

Arundel Rivers Testimony FAV SB428.pdf

Uploaded by: Elle Bassett

Position: FAV



PO Box 760 Edgewater, MD
21037

410-224-3802
www.arundelrivers.org

Testimony in SUPPORT of SENATE BILL 428– The Chesapeake Bay Legacy Act

Education, Energy, and the Environment
February 11, 2025

Dear Chair Feldman and Members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF SB428** on behalf of Arundel Rivers Federation. Deeply rooted in the South, West, and Rhode Rivers, Arundel Rivers Federation heals and protects our waterways and champions clean water across Maryland. Our vision is healthy waterways for all, and we achieve our mission through restoration, education and outreach, and Riverkeeper programs.

Arundel Rivers commends the administration for The Bay Legacy Act and wholeheartedly supports the intent of the bill. 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. Senate Bill 428 takes a comprehensive step towards accelerating Maryland towards meeting water quality goals. However, we respectfully request the committee consider the following recommendations to further strengthen the legislation:

The Maryland Leaders in Environmentally Engaged Farming (LEEF) Pilot Program

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 one of the largest and most manageable sources of nutrients to the bay – agriculture. The LEEF pilot program is an innovative approach that will result in more Best Management Practices (BMPs) installed, directly supporting CESR’s recommendations. **Arundel Rivers recommends that Environmental Goals be more specifically defined based on existing outlined goals such as the Chesapeake Bay Total Maximum Daily Loads (TMDL), Chesapeake Bay Agreement Goals, and the Tree Solutions Now Act goals. We also recommend a steering committee, stakeholder advisory committee, or board be established to work with the program administrator as they develop the LEEF program.**

Water Quality Monitoring Program

As a licensed Waterkeeper group that bases the foundation of our programmatic work on water quality monitoring data, Arundel Rivers enthusiastically supports 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. Arundel Rivers currently monitors 34 tidal and over 25 bacteria stations on the South, West, and Rhode Rivers and are certified at the highest tier level by the Chesapeake Monitoring Cooperative, a partnership of multiple organizations in the Chesapeake that provide technical and programmatic support to water quality monitoring programs in the watershed. Arundel Rivers has two decades worth of certified data and will hopefully continue to monitor for parameters including dissolved oxygen, nitrogen, phosphorus,

clarity, salinity, fecal coliform, and more. Given this extensive historical data and existing resources being currently used by groups such as Arundel Rivers and other Waterkeeper groups, **we encourage the Department to expand its access to water quality data by leaning on the expertise and experience of existing water monitoring groups through funding support and advisory groups to the Department's modernized Water Quality Monitoring Program.**

Fishery Management Plans

Arundel Rivers 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 want to make sure that **critical species to the Chesapeake Bay such as oysters and blue crabs not be left off the Fishery Management Plan list unintentionally.** Arundel Rivers supports the inclusion of language shared by the Chesapeake Bay Foundation and The Nature Conservancy to strengthen this section of the legislation.

Oyster Restoration Projects & Water Quality Trading Credits

Arundel Rivers enthusiastically supports and engages in oyster restoration to benefit water quality, aquatic habitat, and support other fisheries and Maryland 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, and we encourage **any mitigation oyster restoration projects be implemented within the watershed for which they are offsetting pollution for.**

Arundel Rivers Federation strongly supports our state taking any step that will assist in reaching our restoration and water quality goals. The Bay Legacy Act is a good step in the right direction towards achieving those goals and we respectfully request a **FAVORABLE REPORT on SB428.**

Sincerely,



Elle Bassett
South, West and Rhode Riverkeeper
Arundel Rivers Federation

LEEF Program Testimony.pdf

Uploaded by: Emma Jagoz

Position: FAV

Hello all and thank you for your support of Maryland farmers. My name is Emma Jagoz, owner and farmer of Moon Valley Farm. Moon Valley is a 70 acre certified organic farm and food hub located in Frederick County, serving a year-round Community-Supported Agriculture program, restaurants, Food as Medicine programs and school systems throughout Maryland, DC and Northern Virginia.

At Moon Valley Farm, we grow specialty and staple vegetables on our farm and we strengthen and diversify our offerings by collaborating with over 50 other farmers in the region to include fruit, gourmet mushrooms, grains, beans, eggs, honey and more for our customers.

Collaborating with other farmers has been excellent for both our customers AND for our partner farms. We're offering a year-round all local "one stop shop" - and in turn, our partner farms are getting very steady sales.

As an organic farmer and the organic seat on the Maryland Ag Commission, I'm a huge advocate of organic farming. However, as a farmer, I know firsthand how challenging - if impossible - it is to acquire or retain this certification on different types of farm operations.

In fact, we collaborate with many conventional farmers in our food hub. Growing marketable, certified organic fruit is next to impossible in the Mid-Atlantic with our heat and humidity levels – and the practices employed on "conventional" operations vary WIDELY. We prioritize establishing partnerships with conventional farmers who employ Integrated-Pest Management practices – or who only employ sprays when crop quality is at risk – and those who plant buffer zones and cover crops.

Our customers value our organic practices - but every time we survey our customers, LOCAL is more important to them than organic because they understand that organic is expensive for producers. Our customers care about the environment first at the end of the day.

Local is a huge draw because of the massively reduced CARBON FOOTPRINT of their food – but as environmentalists, these consumers ALSO want farmers to employ Bay-friendly practices – and that's where LEEF comes in.

Our customers are craving a label that will differentiate those conventional farmers who are employing IPM-practices, cover crops and reduced spray schedules, from those who aren't.

I support the LEEF program and if funded, I would pursue our food hub to be comprised of entirely LEEF-certified farms – farms that prioritize conservation practices, farms that are reducing their inputs and improving their soil health; farms that are heavily involved in their communities to educate the next generation of farmers, to advocate for land preservation, to educate consumers about seasonal and local food production.

LEEF certification would allow our food hub to be branded as “Chesapeake Bay friendly” – farms of all different types and stripes that all prioritize clean water agricultural practices and community engagement.

Please consider the complexities of agriculture across the state of Maryland and vote in support of the Chesapeake Bay Legacy bill and the creation of the LEEF program. Thank you for your time — and be sure to buy local for your family this year.

SB 428 - Chesapeake Bay Legacy Act - Support.pdf

Uploaded by: Grayson Middleton

Position: FAV



Educate. Advocate. Innovate.

Date: February 7, 2025
To: Members of the Senate Committee on Education, Energy, and the Environment
From: Grayson Middleton, Government Affairs Manager
Re: SB 428 – Chesapeake Bay Legacy Act – **Support**

Delmarva Chicken Association (DCA) the 1,600-member trade association representing the meat-chicken growers, companies, and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware supports SB 428 and urges a favorable committee report.

It is often said that Maryland’s farmers are some of the most environmentally conscious in the world, and rightly so. It is well known that since the 1970s, our farmers have faced some of the most stringent environmental legislation in the country. However environmental consciousness in Maryland agriculture is not just the result of government action. Countless farmers across the state have gone above and beyond what is required of them to improve the environment because in many cases these practices make for a healthier and more productive operation. In addition, they provide the obvious benefit of reducing negative environmental impacts on their farm, allowing them to continue passing down the land for generations.

Delmarva’s chicken farmers have been particularly aggressive in their environmental efforts. DCA administers and promotes a Vegetative Environmental Buffer Program (VEB) that provides cost share for planting trees and shrubs around the perimeter of chicken houses to reduce odor and dust and any potential nutrient emissions. Many farms have also made considerable investments in on-farm solar, which reduces electricity costs (the most expensive input for chicken farmers) and environmental impacts. Our “Littr” app helps connect chicken farmers to grain farmers who need nutrients in the form of chicken manure for their crops, ensuring this by-product is managed responsibly and goes to farms where it is needed.

Maryland’s grain farmers have also made many strides in their conservation efforts. Maryland’s grain and poultry industries are inextricably linked, with over 95% of grain grown on the Eastern Shore going to feed chickens. In 2023 alone, Maryland grain farmers removed an estimated 2.7 million pounds of nitrogen and 3,160 pounds of phosphorous through voluntary participation in Maryland’s cover crop program.

There is no doubt that regulations have been an impetus for many of the improvements we have seen in agricultural environmental impacts in Maryland. However, farmers have contributed immensely on their own accord to preserve the lands and ecosystems they call home. They are often referred to as “the first environmentalists” for that reason, and we believe it is time to give them the public recognition and incentive they deserve to continue their vital role. As such, we urge a favorable vote on SB 428.



Educate. Advocate. Innovate.

Should you have any additional questions, please feel free to contact me at middleton@dcahicken.com or 410-490-3329.

