



# CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration  
Environmental Education

## Senate Bill 528

Coast Smart Siting and Design Criteria -  
Private Construction or Reconstruction Projects and Enforcement

Date: February 10, 2021	Position: Support
To: Senate Education, Health and Environmental Affairs Committee	Contact: Erik Fisher, AICP Maryland Assistant Director

Chesapeake Bay Foundation (CBF) **SUPPORTS** SB 528, which would improve safety and environmental standards for development in areas with enhanced flood risk due to climate change.

### **Maryland's flood-prone areas are under increasing stress from climate change and new development.**

Floodplains store floodwaters, moderate peak flows, maintain water quality, recharge groundwater, prevent erosion, provide habitat for wildlife and access points for recreation.<sup>1</sup> Building new structures in these areas inhibits the natural function of a floodplain and can worsen flooding. Climate change is causing freshwater creeks and streams to become 'flashier,' surging more quickly and flowing faster during storms than in the past. Tidewater is rising, pushing flood elevations landward from established shorelines. A 2005 report from the Maryland Department of the Environment found that 44,755 buildings throughout the State would be damaged by a 100-year flood, with \$8.12 billion in direct economic losses.<sup>2</sup> After another 16 years of sea level rise, land subsidence and erosion, the potential impacts of a 100-year flood occurring today would be almost certainly even greater.

### **SB 528 provides a timely and uniform response to increased flood impacts from climate change.**

Every Maryland jurisdiction faces increased flooding risk due to climate change. At the same time, the strength of local flood protection programs is not uniform. This variability can be seen in FEMA's Community Rating System, where residents and business in only nine Maryland counties qualify for flood insurance discounts. SB 528 provides a consistent response to a common threat by bolstering existing regulatory and administrative reviews at the local level. Impacts to the floodplain must first be avoided, and where that is not possible, the bill establishes a three-foot freeboard requirement for new construction. MDE notes that additional freeboard can protect structures, reduce repair costs, and provide a margin of safety when a flood exceeds the average 100-year storm used for planning purposes.<sup>3</sup> The Coast Smart standards applied by SB 528 are well-vetted, reflect observed and expected trends, and will help protect people and our waterways from the compounding effects of development and increased flooding.

### **CBF urges the Committee's FAVORABLE report on SB 528.**

For additional information, contact Robin Jessica Clark, Maryland Staff Attorney at [rclark@cbf.org](mailto:rclark@cbf.org) or 443.995.8753

<sup>1</sup> Maryland Department of Environment, [Regulations for Floodplain Development](#), last visited 1.29.2021.

<sup>2</sup> Maryland Department of Environment, [An Assessment of Maryland's Vulnerability to Flood Damage](#), last visited 1.29.2021.

<sup>3</sup> Maryland Department of Environment, [Regulations for Floodplain Development](#), last visited 1.29.2021.

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