

An aerial photograph showing a large expanse of green agricultural fields, likely corn or soybeans, with distinct rows and furrows. To the left, there is a dense forest of green trees. The overall scene is bright and clear, suggesting a sunny day.

The Maryland
**Agricultural Land
Preservation**
Foundation

FY 2017 Annual Report

Celebrating 40 Years and
more than 304,000 acres
permanently preserved!

From the Executive Director

Carol S. West



304,000 Acres... and counting!

In September, we had a party to celebrate 40 years of land preservation and more than 300,000 acres preserved. The luncheon was well attended with more than 90 past and present state officials, board members, county program administrators, and MALPF staff. James Conrad,

my predecessor, traveled all the way from California to join the celebration.

We are in the middle of the FY 2017 easement acquisition cycle. As of December 31, we received 205 applications and have had 57 offers representing 8,629 acres and \$34,865,498 accepted by landowners and approved by the Board of Public Works. We anticipate wrapping up offers in the winter months and will be accepting applications for the next cycle on July 1, 2018. For the current cycle, the program has almost \$52 million with more than \$9.5 million coming from county commitments. By the end of FY 2017, we had preserved 2,242 properties that represent 304,858 acres at a public investment of almost \$700 million.

It is likely that this is the last Annual Report that I will personally produce for the program. I have had a very fulfilling career and am looking forward to the next chapter that life has for me. With 39 years of State service, I think it's time to hand over the reins. I have been blessed with the birth of my first grandchild and the need to be close to her is causing my husband and I to pull up our roots and move to Florida. That's my pumpkin in the picture picking her first Florida orange. But don't worry. I will be leaving the program in good hands. Turn to pages nine and ten to meet the MALPF staff. This group of young women is more than capable of carrying on the task of maintaining MALPF's status as one of the leading preservation programs in the country.

Thank you for the privilege of serving the citizens of Maryland and leading such a wonderful program. Be blessed.

Sincerely,

Carol S. West

How to Get into the Preservation Program

What is a MALPF?

MALPF is an acronym that stands for Maryland Agricultural Land Preservation Foundation. The program has been in existence since 1977. It is one of the most successful programs of its kind in the country.

The program's primary purpose is 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, we pay landowners to continue what they have done for years, decades, or sometimes a century or more – continue to farm their land.

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

SIZE: The minimum easement size is fifty contiguous acres. If a property is less than fifty acres, a landowner may be eligible to apply and should visit our website to review Fact Sheet Five, "Small Properties in the Agricultural Preservation Program," or confer with the local program administrator.

3 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 USDA's 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 flood-plain 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 ten-year water and sewer service area plan is generally not eligible unless it has extraordinary productive capability and is of significant size.

LOCAL CRITERIA: The criteria listed above are the minimum eligibility standards set by the State. The Program is administered by county and State in an equitable partnership. The county may impose criteria which could be in addition to or more stringent than the State criteria.

2017 Legislative Update

HB155 - Maryland Agricultural Land Preservation Foundation – Easement Termination

This legislation only applies to easements approved for purchase by the Board of Public Works prior to October 1, 2004. This legislation segments the easement termination process into separate review processes so that MALPF is not expending time and effort on termination applications until after a county governing body authorizes easement termination. Prior to this legislation, the easement termination process required simultaneous processes by the counties and MALPF, where MALPF's decision may be moot if an application is denied by any county. This legislation segments the termination process by having the county first decide upon land use matters. If the county denies the request, the request fails and does not move forward to the Foundation. If the request is approved, it moves forward to MALPF to determine whether the land may be farmed profitably.

SB 975 – Real Property – Agricultural Land Preservation Easements – Separate Parcels

This legislation only applies to easements purchased by MALPF before January 1, 1999. This legislation only applies to original grantors of the easement property. By this legislation, eligible landowners are provided a short window to request an agricultural subdivision of the easement property to be considered by MALPF using the minimum acreage required for the proposed subdivided and remainder parcels in effect at the time the easement was purchased, as opposed to using the current 50-acre requirement for subdivided and remainder parcels. The agricultural subdivision request must meet other specific criteria. This law automatically becomes void on June 30, 2019.