Sincerely,

Grayson Middleton

Government Affairs Manager

SB 428 Chesapeake Bay Legacy Act (Favorable - The

Uploaded by: Humna Sharif

Position: FAV

Tuesday, February 11, 2025

TO: Brian Feldman, Chair, Education, Energy, and the Environment Committee, and Committee Members
FROM: Humna Sharif, The Nature Conservancy, Climate Adaptation Manager; Amy Jacobs, The Nature Conservancy, Interim Chesapeake Bay Director/ Chesapeake Bay Agriculture Director
POSITION: Support SB 428 Chesapeake Bay Legacy Act

The Nature Conservancy (TNC) supports SB 428, Chesapeake Bay Legacy Act. TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In the Chesapeake Bay, our goal is to restore a healthy Bay that supports over 3,600 species of plants and animals, thriving local communities, and sustainable industries such as fisheries, farming, and tourism. Working with public and private partners, TNC is a leading voice for using nature-based solutions that improve water quality and provide benefits such as habitat, climate resiliency, and climate mitigation.

SB 428 is a positive step towards achieving Chesapeake Bay restoration goals and creates a necessary pathway for Maryland to continue our leadership on Bay restoration and conservation efforts. Our state's Bay restoration efforts began in earnest more than 40 years ago with the creation of the Chesapeake Bay Program. Since then, the collaborative, bipartisan and multi-state, approach to restore the Bay's health has been a model of adaptive and participatory management across the country. Though there are promising signs of recovery, there is still much work to be done to realize clean water goals and key habitats' restoration in and around the Bay. In December, Governor Moore joined leaders of the six other jurisdictions in the Bay watershed to commit to continuing to work together beyond 2025 – in order to protect the Bay's health, as well as the people, plants, and animals that depend on it.

TNC's work in the Chesapeake Bay is focused on conservation at the scale of entire ecosystems and spans the whole watershed. We have led efforts to achieve large scale restoration by working with landowners, farmers, oyster growers, and local government leaders in developing projects that meet our collective goals and result in cleaner water and restored habitats. We recognize that climate change impacts are already harming our state's communities and ecosystems; conservation efforts have not benefitted communities equitably, and we have more work to do.

Our state's future work in the Bay must occur at the intersection of challenges presented by climate change and inequity in access to resources so that the Bay's ecosystems and communities are resilient. With these long-term goals and challenges in mind, and TNC's experience in using science-based and stakeholder-informed restoration and management practices, we would like to recommend the following additions and improvements to the language for SB 428:

Under Article – Agriculture

- **Page 4, lines 19-22:** we would like the request the addition BUSINESS DEVELOPMENT GROUPS within the list of members consulted for the development and promotion of the suite of conservation practices and community best practices. We would also like to request the addition of BUT NOT LIMITED TO at the end of line 22 after INCLUDING, in reference to the conservation practices listed in lines 23-29.

- **Page 4, line 24:** in relation to (II) – NUTRIENT INPUT REDUCTIONS, we would like to request the addition of AND/OR INCREASE IN NUTRIENT USE EFFICIENCY
- **Page 5, lines 22-23,** in relation to (I) PROXIMITY OF A CONSERVATION PRACTICE OR COMMUNITY BEST PRACTICE TO WATERS OF THE STATE we would like to request the addition of AND LOCATION OF A CONSERVATION PRACTICE IN AREAS IDENTIFIED TO PROVIDE THE GREATEST OUTCOMES FOR THE PROGRAM.
- **Page 8, lines 4-17:** in relation to the definition of REGENERATIVE PRACTICES AND TRADITIONS, we would like to request lines 15-17 be removed. TNC recommends the inclusion of below language or similar language defining regenerative practices and traditions.
 - “Regenerative practices and traditions” means forms of land management and stewardship approaches and practices that enhance the land and ecosystem through adaptive land management practices that improve soil health and water quality, restore biodiversity, mitigate climate change impacts, and provide the greatest community benefits and may: 1) Draw on traditions and innovations from African, Indigenous, and original land stewards; or 2) Promote culturally important food and climate justice programs and initiatives.

Under Article – Natural Resources

- **Page 12, lines 15-26:** in relation to the Department’s authority to prepare fishery management plans, TNC supports the inclusion of language shared by the Chesapeake Bay Foundation and would like to request this section to read:

The Department may prepare fishery management plans for any species of fish, in consultation with the APPROPRIATE ADVISORY BODIES CREATED UNDER THIS TITLE, if the Department determines that the plans are necessary based on:

 - (I) Lack of management by the Atlantic States Marine Fisheries Commission or a federal regional fishery management council;
 - (II) The population of the species;
 - (III) The distribution of the species;
 - (IV) The habitat needs of the species; [or]
 - (V) A SIGNIFICANT INCREASE IN COMMERCIAL HARVEST AND/OR SALE OF A SPECIES IN THE STATE;
 - (VI) Other biological, ecological, climatological, or socioeconomic factors concerning the species or Chesapeake Bay region.
- **Page 12, lines 27-31, A FISHERY MANAGEMENT PLAN MAY INCLUDE,** we would like to request the addition of A DESCRIPTION OF HABITAT CRITICAL TO DIFFERENT LIFE STAGES OF THE SPECIES. This recommendation is in line with fishery management plans prepared by the Atlantic States Marine Fisheries Commission and Federal Fishery Management Councils.
- **Page 14, lines 26-28:** in relation to Management strategies that have a high probability of reducing fishing to a target level within a target time, as determined by the Department, we request the replacement of [high probability] with GREATER THAN 50% CHANCE.
- **Page 22, lines 3-5,** in relation to C) THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF AGRICULTURE ON THE DEVELOPMENT OF A TEMPLATE FOR LEASES ENTERED INTO UNDER THIS SECTION we request the inclusion of AND STAKEHOLDERS after DEPARTMENT OF AGRICULTURE in this section.

The Chesapeake Bay is an heirloom that we all have the opportunity to experience and the responsibility to steward for future generations. Our intent in sharing these recommendations and favorable testimony for SB 428 is to continue elevating the need for strong partnerships and science-informed approaches for meeting the unique challenges that Maryland and the Bay are facing at this moment in time. TNC is grateful for Governor Moore and his cabinet's leadership in balancing the conservation priorities, economic prosperity, and long-term resilience of our irreplaceable natural heritage through this legislation. We look forward to continuing our work with the Department of Natural Resources, and the Department of Agriculture to implement the programs resulting from the legislation. **Therefore, we urge a favorable report on SB 428.**

Testimony 2.11.25.pdf

Uploaded by: Jenell McHenry

Position: FAV

Good afternoon Education, Energy, and Environment Committee and Chair Feldman. It is my pleasure to be here today. My name is Jenell Eck McHenry, raised in Queen Anne's County on a chicken and grain farm. After graduating High School, I served this great state as Maryland's FFA State President and later as Miss Maryland Agriculture while studying at Chesapeake Community College, these two youth opportunities helped me find my place in the agriculture industry. Later I transferred to the University of Delaware and worked on a dual degree in general agriculture and natural resources as well as interpersonal communications. Since graduation I have worked in the agriculture industry supporting farmers and the work that they do.

Today my husband and I farm with our three year old in Kent County growing corn, soybeans, barley, wheat, and hay. We also have a beef operation where we calf out 50 cows each year and raise them to feed our community. As small beginning farmers, we have diversified our operation to include a commercial truck and custom farming business – where we combine for other farmers, mow, rake, and bale hay for others, and spread chicken litter for others. This diversification is needed in today's agriculture climate to allow the next generation to stay viable. In addition to diversification, we work closely with our agronomist to increase our nutrient use efficiency by lowering our nutrient inputs and taking advantage of products that claim to do so. We are always testing new products that perform well while saving money. In the last four years, we have utilized the Mid-Atlantic 4R's Cost-Share program to test split nitrogen application and biologicals. Both programs help provide crop nutrient needs when the crop best utilizes the nutrient. By passing the Chesapeake Bay Legacy Act and establishing the Leaders in Environmentally Engaged Farming Program, more opportunities and statewide connections could be made available.

Opportunities to interact with Maryland's leading growers, allowing farmers to interact and learn from each other on their nutrient successes. Opportunities to explore other incentives to be available when testing a new product or a reduction doesn't perform and bills are still due. Opportunities to be recognized and challenged to work through each tier. Opportunities to grow our leadership skills through a number of agriculture organizations.

Maryland farmers are truly at the forefront of conservation in the United States. We will continue to be looked at as leaders and must continue to explore new opportunities to reduce crop inputs and grow bountiful crops. Together Maryland farmers will continue to do just that.

SB428 AudubonMidAtlantic_BayLegacyBill_favorable (

Uploaded by: Jim Brown

Position: FAV



Maryland Office
2901 E. Baltimore St
Baltimore, MD 21224

Feb 11, 2025

To: Chair Feldman and members of the Maryland Senate Committee on Education, Energy and the Environment

From: Jim Brown, Policy Director, Audubon Mid-Atlantic

Subject: Favorable Testimony for Maryland SB 428 Chesapeake Bay Legacy Act

Audubon Mid-Atlantic submits this testimony in support of Senate Bill 428. Audubon Mid-Atlantic is the regional office of National Audubon Society, representing over 35,000 Marylanders who advocate for the protection of birds, bird habitat, and policies aiming to protect both birds and human communities in the face of increasing environmental challenges, habitat loss, pollution, and climate change.

