



FAVORABLE WITH AMENDMENTS of SB428

2/6/2025

Dear Chairman Feldman and Members of the Committee,

Thank you for this opportunity to submit testimony that's **FAVORABLE WITH AMENDMENTS for SB428** on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland's Eastern Shore with over 2,500 members. Our mission is to protect our Eastern Shore waterways through science-based advocacy, restoration, education, and outreach.

In this pivotal year, as **Maryland lays the foundation for Chesapeake Bay cleanup efforts beyond 2025, the Moore-Miller Administration demonstrates its commitment to Bay restoration through the Chesapeake Bay Legacy Act.** This legislation establishes a broad framework across multiple sectors to enhance systems and industries that both impact and rely on the Bay's health:

Agriculture:

The bill will:

- Establish the *Maryland Leaders in Environmentally Engaged Farming (LEEF) Pilot Program*, which incentivizes farmers to implement and expand best practices while fostering community engagement.
- Expand the *"healthy soils"* definition in the Agriculture Article to include *"regenerative practices and traditions"* and allow these practices on public lands that the State manages.

ShoreRivers' Response:

The *Comprehensive Evaluation of System Response (CESR) Report* indicates that **current nonpoint source programs are not achieving sufficient pollutant reductions to meet Chesapeake Bay water quality goals.** To address this, efforts must focus on the largest and most manageable source of nutrients to the Bay: agriculture.

The *Maryland Leaders in Environmentally Engaged Farming (LEEF) Pilot Program* presents an opportunity to integrate CESR's recommendations into Maryland's incentive programs directly. **ShoreRivers recommends that the bill more explicitly define its environmental goals based on existing legislation, such as the Chesapeake Bay TMDL, Tree Solutions Now Act, and Climate Solutions Now Act.**

Additionally, **a steering committee or advisory board should be established to collaborate with the program administrator in developing the initiative.** Finally, to strengthen the Maryland Department of Agriculture's ability to implement programs, the bill should authorize MDA to manage the 35% of *Clean Water Commerce Act* funding allocated annually to agricultural projects.

ShoreRivers

Isabel Hardesty, Executive Director
Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper
Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

Water Quality

The bill will:

- Modernize the state's water quality monitoring program by incorporating recommendations from the CESR Report and the Whole Watershed Act, ensuring data is available for the areas where Marylanders most frequently interact with the Bay, coastal bays, and their watersheds.
- Require the Maryland Department of the Environment (MDE) to authorize oyster restoration projects—recognized by the EPA as a best management practice—to be eligible for water quality trading credits.

ShoreRivers' Response:

As dedicated advocates for water quality, *ShoreRivers* strongly supports increasing access to water quality data across the state. A deeper understanding of this data is essential for assessing progress toward water quality improvement goals, evaluating the health of aquatic resources, and informing both management decisions and public education efforts.

ShoreRivers has over a hundred monitoring stations tracking key parameters such as dissolved oxygen, nitrogen, phosphorus, fecal bacteria, water clarity, and emerging contaminants like PFAS. This data is certified by the *Chesapeake Monitoring Cooperative* and the *Mid-Atlantic Tributary Assessment Coalition*, a partnership of organizations that provides technical and programmatic support for water quality monitoring throughout the watershed.

Given the wealth of historical data and the extensive resources already utilized by organizations like ShoreRivers, **we encourage the Department to expand its access to water quality data by leveraging the expertise and experience of these monitoring groups.**

We enthusiastically support and actively engage in oyster restoration to improve water quality, enhance aquatic habitat, and support fisheries and the local economy. However, **as an in-water best management practice, oyster restoration does not address the root causes of pollution. Allowing trading credits for oyster restoration projects could disproportionately impact overburdened environmental justice communities** by failing to mitigate pollution at its source.

Localized pollution should be offset with localized mitigation. While we strongly support oyster restoration efforts and initiatives that contribute to increasing the Bay's oyster population, **we urge that any oyster restoration projects used for mitigation be implemented within the same watershed where they are offsetting pollution.**

Aquaculture

The Bill will:

- Streamline the review process for aquaculture leases to improve efficiency and allow leaseholders to continue operations while awaiting permit renewals.

Fisheries Management

The Bill will:

- Adapt fisheries management to account for climate change while addressing ecological and socioeconomic impacts.
- Close a gap in Maryland law to allow interested commercial anglers and fish processors to use *ike jime*, a traditional fish-processing technique, supporting the state’s fisheries-based economy.
- Allow the Department of Natural Resources to utilize Fishery Management Plans developed by Federal or Regional regulatory bodies in lieu of developing and maintaining their own Fishery Management Plans.

ShoreRivers’ Response:

ShoreRivers supports incorporating climatological factors into the management of Bay species. While we recognize the intent to streamline management through *Fishery Management Plans (FMPs)* developed by the *Atlantic States Marine Fisheries Commission* or a *Federal Regional Fishery Management Council*, **it is essential to ensure that critical Chesapeake Bay species—such as oysters and blue crabs—are not unintentionally excluded from the FMP list.**

Restoration Efforts

The Bill will:

- Enhance interagency coordination for reviewing Whole Watershed permit applications and expediting projects under the Whole Watershed Act.

While ShoreRivers appreciates the intent of the *Bay Legacy Act*, **we recommend the following amendments to strengthen the bill, further integrate recommendations from the *CESR Report*, and provide clearer guidance to state agencies as they develop and implement these critical programs::**

- 1. Leaders in Environmentally Engaged Farming (LEEF)**
 - a. Environmental Goals (referenced 2-2402 (B)(1)(III)) and Tiers (referenced 2-2402 (B)(3)) should be more precisely defined based on existing environmental legislation such as the Chesapeake Bay TMDL, Tree Solutions Now Act, Climate Solutions Now Act, etc.
 - b. 2-2403 (1) and (2) – A steering committee or board should be established to work with the program administrator as they develop the program.
 - c. 2-2404 (B) and (E) - The LEEF Fund needs to diversify revenue sources beyond Tree Solutions Now funding.
 - d. Authorize MDA to administer the 35% of the Clean Water Commerce Account that goes to Agricultural projects annually.
- 2. Water Quality Monitoring:**
 - a. 3-1101 (A)— A robust and comprehensive data set is required to “improve” water quality monitoring data and associated modeling. Citizen science groups with

established and vetted WQ monitoring programs and data should be included and compensated to expand the state's use of this data and relieve the state of the burden.

- b. Additionally the program should be advised by a panel composed of relevant groups engaged in water quality monitoring programs, including University researchers, the Chesapeake Monitoring Cooperative, and NGOs.

3. Fishery Management:

- a. 4-215 (c) (1)— Clarify bill language to ensure that Maryland maintains and updates fishery management plans for species not addressed by regional and federal management plans.

4. MDE - Oyster Nutrient Credits:

- a. 3 (2)—The development of this program must include equitable and just guidelines that prevent the disenfranchising of communities within the regions where the credit is generated and the offset it is being used for. Ideally, within the States 8-digit Hydrologic Unit Code (HUC-8).

We believe this legislation is an essential step toward addressing the findings of the *CESR Report* and advancing Maryland's restoration goals. With the committee's consideration of these recommended amendments, we urge the committee to issue a *Favorable* report to ensure the strongest possible framework for protecting and restoring the Chesapeake Bay.

Sincerely,



Benjamin Ford, Miles-Wye Riverkeeper, on behalf of ShoreRivers