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**Committee: Education, Energy, and the Environment**

**Testimony on: SB969 “Stream and Watershed Restoration – Stream Restoration Contractor Licensing and Chesapeake and Atlantic Coastal Bays Restoration and Funding (Whole Watershed Act)”**

**Position: Favorable with Amendments**

**Hearing Date: March 5, 2024**

The Maryland Chapter of the Sierra Club supports SB969, the Whole Watershed Act, with amendments. The bill seeks to improve water quality in the Chesapeake Bay while also enhancing oversight and management of projects impacting upstream watersheds. Our understanding is the sponsors have been exploring an amendment with related management guardrails, which we believe would be valuable.

Stream “restorations” often involve significant reengineering of watersheds. To help ensure that these upland watersheds are modified with care and the firms performing these projects have appropriate qualifications, SB969 establishes a Stream Contractors Licensing Board.

In addition, the bill establishes a Whole Watershed Fund by directing funding towards the implementation of five whole watershed restoration projects over five years. The projects would reflect a commitment to addressing diverse geographies across Maryland such as urban, agricultural, suburban, and multi-state watersheds and overburdened communities. A multi-agency State Management Team would oversee project selection, provide comprehensive support and monitoring, and oversee permitting.

Criteria for project selection include the watersheds “in which habitat restoration and pollution reduction will result in the greatest improvements to shallow water habitat and living resources, and that achieve rapid de-listing of impaired streams... or generate rapidly improving conditions in the local ecosystem.” Selection will also “emphasize actions that are expected to provide the greatest, most cost-effective, and measurable amount of pollution reduction.” It will also consider whether the project “minimizes the loss of trees and other natural habitats,” and “demonstrates opportunities to implement actions that reduce environmental disparities experienced by overburdened or underserved communities.”

The bill promotes public input for the pilot projects by requiring a public dashboard, public meetings, and an opportunity to comment on the preliminary design of each restoration action of the project. In addition, the bill would require monitoring for five years after approval of these projects to demonstrate measurable outcomes.

We also recommend an amendment that would require good management practices for activities beyond the pilot projects. These include limiting reengineering projects to streams that are in fact in a degraded state; requiring that community notification and engagement be conducted; ensuring that best management practices are used to promote ecological uplift and conserve wildlife habitat, including preserving trees to the maximum extent practicable; and requiring monitoring for a minimum of five years after project completion of stream water quality, biological integrity, and

related measures. In addition, the Maryland Department of the Environment (MDE) should update its checklist governing permits; publish on its website publicly available information on applications for new projects and post-project monitoring data; and update its document that governs accounting for expected impacts of stormwater mitigation projects. The goal of all these reforms is to ensure that the State's riparian watersheds are assessed, protected, and uplifted in a scientifically based process.

Maryland's natural stream ecosystems include aquatic and terrestrial plants and animals. They include the streambed of interest and the downstream bays, as well as the wooded areas around them, which absorb run-off and promote flow control and water purification. Maryland stream systems are currently severely stressed by factors both within and outside our immediate control. These stresses include 1) paving and other impermeable surfaces of upland areas that increase run-off volume and rates to streams, 2) tree removal that reduces water absorption capacity of the soil, and 3) climate change and the associated effects on temperatures and volumes and rates of rainfall.

The Maryland Chapter of the Sierra Club believes that the Whole Watershed Act, with its aim of demonstrating effective coordinated strategies across varied watersheds and its improved approach for guiding the oversight of stream restoration activities more generally, offers valuable promise. We also recommend the modifications discussed above to enhance the bill's conservation benefits for our state's ecosystems.

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