Science tells us birds are in decline due to habitat loss and climate change. 1/3 of all Maryland bird species experienced significant population declines in the past 50 years. SB 428 will enable Maryland to slow this habitat loss while investing in natural systems, improved water quality and resiliency protections that the Chesapeake Bay and our tidal coastlines provide for the region's birds and people.

SB 428 is an important step forward in elevating the role of the Chesapeake Bay and the rivers, marshes, farms & communities which make up this iconic landscape. This landscape and "Bayscape" not only supports hundreds of species of birds, but they benefit Maryland's economies by directly supporting industries ranging from fishing & agriculture to tourism, and it supports local economies by investing in the natural climate solutions which buffer our communities from increasing storms and rising tides.

Protecting Maryland's Chesapeake tidal salt marshes is a top priority for Audubon in Maryland. These special marshes are both globally rare AND critically important to Maryland's cultural, economic, geographic and environmental identity. Investing in them will take a multipronged approach and significant collaboration. Federal, state and local government will need to elevate the urgency of the threats that saltmarshes face. Maryland's iconic salt marshes support a support a broad range of livelihoods and economies in Maryland. Protecting these threatened coastal landscapes will require a thoughtful approach to collaboration, bringing together local communities that personify these salt marshes and dedicated conservation partners to speak in an unwavering voice in support of coastal protections. SB 428 helps advance these important considerations for the benefits that the Chesapeake Bay and tidal saltmarshes bring to Maryland's bird habitat, our water quality, and local economies.

Audubon Mid-Atlantic respectfully urges a favorable review of this legislation.

Thank You,

Jim Brown

SB428_DNR_SUP_EEE_2-11-25.pdf

Uploaded by: Josh Kurtz

Position: FAV



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

February 11, 2025

BILL NUMBER: **Senate Bill 428**

SHORT TITLE: **Chesapeake Bay Legacy Act**

DEPARTMENT'S POSITION: **SUPPORT**

EXPLANATION OF DEPARTMENT'S POSITION

The Department supports Senate Bill 428. This omnibus legislation builds on years of legislative efforts to restore the Chesapeake Bay while recognizing the need to push comprehensive policy actions ranging from agriculture to aquaculture. The bill formalizes the partnership between the Department and its sister agencies in pushing these policy solutions in a manner that continues to contribute to Maryland's economy and environment.

Through this legislation, DNR will be able to create new opportunities for farmers to engage in regenerative agriculture practices and traditions on DNR-owned lands. Regenerative agriculture enhances the land and ecosystem by improving soil health, restoring biodiversity, mitigating climate change impacts, and providing community benefits. This new authority will ensure that public lands can serve as a place for farmers to practice these techniques and provide a model to other farms in the state.

This legislation will formalize a water quality monitoring program within the Department that aligns with the latest recommendations of the Chesapeake Bay scientific community to provide consistent water quality and habitat monitoring data and assessments. By better integrating data into planning processes, the Department will be able to match restoration solutions and management actions in areas where Marylanders interact most with the Bay, coastal bays, and their watersheds.

Maryland's shellfish aquaculture has an estimated economic impact of more than \$13 million annually. In each of the past three years, the state has seen record aquaculture harvests of more than 90,000 bushels. This legislation will streamline aspects of the aquaculture lease review process, allowing leaseholders to continue operations while they await permit renewals and continue to support this growing and viable industry.

Scientifically-based fishery management planning is integral to maintaining sustainable fisheries for balanced ecological and economic benefits. Currently, Maryland is limited to preparing fishery management plans only for those fisheries specifically listed in the statute. This legislation will allow the Department to be adaptive to climate change and develop plans for new species or adjust management measures to allow for new fisheries dynamics as a result of climate change. The bill will also close a gray area in current Maryland law to allow interested commercial anglers and fish

Contact: Emily Wilson, Director, Legislative and Constituent Services (Acting)
emilyh.wilson@maryland.gov ♦ 410-260-8426 (office) ♦ 443-223-1176 (cell)

processors to pursue the practice of “ikejime,” a method of processing fish that is considered humane and protects the quality of the meat by killing fish quickly.

Lastly, this legislation amends provisions of the Whole Watershed Partnership in order to bring together the State Management Teams and project sponsors for the purposes of expediting the permit process while meeting all State and Federal requirements. This change will create a general restoration process for State agencies to support restoration efforts and move projects into the construction phase as quickly as possible.

BACKGROUND INFORMATION

Maryland, the other five states that share the Chesapeake Bay Watershed, the District of Columbia, the federal government, and the Chesapeake Bay Commission, have been formally partnering to restore Chesapeake Bay for the benefit of all our citizens for over four decades. Much progress has been made, but much work remains to be done.

In 2023, the partnership’s Scientific and Technical Advisory Committee issued the “Comprehensive Evaluation of System Response” (CESR) Report, which represents the most extensive and peer-reviewed technical assessment to date of which policies are working, which are not, and made recommendations going forward based on the most recent scientific assessment available. Maryland responded in 2024 by passing the “Whole Watershed Act”, which applied many of the recommendations of the CESR Report, particularly those focusing on how jurisdictions can more effectively fund and implement bay restoration projects.

This Session’s Bay Legacy Act takes the next logical step by implementing a variety of remaining recommendations of the CESR Report focused on more effectively engaging, working with, and supporting Maryland’s citizens in bay restoration, particularly those who interact with and benefit from the bay on a day to day basis - farmers, watermen, aquaculturists, scientists, restoration specialists, etc.

BILL EXPLANATION

This bill makes a wide array of statutory changes as it relates to the restoration of farms within and on the waters of the Chesapeake and Atlantic Coastal Bays.

On agriculture this bill will:

- Create a new Subtitle in the Agriculture Article, to establish the "Maryland Leaders in Environmentally Engaged Farming (LEEF) pilot program within MDA that will create new incentives to perform conservation practices on farms.
- Authorize the Department of Natural Resources to lease our land to those that increase healthy soils and practice regenerative practices and traditions - and also provide that those leases have a longer lease life than DNR's typical leases.
- Update definitions in Maryland’s Healthy Soils Program under Agriculture Article, 2-1901 to include ‘Regenerative Practices and Traditions’ in the Healthy Soils definition. This change will recognize the importance of adaptive land management practices that improve soil health and water quality, recognize our original land stewards of Indigenous and African origin, and promote culturally important food and climate justice programs and initiatives.

On fisheries management this bill will:

- Incorporate new provisions to the licensure requirements under Health Article, 21-305 that will provide a pathway for some fish processors to adopt a Japanese processing practice for high-quality fish known as Ikejime.
- Update Natural Resources Article, 4-215, to ensure that conservation and management measures adopted under an FMP take into account environmental factors such as climate change. The provisions maintain consultation with existing advisory boards while allowing greater flexibility for the Department to address emerging markets and changing populations.

On water quality monitoring this bill will:

- Establish a Water Quality Monitoring Program in Natural Resources Article, 3-1101, to formalize the Departments' water quality monitoring work and incorporate policies that will direct monitoring efforts to align with scientific recommendations and target management actions.
- Amend the Natural Resources Article, authorize oyster restoration projects funded in whole or in part by the Department of Natural Resources to be eligible to generate water quality trading credit.

On aquaculture this bill will:

- Update Natural Resources Article, 4-11A-09, to reform the oyster lease protest process and allow the Department to better manage potential aquaculture lease protests by 1: giving leaseholders the ability to continue operations while they wait for permit renewals, 2: requiring the applicant and protestant to participate in mediation prior to transmitting a protest to the Office of Administrative Hearings and 3: provide interested potential protestants of a lease application seven days to protest after the informational hearing in order to provide additional information that may limit the number of protests.

On restoration, this bill will:

- Amend the Whole Watershed Program in Natural Resources Article 8-2B-02, in order to require the Whole Watershed State Management Team to assist in developing a coordinated permit process for each selected project in order to expedite permit review and implementation.

SB 428

Uploaded by: Karl Shlagel

Position: FAV

LEEF testimony

Good afternoon, Mr. Chairman and members of the committee. My name is Karl Shlagel and I am a farmer from Charles County Maryland here to speak on SB 428 and specifically LEEF.

As a state we've gone to a lot of time and effort to celebrate certain Farming milestones. As you drive by farms you might see signs such as "Century Farm", "Preserved Farm", and "Hall of Fame".

Shouldn't we also be celebrating the valuable work that Maryland Farmers are doing in conservation, research, and building resilient food systems?

