



January 23, 2024

The Honorable Brian Feldman, Chairman
Senate Education, Energy, and the Environment Committee

Re: Senate Bill 196 – Soil Conservation Districts - Small Ponds - Plan Review Fees

Position: *Support*

Chair Feldman & Committee Members:

I am writing on behalf of the Maryland Association of Soil Conservation Districts (MASCD) to express our *support* for **Senate Bill 196 – Soil Conservation Districts - Small Ponds - Plan Review Fees**, which authorizes a soil conservation district to recommend a fee system to cover the cost of reviewing plans for small ponds. A small pond is a water impoundment created by a dam or embankment, or by digging a pit or dugout. These manmade water bodies are constructed for a variety of purposes, including stormwater management, recreation, and irrigation.

Authority for the construction of small ponds is granted to Maryland's conservation districts for plan review and approval. As part of the approval process, several conservation districts that did not employ an engineer were able to provide small pond reviews through an MOU with NRCS, relying on their job approval authority and technical oversight to conduct plan reviews and grant approvals. In January 2021, NRCS issued Bulletin 210-21-01 notifying the conservation districts that **NRCS would discontinue their support of small pond reviews in January 2022**, exempting those small ponds that are included in an agricultural conservation plan. For counties where neither the conservation district nor county government staffed an engineer with expertise on small ponds, a technical service gap was created where there was no local expertise that could provide reviews and approvals.

Since 2022, the Maryland Department of Environment's Dam Safety Program has worked with MASCD and the conservation districts to clarify the qualifications and process that districts should use to review and approve plans and adopted Maryland's Small Pond Approval Process Policy in August 2022. At the same time, conservation districts have taken a variety of measures to address the issue. Some conservation districts already employed an engineer that could address the needs of their communities. Other districts sought to work with their local jurisdictions to hire an engineer to maintain services and reduce impacts to development timelines. Districts with lower demand for small pond reviews have opted to defer to Maryland Department of Environment's

Dam Safety Program. In all cases, one common barrier to all the conservation districts is clear authority to charge a fee for service for small pond reviews. If a conservation district seeks to employ an engineer to offer this important service, there is not a clear path to fund that position.

This legislation tackles existing service and funding gaps by introducing a specified and approved fee arrangement between the districts and the local governing body. It's crucial to highlight that the funds collected by the districts will be exclusively allocated to staffing the position and covering any essential fees related to conducting the review. Enabling soil conservation districts in Maryland to charge small pond review fees supports their financial sustainability, ensures the availability of expertise, and contributes to responsible land use practices, ultimately benefiting the environment and the community at large.

Thank you for your kind consideration and attention to this legislation.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jen Nelson". The signature is written in a cursive, flowing style.

Jen Nelson, Executive Director
Maryland Association of Soil Conservation Districts