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THE SENATE OF MARYLAND
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SB 898 – Nutrient Management – Tidal Buffer – Vegetative Buffers and Restriction on Fertilizer Application (the “Nearshore Farming and Finance Act”)

Chair Feldman, Vice Chair Kagan, members of EEE:

SB 898 seeks to continue our work cleaning up the Bay by combining targeted conservation practices and supporting our farmers in the most ecologically sensitive areas of the Bay.

Right now, in Maryland, farmers may not apply fertilizer within 35 feet of tidal waters. Yet research indicates that this is not nearly enough to protect the Bay from run-off. In fact, UMD Extension’s research on buffer size states that nutrient reductions begin at only 35 feet, while 75–300-foot buffers provide significant nutrient reductions plus sediment pollution, and wildlife and climate benefits. SB 898 proposes a 100-foot set-back.¹ This buffer will reduce nitrogen pollution by over 83,000 lbs/year, phosphorous pollution by almost 2,000 lbs/yr, and sediment pollution by over 1 million lbs/year.² Furthermore, this will achieve parity with MDE’s CAFO regulations that require a 100 foot setback for fertilizer storage, recognizing the importance of keeping fertilizer 100 feet from tidal waters.

The second part of SB 898 would increase incentives for farmers who voluntarily adopt or extend to 100 feet fixed natural filter buffers along tidal waters. Fixed natural filters are defined in Code as the planting of riparian forest buffers, tree plantings, or wetland restoration.³

The final part of SB 898 establishes additional incentives for tenant farmers who lease farmland in the Critical Area with fixed natural filters. Farmers who lease the land they farm are a large portion (approximately one-third) of our farmers, yet they rarely see the benefit from any incentives since they are not the landowner. SB 898 seeks to recognize them and provide additional incentives to them.

By balancing mandates with incentives that target perhaps the most valuable area of land in Maryland for conservation work, SB 898 will accelerate our success in meeting several environmental goals, including DNR’s work to restore 2,000 miles of riparian forest buffers, MDA’s work to increase by 50 percent (to 3,000 per year) the number of best management practices (BMP) installed to meet nutrient reduction goals, and this Assembly’s commitment to plant 5 million native trees across Maryland by 2030. By targeting our efforts, incentives, and

¹ According to a recent analysis, there are 2,665 acres of crop and pastureland within 100 feet of tidal waters.

² According to Chesapeake Assessment Scenario Tool estimates.

³ Agriculture Article, §8-701 (SB 597/HB 687 (2020)).

State resources toward the 100-foot buffer, Maryland will maximize our cost efficiency as well as environmental benefits, while minimizing our impact on farmland.

Finally, the conservation work that is made possible through this legislation will result in resilient buffers that protect Marylander's land from erosion as climate impacts continue to grow. For farms that already feel the impacts of saltwater intrusion and land subsidence, our incentive programs offer landowners and farmers a competitive option for land that becomes less and less productive for conventional agricultural practices.

For the foregoing reasons, I respectfully request your favorable report on SB 898.