

# HOUSE BILL 400

M4, M3, M1

3lr1301  
CF SB 364

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By: **Delegates Stein, Beidle, Carr, Frush, Gaines, Glenn, Healey, Holmes,  
Lafferty, McIntosh, and Niemann**

Introduced and read first time: January 25, 2013

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Management–Intensive Farming and Grazing**

3 FOR the purpose of requiring the University of Maryland Cooperative Extension  
4 Service to provide a dedicated extension agent to assist individuals with the  
5 adoption of management–intensive farming and grazing practices; requiring the  
6 Governor to provide a certain level of funding each year to support the  
7 Department of Agriculture’s activities related to management–intensive  
8 farming and grazing, beginning in a certain fiscal year; authorizing the  
9 Governor to make appropriations from the Bay Restoration Fund and the  
10 Chesapeake and Atlantic Coastal Bays 2010 Trust Fund for certain purposes;  
11 authorizing the Department of Agriculture to use its allocation from the Bay  
12 Restoration Fund to fund management–intensive grazing activities; including  
13 management–intensive grazing in the definition of a “nonpoint source control  
14 project” eligible for funding from the Chesapeake and Atlantic Coastal Bays  
15 2010 Trust Fund; and generally relating to management–intensive farming and  
16 grazing.

17 BY repealing and reenacting, without amendments,  
18 Article – Agriculture  
19 Section 8–702  
20 Annotated Code of Maryland  
21 (2007 Replacement Volume and 2012 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Agriculture  
24 Section 8–703  
25 Annotated Code of Maryland  
26 (2007 Replacement Volume and 2012 Supplement)

27 BY repealing and reenacting, without amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Environment  
2 Section 9–1605.2(a)  
3 Annotated Code of Maryland  
4 (2007 Replacement Volume and 2012 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article – Environment  
7 Section 9–1605.2(h)(2)(ii) and (i)(2)(ix)  
8 Annotated Code of Maryland  
9 (2007 Replacement Volume and 2012 Supplement)

10 BY repealing and reenacting, with amendments,  
11 Article – Natural Resources  
12 Section 8–2A–01(c)  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume)

15 BY repealing and reenacting, without amendments,  
16 Article – Natural Resources  
17 Section 8–2A–02(a) and (b)  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Agriculture**

23 8–702.

24 (a) The General Assembly finds and declares that agriculturally related  
25 nonpoint sources of water pollution may potentially contribute to the degradation of  
26 the water resources of this State and that prevention and control efforts have been  
27 hampered because of the cost and lack of income producing potential in many  
28 agricultural practices designed to protect water quality. To assist in the  
29 implementation of agricultural practices which minimize water pollution from erosion,  
30 animal wastes, nutrients, and agricultural chemicals, a cost sharing program between  
31 the State and eligible applicants is established for the public benefit.

32 (b) The cost sharing program established under this subtitle shall be  
33 implemented in conjunction with the “Agricultural Water Quality Management  
34 Program for the Control of Sediment and Animal Wastes” of the State Soil  
35 Conservation Committee as well as other State and local programs to control water  
36 pollution.

37 8–703.

1 (a) The Secretaries of Agriculture and the Environment shall, by jointly  
2 promulgated rule or regulation:

3 (1) Identify geographic areas in watersheds throughout the State  
4 which have a high potential for agriculturally related soil erosion or movement of  
5 sediments, animal wastes, or agricultural chemicals into the surface waters of the  
6 State;

7 (2) Designate priority areas for cost sharing under this subtitle; and

8 (3) Establish program requirements, including application procedures,  
9 eligibility criteria, provisions for monitoring and review, and measures to assure  
10 accountability for all cost sharing funds.

11 (b) (1) The selection of projects and the degree of State financial  
12 assistance shall be based on:

13 (i) Water quality improvements to be achieved, with  
14 consideration given to the cumulative effect of other projects on the same body of  
15 water;

16 (ii) The estimated economic benefit to the participating farmer  
17 from use of the best management practice; and

18 (iii) Other relevant factors as determined by regulation.

19 (2) State cost sharing funds may not be used to reestablish  
20 agricultural practices which have deteriorated due to the negligence or  
21 mismanagement of an applicant.

22 (c) The Secretary of Agriculture and the Secretary of the Environment shall  
23 implement the cost sharing program for a project with the technical assistance of the  
24 appropriate soil conservation district. Technical representatives of the soil  
25 conservation district shall prepare or approve all design, construction, maintenance or  
26 other plans for best management practices and shall provide the necessary degree of  
27 layout and construction supervision.

28 **(D) THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION**  
29 **SERVICE SHALL PROVIDE A DEDICATED EXTENSION AGENT TO ASSIST**  
30 **INDIVIDUALS WITH THE ADOPTION OF MANAGEMENT-INTENSIVE FARMING AND**  
31 **GRAZING PRACTICES.**

32 **(E) (1) BEGINNING IN FISCAL YEAR 2015, THE GOVERNOR SHALL**  
33 **PROVIDE AT LEAST \$500,000 ANNUALLY TO SUPPORT THE DEPARTMENT'S**  
34 **ACTIVITIES RELATED TO MANAGEMENT-INTENSIVE FARMING AND GRAZING.**



1 (i) (2) Funds in the Bay Restoration Fund shall be used only:

2 (ix) Subject to the allocation of funds and the conditions under  
3 subsection (h) of this section, for projects related to the removal of nitrogen from onsite  
4 sewage disposal systems [and], cover crop activities, **AND MANAGEMENT-INTENSIVE**  
5 **GRAZING ACTIVITIES.**

6 **Article – Natural Resources**

7 8–2A–01.

8 (c) (1) “Nonpoint source pollution control project” means a project to  
9 improve water quality by a reduction of nitrogen, phosphorus, or sediment pollution.

10 (2) “Nonpoint source pollution control project” includes:

11 (i) An agricultural best management implementation practice,  
12 including cover crops, riparian forested buffer, manure processing, grassed waterways,  
13 animal waste storage structures, **MANAGEMENT-INTENSIVE GRAZING**, and livestock  
14 fencing;

15 (ii) An urban or suburban stormwater practice;

16 (iii) A sustainable forest management practice, including a forest  
17 stewardship plan or a nonornamental urban and suburban tree planting project;

18 (iv) Stream and wetland restoration;

19 (v) Riparian buffer planting;

20 (vi) A project that demonstrates the effectiveness of an  
21 innovative nonpoint source pollution reduction measure provided that the measure is  
22 capable of integration into existing nonpoint source pollution programs;

23 (vii) Technical assistance necessary to implement a nonpoint  
24 source pollution control project;

25 (viii) Improvement of a municipal park located on or adjacent to a  
26 waterway, provided that the improvement is limited to state-of-the-art and  
27 sustainable nonpoint source pollution control measures that demonstrably improve  
28 water quality by reducing nitrogen, phosphorus, and sediment pollution; and

29 (ix) Strategic monitoring of water quality improvements from  
30 nonpoint source pollution control projects that have been funded, in whole or in part,  
31 with grants from the Trust Fund.

32 8–2A–02.

1           (a)     There is a Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

2           (b)     The purpose of the Fund is to provide financial assistance necessary to  
3 advance Maryland's progress in meeting the goals established in the Chesapeake 2000  
4 Agreement for the restoration of the Chesapeake Bay and its tributaries, including the  
5 Patuxent River, and to restore the health of the Atlantic Coastal Bays and their  
6 tributaries, by focusing limited financial resources on nonpoint source pollution control  
7 projects in all regions of the State.

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2013.