Testimony Ann Swanson SB898.pdf
Uploaded by: Ann Swanson
Position: FAV

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

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

To Chair Feldman and members of the Committee,

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

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

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

1. Increasing the **nutrient application setback** on farms bordering tidal waters to 100 feet to reduce nutrient pollution. This will achieve parity with State agency expectations for fertilizer storage under MDE's CAFO regulations that require a 100-foot setback**.**

2. **Increasing landowner incentives** for voluntary land enrollment in forest and grass buffers within the 100-foot setbacks. The first hundred feet is the state's highest-ranking land type for achieving agricultural conservation improvements.

3. Establish **incentives for leased land operators** who farmland enrolled in conservation within the 100-foot buffer. This is particularly important since roughly 30 percent) of agricultural land in Maryland is rented by tenant farmers, meaning that around one third of farmland in the state is farmed by tenants who do not own the land they cultivate.

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

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

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

ShoreRivers. SUPPORT. SB898.pdf
Uploaded by: Annie Richards
Position: FAV

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

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

To Chair Feldman, Vice Chair Kagan and members of the Committee,

My name is Annie Richards, and I am proud to work as your Chester Riverkeeper. Thank you for this opportunity to submit testimony in **SUPPORT for SB898** on behalf of ShoreRivers. ShoreRivers is a voice for clean water on Maryland's Eastern Shore, with a mission to protect and restore our local waterways through science-based advocacy, restoration, education, and engagement. **SB898, seeks to prevent water pollution from agricultural fertilizer use that would otherwise be permitted 100 feet from Maryland tidal water, increase land voluntarily enrolled in conservation to further increase nutrient reductions, create the state's first incentive program that provides value to tenant farmers — the growing future for on-farm conservation**. This effort is in service of accelerating Bay restoration efforts, beyond 2025, that include incentives for the farming industry that are more comprehensive than ever before.

This bill will increase the nutrient application setback on farms bordering tidal waters to 100 feet. Nutrient application setbacks are currently 10 feet. When coupled with 25-foot setbacks in the Critical Area, agricultural activities observe a 35-foot setback, in total, along tidal waters of the state. The Critical Area– especially the 100 foot buffer from tidal waters— has the highest potential for nutrient delivery to the Bay: "In accordance with the Chesapeake Bay Watershed Implementation Plan, the standard nitrogen rate used to determine the nitrogen delivery rate to surface water is as follows: (1) An 80% delivery rate in Critical Area; (2) a 50% delivery rate within 1,000 feet from any perennial surface water; and (3) a 30% delivery rate from distances greater than 1,000 feet from any perennial surface." These nutrient loads can be further augmented from storm surge and rising tides. A recent study incorporated into the CESR report estimated: "that the amount of dissolved inorganic N[itrogen] contributed during one seasonally high tide event in one Bay segment exceeded its **annual load allocation by 30%**." Rising tides and increased storm surge due to climate impacts will continue to negatively affect our waterways, especially from nonpoint source land uses like agricultural operations. The CESR report recommends that to meet our goals we must target restoration work in areas of the watershed that have the highest contributing impact to bay health – all signs point to the 100-foot buffer as the most impactful place for state investment.

[1] https://mde.maryland.gov/programs/pressroom/pages/1243.aspx
[2] A Comprehensive Evaluation of the Systems Response (Macías-Tapia et al., 2021).

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

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As noted in "*Evaluating the Effectiveness of Economic Incentives to Enhance Riparian Buffer Adoption and Environmental Benefits for Water Quality and Carbon Sequestration in Maryland*", by Dr. David Newburn, only about 50% of farmers will consider enrolling in a conservation incentive program, no matter how financially lucrative the incentives. **This means to achieve restoration, or at least to reduce the amount of nutrient applied in the most sensitive areas of Maryland, adopting an increased nutrient application setback of 100 feet is the best option— to both increase restoration opportunities, and to address excess nutrients bound for our rivers.** This setback also achieves parity with Maryland Department of Environments regulations for Concentrated Animal Feeding Operations, or CAFOs, which are required to store manure piles more than 100 feet from tidal surface waters— if farmers should not *store* manure within 100 ft, they should not *spread* manure within 100 feet.

This bill will increase allowable incentive payments from the department of agriculture for voluntary land enrollment in forest and grass buffers within the 100-foot setbacks. For the 50% of farmers who would consider adopting incentive programs, we must make those programs as competitive as possible to make the most of our funding made possible from Tree Solutions Now, 2021. This General Assembly set a commendable goal of planting 5,000,000 trees by 2030, and appropriated once in a generation funding to achieve the goal. We hope to see this assembly continue to fully fund Tree Solutions Now in the face of budget challenges the State faces this year. We have a lot of work to do to meet our 2030 deadline and SB898 is the perfect policy to increase implementation success of tree plantings on farm land, where it has the most impact. The Bay program recognizes planting trees and conservation buffers within the 100-foot setback to be 6 times as efficient as planting upland areas of a farm.

This bill will establish incentives for leased land operators who farm land enrolled in conservation within the 100-foot buffer. This bill impacts about 2665 acres of farmland. About 80% of that farmland is on the Eastern Shore. 45% of farmland on the Eastern Shore is rented ground, meaning that when conservation buffers are installed on that land, the farmer is not compensated in any way, and loses out on future rentable ground. **By adding incentives that pay farmers $150 per acre/per year, Maryland's leased land operators can be included, finally, in conservation work, and partner with landowners to implement conservation practices that not only protect the Bay, but also protect farmland parcels from erosion, and land subsidence from climate impacts.**

In a time where Maryland's budget faces distinct challenges, it has never been more important to target state investments in conservation that achieves the greatest results, while minimizing impact to Maryland's farmland to less than half of one percent. This legislation creates a new avenue for farmers who are positioned to make the biggest and best impact to the Chesapeake and its tributaries while protecting their own investments and livelihoods. We are grateful to Senator Love for bringing this important legislation forward, **and urge this committee for a favorable report on SB898.**

Sincerely,

Annie Richards, Chester Riverkeeper on behalf of ShoreRivers

Starkey SB 0898 Testimony .pdf
Uploaded by: Brennan Starkey
Position: FAV

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TESTIMONY ON SENATE BILL 0898
NUTRIENT MANAGEMENT – TIDAL BUFFER

Chair Feldman and Members of the Committee,

I appreciate the opportunity to offer written testimony in SUPPORT of Senate Bill SB0898. Our farm is bordered on three sides by the tidal waters of the Sassafras River and two of its tributaries. We have always recognized that crop production near the water has a high risk of nutrient transport to the river and creeks and have established 100' buffers through the CRP and CREP programs over the years to act as a barrier between nutrients applied to the fields and the water.

While 100' buffers have been a good fit for our operation on land that we own and farm, I've had many discussions with farmers, especially those who rent ground, who don't feel the same way. I think it's fair to say a high proportion of the farmland in the Critical Area is owned by people who do not farm the ground themselves. Much of this ground is broken up by creeks and marshland into smaller fields that makes it more time consuming to plant and harvest crops. The argument I hear most often is that CRP buffer programs only benefit the landowner financially, have the potential to reduce field size below a minimum efficient acreage, and can also create significant weed issues for the farmer. Many custom farmers have expressed reluctance to continue renting the ground if a significant portion is taken out of production and put into conservation programs. The opposition of custom farmers has convinced many landowners not to participate in traditional CRP or state buffer programs.

Senate Bill 0898 takes an innovative approach to protecting this sensitive strip of land between cropland and tidal waters in the Critical Area. It mandates a 100' vegetative buffer, which is a 65' increase in the setback (currently 35') for broadcast fertilizer and a 90' foot increase for directed spray applications (currently a 10' setback, but puts in place buffer cost sharing that benefits both landowners and custom farming operations. Because the vegetative buffer requirements have been expanded to include warm and cool season grasses, they will be more attractive than the forest buffer program which did not get much traction. The additional signing bonus contained in this Bill should incentivize landowners to participate in the cost share program. The provision that allows custom farmers who lease the cropland affected to financially benefit from the program should go a long way in reducing their opposition.

SB 0898 will help accelerate restoration and reduction efforts in the most critical agricultural areas – the shallow water and near shore farmland- by providing increased funding for coordinated and targeted restoration practices across one or multiple agricultural operations. Prioritizing state funds to support best management practices in locations most likely to have a short-term benefit to water quality, habitat, and public health will result in the greatest immediate impact.

SB 0898 addresses the biggest obstacle to landowner reluctance to enroll in buffer programs- the resistance of the farmers that rent their ground (and likely perform much of the property maintenance) to lose acres in areas where the return on investment is marginal.

I thank the Committee for their serious and thoughtful consideration of this Bill and strongly support a favorable report.

Sincerely,

Brennan Starkey

In Favor of SB0898.pdf
Uploaded by: Carole Trippe
Position: FAV

Testimony in Support of SB0898
Nutrient Management – Tidal Buffer – Vegetative Buffers and Restriction on Fertilizer Application
Senate Education, Energy, and the Environment Committee 18 February 2025
Submitted on 14 February 2025 before 5 pm

To the Chair and Committee Members,

My name is Carole Trippe. I live in Chestertown, MD near the Chester River on the Eastern Shore, and I urge a favorable report on SB0898. Thank you in advance for your consideration of support.

