



**For the Environment Committee
Testimony of Alicea Charamut, Executive Director
March 3, 2025**

Rivers Alliance was formed to fight for sound water policies at the state and federal levels, to provide education on water resources, and to advocate for any person or group striving to protect water. If you want clean, free-flowing and healthy rivers, and high-quality drinking water, Rivers Alliance is here to help.

Thank you for the opportunity to provide testimony on the following raised bill before you today.

SB 58 – AN ACT AUTHORIZING RESIDENTS LIVING IN A FLOOD ZONE TO LAY UP TO TEN THOUSAND CUBIC YARDS OF LANDSCAPE FILL PER YEAR IN THEIR YARD AND ESTABLISHING A TAX DEDUCTION FOR THE COSTS OF SUCH FILL AND A GRANT PROGRAM FOR ROAD RAISING – Opposes

Sections 1 and 2

Section 1 of this bill would require the Department of Energy and Environmental Protection to establish a permit allowing any resident living in a flood zone to place up to ten thousand cubic yards of landscaping fill around their dwelling per year.

Section 2 would require the Department of Revenue Services to establish an income tax deduction for the cost of installing such landscaping fill.

It is simply a law of nature that preventing water from flowing naturally will cause it to flow elsewhere. **Allowing residents to build up their properties with fill will inevitably lead to increased flooding of adjacent properties.** This practice would disproportionately impact those who cannot afford to place fill on their properties, effectively leaving them underwater—both literally and financially. Moreover, encouraging this activity through tax incentives is deeply concerning.

There are several additional reasons why these sections should not move forward:

- **Increased Stormwater Issues:** Building up properties with fill would exacerbate stormwater management challenges for communities that are already struggling. Changes in hydrology could significantly impact municipal drainage systems.

- **Ineligibility for National Flood Insurance Programs:** Fill is prohibited in floodways and VE Zones (high-risk coastal areas designated by the FEMA due to their vulnerability to rapid water flow during floods). Allowing fill would make properties ineligible for coverage under the National Flood Insurance Program (NFIP).
- **Escalation of Insurance Rates:** Introducing fill could negatively affect a community's standing in FEMA's Community Rating System, potentially causing NFIP rates to rise for all residents. Municipalities can help reduce these rates by participating in the Community Rating System, which incentivizes responsible floodplain management practices.

Sections 1 and 2 have far-reaching and potentially disastrous consequences. We strongly urge you to strike these sections from the bill.

Section 3

Section 3 would require the Department of Transportation to develop a program to assist towns with elevating roads.

We support the intent of this section, provided that the program emphasizes road elevation through proper engineering techniques and explicitly prohibits the use of fill. With adequate parameters, this program could help municipalities manage the costs associated with roads that are increasingly flooding, especially in coastal areas.

It is essential that clear guidelines are established to prevent any actions that could increase flooding risks elsewhere. Additionally, ensuring the maintenance of wildlife and fish passage must be a priority. Prohibiting the use of fill is critical, as it would otherwise worsen stormwater and flooding issues in surrounding areas.

We urge the committee to strike Sections 1 and 2 due to the severe and long-lasting impacts they would have on flood management and community well-being. If section 3 is to move forward, we encourage the careful refinement to ensure it provides effective and sustainable solutions for municipalities facing flooding challenges.

Thank you for considering our perspective. We look forward to further discussions on this bill