



ANNUAL REPORT FY 20

**Maryland Agricultural
Land Preservation
Foundation**

A Message from the Executive Director

Dear Stakeholders,

FY20 began and ended very differently for all of us. The Maryland Agricultural Land Preservation Foundation (MALPF), like the rest of the world, had to make adjustments to continue its important work during the pandemic. When staff began working remotely in mid-March, MALPF had to revise and establish new processes in order to keep the new easement acquisition transactions proceeding and to continue work on existing easement requests, stewardship matters, and enforcement issues.



I am happy to report that even with the impact of the programmatic changes due to the COVID-19 pandemic, MALPF not only continued with the steady rate of new easement acquisitions, but actually protected more acres in a single year since the FY09-10 application cycle. The increase in easement acquisitions settled in FY20 is a direct result of returning to the fully-funded, single year easement application cycle that began in FY19.

By the end of summer 2020, MALPF had settled 82 out of the total 96 easement offers from the FY19 application cycle. After reviewing 186 applications, MALPF entered into contracts to purchase over 80 easements in the FY20 cycle. These easement sales bring much needed funds into the agricultural community during these difficult times.

At the end of FY20, MALPF had preserved 2,413 farms across Maryland, totaling 326,650 acres at a public investment of over \$784 million. MALPF is well underway in the appraisal process for 179 new applications that were accepted and forwarded to the Maryland Department of General Services for the FY21 application cycle.

It continues to be an honor to serve as MALPF's executive director. During an unprecedented year, I am more proud than ever at how MALPF, and its staff have grown and evolved to meet the needs of an ever changing agriculture industry. Despite the multiple curve balls 2020 has thrown, MALPF has continued to provide exceptional service to the citizens of Maryland and protect vital farmland across the state.

Sincerely,

Michelle Cable

Michelle Cable
Executive Director

ABOUT

What is the Maryland Agricultural Land Preservation Foundation (MALPF)?

MALPF is a program with the primary purpose to preserve sufficient agricultural land to maintain a viable local base of food and fiber production for the present and future citizens of Maryland. The program purchases perpetual agricultural conservation easements on eligible farmland throughout the state. In other words, the program pays landowners to continue what they have done for years, decades, or sometimes a century or more – farm their land.

MALPF was established in 1977, and has since grown into one of the most successful programs of its kind in the country.

Below are the eligibility criteria and procedures for the sale of an easement.

SIZE: The minimum easement size is 50 contiguous acres. If a property is less than 50 acres, a landowner may still be eligible to apply and should visit MALPF's website to review **fact sheet 12**, Small Properties in the Agricultural Land Preservation Program, or contact a local program administrator.

If a property is contiguous to an existing easement, the landowner may apply to sell an easement regardless of the acreage.

PRODUCTIVITY: An easement is purchased on land that is either currently being used for producing food or fiber or has the capability to do so. Woodland management and harvesting operations are eligible to join this program. The productivity of the soil as measured by the U.S. Department of Agriculture's (USDA) Soil Conservation Service Land Classification System is a major criterion. Soil requirements for the property to qualify to participate in the program are:

- At least 50% of the land is classified as Class I, II, or III soils; or
- If the land is wooded, 50% of the land is classified as Woodland Group 1 or 2 soils; or
- If the reason the land could not meet the above conditions was because of floodplain or wetland soils, those areas could be excluded as a percentage of land; or
- If there is an insufficient percentage of Class I, II, or III soils alone and there is an insufficient percentage of Woodland Groups 1 and 2 soils alone, the land would qualify if the combination of the two exceeded 60%; or
- Land with lower soil capabilities may qualify under certain conditions.

LOCATION: Land that lies within the boundaries of a 10-year water and sewer service area plan is generally ineligible unless it has extraordinary productive capability, and is of significant size.

DEVELOPMENT RIGHTS: A property must have at least one unused development right associated with the property to sell an easement.

LOCAL CRITERIA: The criteria listed above are the minimum eligibility standards set by the state. The program is administered jointly by the county and state. The county may impose criteria, which could be in addition to or more stringent than the state.



