moves policy in the opposite direction of MDE's own science-based, stakeholder-driven roadmap for making restoration more effective and accountable.

This is Bad for Chesapeake Bay Health

Chesapeake Bay Program partners have made progress reducing sediment and nutrients, but they remain behind on key nitrogen and phosphorus goals and rely on a full suite of watershed restoration practices, including stream restoration and floodplain reconnection, to close the remaining gap.[1] The Bay Program's expert panel on stream restoration concluded that qualifying projects can receive annual mass nutrient and sediment reduction credit because they prevent channel and bank erosion that would otherwise send pollutants downstream.[2] SB688/HB1465 directly attacks this proven pathway by forbidding the use of many stream restoration projects for credit and compliance, and by making it procedurally difficult to build them at all.

If enacted, SB688/HB1465 will make it harder and more expensive for Maryland to meet its share of Bay TMDL reductions, and will slow or stall restoration in exactly the urban and suburban streams that deliver pollution to the Bay. It would also undermine recent

[1] Quick Reference Guide for Best Management Practices. (n.d.-a). https://www.chesapeakebay.net/files/documents/BMP-Guide_Full.pdf

[2] Recommendations of the expert panel to define removal rates for. (n.d.-b). https://www.chesapeakebay.net/files/documents/stream_panel_report_final_08282014.pdf

state and philanthropic investments in whole-watershed restoration pilots, which are premised on using the most effective mix of upland and in-stream interventions, not on pre-emptively disqualifying entire categories of science-supported practice. From a Bay-health perspective, this bill is a step backward at the precise moment Maryland should be doubling down on what works.

MDE's 2024 Ecological Restoration Study confirms that the right response to evolving science is to refine design standards, monitoring, and community engagement, not to eliminate major categories of restoration work that the Study explicitly seeks to support through clearer definitions, streamlined permits, and holistic evaluation. SB688/HB1465 would upend a program that MDE is actively improving and aligning with the Whole Watershed Act and Chesapeake Bay restoration goals.

Current Science: What It Actually Says About Stream Restoration

The scientific literature and recent Chesapeake-focused work show that, when properly designed and sited, stream and floodplain restoration can:

- Reduce concentrations of nutrients, salts, and metals as water flows through restored reaches; a recent longitudinal synoptic monitoring study across five watersheds found that as streams flowed through restoration features with floodplain reconnection, concentrations of nutrients, salts, and metals significantly declined or remained unchanged, whereas in unrestored streams with increasing impervious cover, salt ions increased.[3]
- Produce observable decreases in contaminants of concern downstream of restored reaches; work on Paint Branch Creek in Maryland documented water-quality improvements that persisted up to 200 meters below restoration activities.[4]
- Decrease sediment and nutrient loads in specific projects and case studies, with estimated post-restoration reductions in sediment on the order of hundreds of tons per year and measurable phosphorus and nitrogen reductions in modeled analyses.[5,6]

At the same time, recent synthesis reports underscore that outcomes vary and that projects must be designed, monitored, and evaluated carefully to maximize ecological lift and water-quality benefits over time.[7,8] A major synthesis of more than 600 river and stream

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[3] Longitudinal stream synoptic (LSS) monitoring to evaluate water quality improvements from stream restoration. (2024, April 8). *PubMed*. https://pubmed.ncbi.nlm.nih.gov/38592553/

[4] U.S. Environmental Protection Agency. (2024, August 22). Tracking downstream water quality benefits of urban stream restoration. https://assessments.epa.gov/risk/document/&deid=362499

[5] Stream Restoration as a Method of Improving Local Water Quality. (2019, December 14). *University of Richmond Scholarship Repository*. https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=1038&context=environmentalstudies-seniorseminar

[6] Thompson, J., et al. (2018). The multiscale effects of stream restoration on water quality. *Ecological Engineering*, 124, 7-18. https://cbtrust.org/wp-content/uploads/Thompson_etal_2018_EcoEng_124_p7-18_Multiscale_effects_of_stream_restoration_on_water_qua

[7] U.S. Geological Survey. (2024, November 3). The state of the science and practice of stream restoration in the Chesapeake: Lessons learned to inform better monitoring, adaptive management, and optimization. https://www.usgs.gov/publications/state-science-and-practice-stream-restoration-chesapeake-lessons-learned-inform-better

[8] Chesapeake Bay Program Scientific and Technical Advisory Committee. (2024, November 3). The State of the Science and Practice of Stream Restoration. https://www.chesapeake.org/stac/wp-content/uploads/2024/11/STAC-Report_Stream-Restoration_24-006-1.pdf

restoration projects worldwide in the *Annual Review of Ecology, Evolution, and Systematics* finds that restoration has become a core tool for both ecological recovery and utilitarian goals such as water quality and climate resilience, but that success depends on restoring underlying processes and scaling efforts to the watershed, not on abandoning in-stream and floodplain work altogether.[9] The authors explicitly criticize over-reliance on purely morphological "channel-rebuild" projects and call for better design, monitoring, and functional goals, exactly the kind of refinement the General Assembly has already begun through the Whole Watershed Act and MDE's 2024 Ecological Restoration Study, and the opposite of SB688/HB1465's categorical prohibitions. The appropriate response to this science is to refine design standards, monitoring, and siting, not to enact a sweeping statutory ban on using in-stream restoration for Clean Water Act compliance and Bay credit. SB688/HB1465 does the latter, ignoring both the promise and the lessons of current science in favor of a blunt, one-size-fits-all restriction.