The LEEF program would give us as farmers a way to actively market ourselves for the good work we are doing for the greater community. It would effectively give us a social responsibility score that was backed up by Maryland Department of Agriculture. The LEEF designation will convey information; no different than the Certified Organic label. That message is valuable in a region where consumers want to know that their hard-earned dollars directly affect causes they care about. Our love for the Chesapeake Bay being one we can all agree upon.

Furthermore, this is an opportunity for both industry and community to invest back into farms that have invested their time, money, and resources putting practices into place. Farms and Farmers that receive the accreditation could and should be prioritized for incentives that provide an economic return; to allow them to continue investing in practices that provide benefits beyond just their backyard. We should be investing in those that have already shown a desire and ability to implement conservation on their farms.

Maryland Farmers have done an impactful job working to protect the Chesapeake Bay watershed. It's not said enough. It's not acknowledged enough. In fact, quite the opposite. We are constantly told we are not doing enough. Meanwhile Maryland farmers lead the nation in conservation tillage practices and cover crops. LEEF would recognize farmers for all they have done, while encouraging them to continue on that journey. It would provide the tools to take those next steps

This will be a way for farms to highlight the fact that we are doing the work. To acknowledge, we have shifted the way we farm and live with the land. The way we have embraced technology and growing practices to protect the Bay. To show the work we are doing with food resiliency and feeding our communities.

Please support this bill.
Thank you.

SB428 _ Bay Legacy Act - Maryland LCV Support (1).

Uploaded by: Marisa Olszewski

Position: FAV



Kim Coble
Executive Director

February 11, 2025

2025 Board of
Directors

Patrick Miller, Chair
The Hon. Nancy Kopp,
Treasurer
Kimberly Armstrong
Caroline Baker
Joe Gill
Charles Hernick
The Hon. Steve Lafferty
Bonnie L. Norman

SUPPORT: SB428 - Chesapeake Bay Legacy Act

Chair Feldman and Members of the Committee:

Maryland LCV supports SB428, the Chesapeake Bay Legacy Act, and we appreciate the interdepartmental coordination that has developed this legislation and demonstrates leadership for Chesapeake Bay restoration and its sustained health.

Maryland's environmental community is pleased to have Governor Moore serving at the Chair of the Chesapeake Bay Executive Council, as 2025 is an important year the Chesapeake Bay partnership set for a number of goals within the Bay Agreement to be achieved. Governor Moore's leadership has been important to holding that partnership together and finding ways to apply lessons learned and continue collaborative efforts to improve outcomes for the Chesapeake Bay. While not all goals have been achieved, progress has certainly been made. And just as Governor Moore has demonstrated leadership in maintaining the Bay Partnership that is finding new ways to address the Bay's challenges, this bill similarly addresses a number of important areas of policy to continue Maryland's leadership in stewardship of the Chesapeake Bay.

The Chesapeake Bay Legacy Act (HB506), makes adjustments, modernizations, and offers new approaches to programs from agriculture to aquaculture. In response to the policy urgencies contained in the [Chesapeake Bay Program's Comprehensive Evaluation of System Response](#) (CESR), this bill seeks to ensure:

- Maryland's Department of Natural Resources has an efficient, sustainable, long term water quality monitoring program that will provide essential underpinnings to Chesapeake Bay restoration into the future.
- Maryland's Department of Agriculture is able to try new ways to align environmental goals and initiatives of the Department and the State while enhancing farm profitability" with the Leaders in Environmentally Engaged Farming (LEEF) pilot program.
- The Whole Watershed Act passed last year has the appropriate support and processes in place to move nimbly to achieve improved water quality outcomes across the state.
- Aquaculture permitting is a simpler process, demonstrating a commitment to increasing oyster aquaculture adoption in Maryland.

Maryland LCV has been meeting with the Administration and advocates to strengthen and clarify some provisions of this bill to ensure all the tools are put in place for continued success in restoring and stewarding the Chesapeake Bay. We look forward to those conversations continuing through this legislative process. Maryland LCV thanks the President of the Senate and the Administration for this important bill and we urge a favorable report.

SB 428 - CBF - FAV.pdf

Uploaded by: Matt Stegman

Position: FAV



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

Senate Bill 428 Chesapeake Bay Legacy Act

Date: February 11, 2025
To: Education, Energy, and the Environment Committee

Position: **FAVORABLE**
From: Matt Stegman,
MD Staff Attorney

Chesapeake Bay Foundation (CBF) **SUPPORTS** SB 428, the Chesapeake Bay Legacy Act, which would introduce a number of new programs and reforms to sustain and advance Maryland's efforts to restore the Chesapeake Bay, our most precious natural resource. The bill's provisions address some of the most pressing needs and recommendations identified in the May 2023 Comprehensive Evaluation of System Response (CESR) report. Maryland is at a critical point for the Chesapeake Bay and its waterways, seeking to continue moving forward on Bay restoration amid historic budget challenges and an uncertain outlook at the federal level. The Bay Legacy Act will continue our forward momentum in a significant way and we ask for the Committee's favorable report.

LEEF Program:

SB 428 would create a new Leaders in Environmentally Engaged Farming (LEEF) program within the Maryland Department of Agriculture (MDA). The program will create a tiered incentive structure for agricultural operations, providing additional encouragement for farms to adopt Bay-friendly Best Management Practices (BMPs). Currently the agricultural sector presents the greatest opportunities to reduce nitrogen, phosphorus, and sediment pollution to the Chesapeake Bay.

Conventional agricultural systems often consist of mono-cropping, heavy pesticide and herbicide use, and extensive tillage of the soil. These practices strip nutrients from the soil, erode topsoil, and lead to excess soil erosion and polluted runoff. Instead of acting as a natural sponge and filter for the ecosystem, the land becomes a funnel for fertilizers and pesticides to our rivers and streams. Conventional farming practices have left many operations vulnerable to the effects of climate change, which are already being felt across the Chesapeake Bay watershed. Extreme storms can lead to floods that wash away soil and fertilizers, damaging crops and carrying pollution into waterways. Eroded topsoil also decreases water retention, making farms vulnerable to drought, impacting farm yield and economic viability.

CBF advocates for conservation programs that establish on-the-ground projects that limit polluting runoff while improving farm health: stream buffers, continuous no till, rotational grazing, conservation crop rotation, cover crops, silvopasture, nutrient management, streamside fencing, and other BMPs. These practices also provide co-benefits: increased soil health, sequestered carbon, and improved farm resiliency.

Incentivizing Bay-friendly practices is a win-win for our environment and for the agricultural industry. A 2022 CBF report, [Agricultural Conservation Practices: Clean Water and Climate Smart Investments](#), found

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

that fully funding the farm pollution-reduction practices needed to restore the Chesapeake Bay would inject \$655 million annually into the region's economy, including \$269 million per year in higher earnings for businesses and workers.

CBF supports an amendment we expect to be introduced by the Administration that would change the funding source for the LEEF program. While we are supportive of additional incentive for permanent, durable fixed filter practices like tree buffers, the LEEF program will provide encouragement for a wider range of practices that are most appropriately funded outside money dedicated specifically for tree plantings.

Promoting Regenerative Agriculture on State Land:

Despite significant population growth, agriculture remains the largest land use in Maryland with nearly 2 million acres—roughly 32 percent—of total land area in agricultural use. This means that agricultural runoff remains one of the state's greatest challenges to improving Bay health but also one of its biggest opportunities. Regenerative agriculture is an approach to farming that not only protects soil from erosion, but helps to rebuild the health of the soil, reduce nutrient inputs, improve biodiversity, and sequester carbon.

With the State of Maryland as one of the largest agricultural landowners in the state, instituting more regenerative agriculture practices on state-owned lands has significant potential to generate water quality gains and demonstrate the effectiveness of regenerative agriculture to private landowners. SB 428 will permit the Department of Natural Resources (DNR) to offer extended lease terms on agricultural land under their supervision to farmers who promise to engage in regenerative practices.

CBF supports language that would clarify the intent of the bill that recognized regenerative practices include not only those informed by African and indigenous cultural traditions, but also those informed by scientific advances and innovation. Indeed, there are many types of recognized regenerative practices that all improve the health and resiliency of our soils.

Climate-Ready Fisheries:

The impacts of climate change are evident in the Bay's changing ecosystem – from increased Bay water temperatures to more intense storms that deliver unprecedented volumes of freshwater to the Bay. While the overall impacts of these changes to Maryland's seafood industry are likely to be mixed, it is critically important that DNR's fishery management framework is equipped to evaluate, adapt, and respond to climate-related shifts in the conservation needs of Maryland's fisheries.