SB 703 – Maryland Agricultural Land Preservation Foundation – Participation in the Readiness and Environmental Protection Integration Program (REPI)

This legislation only applies to properties over which an easement will be purchased if the property is located in the vicinity of the naval Atlantic Test Range and subject to REPI. Such properties are required to be included as part of a partnership with REPI, subject to available funding and the landowner's willingness to accept restrictions imposed by a REPI easement. This legislation did not anticipate statutory incompatibility between federal and MALPF condemnation requirements. Such incompatibility prohibits MALPF's ability to partner with REPI. Legislation is anticipated to be introduced in the 2018 legislative session to address this incongruity.

Total Easements Acquired

As of June 30, 2017

County	Total Easements Acquired			PERCENT OF TOTAL
	Number	Acreage	Cost	
Allegany	9	1,252	\$2,761,916	0.41%
Anne Arundel	42	5,278	\$21,313,283	1.73%
Baltimore	228	23,801	\$82,858,930	7.81%
Calvert	35	4,715	\$12,267,678	1.55%
Caroline	223	32,536	\$33,336,937	10.67%
Carroll	366	43,248	\$91,003,802	14.19%
Cecil	100	14,740	\$35,805,945	4.84%
Charles	52	8,233	\$30,866,158	2.70%
Dorchester	88	14,056	\$17,617,291	4.61%
Frederick	136	20,712	\$47,361,855	6.79%
Garrett	57	6,953	\$9,662,931	2.28%
Harford	136	14,455	\$43,466,401	4.74%
Howard	32	4,059	\$7,773,591	1.33%
Kent	99	18,894	\$38,683,265	6.20%
Montgomery	31	4,754	\$18,465,408	1.56%
Prince George's	18	1,651	\$14,286,706	0.54%
Queen Anne's	169	29,085	\$48,888,878	9.54%
St. Mary's	116	11,770	\$47,625,235	3.86%
Somerset	46	5,520	\$7,494,841	1.81%
Talbot	76	11,844	\$29,091,443	3.89%
Washington	79	12,927	\$33,053,353	4.24%
Wicomico	58	7,209	\$12,264,458	2.36%
Worcester	46	7,166	\$12,005,369	2.35%
TOTALS	2,242	304,858	\$697,915,874	100.00%

Easement Settlements - FY 2017

As of June 30, 2017

COUNTY	NUMBER OF EASEMENTS	TOTAL NUMBER OF ACRES	ACQUISITION COST		AVERAGE FARM SIZE IN ACRES
			AVERAGE PER ACRE	TOTAL	
Allegany	1	139	\$2,585	\$359,295	139
Anne Arundel	1	134	\$7,433	\$996,000	134
Baltimore	1	304	\$7,056	\$2,145,000	304
Carroll	2	156	\$3,819	\$595,786	78
Cecil	1	124	\$3,804	\$471,750	124
Charles	3	755	\$3,101	\$2,341,055	252
Dorchester	1	82	\$1,500	\$123,000	82
Garrett	2	105	\$2,005	\$210,480	53
Harford	2	380	\$7,788	\$2,959,354	190
Kent	4	860	\$3,106	\$2,671,143	215
Queen Anne's	3	621	\$3,320	\$2,061,878	207
St. Mary's	2	124	\$4,966	\$615,750	62
Worcester	1	158	\$1,870	\$295,425	158
TOTALS	24	3,942	\$4,020	\$15,845,916	164

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Easement Acquisition Costs - FY 2017

FISCAL YEAR	NO. OF FARMS	ACQUISITION COST	ACRES
FY 1977 - 2006	1,708	\$342,578,700	236,259
FY 2007	70	\$40,297,919	9,592
FY 2008	106	\$78,270,208	13,810
FY 2009	79	\$68,588,962	9,787
FY 2010	68	\$52,814,641	8,816
FY 2011	14	\$6,783,740	1,527
FY 2012	41	\$21,217,570	4,692
FY 2013	16	\$7,925,597	1,773
FY 2014	52	\$26,302,733	6,117
FY 2015	33	\$19,569,931	4,324
FY 2016	31	\$17,719,957	4,219
FY 2017	24	\$15,845,916	3,942
TOTALS	2,218	\$682,069,958	300,916

Regulations & Uses

REGULATIONS:

On February 28, 2017, the Board approved three regulations:

1. Guidelines for Wetland Easement Overlays and Stream and Streamside Easement Overlays. (New regulation)
2. Guidelines for Granting Overlay Easements and Rights-of-Way (Revised existing)
3. Guidelines for Forest Easement Overlays (Revised existing)

The proposed regulations have been approved by the MALPF Board and are currently being reviewed by the Governor's Office. Once the Governor's Office releases the regulations, they will be submitted for Administrative Executive Legislative Review (AELR), which includes a 90-day public comment period.

