# An Inventory of Land Preservation in Maryland

Office of Policy Analysis

Department of Legislative Services

Annapolis, Maryland

December 1999

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DEPARTMENT OF LEGISLATIVE SERVICES
OFFICE OF THE EXECUTIVE DIRECTOR
MARYLAND GENERAL ASSEMBLY

Karl S. Aro
Executive Director

January 7, 2000

The Honorable Thomas V. Mike Miller, Jr., President of the Senate
The Honorable Casper R. Taylor, Jr., Speaker of the House of Delegates
The Honorable Members of the Maryland General Assembly

Program Open Space (POS) was created by the Maryland General Assembly in 1969 (Chapter 403, Acts of 1969) to expedite the acquisition of outdoor recreation and open space before property cost and development made it impossible; and to accelerate the development of outdoor recreational facilities. The Maryland Agricultural Land Preservation Foundation (MALPF) was created by the Maryland General Assembly in 1977 (Chapter 833 of the Acts of 1977) to preserve agricultural land and woodland in the State, provide for the continued production of food and fiber, and curb the expansion of urban development. The program is voluntary on the part of landowners and is dependent upon the cooperation of local governments.

This report inventories funding levels, expenditures, and land protection activities of POS and the MALPF, as available. The report briefly describes the programs and sources of funding, provides an inventory of historical funding levels and allocation of funds by county, and provides an inventory of land protected in districts and easements. In addition, local programs are briefly described.

For further information on this report, please contact Lesley Frymier, Carol Swan, or Deadra Whayland-Daly of the Office of Policy Analysis.

I trust this report will be a useful source of information for you.

Respectfully submitted,

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KSA/eeo



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# Executive Summary

This report inventories funding levels, expenditures, and land protection activities of Program Open Space (POS) and the Maryland Agricultural Land Preservation Foundation (MALPF), as available. The report briefly describes the programs and sources of funding, provides an inventory of historical funding levels and allocation of funds by county, and provides an inventory of land protected in districts and easements. In addition, local programs are briefly described.

POS was created by the Maryland General Assembly in 1969 (Chapter 403, Acts of 1969) to expedite the acquisition of outdoor recreation and open space before property cost and development made it impossible; and to accelerate the development of outdoor recreational facilities. POS provides for both State and local acquisition and development.

POS is funded through special funds. The special funds are derived from the State's transfer tax which imposes a 0.5 percent tax on all real property recorded in the State. The concept behind the transfer tax is that a person who buys a home or other property has hastened the decline in available open space land. By paying a tax on the property purchase price, that same person helps to support the purchase of land which can be used by the general public.

Through fiscal 1999 over $324.6 million in POS funds have been used to acquire over 162,000 acres in State parkland, recreational land, and natural land holdings. POS funds have been used to protect property in every county except Baltimore City.

MALPF was created by the Maryland General Assembly in 1977 (Chapter 833 of the Acts of 1977). The mission of the program is to preserve agricultural land and woodland in the State, provide for the continued production of food and fiber, curb the expansion of urban development, and protect agricultural land and woodland as open space. The program is voluntary on the part of landowners and is dependent upon the cooperation of local governments.

The program for preserving agricultural land involves two steps: 1) agricultural preservation districts are formed when qualifying landowners sign voluntary agreements to keep their land in agricultural or woodland use for a minimum of five years; and 2) landowners who agree to place their farms within a district may sell a development rights easement on that property to the State.

Funding for MALPF is made up entirely of special funds. Historically, the two main sources of revenue for the program have been a portion of the State's property transfer tax and the Agricultural Land Transfer Tax. Total State funding for MALPF for fiscal years 1982 to 1998, not including county or federal funds, amounted to approximately $151 million. During this same time period, the allocation of funds made available to counties for easement acquisitions totaled over $175 million. Of this amount, about $138 million was from State funding sources and $37 million was from county and federal funding sources.

As of June 30, 1998, MALPF had spent over $177 million on 1,052 easement acquisitions protecting 152,288 acres of agricultural land in 22 counties in the State. Over 320,000 acres were voluntarily protected by landowners within 2,429 districts in 22 counties.