According to an analysis by the Chesapeake Bay Foundation, there are 2,665 acres of crop and pastureland within 100 feet of tidal water in Maryland. Much of that land is located on the Eastern Shore, where both our natural lands and farms are experiencing pressures - from surface and groundwater, pollution saltwater intrusion, and increasingly severe weather and rain events – which make farming productively a growing challenge. **SB0898 targets smart policy, conservation practices, and support for farmers in our most ecologically sensitive areas of the Chesapeake.**

This Bill benefits both Maryland farmers and the Chesapeake Bay by:

- Preventing water pollution from agricultural fertilizer use that would otherwise be permitted 100 feet from Maryland tidal water
- Improving incentive programs for fixed natural filter adoption within the 100 feet of tidal water
- Creating the state's first incentive program that provides **value to tenant farmers** — the growing future for on-farm conservation

I **support** Bill SB0898 because it strengthens near-shore restoration which was identified as a top priority in the Chesapeake Bay Program's Comprehensive Evaluation of Systems Response (CESR) Report. I routinely boat and kayak on the main stem and creeks of the Chester River, and I have observed substantial loss of forest buffers. By focusing on lands within 100 feet of Maryland tidal water, this Bill will **maximize environmental benefits while minimizing loss of productive agricultural lands.**

Thank you for your consideration, and I look to this committee to give SB0898 a **favorable** report.

Sincerely,
Carole Trippe
caroletrippe@gmail.com

SB0898_Newburn.pdf
Uploaded by: David Newburn
Position: FAV

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

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

February 14, 2025

To Chair Feldman and Members of the Committee,

I , Dr. David Newburn, offer the following testimony in support of SB898, which seeks to prevent nonpoint source water pollution from agricultural fertilizer use that would otherwise be permitted 100 feet from Maryland tidal waters, increase land voluntarily enrolled in conservation buffers to enhance nutrient reductions, and create the state's first program that provides incentives for tenant farmers — an important yet under-represented population necessary to increase conservation buffers. This effort is in service of targeting Bay restoration efforts in environmentally sensitive areas within the Critical Areas, while including incentives for the farming industry.

This bill is directly related to science-based findings within a recent report[1], *"Evaluating the Effectiveness of Economic Incentives to Enhance Riparian Buffer Adoption and Environmental Benefits for Water Quality and Carbon Sequestration in Maryland"*, that I co-authored with colleagues at the University of Maryland, Oxford University, and the University of Miami. The report for this multi-year study, funded by and prepared for the Harry R. Hughes Center for Agro-Ecology, summarizes analysis using a survey of 1,530 agricultural landowners throughout all counties in Maryland. The experiment embedded within the survey asked landowners about their willingness to enroll in alternative buffer incentive programs that varied in terms of bonus payments, annual recurring payments, contract length and buffer vegetation type. The policy scenario analysis for riparian buffer adoption examined program costs and environmental benefits for Bay water quality (nitrogen and phosphorus reductions) and carbon sequestration using spatially explicit models for agricultural landowner parcels.

In alignment with SB898, this report finds that riparian buffer adoption is a highly cost-effective practice. The benefit-cost analysis is high, with water quality benefits substantially exceeding program costs. Bonus and annual payments both increase landowner participation, particularly the higher upfront bonus payments. Additionally, the proposed legislation in SB898 targets the state's buffer incentives towards environmentally sensitive lands in the Critical Area that have disproportionately higher pollution reductions, thereby maximizing pollution reduction efforts and investments on a small portion of farmland with strategic importance.

[1] Newburn, D., Lichtenberg, E., Kim, Y., Wietelman, D., Wang, H. "Evaluating the Effectiveness of Economic Incentives to Enhance Riparian Buffer Adoption and Environmental Benefits for Water Quality and Carbon Sequestration in Maryland", University of Maryland, October 2024, Report prepared for Harry R. Hughes Agro-Ecology Center. Available at: https://agnr.umd.edu/research/research-and-education-centers-locations/harry-r-hughes-center-agro-ecology/scientific-15/

Another important consideration is that the farmland along tidal areas, targeted in SB898, is often vulnerable to increasing risks from saltwater intrusion and sea-level rise. This is particularly apparent for low-lying farmland on the Lower Eastern Shore, where farmers are struggling with less productive land and increasing impacts from sea-level rise and land subsidence. A recent paper[2] that I co-authored with others, "*Coastal Agricultural Land Use Response to Sea Level Rise and Saltwater Intrusion*", uses satellite imagery to forecast the agricultural areas on the Eastern Shore that are most threatened in the coming decades. SB8989 would create targeted incentives for farmland along tidal areas at disproportionate risk and provide soft landings for farmers struggling with less productive land to help transition to conservation buffers.

A creative feature in SB898 is to provide buffer incentives that are split between tenant land operators and landowners. The existing state incentive programs primarily provide incentives for the landowner. The tenant land operators, who are more aware of existing incentive programs, stand to lose leased land when enrolling in buffer programs. The SB898 provides a win-win scenario by offering competitive rates for on-farm conservation practices that benefit both the landowners and tenant land operators, leading to increased buffer adoption. The report (see footnote 1) indicates that landowners that lease land are highly willing to enroll. The proposed structure in SB898, whereby incentives are shared between landowners and tenants, will provide motivations for tenants to share program information with landowners about existing and new incentives. Landowners that lease farmland is a substantial population in Maryland, but this group is under-represented in participating in conservation programs.

SB898 also proposes fertilizer restrictions for farmland in environmentally sensitive areas along the tidal zones. The report (footnote 1) indicates that almost half of landowners with available land for buffers are unlikely to enroll in buffer programs, despite high bonus and annual payments above levels in existing state incentive programs. Hence, the proposed fertilizer restrictions, in tandem with conservation incentives, can provide a paired policy to increase landowner participation in conservation buffer programs.

In summary, SB898 creatively targets the buffer incentive program, supported by findings in the academic report (see footnote 1), by doing the following:

1. Establishing shared incentives for both landowners and leased land operators to enroll land in conservation buffers within the 100-foot setbacks;
2. Providing targeted buffer incentives in environmentally sensitive areas in the Critical Areas for voluntary land enrollment within the 100-foot setbacks; and
3. Increasing the nutrient application setback on farms bordering tidal waters to 100 feet to reduce nutrient pollution in sensitive areas.

I am grateful to the sponsor for bringing this important legislation forward and urge this committee for a favorable report on SB898. I would be glad to further discuss the academic report and how the findings support the proposed legislation in SB898.

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[2] Epanchin-Niell, R. Thompson, A., Han, X., Post, J., Miller, J., Newburn, D., Gedan, K., Tully, K. "Coastal Agricultural Land Use Response to Sea Level Rise and Saltwater Intrusion", July 2023, Selected Paper at the 2023 Agricultural & Applied Economic Association Annual Meeting, Washington, DC.

Sincerely,

Dr. David Newburn
Associate Professor & Extension Specialist
Department of Agricultural and Resource Economics
University of Maryland

SUPPORT.SB898. Dirck Bartlett.pdf
Uploaded by: Dirck Bartlett
Position: FAV

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

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

To Chair Feldman and members of the Committee,

My name is Dirck Bartlett and I live in Talbot County, MD on the Wye River. Thank you for hearing what I have to say. My wife, myself and our two children live on a 30 Acre Farm in Talbot County Maryland. **I wholeheartedly support SB898, knowing that Talbot county will be the most impacted county by this legislation, and therefore Talbot has the greatest opportunity to restore its local waterways.** I have included a small map showing the farm for your information. We each work in Easton but we have some minor income each year from the following sources:

- We have only 19 acres of farm field and the tenant farmer pays us $**1,000.00 per year** to basically rent the farm fields. The farmer sells the grain and gets some added income from the government from the planting of winter wheat.
- We also have a Riparian Tree Buffer planted by the State of Maryland in 1998 . This Riparian Tree Buffer was planted for free but generates no income.
- We have a 25' State Required Shoreline Buffer – No Agriculture is allowed in this 25 Foot Buffer.
- We have a 35' CRP Tree Buffer along the waterfront and we obtain payments from the Federal/State Government each year and this amount is **$980.00 per year** for 3.4 Acres of Shoreline Tree Buffer.
- Therefore, we do not farm the fields within 60' of the shoreline along the river.

Since we purchased the property in 1998, we wanted to improve the river water quality. Having lived there for 27 years, we have noticed huge improvements to the water quality. Here are some of the observations we have had:

- No longer does sediment filled water enter the creek during a heavy rain.
- With 60 feet of trees and bushes along the shoreline, water from farm field rain runoff is filtered through the trees and vegetation and sediments no longer make it into the river
- We have noticed small juvenile oysters on the beach each year for the first time in years.
- We have a healthy population of small cherrystone clams that were never present years ago
- We have underwater SAV (Bay grasses) that are growing in our creek for the first time since the 1970's.
- We have a healthy population of fish (perch, rock, croaker and even fresh water bass). Crabs are abundant each year.