2020 CERTIFICATION REPORT

Report on the Program for Certification of Local Agricultural Land Preservation Programs for FY20

Governor Larry Hogan signed House Bill 620 (HB 620), on April 24, 2018, amending Maryland's Certification of Local Agricultural Preservation Programs (CLAPP) law to authorize MALPF and the Maryland Department of Planning (Planning) to extend the recertification period for county programs from three to five years if its farmland preservation program has been determined to be consistently effective in achieving preservation goals.

While revising the CLAPP regulations in response to HB 620, Planning and MALPF decided to review all the certification regulations with a focus on streamlining reporting while maintaining strong agricultural land preservation planning requirements. Through a two-year effort, Planning and MALPF completed a comprehensive analysis and update of the regulations. This culminated in the review and approval of the regulatory changes by the Maryland Secretary of Planning and the MALPF Board.

The revised CLAPP regulations, outlined in COMAR 34.03.03, reflect the following changes:

- Apparent redundancies in the regulations were removed.
- Outdated provisions were deleted.
- Requirements for preservation and development data were made specific to locally designated Priority Preservation Areas (PPAs) so the state could better evaluate program implementation in the areas that counties determined most important to preserve.
- The requirements for initial certification and recertification were clarified and differentiated.
- Reporting on the program development strategy was simplified and clarified.

The Planning and MALPF also designed a reporting template to make annual reporting easier.

The CLAPP program was created in 1990. The goals of the program are to:

- 1. Preserve the important role agriculture plays in maintaining the state's high environmental quality;**
- 2. Encourage development of county agricultural preservation programs that complement MALPF's preservation efforts; and**
- 3. Employ agricultural land preservation as a tool to manage growth.**

Counties able to demonstrate that they have an effective program to preserve productive farmland and forests are eligible to participate in the CLAPP program. Local preservation programs consist of a combination of preservation tools, such as: low-density agricultural zoning, purchase or transfer of development rights programs, right-to-farm policies, support for agricultural businesses, and the designation of agriculture as the best use of certain lands, among others.

To qualify for and retain certified status, counties are required to designate PPAs. Counties concentrate their preservation efforts and program funding into their PPAs in order to preserve large contiguous blocks of agricultural and forested land.

Participation in the program by interested counties is voluntary. Certified counties enjoy the benefit of retaining 75% of their locally-generated agricultural transfer tax revenue, while non-certified counties retain 33%. All retained revenue must be spent or encumbered for qualifying land preservation expenditures within three years of collection or those collected funds are reverted to MALPF. By participating in the CLAPP program, counties are able to use more of their agricultural transfer tax revenue to better support their preservation programs in ways that best meet local goals and needs.



In FY20, four counties were recertified through joint action by Planning and the MALPF Board. To determine eligibility for recertification, Planning reviews each county request against the CLAPP regulatory requirements and then makes a recommendation to the Secretary of Planning and the MALPF Board.

As of June 30, 2020, 16 counties are now CLAPP certified, including: Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Frederick, Harford, Kent, Montgomery, Prince George's, Queen Anne's, St. Mary's, Talbot, Washington, and Worcester. Fourteen of the 16 counties have been recertified for the extended period of five years. Planning and the MALPF Board determined that these 14 county farmland preservation programs have continued to effectively achieve their preservation goals. The two remaining counties will be eligible for the five-year recertification period when they next apply for recertification.

2020 LEGISLATIVE UPDATE

Due to the COVID-19 pandemic, Maryland's 2020 legislative session adjourned early on March 18. The following bill was passed before the session ended, signed by Governor Larry Hogan, and enacted into law earlier this year.

