



Assateague Coastal Trust, Inc.

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Testimony on SB-0428 - Chesapeake Bay Legacy Act

Hearing Date: Tuesday, February 11, 2025

Position: **FAVORABLE with Amendments**

Dear Chair Feldman, Vice-Chair Kagan and members of the Education, Energy and the Environment Committee:

Assateague Coastal Trust respectfully requests a **FAVORABLE with amendments** report on SB-0428.

Assateague Coastal Trust works to enshrine clean water rights for the visitors and residents of the Coastal Region of Delmarva. As the Waterkeeper organization for the Lower Eastern Shore region of Maryland, we foster stewardship for our waterways through education and advocacy. Serving both the MD Coastal Bays and the lower tributaries of the Chesapeake Bay. We believe everyone has a right to clean water and a voice to protect that right.

As we are currently facing the 2025 targeted deadlines outlined in the 2014 Chesapeake Bay Agreement and uncertain environmental priorities set by the new administration at the Federal Level, we are at a pivotal point in considering the protection and restoration of the Chesapeake and Coastal Bays. This bill takes a meaningful step towards accelerating Maryland meeting water quality goals.

Assateague Coastal Trust joins other waterkeeper organizations, and Waterkeepers Chesapeake, with these recommended amendments:

1. The Comprehensive Evaluation of System Response (CESR) Report suggests that current nonpoint source programs are not generating enough pollutant reductions to meet Bay water quality goals. We need to focus more on addressing the largest and most manageable sources of nutrients to the bay, agriculture. The Maryland Leaders in Environmentally Engaged Farming (LEEF) pilot program is an opportunity to more directly incorporate CESR's recommendations into Maryland's incentive programs. **Recommending amendments to the Environmental Goals so that the goals are more specifically defined based on existing environmental legislation such as the Chesapeake Bay TMDL, Tree Solutions Now Act, and Climate Solutions Now Act. Additionally, a steering committee or board should be established to work with the program administrator as they develop the program. Finally, to boost the Department of Agriculture's implementation of programs, this bill should authorize MDA to administer the 35% of the CWCA that goes to Agricultural projects annually.**
2. As a local water quality advocate, Assateague Coastal Trust is enthusiastically supportive of elevating the need for more water quality data within the state to develop a deeper understanding of how we are meeting water quality improvement goals, the state of our aquatic resources, and to better inform management actions and public education. Among Maryland Waterkeepers alone, hundreds of stations are currently being monitored for parameters such as: dissolved oxygen, nitrogen, phosphorus, fecal bacteria, clarity, pH, and emerging chemicals

of concern such as PFAs. Most of this data is certified by the Chesapeake Monitoring Cooperative, a partnership of multiple organizations in the Chesapeake that provides technical and programmatic support to water quality monitoring programs in the watershed. Given this extensive historical data and existing resources being currently used by groups such as Waterkeepers, we encourage the Department to expand its access to water quality data by leaning on the expertise and experience of water monitoring groups. **In addition to establishing a water quality program within the Department of Natural Resources, we recommend amending the act 1) to include the establishment of an advisory panel comprised representatives from Chesapeake Monitoring Cooperative and academic, non-profit, government, and any other relevant groups engaged in water quality monitoring programs at the discretion of the Department; and 2) specifically allow the water quality monitoring program incorporate accredited and appropriate water quality monitoring data and programs, including Waterkeepers and other nonprofit water quality monitoring groups, into the state program at the discretion of the panel.**

3. Assateague Coastal Trust supports the addition of considering climatological factors when considering the management of species in the Bay. While we understand the intent to streamline management with Fishery Management Plans (FMP) created by the Atlantic States Marine Fisheries Commission or a Federal Regional Fishery Management Council, **we recommend that the act be amended to clarify that critical species to the Chesapeake Bay such as oysters and blue crabs not be left off the Fishery Management Plan list unintentionally.**
4. Assateague Coastal Trust enthusiastically support and engage in oyster restoration to benefit water quality, aquatic habitat, and support other fisheries and economy. However, because oyster restoration is an in-water best management practice, it does nothing to address the source of pollution. As such, allowing trading credits for oyster restoration projects may result in negatively impacting overburdened environmental justice communities. Localized effects from pollution should be offset with localized mitigation. We support oyster restoration efforts and any programming that may result in an increased oyster population in the Bay. **We recommend amendments to the act that any mitigation oyster restoration projects be implemented within the watershed for which they are offsetting pollution for, and ensure that environmental justice and equity goals are considered to avoid hotspots of pollution.**

Assateague Coastal Trust supports the Bay Legacy Act but recommends strengthening it with amendments outlined in this testimony.

We respectfully request a **FAVORABLE** with amendments report on SB428.

Sincerely,

Taylor Swanson

Executive Director & Assateague Coastkeeper
Assateague Coastal Trust