- The water is generally clear except during the summer months when algae tends to muddy the water clarity.

In conclusion, we have seen first hand the benefits of shoreline buffers and we are pleased to see this legislation come forward. Keeping nitrogen out of the Bay is a worthy goal and we believe this is an important effort. The best part of this legislation is to offer both the landowner and farmer some compensation for the trade off of not applying fertilizer on sensitive areas. This legislation is truly a Win Win Win initiative:

- The landowner gets some added income for putting his or her property in tree buffers thanks to this Nearshore legislation.
- The tenant farmer gets some added income advantages in addition to the crop sale and winter wheat income. **$150/acre** from the new legislation.
- The Bay gets protected and that benefits everyone, including even watermen who rely on the health of the Bay.

Thank you for your efforts to protect the Bay and keep it a healthy estuary. This is a fine resource we all share and Marylanders are very concerned with the health of the Bay. **I urge the committee to give SB898 a favorable report.**

Thank you – Dirck Bartlett – Easton, Maryland

- 36 Acre property
- 19 Cultivated Acres (Corn or Soybeans)
- Crop Rental = $1000/yr. (Farmer pays Rent)
- CRP tree buffer = $980/yr. - (35' tree buffer)
- Riparian tree buffer = $0.00/yr

Riparian tree Buffer

25' Shoreline Buffer

35' CRP Tree Buffer

35' CRP tree Buffer

25' Shoreline Buffer

Arundel Rivers Testimony Nearshore Farm FAV SB898.

Uploaded by: Elle Bassett

Position: FAV

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Testimony in SUPPORT of Senate Bill 898 – Nutrient Management – Tidal Buffer – Vegetative Buffers and Restrictions on Fertilizer Application

Education, Energy, and the Environment
February 18, 2025

Dear Chair Feldman and Members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF SB898** 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

Arundel Rivers strongly supports SB898, which would prevent nutrient pollution from agricultural fertilizer that would otherwise be applied within 100 feet of tidal water and increase voluntary conservation efforts within agricultural land. 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. SB898 takes a reasonable, effective, and innovative approach towards bolstering Bay restoration efforts and meeting water quality goals for the farming industry.

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. This bill is a direct response to this scientific report, which noted that riparian buffer adoption is one of, if not the most, cost efficient practice to maximize pollution reductions. Chesapeake Watershed Implementation Plans (WIPs) identify Maryland's Critical Area to have an 80% nutrient delivery rate – extending nutrient setbacks to 100 feet removes pollution loads from the most vulnerable areas and reduces the nutrients mass imbalance identified in the CESR report.

This legislation will have a minimal impact on Maryland farmland (less than 2%) yet provide a significant reduction of pollution delivered to the Bay by preventing 83,000lbs/yr of nitrogen, 1,700lbs/year of phosphorus, and 1.3 million lbs/year of sediment entering our waterways according to the Chesapeake Assessment Scenario Tool estimates. Arundel Rivers Federation strongly supports reducing fertilizer application to reduce nutrient pollution loading and protecting farmland from accelerated erosion and we respectfully request a **FAVORABLE REPORT on SB898.**

Sincerely,

Elle Bassett

Elle Bassett
South, West and Rhode Riverkeeper
Arundel Rivers Federation

Chesapeake Legal Alliance - Favorable - SB 898.pdf
Uploaded by: Evan Isaacson
Position: FAV

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Support for Senate Bill 898

Dear Chairman Feldman and Members of the Committee:

The Chesapeake Legal Alliance strongly supports Senate Bill 898. In budgetary conditions such as these, it is imperative for the State to take a close look at the cost-effectiveness of its investments. There are few, if any, pollution reduction projects that can more cost-effectively promote Chesapeake Bay restoration progress than those in this bill.

The state-federal Chesapeake Bay Program that oversees this national effort to restore water quality in the Bay provides data on the effectiveness and cost-effectiveness of hundreds of different types of pollution reduction practices and policies. Riparian buffers are near the top of that list. At between $2 and $4 per pound of nitrogen pollution reduced, this category of pollution reduction project is an order of magnitude more cost-effective than other agricultural practices that are generally well-subsidized by current State policy. For example, cover cropping, which the state spends roughly $25 million per year on, is reported to cost between $20 and $25 per pound. And while the $2 - $4 per pound figure for grass and tree buffers is already cheaper than almost any other type of project, the spending that this bill would incentivize would be even more cost-effective because it specifically focuses on areas where a much greater share of runoff reaches our waters – right along the Bay and its tidal tributaries. In other words, even the incredibly low figure of $2 per pound of nitrogen removed is likely to significantly underestimate the true cost-effectiveness of these projects.

Beyond cost-effectiveness, the bill also provides an immediate boost to our overall Bay restoration efforts by investing in just the right projects in just the right places. As the Department of Legislative Services reported last month, in the U.S. Environmental Protection Agency's most recent review of Maryland's progress toward our Bay restoration goals, the first "area of improvement" listed was "the State's implementation of BMPs for agriculture." EPA concluded that "the pace of progress in the agriculture sector will need to increase." Despite this, DLS noted that the primary source of funding for these very projects – the Maryland Agricultural Water Quality Cost-Share ("MACS") Program – "is not funded in fiscal 2026."

It is understandable during a budget crisis that the State will need to prioritize its spending. And that is just what this bill proposes to do: focus state spending on agricultural pollution reduction practices that are perhaps as effective and efficient as any other. This is exactly the sort of Bay restoration bill that is needed in this particular fiscal climate. For these and many other reasons cited by other supporters of this legislation, we urge a favorable report for Senate Bill 898.

For more information, you may reach Evan Isaacson at evan@chesapeakelegal.org.

Testimony in SUPPORT of SB898.pdf
Uploaded by: Georgeanne Pinkard
Position: FAV

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

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

To: Chair Feldman and Members of the Committee,

My name is Georgeanne Pinkard and I live in Queenstown, Md. Thank you for the opportunity to submit testimony in favor of SB898 which seeks to reduce agricultural fertilizer into the Chesapeake Bay tidal waters.
As a lifelong resident of the Eastern Shore, I care deeply about the preservation of our natural habitat and livelihood of both our farmers and water women/men.
I believe that the environmental benefits of SB898 are achievable by working together with our tenant farmers and landowners by offering a viable financial incentive to create a 100ft. riparian buffer along our Maryland waterways.

I am grateful to Senator Love for bringing this legislation forward to further the successes achieved since the creation of the Bay Agreement 40 years ago. Strategic implementation practices and creative policies will continue to address nutrient run-off from non-point source pollution. Though we are facing a budget shortfall – I believe that the long-term funding of this important legislation can be absorbed through both a public and private partnership.

Very truly yours,

Georgeanne Pinkard
Master Naturalist
Arborist
CFRE

JCR_SB0898_14Feb2025.pdf
Uploaded by: Janet Ruhl
Position: FAV

Testimony in Support of SB0898/HB1175
Nutrient Management – Tidal Buffer – Vegetative Buffers and Restriction on Fertilizer Application
Senate Education, Energy, and the Environment Committee 18 February 2025
Submitted on 14 February 2025 by 8:15 am

To the Chair and Committee Members,

My name is Janet Ruhl. I live in Galena, MD, on the Sassafras River, and I urge a **favorable** report on SB0898/HB1175. Thank you in advance for your consideration of support.

Maryland's Conservation Reserve Enhancement Program (CREP) is an effective federal state partnership program that pays landowners to take environmentally sensitive cropland out of production for 10 to 15 years and install conservation practices that protect water quality and provide wildlife habitat.

SB0898/HB1175 seeks to strengthen the effectiveness of CREP **by focusing on lands within 100 feet of Maryland tidal water**, a buffer zone which will maximize environmental benefits while minimizing loss of productive agricultural lands. Many of these near-shore lands are already experiencing pressures from climate impacts - surface and groundwater pollution, saltwater intrusion, and increasingly severe weather and rain events - which make farming productively a growing challenge. In addition, SB0898/HB1175 proposes to expand the program **to include tenant farmers**. According to census data, there are 3,309 farmers across the state who lease land for farming operations. Incentive programs need to compensate these farmers for the role they play as stewards of any farm in the Critical Area with implemented conservation buffers.

This Bill will:

- Authorize state cost-share funding be made available for installing a fixed natural buffer (riparian forest buffers, riparian herbaceous buffers, and wetlands) on land within the 100-foot tidal buffer on an agricultural operation. The fixed natural buffer must be constructed in accordance with technical specifications adopted by the Department of Agriculture.
- Prohibit a nutrient management plan renewed after July 1, 2025, from allowing a person to apply certain fertilizer to land within the 100-foot tidal buffer.
- Redefine eligible Agricultural Operations to include Leased Land Operators (i.e, tenant farmers).

Near-shore restoration is identified as a top priority in the Chesapeake Bay Program's Comprehensive Evaluation of System Response (CESR) Report.

I **support** Bill SB0898/HB1175 strengthening the positive environmental impact of CREP by focusing on lands within 100 feet of tidal water and including tenant farmers. I routinely boat and kayak on the main stem and creeks of the Sassafras River and I have observed substantial loss of forest buffers. It is now common to see through buffers that used to look impenetrable and to observe farm operations occurring near the edges of the river.