During the winter and spring months, MALPF staff received a number of inquiries and requests regarding potential stream and/or wetland mitigation projects on MALPF easement properties. In order to better serve MALPF landowners and provide a clearer, more detailed structure that any wetland or stream overlay easement request can be reviewed under, in July, the Board approved the previously approved wetland and stream overlay easement regulation as a policy. By approving the proposed regulation as a policy, MALPF staff and landowners can now use those criteria for review and analysis for requests. Once the regulations are effective, they will supersede the existing policies and be the governing law for those types of overlay requests.

USES POLICY:

In May 2017, the Board approved a new policy, "Guidelines for Requested Uses of Land in the Maryland Agricultural Land Preservation Foundation," frequently referred to as the Uses Policy. The result of the new Uses Policy is a revised policy that reflects the changing practices and operations conducted on agricultural properties across the State, while complying with the existing statute and regulations governing the Foundation regarding permitted uses on MALPF easement properties.

The Foundation's enabling statute provides the primary restriction for uses on Foundation easement properties. That restriction states: "[a] landowner whose land is subject to an easement may not use the land for any commercial, industrial, or residential purpose except . . . as determined by the Foundation for farm – and forest-related uses and home occupations . . ." Md. Code Ann., Agric. § 2-513(b).

Accordingly, any commercial operation on an easement property must be farm or forest related or in the nature of a home occupation.

The Foundation's former uses policies were actually three separate documents: 1) General Uses Policy; 2) Winery Policy; and 3) Equine Policy. Having three separate and distinct policies was problematic as they did not all follow the same guidelines. The new Uses Policy establishes a single policy that applies to all types of agricultural products (for example, dairy products, produce, meat, grapes, horses, etc). The Uses Policy provides the overall conditions, requirements, definitions, and process used when reviewing any request and treats all agricultural products equally in terms of the type of uses on an easement property. In addition, the Uses Policy includes a separate commercial, agriculturally-related, events category that is not linked to a specific type of farm or agricultural product.

Significant changes to note in the Uses Policy (as compared to the previous three policies):

1. Provides a definition for agritourism, value-added, and equestrian uses.
2. There are no separate policies for wineries/breweries/ equestrian uses. Rather the existing regulations governing these uses are referenced as a requirement of any such use on a MALPF easement property.
3. If all product(s) are from the easement property, no MALPF approval is necessary.
4. Parking was revised at a flat acreage size, not a percentage based on property size. Similar to how lot sizes are established, standard parking will be permitted on 1-acre, up to 2-acres if the landowner demonstrates a need for the larger size. Overflow/temporary parking must be approved by the Board.
5. Any alcohol producers (wine or beer) have been included into the value-added category of use.
6. Commercial events permitted, but must be farm or forest related.

There have been increased inquiries regarding the ability to host commercial events on MALPF easement properties. MALPF staff works with every landowner submitting a request to determine how their requested activity or event is agriculturally related, as required by the terms of the easement as well as enabling statute. MALPF staff often finds options for landowners to restructure a request for activities or events that may not be agriculturally related in order for the landowner to proceed, but in a revised format (such as the ability to pursue a land exchange of equal quality lands into and out of the easement area for the landowner to engage in non-agriculturally related commercial activities).

MALPF Staff



Diane Chasse joined the MALPF Program as an Administrator in 2007. She manages easement applications, stewardship and compliance matters, general inquiries, and requests from landowners. Before joining MALPF, she was a Conservation Easement Planner for 8 years at the Maryland Environmental Trust. Prior to that, she worked as an Ecologist for the MD Natural Heritage Program at Department of Natural Resources for 2 years. She has a Masters of Science in Environmental Biology and a Bachelor's of Arts Degree in Environmental Science from State University of New York College of Environmental Science and Forestry. Diane enjoys yoga, walks with her dog, and travel with her husband and daughter.



