MARYLAND LEAGUE OF CONSERVATION VOTERS

February 26, 2025

SUPPORT: HB898 - Nutrient Management - Tidal Buffer - Vegetative Buffers and Restriction on Fertilizer Application

Chair Korman and Members of the Committee:

Maryland LCV supports House Bill 1175 and we are grateful to Delegate Stein 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.

House Bill 1175 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