HB 17/SB 244 – Maryland Agricultural Land Preservation Foundation – Valuation of Easement

In each easement cycle all eligible applications are to be provided to the Maryland Department of General Services (DGS) to procure two appraisals for each application property to determine its fair market value. Oftentimes, a landowner who does not receive an offer during one cycle reapplies for the next cycle. Trends in agricultural value historically have not changed rapidly; this results in repeat applications being appraised only one year after its initial application. Passage of the law enables appraisals, at MALPF's discretion, to be valid for two years, alleviating the need to appraise a property twice in a two-year period. This statutory change decreases the volume of appraisals to be produced, reduces appraisal expenses to MALPF, and allows for greater operational capacity for DGS appraisers.

STEWARDSHIP UPDATE

Once an easement is settled, MALPF is in a permanent relationship with the original and all future owners of the easement property. MALPF or an authorized representative periodically inspects the easement property to assure that all rules and regulations of the program are being followed.

To remain in the program, the property should be used for agriculture use only. Any non-agricultural commercial, industrial, or residential use is prohibited. Easement holders who are contemplating another use for their property must contact a county program administrator to see if further direction or approval is needed.

Some common violations that are found during inspections include:

- 1. Expired soil conservation and water quality plans.** These plans need to be updated every 10 years. Program participants can check with their local soil conservation district to see when their plan will expire.
- 2. Expired forest management plans.** These plans need to be updated every 15 years. Program participants with large amounts of woodland can check with county program officers to see if a plan is needed.
- 3. Junk and Debris.** Easement owners are expected to be good stewards of the land, keeping their property neat, tidy, and free of rubble.

When an easement is established, it is on the land as a whole. Easement holders may not convey a portion of the property without MALPF approval. When an owner of an easement property decides to sell the farm, the seller must disclose the existing easement to potential buyers.

As with all relationships, they take work on both sides. During inspections, MALPF or an authorized representative touches base with landowners and uses this time to answer questions about the program. MALPF is committed to working with landowners to protect Maryland farmland, preserve rural communities, and carry on our state's agriculture economy and legacy.



MALPF STATE MAP

Maryland Agricultural Land Preservation Foundation Easements



0 15 30 60 Miles



TOTAL EASEMENTS ACQUIRED

County	Number of Easements	Acreage	Cost	Percent of Total
Allegany	13	1,679	\$3,549,416	0.51%
Anne Arundel	44	5,519	\$22,817,783	1.69%
Baltimore	245	25,125	\$92,182,056	7.69%
Calvert	35	4,715	\$12,267,678	1.44%
Caroline	229	33,388	\$35,597,526	10.22%
Carroll	377	44,295	\$96,400,724	13.56%
Cecil	102	15,225	\$37,294,437	4.66%
Charles	74	11,364	\$41,110,280	3.48%
Dorchester	97	15,171	\$21,098,034	4.64%
Frederick	149	22,557	\$55,653,172	6.91%
Garrett	59	7,326	\$10,672,464	2.24%
Harford	142	15,579	\$50,199,935	4.77%
Howard	33	4,084	\$8,181,710	1.25%
Kent	111	20,855	\$45,416,013	6.38%
Montgomery	32	4,856	\$19,226,074	1.49%
Prince George's	19	1,737	\$14,735,206	0.53%
Queen Anne's	185	31,600	\$58,390,248	9.67%
St. Mary's	132	13,250	\$54,525,952	4.06%
Somerset	54	6,068	\$9,223,058	1.86%
Talbot	79	12,174	\$30,553,605	3.73%
Washington	86	13,833	\$36,121,875	4.23%
Wicomico	61	7,485	\$13,440,230	2.29%
Worcester	55	8,765	\$15,752,015	2.68%
TOTALS	2,413	326,650	784,409,488	100%

