

Tuesday, January 21, 2025

TO: Brian Feldman, Chair, Education, Energy, and the Environment Committee, and Committee Members

FROM: Humna Sharif, The Nature Conservancy, Climate Adaptation Manager; Cait Kerr, The Nature Conservancy, State Policy Manager

POSITION: Support SB 42 Environment - Interjurisdictional Watersheds - Flood Management

The Nature Conservancy (TNC) supports SB 42, Environment - Interjurisdictional Watersheds - Flood Management. TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In Maryland, our work focuses on delivering data-driven, on-the-ground solutions that secure clean water, air, and healthy, secure living environments for our human and natural communities today and in the generations to come.

Marylanders are facing challenges due to tidal and non-tidal flooding and extreme weather events. The recent [climate pollution reduction plans](#) our state agencies have prepared are a testament to Maryland's commitment toward a coordinated, whole of government approach to addressing the root cause of these challenges. TNC sees SB 42 as a positive addition to the suite of legislation that Maryland has already passed and will need to pass as we prepare our state for future environmental hazards and reduce Maryland's flood risk. SB 42 improves upon existing Maryland flood management regulations by requiring that "Interjurisdictional Watersheds" be defined and included in Maryland law, and further requires Maryland Department of the Environment (MDE) to manage these accordingly.

Within Maryland regulation, and as applied by MDE, an interjurisdictional watershed refers to an area of land situated on two or more jurisdictions that drains all streams and rainfalls to a common outlet. SB 42 names the following sub-watersheds as interjurisdictional: Carroll Creek in Frederick City and Frederick County; Gwynns Falls in Baltimore City and Baltimore County; Jones Falls in Baltimore City and Baltimore County; and Herring Run, including the Herring Run Stream in Baltimore City and the Herring Run Headwaters in Baltimore County.

TNC supports this bill language, and we strongly recommend naming and including additional interjurisdictional watersheds within this legislation. In particular, the above sub-watersheds drain into the watersheds for Gunpowder, Chester, Nanticoke, Wicomico, Patapsco rivers, which we believe should also be recognized as interjurisdictional. Managing our state's watersheds as interjurisdictional watersheds allows for more collaboration among local governments and also allows for appropriate review of flood management plans for these watersheds.

In [MDE's recent Climate Implementation Plan](#), the agency has shared goals for updating stormwater and flood-management regulations to account for increases in rainfall, and including climate-sensitive erosion standards. The agency has also articulated a commitment to apply for federal funding to support its climate goals. We support and commend MDE's leadership in planning proactively. SB 42 aligns with MDE's stated priorities and regulations.

We also want to highlight the urgent need to include updated climate science, especially as it pertains to flood management standards, within MDE's decision-making processes – these are necessary improvements for the

agency to make in order to achieve the above goals. We recommend including updated climate science informed federal guidance within SB 42, as described below:

Existing [MDE rules require](#) communities to prepare flood management plans in accordance with Federal Emergency Management Agency (FEMA) guidance for 100-year floodplains. A 100-year flood has a 1% chance of occurring in a given year. This is the minimum federal standard our state applies to evaluate how new structures are being built and requires including all appropriate flood hazard mitigation measures, as set forth by FEMA. With environmental hazards and climate risks increasing in their severity, we know that 100-year floods' frequency has increased. There is a need to not just meet baseline federal standards, but go beyond them to include new climate information.

U.S. Department of Housing and Urban Development (HUD) published a Federal Flood Risk Management Standard (FFRMS) [final rule in the Federal Register](#) on April 22, 2024 - to help communities prepare for and reduce flood damage.

[FFRMS](#) aim to protect communities from flood risk, heavy storms, increased frequency of severe weather events and disasters, changes in development patterns, and erosion. By implementing the FFRMS, communities can become resilient to flooding, protect lives and properties, minimize damage to households, reduce insurance costs, and safeguard federal investments – ensuring that federally funded construction projects are built to withstand current and future flood risks ([HUD Press Release](#)).

In order to be eligible for federal funds, Maryland communities will need to be in compliance with FFRMS if federal funds are used to develop or provide financing for new construction within the newly defined FFRMS floodplain. We strongly recommend that Maryland's flood management statutes be updated to match the FFRMS, starting with this proposed language for SB 42. This change would reduce unnecessary exposure to flood risk for Maryland residents. Ultimately, these changes contribute towards building climate resilient communities.

Building community and ecosystem resilience to flooding requires diligent coordination from all sectors of the government - MDE plays a key role in mitigating flood risk. We commend Senator Washington for her leadership in helping make MDE's purview of reviewing and managing flood management plans stronger, and we urge a favorable report on SB 42.