

Testimony in SUPPORT of SB898— Nutrient Management - Tidal Buffer - Vegetative Buffers and Restrictions on Fertilizer Application

**Senate Education, Energy, and Environment Committee Hearing:
February 18 at 1:00pm**

To Chair Feldman and members of the Committee,

My name is Ann Swanson, and I live in Annapolis, Maryland. I have spent 40 years of my professional career working on Chesapeake Bay, the last 35 as the Executive Director of the Chesapeake Bay Commission. I retired in 2023. Throughout my career I have worked closely with state and federal legislators to craft balanced policy informed by science. Because 85 percent of the watershed is in forest and farms, I have always worked closely with agriculture.

I offer the following testimony in support of SB898, which seeks to efficiently prevent water pollution by limiting the application of agricultural fertilizer adjacent to the shoreline -- 100 feet from Maryland tidal water. The bill seeks to increase land voluntarily enrolled in conservation mitigation practices designed to reduce nutrient pollution and creates the state's first incentive program that provides value to tenant farmers. This bill represents Maryland's logical next step to accelerate water quality improvements while sustaining a vibrant farm economy.

This bill creates policy based on science. SB898 is in direct response to recent scientific reports, including the Chesapeake Bay Program's *Comprehensive Evaluation of the System Response (CESR)*, the University of Maryland Cooperative Extension's *Riparian Buffer Management Fact Sheet*, and the Harry Hughes Center for Agro-Ecology's *Evaluation the Effectiveness of Economic Incentives to Enhance Riparian Buffer Adoption and Environmental Benefits for Water Quality and Carbon Sequestration*. All recognize riparian buffers among the most cost-effective practices to maximize pollution reductions. Several offer evidence that our states' incentive programs must be strategically targeted to maximize results and investments, and that incentives must be paired with policies to increase participation. SB898 addresses these important recommendations by:

1. Increasing the **nutrient application setback** on farms bordering tidal waters to 100 feet to reduce nutrient pollution. This will achieve parity with State agency expectations for fertilizer storage under MDE's CAFO regulations that require a 100-foot setback.
2. **Increasing landowner incentives** for voluntary land enrollment in forest and grass buffers within the 100-foot setbacks. The first hundred feet is the state's highest-ranking land type for achieving agricultural conservation improvements.
3. Establish **incentives for leased land operators** who farmland enrolled in conservation within the 100-foot buffer. This is particularly important since roughly 30 percent) of agricultural land in Maryland is rented by tenant farmers, meaning that around one third of farmland in the state is farmed by tenants who do not own the land they cultivate.

Given Maryland's budget challenges and the unmet tree planting goals mandated by the General Assembly in 2021, it is crucial that the state focus its investments on practices that offer the biggest return on investment. SB 898 offers significant improvements to water quality with minimal financial burden, all while minimizing the impact on farmers by targeting less than 0.5 percent of Maryland's agricultural lands.

If adopted, SB 898 will pair incentives with policies that promote adoption (1). It financially supports the landowners (2) and tenant farmers (3) who choose to practice conservation while actively farming the land.

I am grateful to Senator Love for bringing this important legislation forward and urge this committee for a favorable report on SB898.