Floodplain Reconnection Studies Show Consistent Water Quality Improvements

Floodplain wetlands and connected riparian corridors created or enhanced through stream restoration act as powerful sinks for watershed sediment and nutrients, giving these projects enormous upside for water-quality improvement and TMDL implementation.[10,11,12,13] Craft and Casey showed that floodplain and depressional wetlands in Georgia accumulate substantial sediment and associated nitrogen and phosphorus over time, demonstrating the long-term pollutant-burial capacity that restoration seeks to harness. Fluvial modeling by Hardy, Bates, and Anderson further demonstrates that inundated floodplains are preferential zones for suspended-sediment deposition, confirming that reconnecting channels to their floodplains increases trapping efficiency during overbank events. In humid tropical basins, Gellis found that storm-generated suspended-sediment loads are strongly influenced by land use and hydrologic response, underscoring how strategically placed floodplain and wetland restoration can intercept high-energy storm pulses that would otherwise export large sediment and nutrient loads downstream. Complementing this process understanding, Noe and Hupp quantified that Coastal Plain floodplains retain large fractions of incoming riverine sediment and nutrient loads, especially where frequent inundation and broad floodplain surfaces are present conditions that are explicitly recreated by modern stream restoration designs.

Conversely, where channels have been straightened or incised and disconnected from their floodplains, the system loses this critical ecosystem service, sending sediment and nutrients downstream instead of storing them on the floodplain.[14,15] Kroes and

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[9] Palmer, M. (n.d.). Ecological restoration of streams and rivers: Shifting strategies and shifting goals | annual reviews. https://www.annualreviews.org/content/journals/10.1146/annurev-ecolsys-120213-091935

[10] Craft, Curtis B., and William P. Casey. 2000. "Sediment and Nutrient Accumulation in Floodplain and Depressional Freshwater Wetlands of Georgia, USA." *Wetlands* 20 (2): 323–32.

[11] Gellis, Allen C. 2012. "Factors Influencing Storm-Generated Suspended-Sediment Concentrations and Loads in Four Basins of Contrasting Land Use, Humid-Tropical Puerto Rico." *Catena*.

[12] Hardy, Richard J., Paul D. Bates, and Michael G. Anderson. 2000. "Modelling Suspended Sediment Deposition on a Fluvial Floodplain Using a Two-Dimensional Dynamic Finite Element Model." *Journal of Hydrology* 229: 202–18.

[13] Hupp, C. R., G. B. Noe, E. R. Schenk, and A. J. Benthem. 2013. "Recent and Historic Sediment Dynamics along Difficult Run, a Suburban Virginia Piedmont Stream." *Geomorphology* 180–81: 156–69.

[14] Jacobson, Robert, and Thomas Faust. 2014. "Hydrologic Connectivity of Floodplains, Northern Missouri: Implications for Management and Restoration of Floodplain Forest Communities in Disturbed Landscapes." *River Research and Applications* 30: 269–86.

[15] Kroes, Daniel E., and C. Randel Hupp. 2010. "The Effect of Channelization on Floodplain Sediment Deposition and Subsidence along the Pocomoke River, Maryland." *Journal of the American Water Resources Association* 46 (4): 686–99.

Hupp showed that channelization of the Pocomoke River sharply reduced floodplain inundation, leading to diminished sediment deposition, enhanced subsidence, and greater downstream sediment delivery, precisely the degradation that restoration aims to reverse by re-establishing overbank flow. Work on Difficult Run in suburban Virginia demonstrated that both historic and recent sediment dynamics include substantial floodplain storage when connectivity is present, indicating that even developed watersheds can regain significant trapping capacity through reconnection. Jacobson and Faust's study of northern Missouri floodplains further highlighted that hydrologic connectivity governs not only forest community structure but also the functioning of floodplain processes, reinforcing that frequent, moderate flooding is essential for restoring ecosystem services along managed rivers. Building on these site-scale findings, Noe and colleagues developed regional predictions of floodplain and streambank geomorphic change, sediment and nutrient fluxes, and catchment inputs and exports for Chesapeake Bay and Delaware River stream reaches, showing that well-sited restoration in geomorphically favorable locations can measurably reduce loads at the watershed scale.[16]

SB688/HB1465's Specific Provisions Are Unworkable and Harmful

Several provisions in SB688/HB1465 are particularly problematic:

- The bill prohibits MDE from approving specified "stream restoration" projects that involve in-stream heavy equipment and mechanical alteration of the stream's dimensions, pattern, or profile for MS4, TMDL, or compensatory mitigation purposes, effectively removing a major category of tools from the restoration toolbox regardless of site conditions or design quality.
- It defines "infeasible" in a way that forbids consideration of cost, property ownership, or administrative convenience, disregarding the basic reality that easements, right-of-entry, landowner willingness, and funding constraints often determine whether upland retrofits are even possible.
- It requires an alternatives analysis and prohibits local approval of plans that rely primarily on in-stream work unless non-disturbing practices are evaluated and found "infeasible" and the in-stream project is needed to address public safety or infrastructure challenges, relegating ecological restoration, habitat, and water quality to second-class considerations.
- It bars using project completion alone as the basis for pollution-reduction or mitigation credits and restricts acceptable evidence of "functional lift," creating uncertainty about crediting under existing Chesapeake Bay Program protocols that already recognize stream restoration as a BMP when it meets defined criteria.