SB428 seeks to provide DNR the flexibility to prepare fishery management plans in consultation with key stakeholder groups without having to statutorily define a species as 'in need of conservation.' As warming waters cause species to shift their home ranges, this will allow the Department authority to prepare a management plan for any novel species of commercial or recreational interest that may inhabit Maryland waters in the future. The recent arrival of shrimp in commercially viable quantities is just one recent example. Including a trigger for fishery management plan development when a new species is detected in increasing numbers or for which harvest is increasing significantly may help identify early on species that would benefit from the goals and guidance a fishery management plan provides.

If the Committee sees fit to clarify this section, it may include the below language beginning on Page 12, Line 15 of the bill:

(c) (1) The Department may prepare fishery management plans for any species of fish, in consultation with the APPROPRIATE ADVISORY BODIES CREATED UNDER THIS TITLE, if the Department determines that the plans are necessary based on:

(I) Lack of management by the Atlantic States Marine Fisheries Commission or a federal regional fishery management council;

(II) The population of the species;

(III) The distribution of the species;

(IV) The habitat needs of the species; [or]

(V) A significant increase in commercial harvest and/or sale of a species in the State;

(VI) Other biological, ecological, climatological, or socioeconomic factors concerning the species or Chesapeake Bay region.

SB428 also eliminates the requirement for the State to develop fishery management plans for a broad range of species, referencing instead regional or cooperative fishery management plans. In doing so, however, the bill also removes the fishery management plan requirement for several species that are strictly state-managed, including oysters, blue crabs, hard clams, and cownose rays, among others. For these species not managed under a regional or cooperative plan, a state-level FMP provides important guardrails and objectives to ensure consistency and transparency in their management. While it is our understanding that DNR intends to continue managing these species, the Committee may wish to retain the statutory requirement to prepare management plans for these species.

The suggested amendment below (Page 10, Line 30 of the bill) retains the requirement for FMP development for state-managed species while maintaining deference to existing regional or cooperative plans where appropriate:

[The Department shall prepare fishery management plans for the following species:

(1) White perch;

(2) Yellow perch;

(3) Oysters;

(4) Blue crabs;

(5) Hard shell clams;

(6) Catfish; and

(7) Cownose ray]

Creating a 21st Century Monitoring Network:

Tracking Bay restoration progress and outcomes is critical to the long-term success of our efforts and to continued improvement in implementing the most effective practices to achieve nutrient and sediment reductions. That's where on-the-ground monitoring comes in. By creating a statewide monitoring network and data hub, housed in the Department of Natural Resources, Maryland can more effectively track our

pollution reduction goals, identify the most impactful practices, and refine state investments to produce the greatest ‘bang for the buck.’

Supporting Maryland’s Aquaculture Industry:

Shellfish aquaculture—the cultivation of native oysters and clams—has tremendous potential to improve water quality, bolster fish habitat, and provide sustainable economic opportunities for Marylanders. However, Maryland’s industry has been stifled by long lease application timelines, redundant regulations, and out-of-date reporting structures. Improving these processes will allow the Maryland industry to operate more efficiently, hopefully attracting more private investment.

The Chesapeake Bay is a national treasure and one of Maryland’s most cherished heirlooms. While our progress in restoring the health of the Bay has been substantial, that progress is fragile and requires sustained focus and investment. **CBF applauds Governor Moore for his leadership on Bay health and urges the Committee’s FAVORABLE report on SB 428.**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

SB 428 - Chesapeake Bay Legacy Act.pdf

Uploaded by: Matthew Capodanno

Position: FAV

SB 428

Chesapeake Bay Legacy Act Senate Education, Energy, and the Environment Committee February 11, 2025

SUPPORT

Senate Bill 428 aims to promote conservation and environmental sustainability in agriculture by establishing the Maryland Leaders in Environmentally Engaged Farming (LEEF) Program. The LEEF Program would promote, among other things, healthy soils practices, on-farm renewable energy, and partnering with food banks and nonprofits to address food insecurity.

The Maryland Food Bank estimates that 1 in 3 Marylanders are at risk of food insecurity. A person who is food insecure does not have consistent access to healthy and nutritious food on any given day, and this problem persists in every area of the state.

The Maryland Food Bank is supportive of efforts to bolster both the resiliency and sustainability of the food system. SB 428 would assist in expanding conservation practices that make the best use of land meant for growing healthy foods on a more consistent basis as well as utilize in-state resources to research effective practices and pass them down to future Maryland farmers. Strengthening our local food system and ensuring that our partners, including local farms, have the resources they need to continue their operations and support the Maryland Food Bank is a top priority of ours.

SB 428 would help support the local food system on several levels, from agriculture practices that will assist farmers in combatting the effects of climate change to working directly with underserved communities to ensure they are not left behind when it comes to food insecurity. By involving the entire food supply chain, Maryland has the opportunity to not only combat wasted food productively and responsibly, but also to strengthen necessary agricultural infrastructure, increase education and awareness, and achieve environmental goals. Legislation like SB 428 is critical in transforming our food system into one that wastes no edible food, strengthens the capacity of organizations and businesses necessary in the food supply chain, and increases the food security of entire communities.

The Maryland Food Bank appreciates your consideration and respectfully requests a favorable report on SB 428.

Maryland Catholic Conference_FAVSB428_.pdf

Uploaded by: Michelle Zelaya

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

February 6, 2025

SB428

Chesapeake Bay Legacy Act
Education, Energy, and the Environment Committee
Position: Favorable

The Maryland Catholic Conference (MCC) offers this testimony in support of **Senate Bill 428**. The Maryland Catholic Conference (MCC) is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals, and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 428 establishes the Maryland Leaders in Environmentally Engaged Farming (LEEF) Program, which aims to promote environmentally sustainable farming practices. It creates the LEEF Program Fund to support these efforts, expands the definition of "healthy soils" under the Maryland Healthy Soils Program, and exempts certain fishing license holders from needing a food establishment license. Additionally, it establishes the Water Quality Monitoring Program to enhance efforts in preserving the Chesapeake Bay's ecosystem.

The Chesapeake Bay Legacy Act reflects Catholic social teaching principles of stewardship of creation. By prioritizing sustainable farming and environmental preservation, it honors the interconnectedness of humanity and the environment. Pope Francis, in his encyclical "Laudato Si," emphasizes the urgent need for global action to address climate change and calls for responsible care of the planet. Establishing programs, such as the one in this bill, promote sustainable practices and upholds the moral imperative to care for creation while fostering economic justice for farmers and fishers, who often face economic vulnerabilities.

This bill advances environmental stewardship by supporting sustainable agriculture, improving soil health, and promoting water quality monitoring. By assisting farmers in adopting environmentally friendly practices, it ensures long-term agricultural productivity while protecting the Chesapeake Bay. The bill also reduces regulatory barriers for small-scale fishers, encouraging local economic development and food sustainability. Bills such as these are essential in ensuring that we are holding ourselves accountable and caring for our future.

The MCC appreciates your consideration and respectfully urges a favorable report for **Senate Bill 428**.

CEJSC LOS Senate Bill 428 test.pdf

Uploaded by: Noble Smith

Position: FAV

MARYLAND COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES

Senate Bill 428 **Chesapeake Bay Legacy Act**

Position: Support

Committee: Education, Energy and Environment

Date: February 3, 2025

From: Camille Burke, Chair of Maryland Commission on Environmental Justice and Sustainable Communities

The Maryland Commission on Environmental Justice and Sustainable Communities (CEJSC) **SUPPORTS** SB 428.

The Commission on Environmental Justice and Sustainable Communities (CEJSC) is charged with examining Environmental Justice (EJ) issues and sustainable community opportunities that may be associated with public health, safety, economy, government, or other issues relating to EJ and sustainable communities. Senate Bill 428 or the Chesapeake Bay Legacy Act would align with CEJSC priorities as the legislation would provide equitable treatment and protection of communities threatened by development or environmental pollution. Protecting Maryland's Natural Resources is an essential part of ensuring the protection of Maryland's health and environment.

Additionally, the Chesapeake Bay Legacy Act would establish the Environmentally Engaged Farming (LEEF) Program Fund and alter the definition of "healthy soils" to include native farming practices. This legislation is important to CEJSC as this would align with our overall goal to increase cross-agency collaborations that advance environmental justice.

Accordingly, CEJSC asks for a **FAVORABLE** report for SB 428.

Contact: Camille Burke, Chair, Maryland Commission on Environmental Justice and Sustainable Communities
Phone: 443-984-2486, Email Camille.burke@baltimorecity.gov

HB506_SB 428 LOS.docx.pdf

Uploaded by: Rachel Jones

Position: FAV



Maryland Department of Agriculture

Office of the Secretary

Wes Moore, Governor
Aruna Miller, Lt. Governor
Kevin Atticks, Secretary
Steven A. Connelly, Deputy Secretary

The Wayne A. Cawley, Jr. Building
50 Harry S Truman Parkway
Annapolis, Maryland 21401
mda.maryland.gov

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Industry

410.841.5885 Baltimore/Washington
410.841.5846 Fax

Maryland Department of Agriculture

Legislative Comment

Date: February 11, 2025

BILL NUMBER: Senate Bill 428/House Bill 506
SHORT TITLE: **Chesapeake Bay Legacy Act**
MDA POSITION: Support

The Chesapeake Bay Legacy Act is crafted to address Chesapeake Bay health through innovative initiatives that enhance restoration activities and engage our communities. The Department of Agriculture is proud to support two such initiatives being proposed.

