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TESTIMONY ON SENATE BILL 0898
NUTRIENT MANAGEMENT – TIDAL BUFFER

Chair Feldman and Members of the Committee,

I appreciate the opportunity to offer written testimony in SUPPORT of Senate Bill SB0898. Our farm is bordered on three sides by the tidal waters of the Sassafras River and two of its tributaries. We have always recognized that crop production near the water has a high risk of nutrient transport to the river and creeks and have established 100' buffers through the CRP and CREP programs over the years to act as a barrier between nutrients applied to the fields and the water.

While 100' buffers have been a good fit for our operation on land that we own and farm, I've had many discussions with farmers, especially those who rent ground, who don't feel the same way. I think it's fair to say a high proportion of the farmland in the Critical Area is owned by people who do not farm the ground themselves. Much of this ground is broken up by creeks and marshland into smaller fields that makes it more time consuming to plant and harvest crops. The argument I hear most often is that CRP buffer programs only benefit the landowner financially, have the potential to reduce field size below a minimum efficient acreage, and can also create significant weed issues for the farmer. Many custom farmers have expressed reluctance to continue renting the ground if a significant portion is taken out of production and put into conservation programs. The opposition of custom farmers has convinced many landowners not to participate in traditional CRP or state buffer programs.

Senate Bill 0898 takes an innovative approach to protecting this sensitive strip of land between cropland and tidal waters in the Critical Area. It mandates a 100' vegetative buffer, which is a 65' increase in the setback (currently 35') for broadcast fertilizer and a 90' foot increase for directed spray applications (currently a 10' setback, but puts in place buffer cost sharing that benefits both landowners and custom farming operations. Because the vegetative buffer requirements have been expanded to include warm and cool season grasses, they will be more attractive than the forest buffer program which did not get much traction. The additional signing bonus contained in this Bill should incentivize landowners to participate in the cost share program. The provision that allows custom farmers who lease the cropland affected to financially benefit from the program should go a long way in reducing their opposition.

SB 0898 will help accelerate restoration and reduction efforts in the most critical agricultural areas – the shallow water and near shore farmland- by providing increased funding for coordinated and targeted restoration practices across one or multiple agricultural operations. Prioritizing state funds to support best management practices in locations most likely to have a short-term benefit to water quality, habitat, and public health will result in the greatest immediate impact.

SB 0898 addresses the biggest obstacle to landowner reluctance to enroll in buffer programs- the resistance of the farmers that rent their ground (and likely perform much of the property maintenance) to lose acres in areas where the return on investment is marginal.

I thank the Committee for their serious and thoughtful consideration of this Bill and strongly support a favorable report.

Sincerely,

Brennan Starkey