



**The Maryland Department of the Environment  
Secretary Serena McIlwain**

***Senate Bill 42***

***Environment - Interjurisdictional Watersheds - Flood Management***

**Position:** Informational  
**Committee:** Education, Energy, and the Environment Committee  
**Date:** January 28, 2025  
**From:** Jeremy D. Baker, Director of Government Relations

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The Maryland Department of the Environment (MDE) offers the following **INFORMATIONAL** testimony regarding SB 42. In general, MDE supports watershed and flood planning efforts at both the state and local levels. Climate change and continued population growth continue to heighten the need for proactive flood resilience strategies further amplifying the importance of such efforts. MDE makes the following observations regarding SB 42.

Senate Bill 42 aims to enhance flood management by designating specific watersheds and their headwaters and tributaries as interjurisdictional flood hazard watersheds. The bill: (1) amends sections of the Environment Article to introduce definitions for "headwater stream" and "interjurisdictional watershed"; and (2) requires MDE to designate Carroll Creek, Gwynns Falls, Jones Falls, and Herring Run as interjurisdictional flood hazard watersheds. Currently, Carroll Creek, Gwynns Falls, and Jones Falls are designated as interjurisdictional flood hazard watersheds (see COMAR 26.17.02.07). Additionally, the regulations require development in these interjurisdictional watersheds to comply with flood management plans as approved by the Department in accordance with the Flood Hazard Management Act of 1976 (see EN, Title 5, Subtitle 8).

MDE is unclear as to the intent of SB 42. As currently drafted, the bill appears to only require that MDE designate Carroll Creek, Gwynns Falls, Jones Falls, and Herring Run as interjurisdictional watersheds. No other actions, including the study of the designated watersheds, the preparation of a flood management plan or the review and approval of such a plan are required by the bill. As such, the fiscal ramification of the proposed law to the MDE and local governments is minimal and can be absorbed by existing staff. However, if the intent of the bill is to require MDE to conduct a watershed study in each interjurisdictional watershed and the affected local jurisdictions to create new flood management plans, there would likely be a significant fiscal impact.

Additionally, MDE is concerned regarding the definitions for "headwater stream" and "interjurisdictional watershed" included in the bill. These definitions and their included terms have potential conflicts with existing statutory and regulatory definitions at the state and federal level. Certain terms used have specific meaning and application under state and federal law that is used in wetland and dam/reservoir permitting, and stormwater management requirements. The bill's definitions could create uncertainty and potential legal conflicts that could slow MDE permitting and regulatory activities. If SB 42 were to move forward, MDE urges that these definitions be removed from the bill.

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MDE appreciates the opportunity to offer information regarding SB 42. We are willing to work with both the Committee and the bill sponsor to address these issues.

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