



House Bill 942

Wetlands and Waterways Program - Authorizations for Stream Restoration Projects

MACo Position: **OPPOSE**

To: Environment and Transportation
Committee

Date: March 3, 2023

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **OPPOSES** HB 942. This bill would impose stringent barriers on stream restoration projects, effectively hampering one of counties' most effective tools for stormwater management.

Counties have invested significantly – with support and direction from State laws – into stormwater management as a part of their environmental sustainability efforts. Stream restoration has been a widely approved practice to meet state and federal requirements under municipal separate storm sewer system (MS4) permits. The Chesapeake Bay Program has accepted stream restoration projects as a best management practice (BMP) for years and already has a rigorous and scientifically based approval process for updating its BMP.

MACo echoes the concerns and opposition of the Maryland Municipal Stormwater Association (MAMSA) – whose members represent nearly all counties and are the subject matter experts in stormwater and stream restoration. Among other issues, they note:

“...the bill requires 10 years of monitoring for a stream restoration project ‘before any relevant mitigation or pollution reduction credits are issued for the project.’ Not only is withholding credits unfair to permittees who need these credits for permit compliance, but it would put the State itself behind schedule for addressing its Chesapeake Bay clean-up goals.”

The policy prescriptions outlined within HB 942 exceed the widely used “to the extent practicable” standard embraced in this area of law. Counties remain committed to advancing environmental stewardship, but the standards proposed by HB 942 would shelve a wide range of worthy projects. For these reasons, MACo **OPPOSES** HB 942 and urges an **UNFAVORABLE** report.