Thank you for your consideration, and I look to this committee to give SB0898/HB1175 a **favorable** report.

Sincerely,
Janet C. Ruhl

SB898 AudubonMidAtlantic_NearshoreFarmFinance_fav.
Uploaded by: Jim Brown
Position: FAV

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2901 E. Baltimore St
Baltimore, MD 21224

Feb 14, 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 898 Nutrient Management – Tidal Buffer – Vegetative Buffers and Restriction on Fertilizer Application

Audubon Mid-Atlantic submits this testimony in support of Senate Bill 898. 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 898 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 – all while supporting the state's important agriculture economy.

How the buffer zone is treated between Maryland's tidal water and our adjacent farmland is critical to both our food security, and the health of our vibrant coastal ecosystems and important bird habitat. Without an appropriately vegetated buffer, runoff of fertilizers and sediment erodes into our waterways and vulnerable tidal marshes. SB 898 protects water quality and supports farming communities by investing in best practices for this buffer zone. Additionally, the bill creates incentives to increase the amount of bird habitat through tree planting and increasing vegetation in these critical buffer zones between land and water.

Audubon enthusiastically supports this bill because it:

1. Protects and improves water quality
2. Increases the use of natural climate solutions to reduce runoff and increase bird habitat in an extremely important tidal zone for migrating birds, resident waterfowl, and iconic Maryland species such as the saltmarsh sparrow, osprey, herons and the emblematic waterfowl of our estuaries and rivers
3. Increases the protective buffers surrounding farms, protecting them from more volatile storm events and potential saltwater intrusion.

Additionally SB 898 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. These special places not only support hundreds of species of birds, but they benefit Maryland's economies by directly supporting industries ranging from fishing & agriculture to tourism.

Protecting Maryland's Chesapeake tidal zones, our salt marshes, and the nearby buffer zones between land and water is a top priority for Audubon in Maryland. The Near Shore Farm and Finance act supports Audubon's efforts to invest in our coastlines and increase the resiliency of Maryland's tidal zones.

Audubon Mid-Atlantic respectfully urges a favorable review of Senate Bil 898.

Thank You,

Jim Brown

Senate Testimony for SB898 Nearshore Farming and F

Uploaded by: John Thacker

Position: FAV

Testimony in Support of SB898

Senate Energy, Education, and Environment Committee February 18, 2025, at 1:00 pm
Submitted on the 14th day of February at 12:00 pm.

To Chair Feldman and Committee Members,

My name is John Thacker. I own a home on Island Creek, a tributary of the Choptank River in Talbot County, and I urge a favorable report on SB898.

SB898, The Nearshore Farming and Finance Act, will serve to lessen excess nutrient pollution in the Chesapeake Bay and its tributaries and, over time make Maryland's near shore agricultural lands more resilient against tidal erosion and saltwater intrusion.

This Bill will:

- Increase the buffer to 100ft for application of nutrients to farm fields. This will lessen the load of excess nutrients into Maryland's waters during and after periods of rain.
- Use existing programs to enhance incentives for landowners that promote the planting of riparian buffers in the 100ft no application zone. This will strengthen shorelines against erosion and help ward off saltwater intrusion.
- Protect the economic interests of tenant farmers.

I **support** this bill because I see the direct impact of excess nutrient runoff when I kayak and boat on Island Creek and the Choptank. Much of the shoreline in these waters is agricultural fields where the corn and soybeans are planted almost right up to the water's edge. Excess nitrogen and phosphorous lead to algae blooms and suppress submerged aquatic vegetation growth. This in turn depletes the waters of oxygen and critical habitat for native fish and blue crabs. SB0898 is a well-crafted bill that smartly addresses my concerns while impacting only a small fraction of Maryland's farmland and alleviating adverse consequences for landowners and tenant farmers.

Thank you for your consideration, and I respectfully ask this committee to give SB898 a **favorable** report.

Sincerely,
John Thacker
4821 Montgomery Lane, #705
Bethesda, MD 20814
johnpthacker@gmail.com
630-885-0130

In Talbot County:
28116 Brick Row Dr.
Oxford MD 21654

Nearshore Farming & Finance Act_Bill Summary.pdf
Uploaded by: Karen Holcomb
Position: FAV

Nearshore Farming and Finance Act

The Nearshore Farming and Finance Act targets conservation practices and support to farmers in our most ecologically sensitive areas of the Chesapeake.

This bill prevents water pollution from agricultural fertilizer use that would otherwise be permitted 100 feet from Maryland tidal water, and land voluntarily enrolled in conservation will further increase nutrient reduction (31.39 lbs/acre for trees at edge of tide) on minimal acreage (no more than 0.19 percent, or 2,665 acres, which is the amount of Maryland farmland within 100 feet of tidal water).

This bill also creates the state's first incentive program that provides value to tenant farmers — the growing future for on-farm conservation — and works together with the targeting incentive and application setback to reduce nutrient losses, accelerate adoption of high-performing permanent buffers on nearshore property, and minimize the number of farm acres used in Maryland to achieve its Bay restoration goals.

Establishing a riparian buffer on 2,665 acres of farmland within 100 feet of tidal waters will reduce pollution delivered to the Bay
(per Chesapeake Assessment Scenario Tool estimates):

- Nitrogen pollution by **83,654 lbs/yr**
- Phosphorus pollution by **1,706 lbs/yr**
- Sediment pollution by **1,335,538 lbs/yr**

This iniative will maximize investments in restoration and protect valuable crop land, as planting trees on 2,665 acres of nearshore land achieves the same nitrogen reduction as taking 15,527 acres of upland farm fields out of production and converting them to forest.

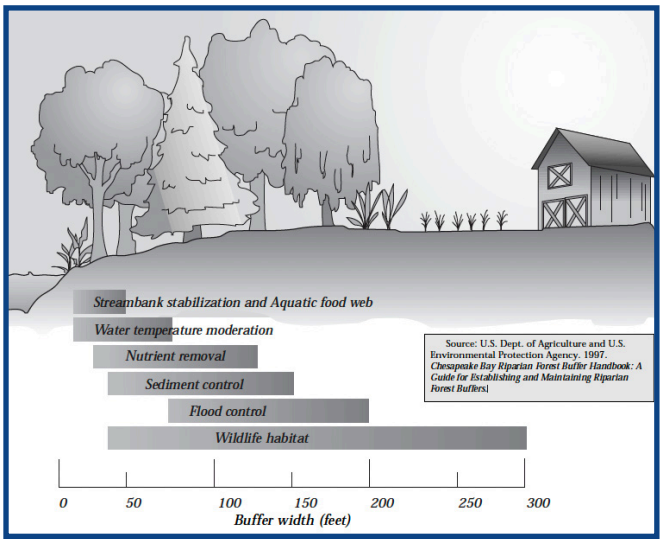

Figure #1. Credit: University of Maryland Cooperative Extension

According to an analysis by the Chesapeake Bay Foundation, there are 2,665 acres of crop and pasture land within 100-feet of tidal water in Maryland. Much of that land is located on the Eastern Shore, where both our natural lands and farms are experiencing pressures from climate impacts — surface and groundwater pollution, saltwater intrusion, and increasingly severe weather and rain events make farming productively on "nearshore" land a growing challenge.

ShoreRivers

Chesapeake Bay Foundation
Saving a National Treasure

Chesapeake Legal Alliance

Nearshore Farming and Finance Act

THIS BILL BENEFITS MARYLAND FARMERS BY:

- **Improving incentive programs for both owner operators and lease land operators**

  Forest buffers are recognized as the most beneficial BMP for Chesapeake Bay restoration, but they are a significant commitment in time and maintenance, and are not suited for all shorelines and land types. Buffer adopters should be paid the best prices for implementing the most beneficial BMP for their shoreline.

  According to census data, there are 3,309 farmers across the state who leaseland for farming operations. Incentive programs should compensate these farmers for the role they play as stewards of any farm in the Critical Area with implemented conservation buffers.

- **This bill maximizes environmental benefits while minimizing loss of agricultural land**

  Establishing riparian buffers along the 2,665 acres impacted by increased nutrient setbacks would result in significant nutrient reductions. To achieve the same on-farm nutrient reductions by planting forests upland of the 100 foot buffer, the state would need to target 15,527 acres of farmland.

- **Protecting farmland from accelerated erosion**

  The 2,665 acres impacted by this bill have experienced significant shoreline erosion over the last 100 years due to climate impacts and lack of natural buffers. Establishing appropriately sized buffers will slow erosion — protecting farmland across the state.

CONTACTS

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Evan Isaacson
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Chesapeake Legal Alliance
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THIS BILL BENEFITS THE CHESAPEAKE BAY BY:

- **Helping Maryland reach its 5 million tree goal by 2030**

  In 2021, Maryland's General Assembly appropriated a historic amount of funding to reach this important goal, and this bill will increase landowner subscription to incentive programs funded by Tree Solutions Now Act, 2021.