Taken together, these provisions would delay, discourage, or effectively shut down many restoration projects that are already delivering or poised to deliver water-quality benefits, while offering no credible alternative strategy to meet Maryland's Clean Water Act and Bay obligations. For nonprofits and on-the-ground practitioners, the bill would divert limited capacity into process fights and paperwork instead of building the projects communities urgently need.

[16] Noe, Gregory B., and C. Randel Hupp. 2009. "Retention of Riverine Sediment and Nutrient Loads by Coastal Plain Floodplains." *Ecosystems* 12: 728–46.

Harm to Maryland's Economy

SB688/HB1465 would also inflict significant economic harm on Maryland's robust restoration economy. The State has built a recognized cluster of specialized practitioners, engineering firms, nonprofit implementers, environmental consultants, monitoring scientists, and nursery and materials suppliers whose livelihoods depend on watershed restoration work. **All of these practitioners choose to work in Maryland, and want to see the Bay thrive!** By categorically prohibiting the use of stream and floodplain restoration for MS4, TMDL, and compensatory mitigation compliance, the very regulatory drivers that create demand for these services, SB688/HB1465 threatens jobs, contracts, and the institutional capacity Maryland has spent years cultivating.

Moreover, the bill jeopardizes Maryland's ability to compete for and draw down federal restoration funding. Programs administered by the U.S. Environmental Protection Agency, National Fish and Wildlife Foundation, USDA Natural Resources Conservation Service, and other federal partners prioritize states and localities that demonstrate regulatory certainty, credible implementation plans, and alignment with Chesapeake Bay TMDL commitments. SB688/HB1465's restrictions and crediting uncertainty send exactly the wrong signal to federal funders, putting Maryland at a competitive disadvantage relative to Virginia, Pennsylvania, and other Bay states that maintain flexible, science-based approaches to restoration. At a time when billions in federal infrastructure and climate resilience dollars are available, Maryland cannot afford to sideline the very tools and practitioners needed to secure those investments and put them to work restoring our waterways.

Harm to Compensatory Mitigation

SB688/HB1465 would also unintentionally weaken Maryland's ability to use compensatory mitigation as a practical, lawful bridge between environmental protection and economic development. By effectively forcing local governments and permittees to rely almost exclusively on upland stormwater controls, the bill undercuts a mature framework in which stream and floodplain restoration projects, mitigation banks, and **in-lieu fee programs all work together to keep priority transportation, housing, and infrastructure projects on schedule** while still meeting Clean Water Act and state wetland and waterways requirements. In many built-out watersheds, upland stormwater retrofits alone are not technically feasible at the needed scale; categorical limits on in-stream and floodplain tools will not prevent growth, but they will make it slower, more expensive, and less predictable, as projects struggle to secure sufficient mitigation in the right place and at the right time.

The Committee should also understand that compensatory mitigation is not a niche environmental program; it is an established market and implementation system that channels private and public capital into restoration industries, rural land conservation, and long-term resilience. SB688/HB1465's prohibitions sever the link between that restoration economy and the very permits and funding streams that sustain it, threatening jobs and institutional capacity at the same time it makes it harder to deliver the on-the-ground projects that protect communities from flooding and erosion.

Finally, by narrowing compensatory mitigation to a small set of upland stormwater controls and sidelining in-stream and floodplain work, SB688/HB1465 would make Maryland less

competitive for federal water-quality, resilience, and infrastructure funding that assumes states will deploy a full suite of best management practices, including stream and floodplain restoration where appropriate. Federal programs seek credible, watershed-based implementation strategies that integrate upland stormwater controls with in-channel and floodplain reconnection to maximize pollution reduction and resilience benefits; a statutory scheme that pre-emptively takes key tools off the table will inevitably put Maryland at the back of the line. For counties, municipalities, and private partners trying to move lawful projects forward while protecting waterways, compensatory mitigation, properly regulated and monitored, is an economic development tool, not an obstacle, and SB688/HB1465 would sharply diminish its effectiveness.

Conclusion

SB688/HB1465 does not follow the science, is out of alignment with the Clean Water Act's watershed-based implementation framework, conflicts with the Whole Watershed Act's science-driven restoration vision, contradicts MDE's own 2024 Ecological Restoration Study findings and recommendations, threatens Maryland's restoration economy and federal funding competitiveness, and would do real damage to Chesapeake Bay health by sidelining effective, science-supported restoration tools. For these reasons, we respectfully but emphatically urge the Committee to issue an UNFAVORABLE report on SB688/HB1465.