

**Testimony of Deputy Secretary Jill Whitcomb**  
**Office of Water Programs**  
**Department of Environmental Protection**  
**Senate Republican Policy Committee**  
**Wednesday, March 12, 2025**

Good afternoon, Chairman Argall and members of the Senate Republican Policy Committee. On behalf of the Department of Environmental Protection (Department), thank you for the opportunity to provide information about stream maintenance and flood mitigation strategies.

Pennsylvania has 86,000 miles of streams and rivers and a population of more than 13 million people. We are a water-rich state, with more miles of streams and rivers than any other state aside from Alaska. Unfortunately, those water resources also come with an infamous history of flooding. Following devastating dam collapses in Johnstown in 1889 and Austin, Potter County in 1911, Pennsylvania enacted the first dam safety legislation in America in 1913, providing for the regulation of dams and other water obstructions. The current law, Pennsylvania's Dam Safety and Encroachments Act (Act 325 of 1978), stems from the 1977 Johnstown flood disaster in which heavy rains caused flooding and dam failures that led to the deaths of 85 people.

Under the Dam Safety and Encroachments Act, the Department is empowered to regulate dams and reservoirs in Pennsylvania in order to protect people and property; oversee the planning, construction, operation and maintenance of dams and reservoirs to ensure that safety measures are incorporated whenever possible; and protect the natural resources, environmental rights and values secured by the Pennsylvania Constitution and conserve the water quality, natural flow and capacity of our streams and rivers.

The Water Obstructions and Encroachments Program handles and implements multiple regulatory duties and obligations, including implementing 25 Pa. Code Chapter 105 regulations. Water obstructions and encroachments include activities such as bridges, stream channel work, and utilities which are located within, along, or across streams, wetlands, floodways, or bodies of water.

The Department partners with many conservation districts statewide through delegation agreements to review Chapter 105 General Permit applications. Stream maintenance can be conducted through environmentally sound and responsible means in order to ensure that the effect of the completed maintenance reduces the likelihood of future problems. Actions that do not require Department notification, pre-approval, or permits include but are not limited to: removing non-native, manmade material such as litter and construction debris from the stream, banks, and riparian areas; removing woody debris from the stream; cleaning out culverts; removing gravel and flood debris from around bridges and culverts according to the conditions of the permit; planting trees and other plants on streambanks and in riparian areas; adopting or implementing stormwater management ordinances and best management practices; and crossing

the stream to access property immediately after a flood emergency if conditions are safe. However, permits will be required by the Department and potentially by the US Army Corps of Engineers or other agencies if the flow of the stream is redirected by reshaping gravel bars, gravel is moved to the streambank, streambanks are armored with impervious materials, a stream is moved or relocated, streams are dredged or dammed, or a new bridge or culvert is being constructed.

Changes in environmental and climate patterns have led to extended periods of drought with short periods of intense and heavy rainfall. Droughts and floods are two extremes in the same cycle and are not mutually exclusive. In August 2024, Tropical Storm Debby made landfall, impacting many along the East Coast and in Pennsylvania. In November 2024, Pennsylvania declared drought conditions in 35 counties, with 33 counties in Drought Watch and two counties under Drought Warning. In addition, long periods of drought can exacerbate the local impact of flooding, with one reason being that soil becomes dry and compacted, unable to absorb and infiltrate intense rainfall leading to increased runoff. Existing infrastructure is also being challenged as they are only designed to withstand certain storm events.

It is imperative that we work together to ensure communities are prepared for these extreme weather events and are resilient to the extent possible. Following flood emergencies, Department staff are activated to participate in flood recovery efforts, primarily by issuing emergency permits for in-stream work and coordinating with other agencies, such as the Pennsylvania Emergency Management Agency. For example, shortly after Tropical Storm Debby, the Department's Northcentral Regional Office worked with communities and authorized more than 300 emergency permits.

The Department has several programs that provide technical and financial assistance to communities and individuals related to flooding, stream restoration, stream maintenance, and proactive planning and implementation.

The Department's Flood Protection Program has provided structural solutions to river flooding in flood prone Pennsylvania communities for nearly 80 years. The program has constructed over 140 flood protection projects and continues to design and construct new and rehabilitation projects. The program also partners with the US Army Corps of Engineers to inspect all flood protection systems annually.

The Department's Stream Improvement Program provides assistance by designing and constructing small projects that would restore stream channels damaged by high water or flooding events and to stabilize streambanks affected by erosion at sites where there are imminent threats to the structural integrity of homes, businesses, and industries. The Stream Improvement Program also partners with the US Department of Agriculture Emergency Watershed Protection (EWP) program. The Stream Improvement Program provides state funds, as resources allow, to offset the 25% local cost-share required by the EWP program.

The Department's Growing Greener Grants Program has funded more than 2,700 grants totaling more than \$404 million statewide since 1999, including construction of agricultural and urban best management practices; planning, design and technical assistance; and education and

outreach. Growing Greener investments have been used to complete 50 stream restoration-type projects implemented statewide. The Department partners with the Pennsylvania Fish and Boat Commission on projects where stream restoration is occurring alongside fish habitat improvements in and around trout stocking areas. The Department has also employed regional Watershed Managers and provided funding to all 66 Conservation Districts to employ Watershed Specialists, who provide direct on-the-ground assistance to individuals, communities, and watershed organizations.

Finally, the Department's Act 167 Stormwater Management Grants Program has been revitalized with funding from the Clean Streams Fund, enacted in FY2022 and with more than \$2.4 million in annual dedicated funding beginning in FY2024.

The Department is authorized to administer these grants to municipalities and counties and provide reimbursement up to 75% of the allowable costs associated with the preparation or update of an Act 167 Plan, and for the administration, enforcement, and implementation costs incurred by the county or municipalities. As funds are available, municipalities located within counties with current and approved Act 167 Plans may request annual reimbursement for eligible expenses incurred. Submission of a grant application is not necessary for municipalities to obtain reimbursement for eligible expenses.

In conclusion, the Department has a long history of implementing laws and regulations to ensure public safety as well as conserving our water resources. Multiple technical and financial assistance programs are available and stream maintenance is allowable under most circumstances. We value our partnerships with the conservation districts and other state and federal agencies, including the Pennsylvania Fish and Boat Commission, US Army Corps of Engineers, and the US Department of Agriculture.

Thank you for your interest on this matter, I am happy to answer any questions you have.