

WRITTEN TESTIMONY OF AUSTIN BYERS

IN OPPOSITION TO HB 1645/SB 688

SB 688 – Environment – Stream and Floodplain Restoration Projects – Requirements and Limitations

POSITION: UNFAVORABLE

Chair, Vice Chair, and Members of the Committee:

My name is Austin Byers, and I submit this written testimony in strong opposition to SB 688. I am a Principal and environmental professional who has spent my career designing, permitting, and implementing stream, floodplain, and watershed restoration projects across Maryland. I have worked directly with local governments, state agencies, and nonprofit partners to meet Clean Water Act obligations, Chesapeake Bay TMDL requirements, and community resilience goals.

HB 1645/SB 688 would significantly undermine Maryland's ability to restore degraded streams, reduce nutrient and sediment pollution, and meet its federal and state water quality commitments. The bill replaces a science-based, watershed-driven framework with rigid statutory prohibitions that would eliminate some of the most effective restoration tools available—particularly in urban and suburban watersheds where upland retrofits alone are insufficient.

Maryland remains behind on key nitrogen and phosphorus reduction targets for the Chesapeake Bay. Stream restoration and floodplain reconnection are recognized components of the Bay Program's nutrient and sediment reduction framework because they address erosion, legacy sediment, and hydrologic disconnection—major drivers of pollution in developed watersheds.

By restricting the use and crediting of these practices, HB 1645/SB 688 would make it more difficult and more expensive for Maryland to meet its Bay obligations, particularly in older urbanized areas where opportunities for large-scale upland retrofits are limited.

HB 1645/SB 688 would effectively block many stream restoration projects by prohibiting in-stream work regardless of site-specific need or design quality. It defines "infeasible" without accounting for real-world constraints such as land access, easements, funding, or constructability; elevates public safety and infrastructure above ecological restoration and water quality goals; and creates uncertainty around crediting and functional uplift that conflicts with established Chesapeake Bay Program protocols. Collectively, these provisions would delay or derail projects already delivering measurable environmental benefits, with no viable alternative to meet required pollution reductions.

In summary, HB 1645/SB 688 is misaligned with federal Clean Water Act implementation, inconsistent with the Whole Watershed Act, contradicted by MDE's 2024 Ecological Restoration Study, and detrimental to Maryland's ability to restore impaired waters and protect the Chesapeake Bay. The appropriate response to evolving science is refinement and accountability—not categorical prohibitions that undermine proven restoration outcomes. For these reasons, I respectfully urge the Committee to issue an UNFAVORABLE report on HB 1645/ SB 688.

Respectfully submitted,

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