First, the bill establishes the Maryland Leaders in Environmentally Engaged Farming (LEEF) program at the Maryland Department of Agriculture and the Leaders in Environmentally Engaged Farming Account in the Department of Agriculture. The LEEF program will establish tiers of recognition (e.g. bronze, silver, gold) to incentivize producer's voluntary participation in the coordinated adoption of conservation and community best practices. Producers can self-select across a suite of conservation and community best practices to build a portfolio of actions unique to their operation and region, and unlock incentives tailored to their priorities and business needs as they advance through the tiers. The LEEF framework is modeled after the LEED rating system for green building construction. The framework will create a consistent way for the diversity of operations across Maryland to engage in programs and practices to improve practices that benefit the environment and community. It will not replace cost-share or other available programs within the department. Rather, it gives all farms, regardless of size or operation type, the ability to demonstrate their involvement in advancing Maryland's environmental goals. LEEF would create a recognizable brand that allows Maryland farmers to tell their unique conservation story and can be leveraged by other agriculture partners (e.g. agribusiness, funders, industry) to also demonstrate their commitment to investing back into farms that provide a value-add to the state through conservation and community practices.

MDA aims for LEEF being attractive for all producers, both early adopters of conservation and new cooperators. The LEEF tiers will prioritize innovation, and not replace available cost-share. The tiers will reward stacking of practices, especially in sensitive areas, and those being

maintained outside of a contractual obligation. For new cooperators, LEEF could alleviate economic hardships of small businesses like maintenance of licenses, priority infrastructure funding, or other options beyond cost-share. MDA will leverage partners and the private sector to reward higher LEEF tiers through incentives that will be diverse and compelling for all participants

Second, the bill would expand the current state definition of “Healthy Soils” to include “Regenerative Practices and Traditions” within the Agriculture Article. The addition builds upon the success of Maryland’s Healthy Soils Program and ensures that the principles of healthy soils are widely applied. The addition of a formal definition for “regenerative practice and traditions” would celebrate the cultural traditions of Black, Indigenous, and farmers of color in agriculture.

Producers in the state are early adopters; many practices that can be considered “regenerative” are already in use by many. Farmers across the state are interested in the health of their soils, responsible stewardship of the land, and are aware of their impact towards the communities that surround them. In this case, the term “regenerative” seeks to consider further ecosystem services that agricultural systems are able to provide, beyond the production of food and resources. Regenerative agriculture, practices, and traditions point to the direction in which agriculture as a whole is moving. There is a need to find a way to maintain the sustainable production of food while reducing environmental impacts in a changing climate while supporting Maryland’s vast and varied communities. These practices can be widely applied and adopted across any production type.

The expansion of the “Healthy Soils” definition will allow MDA to continue to promote sustainable agriculture, while taking into consideration cultural traditions and food, climate justice, and the continued enhancement of our land and ecosystems. We anticipate further program growth and cross-agency collaboration as interest increases among producers and partners. As the Healthy Soils Program is an already established program within the department, we anticipate minimal operational impact. Rather, MDA expects to work closely with our partners at Maryland DNR to leverage the updated definitions to improve land access and tenure on state lands under agricultural leases.

MDA requests a favorable report for SB 428.

If you have additional questions, please contact Rachel Jones, MDA Director of Government Relations at Rachel.Jones2@maryland.gov or (667) 408-0134.

Testimony in support of SB0428 - Chesapeake Bay Le

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0428_RichardKaplowitz_FAV

02/11/2025

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON SB#0428 - POSITION: FAVORABLE
Chesapeake Bay Legacy Act

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

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of/ SB#/0428, Chesapeake Bay Legacy Act

This bill facilitates accomplishment of the goals of [Senate Bill 320 \(Bay Restoration Fund\)](#) which was signed into law on May 26, 2004. The Chesapeake Bay has experienced a decline in water quality due to over enrichment of nutrients (mainly phosphorus and nitrogen). Farming is part of the problem that is affecting water quality.

The Chesapeake Bay is intrinsic to life in Maryland. It is part of our state identity, local culture, and a vibrant part of Maryland's history and State pride. ¹ For both current and future generations we must do all we can to protect this vital part of our state.

This bill will establish the Maryland Leaders in Environmentally Engaged Farming (LEEF) Program.

Soil health has a direct connection to improved water quality. Healthy soils result in less sediment and nutrients being carried into lakes, rivers, and streams, which benefits the aquatic environment and drinking water quality. Healthy soil also retains more water and nutrients, which can lead to improved yields and crop resiliency. ²

The United States Department of Agriculture Agricultural Research Service has documented why we should focus on *Reducing the Impact of Farming on Water Quality* ³ This bill recognizes the problem and creates solutions for Maryland.

It will accomplish this goal by establishing the Maryland Leaders in Environmentally Engaged Farming (LEEF) Program Fund to support actions associated with fulfilling the Program's purpose.

¹ <https://mde.maryland.gov/programs/Water/TMDL/TMDLImplementation/Pages/what-is-the-bay.aspx#:~:text=Maryland's%20National%20Treasure&text=It%20provides%20its%20inhabitants%20with,generatio ns%20of%20Marylanders%20to%20enjoy.>

²

https://www.osciaresearch.org/uploads/source/ONFARM/Fact_Sheets/ONFARM_Water_Quality_Factsheet_April28.pdf

³ <https://www.ars.usda.gov/oc/utm/reducing-the-impact-of-farming-on-water-quality/>

SB0428_RichardKaplowitz_FAV

The bill will also alter the definition of "healthy soils" for purposes of the Maryland Healthy Soils Program. It will assist in preservation of the fishing industry in Maryland through exempting certain holders of certain fishing licenses from the requirement to obtain a food establishment license from the Maryland Department of Health. Finally, the bill will document our progress in these areas by establishing the Water Quality Monitoring Program to measure success or failure in achieving the program's objectives.

I respectfully urge this committee to return a favorable report on SB0428.

MDE SB428 SUP.docx.pdf

Uploaded by: Serena McIlwain

Position: FAV



The Maryland Department of the Environment
Secretary Serena McIlwain

Senate Bill 428
Chesapeake Bay Legacy Act

Position: Informational
Committee: Education, Energy, and the Environment
Date: February 11, 2025
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS** SB 428.

Senate Bill 428 advances resiliency, climate adaptation, and environmental justice while enhancing protections for the Chesapeake Bay. Strengthening wetland restoration and shoreline stabilization efforts under this legislation aligns with MDE's mission to protect and restore Maryland's natural resources and make communities more resilient to flooding, sea-level rise, and climate change impacts.

By promoting the Maryland Leaders in Environmentally Engaged Farming (LEEF) Program and enhancing the Healthy Soils Program, the bill fosters sustainable agricultural practices that improve soil health, reduce nutrient runoff, and enhance the Bay's water quality. These measures directly contribute to climate resilience by increasing carbon sequestration and mitigating the impacts of extreme weather on farmland and waterways.

Finally, by providing funding and technical support for conservation practices, the bill ensures that historically underserved and disadvantaged communities have equitable access to resources that promote environmental justice.

Supporting SB 428 is a crucial step in safeguarding the Chesapeake Bay and fostering a sustainable, climate-resilient future for Maryland. Accordingly, MDE asks for a **FAVORABLE** report for SB 428.

Contact: Alex Butler, Deputy Director of Government Relations
Email: alex.butler@maryland.gov

MDFB - Support - SB428 Chesapeake Bay Legacy Act.p

Uploaded by: Tyler Hough

Position: FAV



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035
410-922-3426 | www.mdfarmbureau.com

February 7, 2025

To: Senate Education, Energy, and the Environment Committee

From: Maryland Farm Bureau, Inc.

RE: **Support of SB428 Chesapeake Bay Legacy Act**

On behalf of the nearly 8,000 members of the Maryland Farm Bureau, I submit written testimony in favor of SB428 Chesapeake Bay Legacy Act. This legislation would establish the Maryland Leaders in Environmentally Engaged Farming (LEEF) Program, alter the definition of "healthy soils" for purposes of the Maryland Healthy Soils Program, and more.

For decades, the Maryland Department of Agriculture (MDA) has provided financial assistance through cost-sharing programs aimed at improving conservation practices to meet essential water quality goals. Maryland farmers have not only met these demands but have also emerged as national leaders in areas such as conservation tillage management. Their commitment to sustainable practices has significantly contributed to the preservation of our environment while maintaining agricultural productivity in an environmentally sensitive region.

