

SENATE BILL 898

M4, M3

5lr2133
CF 5lr2132

By: **Senator Love**

Introduced and read first time: January 28, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of altering certain payments received by participants in the Conservation
5 Reserve Enhancement Program, including by requiring certain payments for
6 installing certain vegetative buffer practices on land within a certain tidal buffer on
7 an agricultural operation; authorizing, under certain circumstances and in
8 accordance with certain technical specifications, that State cost-share funding be
9 made available for installing certain vegetative buffer practices on land within a
10 certain tidal buffer on an agricultural operation; establishing that a certain
11 agricultural operator is eligible for reimbursement up to a certain percentage of the
12 cost of a certain vegetative buffer practice and to receive certain bonus payments
13 assessed in a certain manner; prohibiting a nutrient management plan renewed
14 after a certain date from allowing a person to apply certain fertilizer to land within
15 a certain tidal buffer; and generally relating to nutrient management on agricultural
16 land within a tidal buffer.

17 BY repealing and reenacting, with amendments,
18 Article – Agriculture
19 Section 8–706
20 Annotated Code of Maryland
21 (2016 Replacement Volume and 2024 Supplement)

22 BY adding to
23 Article – Agriculture
24 Section 8–707 and 8–803.10
25 Annotated Code of Maryland
26 (2016 Replacement Volume and 2024 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article – Agriculture

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 8–8A–01(a) and (b)
Annotated Code of Maryland
(2016 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Agriculture

8–706.

(a) To maximize participation in the Conservation Reserve Enhancement
Program[, in]:

(1) IN fiscal years [2023] 2026 through 2031, inclusive, a landowner who enrolls land planted with a forested streamside buffer shall receive a one-time signing bonus of up to [\$1,000] \$1,250 per acre of land enrolled;

(2) IN FISCAL YEARS 2026 THROUGH 2031, INCLUSIVE, A LANDOWNER WHO ENROLLS LAND PLANTED WITH A FIXED NATURAL BUFFER UNDER § 8–707 OF THIS SUBTITLE SHALL RECEIVE A ONE-TIME SIGNING BONUS OF UP TO \$1,500 PER ACRE OF QUALIFYING LAND ENROLLED; AND

(3) IN FISCAL YEARS 2026 THROUGH 2031, INCLUSIVE, AN AGRICULTURAL OPERATION, INCLUDING LEASED LAND OPERATORS, WITH LAND THAT IS LOCATED WITHIN THE CRITICAL AREA AND ENROLLED IN A FIXED NATURAL BUFFER PROGRAM UNDER § 8–707 OF THIS SUBTITLE SHALL RECEIVE AN ANNUAL PAYMENT OF AT LEAST \$150 PER ACRE OF PROJECT AREA.

(b) Signing bonuses provided under this section shall be funded with:

(1) Money appropriated under subsection (c) of this section; and

(2) The amount specified in § 9–1605.2(i)(11)(i) of the Environment Article.

(c) (1) For fiscal years 2024 through 2031, in each year the Governor shall appropriate \$2,500,000 in the annual State budget to fund **FIXED NATURAL BUFFERS UNDER § 8–707 OF THIS SUBTITLE**, tree planting under this section, and other tree planting programs on agricultural land.

(2) Money appropriated under this subsection is supplemental to and may not take the place of funding that would otherwise be appropriated for **FIXED NATURAL BUFFERS UNDER § 8–707 OF THIS SUBTITLE**, tree plantings under this section, and other tree planting programs on agricultural land.

8-707.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "FIXED NATURAL BUFFER" MEANS A STRIP OF MAINTAINED, NATIVE VEGETATION ALONGSIDE A BODY OF WATER.

(II) "FIXED NATURAL BUFFER" INCLUDES THE FOLLOWING FIXED NATURAL FILTER PRACTICES:

1. THE PLANTING OF RIPARIAN FOREST BUFFERS;

2. THE PLANTING OF RIPARIAN HERBACEOUS COVER;

3. TREE PLANTINGS THAT ARE ON AGRICULTURAL LAND; AND

4. WETLAND RESTORATION.

(III) "FIXED NATURAL BUFFER" DOES NOT INCLUDE PASTURE MANAGEMENT, AS DESCRIBED UNDER § 8-701(D)(5) OF THIS SUBTITLE.

(3) "100-FOOT TIDAL BUFFER" MEANS ANY LAND WITHIN 100 FEET OF:

(I) THE MEAN HIGH WATER LINE OF TIDAL WATERS;

(II) THE EDGE OF EACH BANK OF A TRIBUTARY TIDAL STREAM;

OR

(III) THE LANDWARD BOUNDARY OF A TIDAL WETLAND.