- **Targeting restoration in areas 6 times as effective for achieving Bay Agreement goals**

  The US Department of Agriculture states that nutrient reductions associated with tree buffers begin at 35 feet (current standard buffer size), while buffers of 100 feet achieve much more nutrient reductions in addition to sediment and flood control, and wildlife benefits. ***(See Figure #1)***

- **Removing nutrient loads from areas identified as high pollution delivery zones**

  Chesapeake WIPs identify Maryland's Critical Area to have an 80% nutrient delivery rate. Extending nutrient setbacks to 100 feet removes pollution loads from the most vulnerable areas and reduces the nutrient mass imbalance identified in the CESR report.

Owner operators who elect to enroll nearshore land in a state agricultural cost share program should receive premium payments for doing so, and establishment costs should be paid upfront to encourage the greatest participation while discouraging early contract termination. Tenant farmers should be eligible to receive rental rates of $150 per acre/per year via state incentive programs to compensate them when a landlord takes land out of production for BMPs in the Critical Area. Payments and buffer types should vary according to slope, soil type, and vulnerability to climate impacts, but buffers should be no less than 100 feet as suggested by the University of Maryland. Nearshore restoration is identified as a top priority in the Chesapeake Bay Program's CESR Report.

SB0898.pdf
Uploaded by: Karen Holcomb
Position: FAV

Testimony in Support of SB0898

Senate Energy, Education, and Environment Committee February 18, 2025
Submitted on February 14, 2024

To Chair Feldman and Committee Members,

My name is Karen Holcomb. I live in Chestertown, Maryland near Fairlee Creek and I urge a **favorable report on SB 0898. Thank you in advance for your consideration**

This Bill that is based upon a culmination of five (5) years of research will increase the effectiveness of riparian buffers to trap nutrient pollution while protecting both the Bay and farm lands from erosion. SB 0898 bill does not increase the current farming setback area but only where to apply the fertilizer. In addition, SB 0898 bill will;

- Mandatory -Increase nutrient application setbacks on farmland bordering tidal water to 100 feet.
- Voluntary - Increase tiered incentives for landowners that adapt or extend to 100 feet fixed natural filter along tidal waters
- Voluntary -Establish a separate incentive for farmers who operate on farmland in the Critical Areas with fixed natural filters.
- Voluntary - For the first time, extend the incentive program to the fastest growing generation of farmers that lease farm lands and play an important role in this conservation work.
- This bill compliments the DNR, MDA and the Tree Solutions Now 2021 state goals.

  DNR's department goal is to restore 2,000 miles of riparian forest buffers in Maryland by 2025.

  MDA's department goal to increase by 50% (to 3,000 per year) the number of best management practices (BMP) installed to meet reduction goals.

  Tree Solutions Now 2021, with funding sunsetting in 2030, has a goal to plant 5,000 trees by 2030.

This bill minimizes the impact on farmers and maximizes the positive impacts on the precious jewel of the Chesapeake Bay and all its estuaries.

Attached in a separate PDF is more information from the Shore Rivers Organization as you consider favorable support of SB 0898, which encompasses a science based approach to Nutrient Management- Tidal Buffer, Vegetation Buffers and Restriction on Fertilizer Application.

I **support/oppose** this bill because… [WHY DO YOU SUPPORT/YOUR PERSONAL STORY].

Thank you for your consideration, and I look to this committee to give SBXXXX a **favorable/ unfavorable** report.

Sincerely,
NAME
CONTACT INFO (optional)

SB898 _Nutrient Management Tidal Buffer - Maryland
Uploaded by: Marisa Olszewski
Position: FAV

MARYLAND LEAGUE OF CONSERVATION VOTERS

February 18, 2025

SUPPORT: SB898 - Nutrient Management - Tidal Buffer - Vegetative Buffers and Restriction on Fertilizer Application

Chair Feldman and Members of the Committee:

Maryland LCV supports Senate Bill 898 and we are grateful to Senator Love for sponsoring this important step in promoting the health of our Chesapeake Bay.

In tight budget years, the government's obligation to manage resources as effectively and efficiently as possible is more pronounced. Doing the most good with the smallest exhaustion of resources becomes paramount. This bill offers the opportunity to maximize resource use – both financially and spatially through a policy response reflecting the most up-to-date science we have.

This bill proposes combining a new restriction on fertilizer application with new, greater incentives for conservation installations in the same area. This encourages the adoption of preferred best management practices while recognizing the economic needs of our farmers.

Responding to the science:
We have known for decades that the land along our tidal shorelines is an essential habitat to protect. With conservation practices, this land can be managed to reduce erosion and nutrient loss, and improve the health of the Chesapeake Bay. In 2023, the Comprehensive Evaluation of System Response (CESR) report[1] noted the importance and efficiency of targeting conservation efforts along nearshore, shallow waters. Our policies have not yet fully reflected this knowledge. While the Maryland Department of the Environment enforces a ban on concentrated animal feeding operations within 100 feet of the shoreline, the same restriction does not currently apply to fertilizer application on row crops (allowed up to 35 feet from tidal shore). This bill seeks to align allowable uses of the land with scientific understanding of the effects those uses have on the water.

The bill will increase nutrient application setbacks on farmland adjacent tidal waters to 100 feet.

Right sized incentives:
In a recent study[2] on how incentives can be structured to maximize uptake of conservation buffer initiatives by farmers, Dr. David Newburn, an environmental and resource economist at the University of Maryland College of Agriculture and Natural Resources, found that larger upfront payments paired with bonus payments based on environmental outcomes increased willingness for participation. The

[1] Scientific and Technical Advisory Committee. May 2023. Achieving Water Quality Goals in the Chesapeake Bay: A Comprehensive Evaluation of System Response. Chesapeake Bay Program. Annapolis, MD.
[2] Newburn, D., Lichtenberg, E., Kim, Y., Wietelman, D. and Wang, H. 2024. Title, Harry R. Hughes Center for Agro-Ecology. URL: https://agnr.umd.edu/research/research-and-education-centers-locations/harry-r-hughes-center-agro-ecology/scientific-15

study also found a cost-effective incentive payment structure could be achieved through targeting practices. (Of farmers surveyed for the study, only half were willing to voluntarily commit to adopt conservation practices, regardless of the level of incentive offered. This emphasizes the need to include some mandatory restrictions to achieve nutrient reduction goals.)

This bill provides both an upfront signing bonus, as well as incentive payments between $1,000 and $4,000 per acre when the 100 feet of tidal shoreline is planted with a long-term, fixed conservation buffer.

Additionally, tenant farmers, those leasing land, are also eligible for an incentive payment through SB 898. This recognizes and reflects the growing population of leaseland operators and provides the opportunity for additional participation with conservation buffer installations. An annual incentive payment of $150 per acre will be available to tenant farmers when fixed, natural buffers in the critical area are maintained on land they lease for farming activities.

Doing more with less:
The "nearshore" land, particularly along tidal waters, is the most effective at absorbing excess nutrients—key pollutants to the Chesapeake Bay—and reducing erosion. This area offers the highest potential for conservation that supports Bay health and restoration, protects eroding shores, buffers saltwater intrusion, and provides critical wildlife habitat. Planting trees within 100 feet of the shoreline removes six times more nitrogen than trees planted further inland, allowing more land for production while still reducing nutrients entering the Bay.

This bill will, if fully implemented, result in a reduction in more than 83,000 pounds per year of nitrogen pollution, 1,700 pounds per year of phosphorus pollution and more than 1.3 million pounds per year in sediment pollution[3] entering the Bay, all while only affecting less than one quarter of one percent of Maryland's farmland.

Senate Bill 898 has the support of many advocacy organizations, but also farmers and Maryland residents who appreciate the need to maximize our investments for the best outcomes for our state. We thank Senator Love for sponsoring this legislation and urge a favorable report for this important bill.

[3] Based on estimates from the Chesapeake Assessment Scenario Tool

SB 898 - CBF - FAV.pdf
Uploaded by: Matt Stegman
Position: FAV

CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

Senate Bill 898

Nutrient Management – Tidal Buffer – Vegetative Buffers and Restriction on Fertilizer Application

Date:	February 18, 2024	Position:	**FAVORABLE**
To:	Education, Energy, and the Environment Committee	From:	Matt Stegman, Staff Attorney

Chesapeake Bay Foundation (CBF) **SUPPORTS** SB 898 which prohibits application of nutrients to farmland located within 100 feet of tidal waters, enhances State cost share for voluntary conservation practices within 100 feet of tidal waters, and financially compensates farmers when a buffer is created on land they rent. The bill strategically incentivizes conservation on a relatively small (less than one-fifth of one percent of Maryland farmland) number of acres near tidal water to maximize the value of public investment and minimize farmland loss elsewhere in the state.

