



2/23/24

**Testimony in SUPPORT with amendments for HB1042 -
Maryland Agricultural BMP Best in Show Program - Established**

To Chair Korman and Members of the Committee,

Thank you for this opportunity to submit testimony in **SUPPORT, with amendments**, for **HB1042** on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland's Eastern Shore with more than 2,500 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration, and education.

Our rivers are impaired by nitrogen, phosphorus, sediment, and bacteria. After 40 years of pollution reduction efforts in the Chesapeake Bay, our rivers and our communities are still falling short of the envisioned restoration goals. Scientists who advise on state clean-up efforts recently completed a study to understand why. The Chesapeake Bay Program's [CESR Report](#)—*A Comprehensive Evaluation of System Response*—outlines the following key points:

- **Runoff pollution in our rivers comes from only 5–20% of our land**—and we need to effectively target our restoration work on that land.
- **Nonpoint source pollution is our last and largest obstacle to meeting our restoration goals**—and agriculture is the largest nonpoint source in the Chesapeake watershed.
- **We need to increase our monitoring efforts to improve the efficacy of future restoration beyond 2025**—this will take funding and government support to implement effectively!
- **Restoration practices cannot keep pace with the imbalance of nutrients introduced to the watershed**—we need large-scale behavior change that will reduce the amount of nutrients introduced to the watershed.

To address recommendations within the CESR report, which will be pivotal in addressing nonpoint source pollution to accelerate water quality restoration across the state, **HB1042 will**:

- Provide increased funding for coordinated and targeted restoration practices across one or multiple agricultural operations;
- Prioritize state funds to support best management practices in locations most likely to have a short-term benefit to water quality, habitat, and public health; and
- Establish monitoring and verification requirements to evaluate the effectiveness of implemented projects, including impacts to resilience, nutrient reductions, and sediment reduction outcomes.

Following the recommendations of the CESR report beyond 2025 will mean a shift in goals and perspectives when engaging in water quality restoration. **HB1042** will direct cost share funds to projects that not only target areas of high nutrient delivery, but will prioritize projects that increase shallow water system responses and near-shore habitat—ultimately increasing pollution reduction

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outcomes, particularly in near-shore areas where impacts are most clearly seen and experienced by members of the public.

ShoreRivers supports this important legislation, and we have several friendly amendments to for the Committee’s consideration:

- **Priority should be placed on farmland within the state's Critical Area.** According to a study by the Chesapeake Bay Foundation, there are 15,744 acres of crop and pasture land currently within the 300-foot buffer of the state’s Critical Area. A full 81% of that farmland is found on Maryland’s Eastern Shore, an area of the state that is both significantly under-treed, and disproportionately vulnerable to land subsidence and saltwater intrusion from climate change. This land also has the highest potential for nutrient delivery¹: “In accordance with the Chesapeake Bay Watershed Implementation Plan, the standard nitrogen rate used to determine the nitrogen delivery rate to surface water is as follows: **(1) An 80% delivery rate in Critical Area;** (2) a 50% delivery rate within 1,000 feet from any perennial surface water; and (3) a 30% delivery rate from distances greater than 1,000 feet from any perennial surface.” These nutrient loads can be further augmented from storm surge and rising tides. A recent study incorporated into the CESR report² estimated: “that the amount of dissolved inorganic N[itrogen] contributed during a seasonally high tide event in one Bay segment exceeded its annual N load allocation by 30%.” Rising tides and increased storm surge due to climate impacts will continue to negatively affect our waterways, especially from nonpoint source land uses like agricultural operations.
- **Reduce the required number of best management practices from five to three.** This more realistic number will increase the applicant pool and, in turn, increase the number of projects proposed on smaller farms, where the operator feels loss of tillable land more acutely. These smaller farms can often be found on small peninsulas— known as necks—on the Eastern Shore, and their proximity to waterways increases their potential pollution delivery rate.
- **Source \$2 million for this program through the Clean Water Commerce Account, not the Bay Restoration Fund.** It is essential that this program introduce new money for cost share programs, rather than redirect existing funds, to accelerate water quality restoration efforts. This revenue stream would also allow non-profit organizations and technical service providers to extend the Maryland Department of Agriculture’s outreach efforts.

On the Eastern Shore, agriculture is the dominant land use, which has undeniable impacts on our waterways. Farmers are also one of our greatest allies in restoration efforts, as just one person can positively impact hundreds, if not thousands, of acres. To invest in soil health is to invest in water quality, and this legislation creates a new avenue for farmers who are positioned to make the biggest and best impact to the Chesapeake and its tributaries while protecting their own investments and livelihoods. We thank Delegate Guzzone for bringing this important legislation forward for the committee's review and we urge **a favorable report, with amendments, for HB1042.**

Sincerely,

Annie Richards, Chester Riverkeeper on behalf of [ShoreRivers](#).

¹ <https://mde.maryland.gov/programs/pressroom/pages/1243.aspx>

² [A Comprehensive Evaluation of the Systems Response \(Macías-Tapia et al., 2021\)](#).