(B) IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS ADOPTED BY THE DEPARTMENT UNDER SUBSECTION (C) OF THIS SECTION, STATE COST-SHARE FUNDING MAY BE MADE AVAILABLE TO A PERSON FOR INSTALLING A FIXED NATURAL BUFFER WITHIN THE 100-FOOT TIDAL BUFFER ON AN AGRICULTURAL OPERATION IF THE PERSON ENTERS INTO A COST-SHARE AGREEMENT WITH THE DEPARTMENT IN ACCORDANCE WITH § 8-704 OF THIS SUBTITLE.

(C) (1) ON OR BEFORE JULY 1, 2025, THE DEPARTMENT SHALL ADOPT TECHNICAL SPECIFICATIONS FOR A FIXED NATURAL BUFFER PRACTICE TO BE ELIGIBLE FOR COST-SHARE FUNDING UNDER THIS SECTION.

(2) THE SPECIFICATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A REQUIREMENT THAT THE FIXED NATURAL BUFFER FILLS THE ENTIRE WIDTH OF THE 100-FOOT TIDAL BUFFER.

(D) (1) AN AGRICULTURAL OPERATOR WHO MEETS THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION IS ELIGIBLE FOR:

(I) REIMBURSEMENT OF UP TO 150% OF ELIGIBLE COSTS TOWARD THE INSTALLATION OF THE ELIGIBLE FIXED NATURAL BUFFER;

(II) AN UP-FRONT BONUS PAYMENT AWARDED PER ACRE OF ELIGIBLE LAND COVERED BY THE FIXED NATURAL BUFFER ASSESSED AT A TIERED RATE DETERMINED BY THE DEPARTMENT IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION; AND

(III) AN ANNUAL BONUS PAYMENT PER ACRE OF ELIGIBLE LAND THAT REMAINS COVERED BY THE FIXED NATURAL BUFFER ASSESSED AT A STATEWIDE FLAT RATE OF NOT LESS THAN \$150 PER ACRE IN ACCORDANCE WITH § 8-706(A)(3) OF THIS SUBTITLE.

(2) (I) THE DEPARTMENT SHALL DEVELOP A TIERED SYSTEM TO ASSESS THE PER-ACRE RATE OF BONUS PAYMENTS FOR A NEWLY INSTALLED FIXED NATURAL BUFFER UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, BASED ON:

1. THE TYPE OF BEST MANAGEMENT PRACTICE IMPLEMENTED, ASSIGNING HIGHER VALUE TO RIPARIAN TREE BUFFERS;

2. THE ELEVATION OF THE PROJECT;

3. THE SLOPE OF THE LAND WITHIN THE 100-FOOT TIDAL BUFFER; AND

4. THE EXTENT OF ANY HYDRIC SOILS OR WETLANDS IN THE BUFFER.

(II) THE BONUS PAYMENTS MAY NOT BE LESS THAN \$1,000 PER ACRE OR NOT MORE THAN \$4,000 PER ACRE.

8-803.10.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "AGRICULTURAL OPERATION" HAS THE MEANING STATED IN § 8-8A-01 OF THIS TITLE.

(3) "FERTILIZER" MEANS ANY COMMERCIAL FERTILIZER, MANURE, SLUDGE, SOIL CONDITIONER, OR OTHER SUBSTANCE CONTAINING A RECOGNIZED PLANT NUTRIENT USED FOR ITS PLANT NUTRIENT CONTENT AND DESIGNED FOR USE TOWARD, OR CLAIMED TO HAVE VALUE IN, PROMOTING PLANT GROWTH.

(B) A NUTRIENT MANAGEMENT PLAN RENEWED ON OR AFTER JULY 1, 2025, MAY NOT ALLOW A PERSON ON AN AGRICULTURAL OPERATION TO APPLY FERTILIZER TO ANY LAND WITHIN 100 FEET OF:

(1) THE MEAN HIGH WATER LINE OF TIDAL WATERS;

(2) THE EDGE OF EACH BANK OF A TRIBUTARY TIDAL STREAM; OR

(3) THE LANDWARD BOUNDARY OF A TIDAL WETLAND.

8-8A-01.

(a) In this subtitle the following words have the meanings indicated.

(b) "Agricultural operation" means each physical site where a person engages in a business that:

(1) Grows, raises, keeps, pastures, or otherwise produces a farm product, including:

(i) Any agricultural, horticultural, vegetable, or fruit product of the soil; or

(ii) Livestock, poultry, eggs, dairy products, nuts, honey, and every product of a farm, a forest, or an orchard; and

(2) Has:

(i) A gross annual income of \$2,500 or more; or

(ii) Eight or more animal units.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2025.