Buffers Provide Essential Water Quality Benefits:

In Maryland, the Critical Area Law requires a minimum 100-foot buffer be established and maintained adjacent to most tidal waters to protect valuable natural resources from human disturbances. While this provision generally prohibits buildings and construction in the buffer, for agriculture, only a 25-foot vegetative filter strip is required (greater for steep slopes). Scientific studies show that wider buffers optimize water quality functions, and the Chesapeake Bay Program recently identified shallow water habitats as particularly important for sustaining the living resources the Bay restoration effort aims to protect. [1] [2]

Current nutrient application regulations permit fertilizers to be applied as close as ten feet to a waterway. SB 898 would require that nutrient application not occur within 100 feet of tidal waters. Agriculture activity can still take place within this 100 foot buffer, or farmers can choose to pursue incentives for various conservation practices. This aligns with scientifically-informed guidance and is consistent with how Maryland prevents nutrient loading on other land use types. The proposed policy would significantly reduce runoff or leaching of fertilizer nutrients, up to 80 percent of which are delivered to the Bay when applied within 1,000 feet of tidal water. [3] Notably, USDA and USEPA recommend riparian buffers at least 100 feet in size to facilitate nutrient removal. [4]

Voluntary Programs Need a Boost for Greater Adoption:

The Tree Solutions Now Act of 2021 authorized up to $2.5 million annually for the Maryland Department of Agriculture (MDA) to spend on tree planting for Bay restoration. In FY24, MDA reports that only $264,531

[1] Walker *et al*, "Meta-analysis of nitrogen removal in riparian buffers", J Environ Qual. 2007 Jun. Available online.
[2] "A Comprehensive Evaluation of System Response (CESR)". Available online.
[3] MDE, "Facts About: Nitrogen Discharge Limit for Large On-site System". Available online.
[4] USDA "Chesapeake Bay Riparian Handbook: A Guide for Establishing and Maintaining Riparian Forest Buffers". Available online.

was awarded through the Conservation Reserve Enhancement Program (CREP) in signing bonuses, as directed by Tree Solutions Now, and $457,248 was awarded as grants through MDA's Conservation Buffer Initiative (CBI, a program that funds planting grass as well as trees). [5] In the first 3 years of the 10-year Tree Solutions Now program, MDA supported planting only 184,062 trees, which is less than 4% of the statewide goal of planting 5 million trees by 2031. [6]

The Chesapeake Bay Program' Scientific and Technical Advisory Committee's (STAC) has found that current programs designed to address nonpoint source pollution sectors like agriculture - the largest, manageable source of nutrients to the Bay - are not resulting in enough adoption of conservation practices. Limited participation in voluntary incentive programs, such as the CREP and CBI buffer programs administered through MDA, is described by STAC as a contributing factor that affects the ability of Bay states to secure the type and level of implementation necessary to achieve nonpoint source pollution reduction goals. [7]

SB 898 does two separate, but equally important, and mutually-reinforcing things: it increases the nutrient application setback near tidal waters and it provides enhanced financial incentives for conservation practices in that same area. While some farmers may choose to continue to grow crops in the area where nutrient application is prohibited, others will have the opportunity to adopt the types of conservation practices that best complement their operation and receive payments for them.

SB 898 Stretches Existing Conservation Dollars Further, Achieving Bay Health Goals:

The CESR report recommends targeting investment through new approaches that "must accelerate adoption of nutrient reduction practices in the locations with the greatest load reduction potential." [8] SB 898 is consistent with this recommendation. For the 2,665 acres of Maryland farmland that is within 100 feet of tidal water the bill provides farmers and landowners up to 150% of installation expenses and an upfront bonus payment for voluntarily installation of fixed natural buffers, such as riparian buffers, tree plantings, riparian herbaceous cover, or wetland restoration.

Riparian tree buffers receive the highest per-acre bonus payment rate in the bill because they are widely understood to be among the most effective ways to control polluted runoff and improve water quality. If all farmland potentially impacted to the proposed fertilizer application setback were to be planted in trees, Bay nitrogen pollution would decrease an estimated 83,654 lbs./yr. [9] Over 15,000 upland acres would be required to achieve the same reduction because trees planted as riparian streamside buffers are more than six times as effective at trapping nitrogen as trees planted elsewhere.

We are aware that actions in the Governor's proposed FY25 and the Budget Reconciliation and Financing Act would reduce the amount of funding available through Tree Solutions Now, it is our hope that funding can return to current levels in future years should program demand demonstrably increase. Even were that not to happen, the bill simply adds the incentives provided in the to the allowable uses of that funding source. The incentives can be successful at whatever level of funding the General Assembly is able to provide.

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[5] MDA. *Conservation Grants Fiscal Year 2024 Annual Report.* Available online.
[6] MDE. *Maryland's Five Million Trees Initiative*. Available online.
[7] CESR
[8] CESR
[9] Chesapeake Bay Program. *Chesapeake Assessment Scenario Tool.* Available online.

Land Lease Farmers Have the Ability to Share in Conservation Incentives:

Close to half of Maryland's agricultural land is rented by farmers. Many conservation incentive programs confer benefits on the property owner, leaving a number of farmers behind and making participation in the programs less attractive. SB 898 recognizes this disparity and offers leased land operators an annual payment of at least $150 per acre if a fixed natural buffer is installed on the land they rent. This provision reduces financial loss or hardship if farmland that a farmer manages for crops or livestock production is converted to conservation. It also encourages adoption of high-performing permanent buffers on nearshore property where risks to water quality are greatest.

The strategic, narrow fertilizer application prohibition in SB 898 coupled with healthy financial incentives for conservation in high-priority areas respond to the call for focused, policy-driven Bay restoration solutions. For these reasons, **CBF urges the Committee's FAVORABLE report on SB 898.**

For more information, please contact Matt Stegman, Maryland Staff Atto

SB 898 - Nearshore Farming- Love Testimony.pdf
Uploaded by: Sara Love
Position: FAV

SARA N. LOVE
Legislative District 16
Montgomery County

Judicial Proceedings Committee

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB 898 – Nutrient Management – Tidal Buffer – Vegetative Buffers and Restriction on Fertilizer Application (the "Nearshore Farming and Finance Act")

Chair Feldman, Vice Chair Kagan, members of EEE:

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

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

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

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

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

[1] According to a recent analysis, there are 2,665 acres of crop and pastureland within 100 feet of tidal waters.
[2] According to Chesapeake Assessment Scenario Tool estimates.
[3] Agriculture Article, §8-701 (SB 597/HB 687 (2020)).

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

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

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

MD SB898 CCWC Letter.pdf
Uploaded by: Sara Ramotnik
Position: FAV

Choose Clean Water
COALITION

February 14, 2025

Senator Brian J. Feldman, Chair
Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

To Chair Feldman and members of the Committee,

The undersigned organizations of the Choose Clean Water Coalition offer testimony in support of SB898, which seeks to prevent water pollution from agricultural fertilizer use that would otherwise be permitted 100 feet from Maryland tidal water, increase land voluntarily enrolled in conservation to further increase nutrient reductions, create the state's first incentive program that provides value to tenant farmers — the growing future for on-farm conservation. This effort is in service of accelerating Bay restoration efforts that bolster progress while including incentives for the farming industry more comprehensively than ever before.

After 40 years of tremendous effort, the Chesapeake Bay and its communities fall short of the success we envisioned at the creation of the Bay Agreement. Creative policies and implementation practices are needed to fill the restoration gap and achieve the full potential of the Bay Agreement. This bill is a direct response to recent scientific reports, including the Bay Program's *Comprehensive Evaluation of the System Response*, the University of Maryland Cooperative Extension's *Riparian Buffer Management Fact Sheet*, and the Harry Hughes Center for Agro-Ecology's *Evaluating the Effectiveness of Economic Incentives to Enhance Riparian Buffer Adoption and Environmental Benefits for Water Quality and Carbon Sequestration*, which all cite riparian buffer adoption as one of, if not the most, cost efficient practice to maximize pollution reductions. Several of these reports also offer evidence that our States incentive programs must be strategically targeted to maximize results and investments, and that incentives must be paired with creative policies to increase participation. SB898 addresses these important recommendations by:

1. Increasing the nutrient application setback on farms bordering tidal waters to 100 feet to reduce nutrient pollution and address the nutrient mass imbalance outlined in the Bay programs CESR report;
2. Increasing incentives for voluntary land enrollment in forest and grass buffers within the 100 foot setbacks;
3. Establish incentives for leased land operators who farm land enrolled in conservation within the 100 foot buffer.

In a time where Maryland's budget faces distinct challenges, it has never been more important to target state investments in conservation that achieves the greatest results, while minimizing

impact to Maryland's farmland to less than half of one percent. We are grateful to Senator Love for bringing this important legislation forward and look to this committee for a favorable report on SB898.

