

**Tuesday, February 11, 2025**

**TO:** Brian Feldman, Chair, Education, Energy, and the Environment Committee, and Committee Members  
**FROM:** Humna Sharif, The Nature Conservancy, Climate Adaptation Manager; Amy Jacobs, The Nature Conservancy, Interim Chesapeake Bay Director/ Chesapeake Bay Agriculture Director  
**POSITION:** Support SB 428 Chesapeake Bay Legacy Act

The Nature Conservancy (TNC) supports SB 428, Chesapeake Bay Legacy Act. TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In the Chesapeake Bay, our goal is to restore a healthy Bay that supports over 3,600 species of plants and animals, thriving local communities, and sustainable industries such as fisheries, farming, and tourism. Working with public and private partners, TNC is a leading voice for using nature-based solutions that improve water quality and provide benefits such as habitat, climate resiliency, and climate mitigation.

SB 428 is a positive step towards achieving Chesapeake Bay restoration goals and creates a necessary pathway for Maryland to continue our leadership on Bay restoration and conservation efforts. Our state's Bay restoration efforts began in earnest more than 40 years ago with the creation of the Chesapeake Bay Program. Since then, the collaborative, bipartisan and multi-state, approach to restore the Bay's health has been a model of adaptive and participatory management across the country. Though there are promising signs of recovery, there is still much work to be done to realize clean water goals and key habitats' restoration in and around the Bay. In December, Governor Moore joined leaders of the six other jurisdictions in the Bay watershed to commit to continuing to work together beyond 2025 – in order to protect the Bay's health, as well as the people, plants, and animals that depend on it.

TNC's work in the Chesapeake Bay is focused on conservation at the scale of entire ecosystems and spans the whole watershed. We have led efforts to achieve large scale restoration by working with landowners, farmers, oyster growers, and local government leaders in developing projects that meet our collective goals and result in cleaner water and restored habitats. We recognize that climate change impacts are already harming our state's communities and ecosystems; conservation efforts have not benefitted communities equitably, and we have more work to do.

Our state's future work in the Bay must occur at the intersection of challenges presented by climate change and inequity in access to resources so that the Bay's ecosystems and communities are resilient. With these long-term goals and challenges in mind, and TNC's experience in using science-based and stakeholder-informed restoration and management practices, we would like to recommend the following additions and improvements to the language for SB 428:

#### **Under Article – Agriculture**

- **Page 4, lines 19-22:** we would like the request the addition BUSINESS DEVELOPMENT GROUPS within the list of members consulted for the development and promotion of the suite of conservation practices and community best practices. We would also like to request the addition of BUT NOT LIMITED TO at the end of line 22 after INCLUDING, in reference to the conservation practices listed in lines 23-29.

- **Page 4, line 24:** in relation to (II) – NUTRIENT INPUT REDUCTIONS, we would like to request the addition of AND/OR INCREASE IN NUTRIENT USE EFFICIENCY
- **Page 5, lines 22-23,** in relation to (I) PROXIMITY OF A CONSERVATION PRACTICE OR COMMUNITY BEST PRACTICE TO WATERS OF THE STATE we would like to request the addition of AND LOCATION OF A CONSERVATION PRACTICE IN AREAS IDENTIFIED TO PROVIDE THE GREATEST OUTCOMES FOR THE PROGRAM.
- **Page 8, lines 4-17:** in relation to the definition of REGENERATIVE PRACTICES AND TRADITIONS, we would like to request lines 15-17 be removed. TNC recommends the inclusion of below language or similar language defining regenerative practices and traditions.
  - “Regenerative practices and traditions” means forms of land management and stewardship approaches and practices that enhance the land and ecosystem through adaptive land management practices that improve soil health and water quality, restore biodiversity, mitigate climate change impacts, and provide the greatest community benefits and may: 1) Draw on traditions and innovations from African, Indigenous, and original land stewards; or 2) Promote culturally important food and climate justice programs and initiatives.

#### **Under Article – Natural Resources**

- **Page 12, lines 15-26:** in relation to the Department’s authority to prepare fishery management plans, TNC supports the inclusion of language shared by the Chesapeake Bay Foundation and would like to request this section to read:
 

The Department may prepare fishery management plans for any species of fish, in consultation with the APPROPRIATE ADVISORY BODIES CREATED UNDER THIS TITLE, if the Department determines that the plans are necessary based on:

  - (I) Lack of management by the Atlantic States Marine Fisheries Commission or a federal regional fishery management council;
  - (II) The population of the species;
  - (III) The distribution of the species;
  - (IV) The habitat needs of the species; [or]
  - (V) A SIGNIFICANT INCREASE IN COMMERCIAL HARVEST AND/OR SALE OF A SPECIES IN THE STATE;
  - (VI) Other biological, ecological, climatological, or socioeconomic factors concerning the species or Chesapeake Bay region.
- **Page 12, lines 27-31,** A FISHERY MANAGEMENT PLAN MAY INCLUDE, we would like to request the addition of A DESCRIPTION OF HABITAT CRITICAL TO DIFFERENT LIFE STAGES OF THE SPECIES. This recommendation is in line with fishery management plans prepared by the Atlantic States Marine Fisheries Commission and Federal Fishery Management Councils.
- **Page 14, lines 26-28:** in relation to Management strategies that have a high probability of reducing fishing to a target level within a target time, as determined by the Department, we request the replacement of [high probability] with GREATER THAN 50% CHANCE.
- **Page 22, lines 3-5,** in relation to C) THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF AGRICULTURE ON THE DEVELOPMENT OF A TEMPLATE FOR LEASES ENTERED INTO UNDER THIS SECTION we request the inclusion of AND STAKEHOLDERS after DEPARTMENT OF AGRICULTURE in this section.

The Chesapeake Bay is an heirloom that we all have the opportunity to experience and the responsibility to steward for future generations. Our intent in sharing these recommendations and favorable testimony for SB 428 is to continue elevating the need for strong partnerships and science-informed approaches for meeting the unique challenges that Maryland and the Bay are facing at this moment in time. TNC is grateful for Governor Moore and his cabinet's leadership in balancing the conservation priorities, economic prosperity, and long-term resilience of our irreplaceable natural heritage through this legislation. We look forward to continuing our work with the Department of Natural Resources, and the Department of Agriculture to implement the programs resulting from the legislation. **Therefore, we urge a favorable report on SB 428.**