As we look beyond 2025 and consider the future of watershed strategies, it is imperative to continue recognizing and incentivizing the remarkable work being done by farmers in conservation and community engagement. This program aims to highlight, and reward applied conservation practices, green space preservation, on-farm research participation, and contributions to equitable and resilient food systems. By providing well-deserved recognition to farmers for their environmental stewardship, we can strengthen connections between the agricultural community, conservation partners, research institutions, and the broader public.

One of the most commendable aspects of this program is its inclusiveness. All farm operations, regardless of size or type, will be eligible to participate. This ensures that every farmer is acknowledged as an integral part of the solution as we collectively strive toward achieving environmental and sustainability goals while maintaining our commitment to feeding our communities. The program meets farmers where they are by recognizing their current



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035

410-922-3426 | www.mdfarmbureau.com

conservation efforts and encouraging further engagement in areas where growth opportunities exist.

Maryland Farm Bureau Supports SB428

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Hough", written over a horizontal line.

Tyler Hough

Director of Government Relations

Please reach out to Tyler Hough, though@marylandfb.org, with any questions

Bay Legacy Act Testimony - ShoreRivers.docx.pdf

Uploaded by: Benjamin Ford

Position: FWA



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

SB428 Chesapeake Bay Legacy Act-1.pdf

Uploaded by: Jeannie Haddaway-Riccio

Position: FWA



Talbot Watermen Association, Inc.

P.O. Box 324 • Bozman, MD 21612 • (410) 745-9759 • info@talbotwatermen.org

February 11, 2025

The Honorable Brian Feldman
Chair, Education, Energy, and the Environment Committee
The Honorable Cheryl Kagan
Vice Chair, Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: Senate Bill 428 – Chesapeake Bay Legacy Act – Support with Amendments

Dear Chair Feldman and Vice Chair Kagan,

Thank you for the opportunity to testify on **Senate Bill 428 - Chesapeake Bay Legacy Act**.

Fishery Management Plans (FMPs) provide important frameworks for the conservation and wise use of our fishery resources. According to the Maryland Department of Natural Resources (DNR), Maryland's FMPs allow our state "to specifically address issues that are unique to Maryland resources" with a stated goal of "protecting the resource while allowing sustainable harvest." Similarly, the Atlantic States Marine Fisheries Commission (ASMFC) identifies the main objective of their FMPs as allowing "enough harvest to sustain and build the fishing and seafood industries while protecting the productivity and sustainability of the marine ecosystems."

Given the goal of balancing sustainable harvest with protection of our resources, it is important to have input from both industry and conservationists during the development of these plans. As written, SB428 removes all references to industry's participation in the process. It also removes references to participation by the Tidal Fish Advisory Commission (TFAC) and the Sport Fish Advisory Commission (SFAC). Since 1973, these commissions have advised DNR on various fisheries issues in consultation with one another. Their diverse membership includes aquaculturists, recreational anglers, and commercial watermen helping to ensure that a variety of stakeholder interests are represented. Removing these commissions from the process not only limits participation, it reduces collaboration and coordination between the two commissions.

As drafted, SB428 makes it unclear how the regulatory process will be used for implementation of FMPs. Under current law, FMPs are incorporated by reference into the Code of Maryland Regulations (COMAR) after they have been adopted. If additional management actions are needed to implement the FMP, those management actions must go through the appropriate regulatory process, including scoping and public comment. This provides for transparency and public participation.

[Talbot Watermen Association, Inc.](#) is a component fund of the [Mid-Shore Community Foundation](#), a 501(c)(3) public charity.



It also provides for legislative oversight and procedural due process through the Joint Committee on Administrative, Executive and Legislative Review (AELR). Under the proposed legislation, it appears that DNR will adopt by regulation the FMPs, supplemental actions, and additional management measures in omnibus form. They are also mandated to adopt ASMFC's FMPs and FMPs of any Federal Regional Fishery Management Council without deviation. This will limit, if not eliminate, Maryland's ability "to specifically address issues that are unique to Maryland resources" since these are multi-state compacts that often favor larger, northern states. Second, there are eight U.S. Regional Fishery Management Councils. Maryland is only part of the Mid-Atlantic Regional Fishery Management Council. It seems counterintuitive to adopt an FMP developed by a Regional Fishery Management Council that does not include Maryland – for example the Pacific Fishery Management Council comprised of the states of Washington, Oregon, and California.

Another concern is that SB428 removes the long list of species for which Maryland currently has FMPs. The bill instead directs DNR to adopt FMPs for species that fall under the purview of ASMFC. ASMFC applies only to migratory fishery resources. FMPs for non-migratory species are left to the discretion of "appropriate advisory bodies created under this title." Since "appropriate advisory bodies" are not clearly defined in the legislation, it is unclear and uncertain that important species such as oysters, clams, blue crabs, and catfish will continue to have FMPs.

We have discussed our concerns with DNR and with the Administration and we are working with them on amendments. The proposed amendments would allow for industry's ongoing participation in the FMP process, clarify the regulatory process, and help ensure that Maryland maintains flexibility to balance sustainable harvest with protection of our natural resources. We would also welcome the opportunity to work with the Committee on these amendments.

Sincerely,

Herman Jeffrey Harrison
President

Contact: Jeannie Haddaway-Riccio
R&R Solutions, LLC
(443) 786-2137
jeannie@randrsolutions.us

SB428 - Bay Legacy Act FAV with amendments.pdf

Uploaded by: Robin Broder

Position: FWA



Testimony on SB428 - 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:

Waterkeepers Chesapeake and the below signed organizations respectfully request a **FAVORABLE with amendments** report on SB428. Our mission is to fight for clean water and a healthy environment for our local communities by supporting and representing Waterkeepers throughout the Chesapeake and Coastal Bay regions as they protect their communities, rivers, and streams from pollution.

We commend the administration for The Bay Legacy Act and wholeheartedly support the intent of the bill. 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. SB428 takes a comprehensive step towards accelerating Maryland meeting water quality goals.

Waterkeepers Chesapeake and the undersigned Waterkeepers on this testimony support SB428 with these recommended amendments:

1. The Comprehensive Evaluation of System Response (CESR) Report documents 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. **Waterkeepers Chesapeake recommends 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 local water quality advocates, Waterkeepers are 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, nonprofit, 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. Maryland Waterkeepers support 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. Maryland Waterkeepers 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.**

Waterkeepers Chesapeake and the clean water groups listed below support the Bay Legacy Act but recommend strengthening it with amendments outlined in this testimony. We also support amendments as outlined in testimony from ShoreRivers. We believe that this legislation with our added recommendations is a good step in Maryland addressing the CESR report and reaching our restoration goals. We respectfully request a FAVORABLE with amendments report on SB428.

Sincerely,
Robin Broder, Acting Executive Director
Waterkeepers Chesapeake
robin@waterkeeperschesapeake.org

Betsy Nicholas, VP of Programs & Litigation
Potomac Riverkeeper Network

GLO_Bay Legacy Act_FWA_Written.pdf

Uploaded by: Saif Ratul

Position: FWA



STATE OF MARYLAND

OFFICE OF THE GOVERNOR
Wes Moore

February 7, 2025

The Honorable Brian Feldman
Chair, Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: Favorable with Amendments - SB0428 - Chesapeake Bay Legacy Act

Chair Feldman, Vice-Chair Kagan, and Distinguished Members of the Education, Energy, and the Environment Committee,

On behalf of the Moore-Miller Administration, I respectfully ask the committee for a favorable report on SB0428 - Chesapeake Bay Legacy Act.

Maryland is at a pivotal point for the Chesapeake Bay's future. While significant progress has been made, the EPA recently reported that Maryland and the neighboring states have fallen short of meeting key environmental benchmarks. With Maryland leading the Chesapeake Executive Council chaired by Governor Moore, Maryland has a unique opportunity to drive bold actions, strengthen restoration efforts, and reaffirm Maryland's leadership in safeguarding this vital resource for the generations to come. This proposal outlines a comprehensive strategy to accelerate Bay restoration, focusing on agriculture, fisheries, and aquaculture, and streamline the environmental permitting process to ensure long-term sustainability.

The legislation **establishes the Maryland Leaders in Environmentally Engaged Farming (LEEF) pilot program, to incentivize farmers to implement targeted best management practices**, ensuring a more efficient investment while advancing conservation efforts to enhance the Bay's water quality. This also **expands the "healthy soils" definition to include regenerative agriculture** drawn from Indigenous and traditional land management practices that enhance farmland and ecosystems by improving soil health, restoring biodiversity, mitigating climate change impacts, and providing community benefits.