AS OF JUNE 30, 2020

FY20 EASEMENT SETTLEMENTS

County	Number of Easements	Number of Acres	Acquisition Costs		Average Farm Size in Acres
			Average Per Acres	Total	
Allegany					
Anne Arundel					
Baltimore	4	406	6,543	2,656,868	102
Calvert					
Caroline	3	324	2,873	931,544	108
Carroll	6	406	5,082	2,064,991.04	68
Cecil					
Charles	7	1,560	2,700	4,211,555	223
Dorchester	3	382	2,969	1,135,389	127
Frederick	6	803	4,476	3,592,815	134
Garrett	1	33	2,916	97,500	33
Harford	2	118	6,335	749,925	59
Howard	1	25	18,011	448,119	25
Kent	4	522	3,410	1,780,940.00	130.55125
Montgomery	1	102	7,425	760,666	102
Prince George's	1	87	5,175	448,500	87
Queen Anne's	6	1,184	3,698	4,380,565	197
St. Mary's	9	923	4,662	4,303,322	103
Somerset	4	341	2,602	886639.21	85.19475
Talbot					
Washington	3	313	3,737	1,170,000	104
Wicomico	1	59	4,568	267,750	59
Worcester	3	746	2,145	1,599,205	249
TOTALS	65	8,335	3,777	31,486,292	128

AS OF JUNE 30, 2020

FY20 EASEMENT ACQUISITION COSTS

Fiscal Year	Number of Farms	Acquisition Costs	Number of Acres
FY77 - FY06	1,708	\$342,578,700	236,259
FY07	70	\$40,297,919	9,592
FY08	106	\$78,270,208	13,810
FY09	79	\$68,588,962	9,787
FY10	68	\$52,814,641	8,816
FY11	14	\$6,783,740	1,527
FY12	41	\$21,217,570	4,692
FY13	16	\$7,925,597	1,773
FY14	52	\$26,302,733	6,117
FY15	33	\$19,569,931	4,324
FY16	31	\$17,719,957	4,219
FY17	28	\$17,062,423	4,481
FY18	56	\$29,561,084	7,402
FY19	46	\$23,838,120	5,530
FY20	65	\$31,486,292	8,335

AS OF JUNE 30, 2020

MALPF BOARD & STAFF

Appointed Board Members

- **William Allen**, Chair, Member At-Large
- **Taylor B. Huffman**, Vice Chair, Maryland Agricultural Commission Representative
- **Catherine Cosgrove**, Member At-Large
- **Cricket Goodall**, Maryland Farm Bureau Representative
- **Elizabeth Hill**, Member At-Large
- **Robin Kable**, Member At-Large
- **Joseph W. Wood**, Member At-Large
- **J. Bruce Yerkes**, Maryland Grange Representative
- **Vacant**, Member At-Large

Ex-Officio Board Members

- **Honorable Nancy K. Kopp**, Maryland State Treasurer
- **Honorable Peter Franchot**, Maryland Comptroller
- **Honorable Joseph Bartenfelder**, Maryland Secretary of Agriculture
- **Honorable Robert McCord**, Maryland Secretary of Planning

Foundation Staff

- **Michelle Cable**, Executive Director
- **Diane Chase**, Administrator
- **Chana Turner**, Administrator
- **Sarel Cousins**, Administrator
- **Kim Hoxter**, Administrative Officer
- **Amanda C. Wilson**, Administrative Specialist

COUNTY PROGRAMS

ALLEGANY

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Chair: Ben Sansom

ANNE ARUNDEL

Barbara Polito
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Parks
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P.O. Box 6675, MS-3225
Annapolis, MD 21401
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Chair: Maureen Heimbuch

BALTIMORE

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105 W. Chesapeake Ave.,
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Chair: John Merryman

CALVERT

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CAROLINE

Beth Beales
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403 S. Seventh St.,
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(410) 479-8100
Chair: Beth Carmean

CARROLL

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(410) 386-2214
Chair: Jerry Russell

CECIL

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Chair: Robert W. Miller

CHARLES

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Chair: Charles E. Bowling

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Chair: Trent Jackson

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Chair: Samuel G. Tressler III

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Chair: Gary Berkebile

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Chair: John Stump

HOWARD

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PRINCE GEORGE'S

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Eugene

QUEEN ANNE'S

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ST. MARY'S

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SOMERSET

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TALBOT

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Maryland Agricultural Land Preservation Foundation

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Governor Larry Hogan
Lt. Governor Boyd K. Rutherford
Secretary Joseph Bartenfelder
Dep. Secretary Julianne A. Oberg