

SB42 - Favorable - Interjurisdictional Watersheds

Uploaded by: Alice Volpitta

Position: FAV



January 17, 2025

Environment - Interjurisdictional Watersheds - Flood Management (SB 42)
Position: FAVORABLE

Dear Chair Feldman, Vice Chair Kagan, and members of the Senate Education, Energy, and the Environment Committee:

Blue Water Baltimore is a nonprofit organization with a mission to protect and restore the quality of Baltimore's rivers, streams, and Harbor to foster a healthy environment, a strong economy, and thriving communities. **We write today in support of SB 42 and urge a favorable report from this committee.**

Blue Water Baltimore is home to the Baltimore Harbor Waterkeeper, and our licensed jurisdiction through the international Waterkeeper Alliance includes the entirety of the Patapsco and Back River watersheds. This means that we are uniquely positioned among environmental NGOs in the region to focus on the health and prosperity of these waterways, and the people who live, work, and recreate around them. **This legislation has direct impacts on the Jones Falls, Gwynns Falls, and Herring Run streams, which flow throughout our licensed watershed jurisdictions in the Baltimore region.**

These streams feed the Patapsco and Back Rivers, two of the most polluted tributaries to the Chesapeake Bay as evidenced from our routine water quality monitoring and assessments from the University of Maryland Center for Environmental Science.¹² Many of the longstanding challenges with water quality and failing water infrastructure in the Baltimore region are rooted in decades of inequitable infrastructure investments and environmental racism. **Polluted streams and rivers are the manifestation of these systemic problems, and the people of Baltimore are being robbed of their inherent right to clean water every day.**

The global effects of climate change vary by location, but the IPCC's latest report coupled with NOAA's most recent precipitation data release paints a grim picture for the mid-Atlantic region and Baltimore in particular.³⁴ Residents contend with both coastal and pluvial flooding on a regular basis, issues that are only getting worse as the mid-Atlantic region experiences higher average annual temperatures, increased annual precipitation volume, and more intense storm events. **These conditions lead to flooding, sewage backups into homes, and sewage overflows into our local waterways.**

In order to rectify those long-standing problems, billions of dollars in taxpayer funds have been used to upgrade our sanitary sewer collection systems and install more green stormwater infrastructure to curb the pollution surging into our waterways every time it rains. But this work, undertaken by municipalities like Baltimore City and Baltimore County, is inefficient and ultimately unsuccessful if it is done without cross-jurisdictional collaboration. For example, improving upstream pipe capacity can actually cause increased flooding or sewage overflows in downstream communities if the pipes in those downstream neighborhoods aren't concurrently upgraded to handle increased flows. The watersheds

¹ Baltimore Water Watch. 2025. Blue Water Baltimore. <http://www.BaltimoreWaterWatch.org>.

² 2023 Chesapeake Bay Report Card. University of Maryland Center for Environmental Science. <https://ecoreportcard.org/report-cards/chesapeake-bay/watershed-health/>

³ IPCC, 2023: Summary for Policymakers. In: Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, H. Lee and J. Romero (eds.)]. IPCC, Geneva, Switzerland, pp. 1-34, doi: 10.59327/IPCC/AR6-9789291691647.001

⁴ 2023 U.S. Climate Normals Update: Version 1.0.1. <https://www.ncei.noaa.gov/products/land-based-station/us-climate-normals>

that connect our headwater streams to the Baltimore Harbor don't stop at the City-County line; the stormwater and sewage keep flowing regardless of who "owns" the pipes. **It's time to acknowledge the inherent interconnectedness of our infrastructure systems and approach sewer and stormwater management holistically across the entire watershed.**

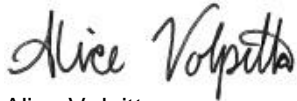
This legislation will:

- Codify and strengthen protections for critical watersheds, including the Jones Falls, Gwynns Falls, and Herring Run;
- Designate these streams and their tributaries as interjurisdictional flood hazard watersheds; and
- Ensure that flood management practices are consistent across jurisdictions, protecting our waterways from pollution, flooding, and the increasing impacts of climate change.

This legislation is needed to enhance communication and collaboration about critical infrastructure projects that cross municipal boundaries, for the good of our communities and shared local waterways.

For these reasons, Blue Water Baltimore respectfully requests this committee issue a favorable report on SB 42.

