



February 10, 2021

The Honorable Paul G. Pinsky, Chair
Education, Health, and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 528 – Coast Smart Siting and Design Criteria - Private Construction or Reconstruction Projects and Enforcement

Dear Chairman Pinsky and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed Senate Bill 528, entitled Coast Smart and Siting and Design Criteria - Private Construction or Reconstruction Projects and Enforcement and would like to offer a letter of information regarding this legislation.

Senate Bill 512 requires the Maryland Coast Smart Council to establish siting and design criteria and apply it to some private construction or reconstruction projects. Currently, the statute only applies to certain State and local capital projects. The amendment to the statute would apply to the following construction and reconstruction projects;

1. Located in a flood hazard area as designated by the Federal Emergency Management Agency (FEMA)
2. Located in or within 3 vertical feet of the 100 year floodplain as mapped
3. Located in area that, as of 2019, is subject to nuisance flooding

MDE is the State Coordinating Office for the National Flood Insurance Program (NFIP). In that capacity, we provide technical assistance on a variety of topics related to the NFIP to federal and State agencies, other stakeholders, and most importantly, to local governments who participate in the NFIP and administer floodplain management regulations in their community. MDE is also a Cooperating Technical Partner with the FEMA on updating floodplain mapping throughout the state that creates the Special Flood Hazard Areas identified in the bill.

MDE staff are also technical advisors to the Coast Smart Council and have assisted with the development of Siting and Design Criteria, the Coast Smart Project Screening Form and most recently, the Coast Smart - Climate Ready Action Boundary (CS-CRAB) that adds three feet to the FEMA Base Flood Elevation vertically and also extends it out horizontally. Therefore, MDE would most likely be asked to provide technical assistance to the Department of Natural Resources, who has sole responsibility in enforcement of this Act. In addition, MDE would also provide guidance and assistance to local governments and private contractors engaging in any projects that would fit the criteria for Coast Smart. This may have an impact on MDE's workload for the existing staff. The bill as constituted does not include funding for additional staff members.

Thank you for your consideration. The Department will continue to monitor Senate Bill 528 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", written over a horizontal line.

Tyler Abbott

cc: The Honorable Sarah K. Elfreth