Chana Kikoen Turner has been employed by the State of Maryland since 2010, and joined the MALPF Program as an Administrator in 2014. She manages easement applications, stewardship and compliance matters, general inquiries, and requests from landowners. Chana has spent most of her career as a Paralegal-Real Estate Specialist for private practice for more than 30 years, concentrated in several specialized niches of real estate. Chana managed the paralegal staff of mid-sized law firm in Denver, Colorado, for seven years. Prior to that, Chana worked as a Paralegal on the Land Acquisition Team of the Boulder County Parks and Open Space Department in Boulder, Colorado, for over five years. Chana received paralegal certification from Roosevelt University in Chicago, Illinois. Chana enjoys spending time with her husband, their two cats, and attending to the health and welfare of some of Baltimore's finest, feral felines.



Michelle Cable joined the MALPF Program as an Administrator in 2011. She manages easement applications, stewardship and compliance matters, general inquiries, and requests from landowners. Before joining MALPF, she was the Director of Protection for the Georgia Chapter of The Nature Conservancy, leading their team in real estate transactions for five years. Prior to that, she worked for the MD Rural Legacy Program at Department of Natural Resources (another state-funded easement acquisition program) for six years. She received a Masters of Environmental Management from Duke University in 2000, and a Bachelor's of Arts Degree from Wake Forest University in 1996. Michelle is a life-long equestrian and currently owns one horse.

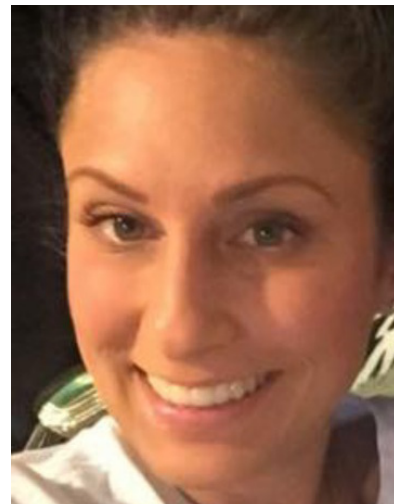
Kimberly Hoxter joined the MALPF Program as the first Monitoring, Enforcement and Database Coordinator in 2007. She works with the county program administrators to meet MALPF's annual goals of conducting 10% state inspections and 100% federally funded easement inspections. When violations are found, she works with the county program administrators, the MALPF administrators and the Assistant Attorneys General to resolve the violations. She also keeps the MALPF database updated. Before joining MALPF, she worked as a Program Technician for the Queen Anne's County Farm Service Agency. Prior to that, she worked as a Study Director and a Quality Assurance Representative for a private toxicology research company in Talbot County. She received a Bachelor's of Science Degree in Animal Science from University of Delaware in 1984. She resides in Queen Anne's County with her husband Keith. They have two adult sons.



Tamekia Dent joined the MALPF Program as an Office Assistant in 2014 and was promoted to the position of Office Secretary in 2015. Tamekia serves as an assistant to MALPF's Monitoring, Enforcement, and Database Coordinator, helping to review the yearly easement inspection forms. She is responsible for the ongoing job of coordinating the program's monthly agenda and cheerfully does anything necessary to keep the program running smoothly. She is the first voice heard and face seen when someone calls or visits the office. Tamekia lives in Calvert County, is the proud mother of two young daughters, and divides her 'free' time between church and exercising.



Amanda Wilson joined the MALPF Program in 2016. She updates spreadsheets, the MALPF webpage, and records the monthly meetings among other duties. Before transferring to MALPF she worked in the Office of the Secretary for MDA. She enjoys offering her help to other co-workers and learning new parts of the program. Amanda is the proud mom of an 8 year old son and 2 fur baby dogs.