Sincerely,



Alice Volpitta
Baltimore Harbor Waterkeeper
Blue Water Baltimore
avolpitta@bluewaterbaltimore.org

SB 42 Interjurisdictional Watersheds (Favorable -

Uploaded by: Humna Sharif

Position: FAV

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.

Testimony in support of SB0042 - Environment - Int

Uploaded by: Richard KAP Kaplowitz

Position: FAV

1/21/2025

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#0042 - AVORABLE

Environment - Interjurisdictional Watersheds Flood Management

TO: Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#0042, Environment - Interjurisdictional Watersheds - Flood Management

This bill will facilitate local jurisdictions most affected by flood hazard watersheds as the responsibility of the affected jurisdictions in how those conditions are more effectively dealt with. The bill will require the Department of the Environment to designate the watersheds of Carroll Creek in Frederick City and Frederick County, Gwynns Falls and Jones Falls in Baltimore City and Baltimore County, and Herring Run, including the Herring Run Stream in Baltimore City and Baltimore County and all their headwaters and tributaries as interjurisdictional flood hazard watersheds.

The essence of flood control and risk reduction is empowering affected government bodies the ability to “provide reliable flood protection and risk reduction through well managed and maintained infrastructure, including appropriate floodplain connections for water conveyance and ecosystem benefits, and management of surface and storm water runoff to better protect life, property and economies.”¹ This bill would be Maryland making the statement that we will create conditions that let’s us do the most effective and efficient job in meeting these goals.

I respectfully urge this committee to return a favorable report on SB#0042.

¹ <https://americaswatershed.org/reportcard/the-goals/flood-control-risk-reduction/>

MDE SB42 Testimony.docx.pdf

Uploaded by: Les Knapp

Position: INFO



**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

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.

Contact: Jeremy D. Baker, Director of Government Relations
Cell: 240-548-3321, Email: jeremy.baker@maryland.gov



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.

Contact: Jeremy D. Baker, Director of Government Relations
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SB0042 - SHA - LOI - Environment - Interjurisdicti

Uploaded by: Matt Mickler

Position: INFO

January 21, 2025

The Honorable Brian Feldman
Chair, Education, Energy, and the Environment Committee
Hearing Room 2, West Miller Senate Miller Office Building
Annapolis, MD 21401

RE: Letter of Information – SB 42 – Environment – Interjurisdictional Watersheds – Flood Management

Dear Chair Feldman and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following Letter of Information for the Committee's consideration of Senate Bill 42.

SB 42 requires the Maryland Department of the Environment (MDE) to designate the watersheds of Carroll Creek in Frederick City and Frederick County, Gwynns Falls and Jones Falls in Baltimore City and Baltimore County, and Herring Run, including the Herring Run Stream in Baltimore City and Baltimore County and all of their headwaters and tributaries as interjurisdictional flood hazard watersheds.

Per MD Environment Code § 5-503 (c)(1), in interjurisdictional waterways, any impoundment proposal is subject to review and approval by the MDE for standards relating to safety and flood control. This means that any impoundment of water adjacent to a state highway, such as a stormwater management facility, would be subject to the review of the Maryland Department of the Environment Dam Safety Division. The Federal Highway Administration (FHWA) has indicated, and recently reaffirmed, that if a State Highway Administration (SHA) project is seeking approval from the MDE Dam Safety Division, elements of the project subject to MDE's review will not be eligible for reimbursement of federal funding. This, in turn, would require the State to backfill these projects exclusively with state dollars, reducing overall funds for capital projects statewide and the department's ability to further leverage federal funds. SB 42 would increase the number of interjurisdictional waterways that may be adjacent to state highways, which would further restrict SHA's ability to recover federal funds for certain parts of a roadway improvement project. This comes at a time when state dollars for transportation are limited.

Senate Bill 42 would also impact existing permit processes and storm water management (SWM) requirements. It is not clear from the bill language if projects previously approved under the National Environmental Policy Act (NEPA) or previously approved permits would be exempt from the provisions of the proposed bill language. If these existing approvals were compromised, SHA would incur costs and project delays to update the planning documents and permits to the new requirements.

The Honorable Brian Feldman
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The Maryland Department of Transportation respectfully requests the Committee consider this information during its deliberation of Senate Bill 42.

Respectfully submitted,

April King
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