Sincerely,

Arundel Rivers Federation
Assateague Coastal Trust
Chesapeake Legal Alliance
Chesapeake Wildlife Heritage
Clean Water Action
Corsica River Conservancy
Friends of St Clements Bay
Izaak Walton League of America
Maryland League of Conservation Voters
Maryland Pesticide Education Network
Mid-Atlantic Youth Anglers & Outdoors Partners
National Aquarium
National Parks Conservation Association
Rachel Carson Council
Safe Healthy Playing Fields, Inc.
ShoreRivers
Southern Maryland Audubon Society
St. Mary's River Watershed Association
The 6th Branch
Waterkeepers Chesapeake

Testimony, Shannon Hamm.docx - Google Docs.pdf
Uploaded by: Shannon Hamm
Position: FAV

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

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

To Chair Feldman and members of the Committee,

My name is Shannon Hamm, and I am a life long Marylander, now living in Stevensville MD. As you know this is vulnerable slice of Maryland with critical habitat designations on Maryland's Eastern Shore. I offer the following testimony in support of SB898, which seeks to prevent water pollution from agricultural fertilizer use that would otherwise be permitted 100 feet from Maryland tidal water, increase land voluntarily enrolled in conservation to further increase nutrient reductions, create the state's first incentive program that provides value to tenant farmers — the growing future for on-farm conservation. Having spent the past 40 years working for USDA, I not only appreciate the Chesapeake Bay as the world's largest estuary, but as well as someone who understands the value of agriculture to our region. We have to find that balance to support the amenities of the Bay and economic impacts from agriculture. This bill's effort is in service of accelerating Bay restoration efforts that bolster progress while including incentives for the farming industry more comprehensively than ever before. Please take a moment to find those nexus and help create bridges for the future for both.

This bill is a direct response to recent scientific reports, including the Bay Program's *Comprehensive Evaluation of the System Response*, the University of Maryland Cooperative Extension's *Riparian Buffer Management Fact Sheet*, and the Harry Hughes Center for Agro-Ecology's *Evaluating the Effectiveness of Economic Incentives to Enhance Riparian Buffer Adoption and Environmental Benefits for Water Quality and Carbon Sequestration*, which all cite riparian buffer adoption as one of the most cost efficient practices to maximize pollution reductions. Several of these reports offer evidence that Maryland's incentive programs must be strategically targeted to maximize results and investments, and that incentives must be paired with creative policies to increase participation to ensure its adoption and success. The key points that SB898 addresses in its recommendations include:

1. Increasing the nutrient application setback on farms bordering tidal waters to 100 feet to reduce nutrient pollution and address the nutrient mass imbalance outlined in the Bay programs CESR report;
2. Increasing incentives for voluntary land enrollment in forest and grass buffers within the 100 foot setbacks;
3. Establish incentives for leased land operators who farm land enrolled in conservation within the 100 foot buffer.

In a time where Maryland's budget faces shortfalls and distinct challenges, it has never been more important to target state investments in conservation that achieve the greatest results,

while committing to minimize the impact to Maryland's fragile and small farmlands (to less than half of one percent). The time is now to act on this piece of legislation, as environmental and economic forces press against our agricultural industry and I am grateful to Senator Love for bringing this important legislation forward, and I urge this committee for a favorable report on SB898.

SB0898 TEstimony - S. Masterman 2-14-2025.pdf
Uploaded by: Steve Masterman
Position: FAV

Testimony in Support/Opposition of SB0898

Senate Energy, Education, and Environment Committee February 18, 2025
Submitted on February 14, 2025 at approximately 9:00 am.

To Chair Feldman and Committee Members,

My name is Steven Masterman. I live in St. Michaels, Maryland , on Broad Creek , and I urge a favorable report on SB0898.

I support this bill because we have witnessed how important the shoreline areas of the Bay are to protecting water quality, sea life and all of the activities and interests that good water quality can enhance. Rain events have gotten more intense and for too long there has been too little attention paid to the value of natural buffer areas at shorelines. It is not an easy task but it is the right thing to do if we want the Bay to be safe for swimming and fishing.

Thank you for your consideration, and I look to this committee to give SB0898 a favorable report.

Sincerely,

Steve & Pamela Masterman
703-915-0613

Assateague Coastal Trust - SB 0898 - Favorable.pdf
Uploaded by: Taylor Swanson
Position: FAV

SENATE BILL 0898 - Nutrient Management – Tidal Buffer – Vegetative Buffers and Restriction on Fertilizer Application

POSITION: FAVORABLE

February 14, 2025

Dear Chair Feldman and Honorable Members of this Committee,

Assateague Coastal Trust writes in **SUPPORT** of **Senate Bill 0898**, which addresses establishing and enhancing vegetative buffers within the 100-foot tidal buffer zone and restricting fertilizer application in this sensitive area, to better manage nutrient pollution for protection of the Coastal Bays and Chesapeake Bay waterways.

According to the Chesapeake Bay Foundation, there are 2,665 acres of crop and pastureland within 100 feet of tidal waters in Maryland. Much of this land is concentrated on the Eastern Shore, where agricultural operations are feeling the impacts of climate change. Surface and groundwater pollution, saltwater intrusion, and increasingly severe weather events have made farming in these nearshore areas more challenging than ever. The 100-foot tidal buffer zone, which is located on the edge of these tidal waters, is one of the most critical areas for managing nutrient pollution.

As farming productivity continues to be strained in these regions, it is imperative that we take proactive steps to protect both our agricultural lands and our waterways. Senate Bill 0898 is a critical measure for safeguarding Maryland's agricultural productivity while addressing nutrient pollution. Research has shown that vegetative buffers within 100 feet of tidal waters are six times more effective at reducing nitrogen pollution compared to trees planted in upland areas. By restricting fertilizer application within the tidal buffer zone and supporting the establishment of vegetative buffers, this bill will significantly reduce nutrient pollution flowing into the Coastal Bays and Chesapeake Bay.

The numbers speak for themselves. Establishing riparian buffers on the 2,665 acres of farmland within 100 feet of tidal waters will result in:

- A reduction of **83,654 pounds of nitrogen pollution per year**.
- A reduction of **1,706 pounds of phosphorus pollution per year**.
- A reduction of **1,335,538 pounds of sediment pollution per year**.

Notably, forests planted further than 100 feet from tidal waters are only 15 percent as effective as riparian buffers in trapping nutrient pollution, underscoring the importance of targeting our efforts within the tidal buffer.

Importantly, the impact of this initiative on farmers will be minimal. **On the Lower Eastern Shore, only 65 acres in Somerset County, 65 acres in Wicomico County, and 12 acres in Worcester County will be directly affected.** This represents a small proportion of Maryland's farmland, but the environmental and economic benefits of these conservation measures will be far-reaching.

State agricultural cost-share programs are a powerful tool that will help farmers implement these best management practices (BMPs) with minimal disruption to their productivity. **By increasing incentives for ecosystem services rendered by farmers in environmentally sensitive areas and compensating them for their conservation efforts, this bill balances the interests of the agricultural community with the urgent need for environmental protection.** To maximize participation, the bill recommends premium payments for nearshore land enrolled in the cost-share program, and upfront payments to cover establishment costs. Tenant farmers, who may be disproportionately affected, should also receive tax credits or other financial benefits when their landlords take land out of production for BMPs.

The Nearshore Farming and Finance Act, as outlined in this bill, will ensure that Maryland is making strategic investments in riparian buffer zones, which are identified as a top priority in the Chesapeake Bay Program's Chesapeake Enhanced Scenario Report (CESR). By implementing these buffers, Maryland will not only reduce pollution but will also protect valuable agricultural land from the long-term impacts of climate change.

In conclusion, we strongly urge this committee to adopt a **FAVORABLE** report on **Senate Bill 0898** and urge this committee to do the same. The bill offers a forward-thinking solution that provides measurable benefits to water quality while preserving productive farmland. By prioritizing conservation in the tidal buffer zone, we will make a substantial impact on reducing pollution entering our waterways and protecting our agricultural future.

Thank you for your consideration of this important legislation.

Sincerely,

Taylor Swanson
Assateague Coastal Trust
Executive Director & Assateague Coastkeeper
PO Box 731, Berlin, MD 21811
Taylor@actforbays.org
www.ACTforBays.org

SB 898 - Vegetative Buffers and Restriction on Fer

Uploaded by: Grayson Middleton

Position: UNF

Educate. Advocate. Innovate.

Date: February 14, 2025
To: Members of the House Committee on Health and Government Operations
From: Grayson Middleton, Government Affairs Manager
Re: SB0898 – Vegetative Buffers and Restrictions on Fertilizer Application – **Oppose**

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 opposes SB 898 and urges an unfavorable committee report.

SB 898 establishes cost-share funding for fixed natural tidal buffers and provides bonus payments for landowners who enroll and maintain land in a qualified buffer zone. The bill also extends the current nutrient application setback from 25ft to 100ft.

More than 95% of the grain grown on the Eastern Shore is converted to chicken feed. Therefore, the grain and poultry industries on Delmarva are inextricably linked. Any factors affecting the production of grain will invariably have some impact on the production of chicken. In addition, many of the chicken farmers we represent also grow grain.

DCA supports the generous voluntary cost-share incentives and bonuses as outlined in the bill. Maryland farmers frequently take advantage of similar programs, and as a community, we have reduced our nutrient runoff by 2.7 million pounds of nitrogen and 3,160 pounds of phosphorous through voluntary participation in Maryland's cover crop program in 2023 alone. However, given the fiscal note on this legislation, we are not confident that the state will have the resources to fund these new programs. What's left is essentially a land grab.

Extending the current 25ft nutrient application setback from 25ft to 100ft will take an estimated 2,665 acres of agricultural land out of production. Proponents of the bill have argued that farmers can still plant crops within the setback, albeit without utilizing fertilizer. This is a misleading characterization. Without the ability to alter the nutrient content of the soil through nutrient application, these lands would quickly become depleted and unutilized by farmers.