MALPF Board & Staff

Appointed Board Members

Michael Calkins, Chair, Young Farmer Representative

Tom Mason, Maryland Farm Bureau Representative

J. Bruce Yerkes, Maryland Grange Representative

Taylor B. Huffman, MD Agricultural Commission Representative

Bernard L. Jones, Sr., Member At-Large

William Allen, Member At-Large

Catherine Cosgrove, Member At-Large

Ralph Robertson, Member At-Large

Joseph W. Wood, Member At-Large

Ex-Officio Board Members

Honorable Nancy K. Kopp, State Treasurer

Honorable Peter Franchot, State Comptroller

Honorable Joseph Bartenfelder, Secretary, Maryland Department of Agriculture

Honorable Robert McCord, Acting Secretary, Maryland Department of Planning

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Foundation Staff

Carol S. West, Executive Director

Diane Chasse, Administrator

Michelle Cable, Administrator

Chana Turner, Administrator

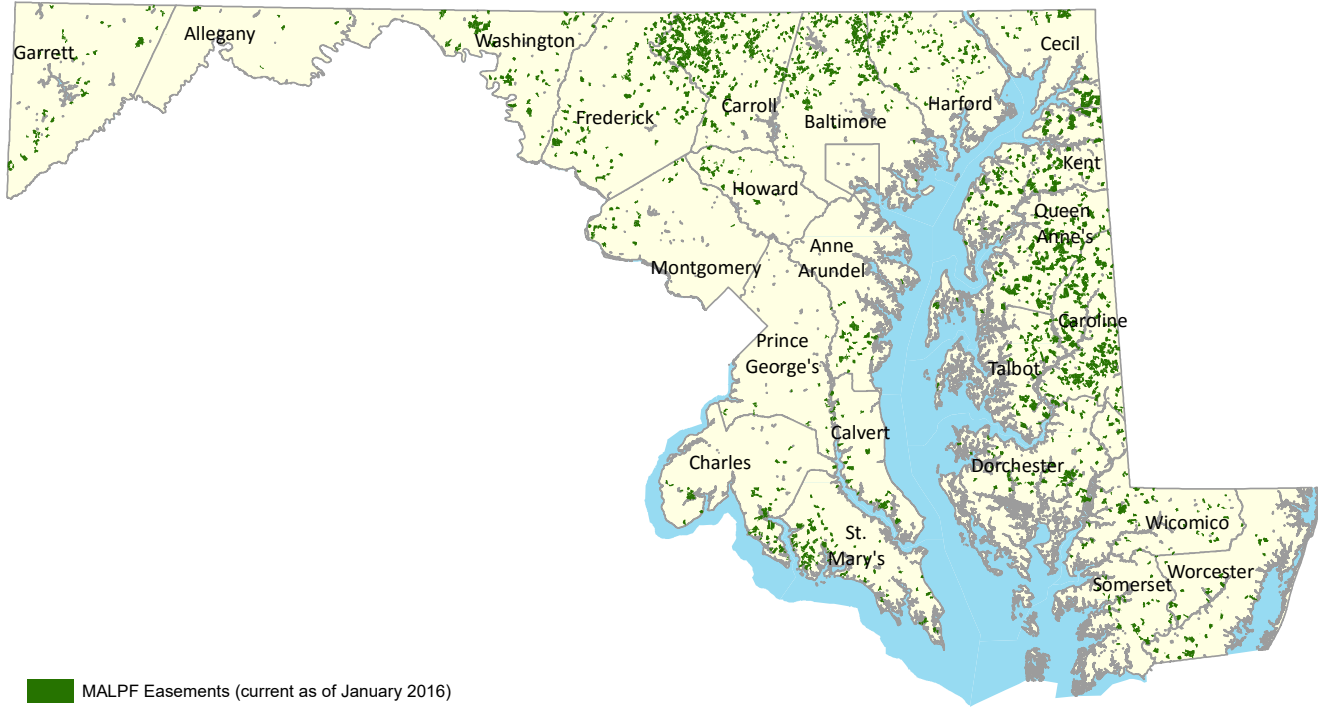
Kim Hoxter, Administrative Officer

Tamekia Dent, Office Assistant

Amanda C. Wilson, Administrative Specialist

MALPF State Map

Maryland Agricultural Land Preservation Fund Easements



0 15 30 60 Miles



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Chair of County Agricultural Advisory Boards Listed in Italics

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CHANGING
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Lt. Governor Boyd K. Rutherford
Secretary Joseph Bartenfelder
Deputy Secretary James P. Eichhorst