



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

Senate Bill 42

Environment - Interjurisdictional Watersheds - Flood Management

Position: Informational
Committee: Environment and Transportation
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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) introduces 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).

As currently drafted, the bill only requires 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.

MDE has concerns surrounding the definition for "headwater stream" in the bill. The definition and the 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 impact MDE permitting and regulatory activities. For clarity, MDE asks that the definition be removed from the bill.

MDE appreciates the opportunity to offer information regarding SB 42.