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Delegate Stein's Testimony in Support of HB 1175 Nutrient Management – Tidal Buffer – Vegetive Buffers and Restriction on Fertilizer Application

This year, 2025, is the last year of the Chesapeake Bay Agreement, and the Chesapeake Bay is barely making a passing grade. There is still a lot of work that needs to be done to reduce the nutrient pollution in the bay. The Comprehensive Evaluation of System Response (CESR Report), a four-year study led by scientists advising the Chesapeake Bay Program, examined why there hasn't been more progress, despite forty years of concerted, multi-state and federal efforts to clean the Bay. The CESR Report looked specifically at what actions need to be taken beyond 2025.

The CESR report found there was an "implementation gap," meaning that the practices that could reduce nitrogen, phosphorus, and sediment pollution, have not been widely adopted at a scale necessary to achieve Bay Agreement goals.

This legislation is one important step in that direction. The land area that most immediately impacts the Bay lies around it—the Critical Area. Yet, despite years of science indicating that a buffer of about 100 feet is needed to protect the waterways from nutrient and sediment runoff, we only restrict farmers from using fertilizer within 35 feet of tidal water.

The first thing this bill does is mandate that farms maintain a 100-foot setback from fertilizer application. This mandate only impacts a total of 2,600 acres, less than half of one percent of Maryland's farmland, and the majority of those acres are found in Talbot and Dorchester Counties, where many farmers in the 100-foot buffer currently struggle because this land can't be farmed because of saltwater intrusion and sea level rise. Establishing a 100-foot setback and encouraging conservation buffer adoption will in the long run protect farmland from erosion and tidal flooding.

The increased setback alone will mean significant environmental benefits for our waterways, but by encouraging farmers and landowners to adopt conservation buffers, we will achieve even more— the Bay Programs CAST model predicts that this bill will reduce Nitrogen pollution by 83,654 lbs/yr, Phosphorus pollution by 1,706 lbs/yr, and Sediment pollution by 1,335,538 lbs/yr.

The final critical component of this bill establishes incentives for tenant farmers—farmers who rent the land they operate—in the Critical Area. This is a group of farmers who have previously been excluded from incentive programs and is the growing future for farm conservation. To ensure increased success beyond 2025, the state needs to include all farming communities.

In the wake of the federal funding crisis, coupled with Maryland's work to pass a balanced budget, we all recognize the considerable tasks before this legislative body. A thriving environment fuels our public health, enjoyment of this great state, and is the backbone for the industries Maryland is proud to claim. Nearshore Farming and Finance can help accelerate Maryland's environmental goals at a fiscally responsible rate on Maryland's farmland by maximizing nutrient reductions at a cost of $9.08 per pound of nitrogen (this rate is *significantly* lower than *any* rates proposed for the Clean Water Commerce Act FY23 Solicitation).

Tough budget decisions must be made this year, which makes it even more important that we look at programs that provide the best results for the least amount of money.