While we do not argue the effectiveness of such a measure, it fails to recognize both the necessity of agriculture in our state and the strides we have made in reducing our nutrient run-off. The U.S. Geological Survey recently estimated that meeting the nutrient reduction goals for the bay would require taking approximately 44% of the region's 8.2 million acres of farmland out of production. While we do not necessarily dispute that figure, it is a non-starter. Food production is not an option; it is the foundation of human health and civilization. We must eventually recognize that taking more and more agricultural lands out of production is not only harmful to our farmer citizens but is an unsustainable approach to addressing environmental challenges.

As such, we urge an **unfavorable** vote on SB 898.

Educate. Advocate. Innovate.

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

Sincerely,

Grayson Middleton

Government Affairs Manager

25 MGPA SB898 Buffer UNF.pdf
Uploaded by: Lindsay Thompson
Position: UNF

Maryland Grain Producers Association
118 Dundee Ave, Chester, MD 21619
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www.marylandgrain.com

Date: February 18, 2025

Senate Bill 898 - Nutrient Management – Tidal Buffer – Vegetative Buffers and Restriction on Fertilizer Application

Committee: Education, Energy and the Environment

MGPA Position: OPPOSED

Maryland Grain Producers Association (MGPA) Position on Senate Bill 898

The Maryland Grain Producers Association (MGPA) serves as the voice of grain farmers across the state, representing those growing corn, wheat, barley, and sorghum. MGPA opposes Senate Bill 898, which would increase the nutrient application setback in the critical area from 35 feet to 100 feet.

As a result of the Water Quality Improvement Act of 1998, every Maryland farmer that derives $2,500 or more from farm income or has eight or more animal units must have a Nutrient Management Plan (NMP). These NMPs determine on a field-by-field basis the amount of essential nutrients a farmer is allowed to apply to meet the needs of the specific crop being grown. As part of those plans, required buffers are mapped for each field. This bill would require that NMPs renewed after June 1, 2025 include a 100 foot buffer tidal waters and wetlands. This would mean that farmers would not be able to apply nutrients within that 100 foot buffer for the 2026 growing season.

While MGPA understands and appreciates the desire to improve and protect water quality, we have several fundamental disagreements with this legislation.

1) One size does not fit all: A 100 foot buffer on a farm in a tidal area in Dorchester County has a much different potential impact on water quality than that same buffer would have in higher elevations such as Queen Anne's or Kent Counties.

2) You cannot farm what you cannot fertilize. While this legislation does not say you cannot farm within the delta of the existing setback and the 100 foot setback, it is impractical to suggest you could still farm that land without fertilizing it.

3) Without guaranteed funding, this is a taking of land from farmers who are already operating on extremely tight margins. 2024 saw the lowest net farm income since the agricultural depression in the 1980's. The total acreage impact of this bill is unclear, but we have heard approximately 3,000 acres which is not insignificant. While we appreciate the sponsor's attempt to include a funding source, we are concerned about the availability of that funding given the current budget climate.

Our preference would be to focus on targeted, voluntary implementation of buffers that have the greatest positive impact on water quality over a one-size fits all offset that will take productive farmland out of production.

We respectfully request your unfavorable report on SB 898.

MDFB - Opposition - SB898 Nutrient Management – Ve

Uploaded by: Tyler Hough

Position: UNF

Maryland Farm Bureau

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

February 14, 2025

To: Senate Education, Energy, and the Environment Committee

From: Maryland Farm Bureau, Inc.

RE: **Opposition of SB898 - Nutrient Management – Tidal Buffer – Vegetative Buffers and Restriction on Fertilizer Application**

On behalf of the nearly 8,000 member families of the Maryland Farm Bureau, I submit written testimony in opposition to SB898 Nutrient Management – Tidal Buffer – Vegetative Buffers and Restriction on Fertilizer Application. This proposed legislation includes provisions for the prohibition of nutrient application within the 100-foot tidal buffer.

The bill may appear to some as a measure that does not outright ban farming within the buffer zone; however, the prohibition of fertilizer application effectively eliminates the ability to farm within that area. Without access to fertilizers, the land will become unproductive, forcing farmers to abandon its use. This is a regulatory restriction disguised as an incentive program, leaving agricultural landowners with no real choice but to comply.

If the goal is to increase buffer establishment, then the approach should rely on voluntary participation rather than coercion. Farmers should be incentivized through enhanced Conservation Reserve Enhancement Program (CREP) payments and cost-share programs, ensuring that buffer adoption is economically viable. Increasing financial incentives, including annual per-acre rental payments comparable to the income generated through crop production, would encourage voluntary compliance rather than mandating restrictions that threaten agricultural livelihoods.

In its current form, SB 898 forces compliance under the pretense of voluntary action. A truly farmer-friendly approach would remove the prohibition on nutrient application and instead focus on strengthening financial support for buffer implementation. By doing so, the bill could achieve its environmental goals without unfairly burdening Maryland's agricultural community. Maryland Farm Bureau respectfully opposes SB898 and requests an unfavorable report.

Sincerely,

Tyler Hough
Director of Government Relations

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

MDE SB898 INF.docx.pdf
Uploaded by: Jeremy D. Baker
Position: INFO

The Maryland Department of the Environment
Secretary Serena McIlwain

Senate Bill 898
Nutrient Management – Tidal Buffer – Vegetative Buffers and Restriction on Fertilizer Application

Position: Informational
Committee: Education, Energy, and the Environment
Date: February 18, 2025
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) offers the following **INFORMATIONAL** testimony for SB 898.

Bill Summary

The Conservation Reserve Enhancement Program currently provides one-time payments to landowners who enroll land planted with a forested streamside buffer. Senate Bill 898 would expand the program to include various financial incentives for a "fixed natural buffers", which the bill defines as "a strip of maintained, native vegetation alongside a body of water." The Maryland Department of Agriculture will set implementation guidelines, and funding runs from 2026–2031.

Key Points

The bill does not explicitly address whether the buffer can be altered for shore erosion control projects, such as living shorelines, which are mandated by law to be installed where feasible and may require modifications at the land-water interface. Clarification on this point may be necessary to prevent conflicts with shoreline stabilization efforts.

MDE understands that the Maryland Department of Agriculture also has concerns about expanding the use of funding currently dedicated to the Enhancement Program.

MDE hopes this **INFORMATIONAL** testimony regarding SB 898 is helpful. Please do not hesitate to reach out if you have any questions.

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

SB898 - MDA LOI.docx.pdf
Uploaded by: Rachel Jones
Position: INFO

Maryland
Department of Agriculture
Office of the Secretary
Wes Moore, Governor
Aruna Miller, Lt. Governor
Kevin Atticks, Secretary
Steven A. Connelly, Deputy Secretary

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Maryland Department of Agriculture

Legislative Comment

DATE: February 18, 2025

BILL NUMBER: SB 898/HB 1175

SHORT TITLE: Nutrient Management- Tidal Buffer – Vegetative Buffers and Restriction on Fertilizer Application

MDA POSITION: INFORMATION

This legislation requires the Maryland Department of Agriculture (MDA) to adopt technical specifications to manage cost-share funding for installing vegetative buffer practices on land within the 100 ft tidal buffer of an agricultural operation. Additionally, it prohibits anyone applying certain fertilizer to land within that 100 ft tidal buffer from renewing their Nutrient Management Plan. It increases the one-time signing bonus a landowner receives for installing a forested streamside buffer from $1000 per acre of land to $1250 per acre of land over the next five years.

While the intent is to incentivize landowners to install buffers utilizing a variety of annual per acre bonuses and reimbursements for eligible costs, it also requires MDA to develop a tiered system to assess per acre bonus rates. MDA is already in the process of establishing a new incentive program, the Leaders in Environmentally Engaged Farming (LEEF) program which the Governor's budget includes an annual appropriation for. Various incentives that are working successfully across the state will be given credits based on a tiered ranking system. Our other cost share programs will be maximized to rank farms and grant them a certain LEEF certification ranking which will qualify them for greater benefits, reduced permitting fees, etc.

LEEF is part of SB 428/HB 506 The Chesapeake Bay Legacy Act, which is one of the Governor's priority bills. MDA would be willing and able to incorporate some of the tenants of the bill into LEEF as an eligible practice for which landowners would not only receive cost share payments for, but they would also be recognized as a leader in environmentally responsible practices through the program.

The bill would also use as a funding mechanism the Tree Solutions Now Fund. The fund currently allows MDA to utilize cost share for applicants to plant trees on their land. The Fund was established in 2021 with an annual appropriation of $2.5 million dollars. The budget cuts for FY 26 and beyond reduce the Fund to $500,000 annually. On average, over the past 4 years MDA didn't allocate more than $500,000 for tree plantings because we didn't receive applications for an amount greater than that. This legislation expands the allowable uses for the Fund to include the buffers, bonuses, and reimbursements. This would result in even less trees planted utilizing the Fund.

MDA appreciates the Committee's consideration of the above information.

If you have additional questions, please contact Rachel Jones, Director of Government Relations, at rachel.jones2@maryland.gov or 410-841-5886.