Based on the Comprehensive Evaluation of System Response (CESR) report and the Whole Watershed Act of 2024, this legislation takes **a data-driven approach to address and modernize Maryland's water quality and monitoring (WQM) program**. It enhances the

collection and accessibility of water quality and habitat data, focusing on areas where Marylanders interact most with the Bay, coastal bays, and their watersheds. The existing WQM program, developed over 40 years ago, has become outdated due to a lack of adaptation to the advancements of scientific techniques. This initiative will ensure a more effective, science-based strategy for protecting Maryland's waterways.

In addition, the legislation takes a critical step in supporting the industries that depend on the Chesapeake Bay to survive and thrive, which collectively contribute nearly \$500 million to Maryland's economy. To foster growth and sustainability, the legislation **streamlines the aquaculture leasing process** to allow more efficiency and provide leaseholders more flexibility. Additionally, it strengthens the state's **fisheries management to better adapt to climate-related impacts and launches a pilot program for ike jime, a unique and sustainable fish processing method** poised to bolster Maryland's seafood industry. By prioritizing both economic and environmental sustainability, this legislation encourages greater investment in the health of the Bay while creating lasting economic opportunities for Marylanders.

Finally, the legislation **establishes a collaborative permitting process between the Department of Natural Resources and the Maryland Department of Environment** to better coordinate the review of Whole Watershed permit applications, requiring the state management teams to collaborate with the project sponsors to develop a comprehensive permit plan.

The administration requests several amendments on the following page that aim to provide additional clarity and reflect the modifications made to the LEEF program through the Governor's proposed budget.

With these provisions and amendments, the Chesapeake Bay Legacy Act clarifies the legislative intent and refines key programs to foster a more collaborative approach to Bay restoration.

With that, I respectfully request the committee for a **favorable with amendment** report on Senate Bill 428.

Sincerely,



Saif Ratul
Deputy Legislative Officer
Office of Governor Moore

AMENDMENTS TO SB428
(First Reading File Bill)

On page 6, strike in their entirety lines 15 through 20, inclusive, and substitute **“(E) FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$900,000 TO THE FUND.”**

On page 10, after line 11, insert

“(C)THE DEPARTMENT MAY ASSESS AND INCORPORATE WATER QUALITY MONITORING DATA THAT MEETS THE QUALITY ASSURANCE AND USE GOALS OF THE STATE DATA SETS INTO THE STATE WATER QUALITY MONITORING PROGRAM.”; in line 30, strike the first bracket; in the same line, after “(b)” insert **“(1)”**.

On page 11, strike in their entirety lines 1, 4 through 5, inclusive, and 8 through 22, inclusive; in lines 2, 3, 6, 7, 23, and 24, strike “(2)”, “(3)”, “(6)”, “(7)”, “(23)”, and “(24)”, respectively, and substitute **“(1)”**, **“(II)”**, **“(III)”**, **“(IV)”**, **“(V)”**, and **“(VI)”**, respectively.

On page 12, in line 1, strike “(25)” and substitute **“(VII)”**; in the same line strike “ray” and substitute **“RAY.”**; in the same line, strike the bracket; and in the same line before “FOR” insert **“(2)”**; in line 2, strike “PLAN” and substitute **“PLAN, AS AUTHORIZED UNDER § 4-301 OF THIS ARTICLE.”**; in lines 5, 7, 9, and 13, strike **“(1)”**, **“(2)”**, **“(3)”**, and **“(4)”**, respectively, and substitute **“(I)”**, **“(II)”**, **“(III)”**, and **“(IV)”**, respectively; in line 6, after “PLANS” insert **“AND ANY SUPPLEMENT TO THOSE PLANS”**; in line 10, after “THE” insert **“TIDAL FISHERIES ADVISORY COMMISSION, THE SPORT FISHERIES ADVISORY COMMISSION, AND ANY OTHER”**; in line 12, strike “AND”; in line 14, strike “SECTION” and substitute **“SECTION; AND**

(V) MAY MANAGE THOSE SPECIES IN ACCORDANCE WITH A FISHERY MANAGEMENT PLAN PREPARED BY THE DEPARTMENT IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.”; in line 16, strike the opening bracket; in the same line, strike “Commission and” and substitute **“COMMISSION.”**; in line 17, strike “Commission” and substitute **“COMMISSION, AND ANY OTHER”**; and in the same line, strike the closed bracket.

On page 13, in line 16, strike “ANGLERS” and substitute **“COMMERCIAL AND RECREATIONAL FISHING PARTICIPANTS”**

On page 14, in line 13, strike “ANGLERS” and substitute **“FISHING PARTICIPANTS”**.

On page 18, in line 16, strike the first bracket; in the same line, before “fishermen]” insert the first bracket; and in the same line, after “fishermen]” insert “COMMERCIAL AND RECREATIONAL FISHING PARTICIPANTS”.

SB0428 - Chesapeake Bay Legacy Act.pdf

Uploaded by: Taylor Swanson

Position: FWA



Assateague Coastal Trust, Inc.

P.O. Box 731, Berlin, MD 21811
www.ACTforBays.org

(410) 629-1538
mail@ACTforBays.org

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

SB 428

Uploaded by: Earl R. Gwin, Jr.

Position: UNF



Waterman's Association of Worcester County

10448 Azalea Rd

Berlin, MD 21811

February 9, 2025

The Honorable Brian Feldman

Chair, Education, Energy and the Environment Committee

The Honorable Cheryl Kagan

Vice Chair, Education, Energy and the Environment Committee

2 West Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

Subject: Strong Opposition to Bill 428 – Chesapeake Bay Legacy Act

Dear Chair Feldman and Vice Chair Kagan,

The Waterman's Association of Worcester County writes to express our strong and unequivocal opposition to Bill 428, concerning new fisheries management plans. After careful review and consideration, we believe that Bill 428, in its current form, will have detrimental and far-reaching impacts on the livelihood of our members, our community, local consumers and the health of our local fisheries. This letter expresses our serious concerns regarding Bill 428 and its potential impact on fisheries management within the state. While we understand and appreciate the intent behind the bill to ensure healthy and sustainable fisheries, we believe that its current form is overly broad and counterproductive to achieving its intended goals.

There is a complete absence of meaningful participation and input from the fishing community in the development of this bill. We, the watermen who work these waters daily and have generations of experience and knowledge, were not consulted at any point in the process. There has been no outreach or substantive discussion with our association regarding Bill 428 with the Department of Natural Resources (DNR). Our members possess critical expertise and insights that are essential to the responsible management of our natural resources. To proceed with this legislation without their input demonstrates a serious lack of due diligence.

We contend that Bill 428 is too large and encompassing in its scope. The bill attempts to manage three distinct and diverse ecosystems – the Chesapeake Bay and its tributaries, the Coastal bays and their tributaries, and the Atlantic Ocean – under a single framework. Each of these ecosystems presents unique challenges and requires tailored management strategies based on scientific data and local knowledge. Attempting to manage them collectively under a uniform approach is unlikely to be effective and could potentially harm each individual ecosystem and its respective fisheries.

Furthermore, the bill suffers from a significant lack of clarity regarding its implementation process. Without a clear roadmap for how these regulations will be enforced, how data will be collected, and how its success will be measured, we fear that Bill 428 will create unnecessary confusion, redundancy and uncertainty for all involved. Furthermore, many of the species listed within Bill 428 are already co-managed effectively through the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (MAFMC). Bill 428 states that the state could create fisheries management plans that are more restrictive than both ASMFC and MAFMC plans. In many cases, this is unnecessary and could create conflicting regulations, adding confusion and burden to all fishermen. This undermines the cooperative efforts currently in place and potentially jeopardizes regional fishery management plans.

A large missing part of Bill 428 is its failure to include a scoping and public comment period for all management plans developed under its authority. Best management practices dictate that any regulations impacting our natural resources must be subject to thorough public scrutiny and informed by scientific data and local expertise. The omission of this crucial step is a grave oversight that could lead to unintended consequences. Bill 428 mentions an “appropriate advisory board” several times. Yet there are no criteria on who will make up this board or how the board will make decisions.

Moreover, the bill lacks a clear mandate for the representation of a variety of stakeholders in the development and implementation of any management plans. Meaningful and sustainable resource management requires the collaboration of all interested parties, including fishermen, scientists, environmental organizations, and local communities. Failing to ensure this broad representation will only serve to polarize the debate and undermine the long-term success of any management efforts.

We are particularly concerned about the sections of the bill that contradict its stated intention to avoid duplication of regulatory efforts and unnecessary costs to the state. By potentially creating a parallel management structure for species already effectively managed by ASMFC and MAFMC, Bill 428 effectively does both.

For these compelling reasons, the Waterman's Association of Worcester County urges you to reconsider Bill 428. We believe it requires significant revision to address the serious deficiencies outlined above and to ensure that any future legislation concerning the management of our natural resources is grounded in collaboration, transparency, and sound science.

Sincerely,

Earl R Gwin, Jr

President