# Program Open Space

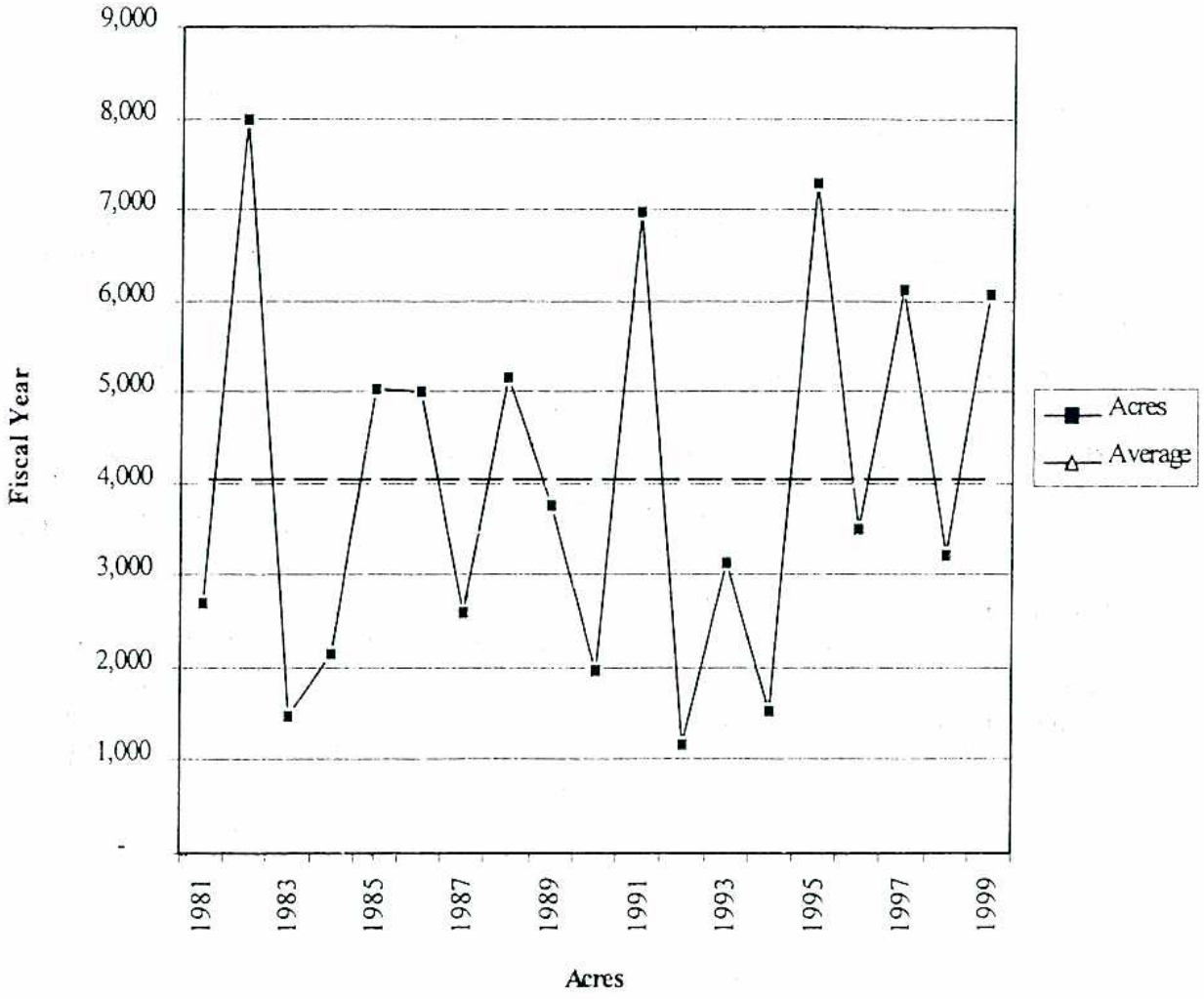
The Maryland General Assembly created Program Open Space (POS) in 1969 for two purposes: (1) to expedite the public acquisition of outdoor recreation and open space areas before high property cost and development made such acquisition impossible; and (2) to accelerate development and capital renewal of outdoor recreation facilities. POS provides for both State and local acquisition and development. POS is administered by the Department of Natural Resources (DNR) and is governed by Subtitle 9 of Title 5 of the Natural Resources Article. To fund POS, the General Assembly authorized the creation of a State debt (general obligation bonds), the Outdoor Recreation Land Loan of 1969, and established a 0.5 percent State property transfer tax.

DNR generally uses POS funds to purchase land in fee simple and infrequently to purchase conservation easements on property. When DNR acquires land in fee simple, the State takes title to the property. Infrequently the State transfers title to a local government or municipality. When DNR acquires a conservation easement, the State and the landowner enter into an agreement that a property will not be developed beyond a certain limit. When a property subject to an easement is transferred, the easement transfers with the property; thus, the new owner is bound by the terms of the easement.

Between its inception in fiscal 1970 and 1999, DNR has used over $324.6 million in POS funds to acquire over 162,000 acres in State parkland, recreational land, and natural land holdings. **Exhibit 1** shows the acres protected using State POS funds each year. There are often large fluctuations of acreage between years because money appropriated for one fiscal year is not necessarily encumbered in the same fiscal year and because per acre purchase prices vary widely. Additionally, since POS is a voluntary program, DNR is limited to acquiring the land available for purchase at a given time.

## Exhibit 1

### Acres Protected - Fee and Easement




Source: Department of Natural Resources

# Land Acquisition and Development

## State Acquisition and Development Goals

The State's land acquisition under Program Open Space is guided by the *DNR Lands: Strategic Plan for Recreation and Conservation* (Strategic Plan) and the *Maryland Land Preservation and Recreation Plan* (State LPRP). The Strategic Plan, produced by DNR, has four main purposes:

- to provide for natural and cultural resource stewardship and interpretation opportunities and, as appropriate, complementary recreational uses;
- to ensure that DNR develops a balanced system of State natural resources and recreation lands;
- to guide land conservation and recreational development priorities; and
- to improve public understanding of DNR's mission and land use activities.

Generally, the Strategic Plan serves as a framework for other, more detailed plans. In addition, the Strategic Plan helps integrate Program Open Space acquisition planning. According to the most recent Strategic Plan, developed in August 1996, DNR has the following goals:

- expand access to and protection of water resources;
- continue acquisition of fish and wildlife habitat and sites of threatened or endangered species;
- seek new opportunities to enhance biological diversity;
- expand Greenway corridor acquisitions; and
- preserve and enhance important historical and cultural properties.

The State LPRP, prepared by the Maryland Office of Planning (MOP), identifies the acquisition and development needs for parks and open space in the State and provides guidance in this area to local jurisdictions. MOP, in cooperation with DNR, is required to update the State LPRP every five years (§5-906, Natural Resources Article). The State LPRP is drafted using the local LPRPs. The State LPRP was last updated in September 1993. The 1993 State LPRP includes the following top and high priorities:

- protect sensitive areas;
- implement the Chesapeake Bay Program and provide adequate public access;
- preserve land for active parks and recreational uses and open spaces consistent with a statewide Greenways plan and program;
- acquire additional parks in urban areas when such opportunities occur and restore and rehabilitate existing recreational facilities within urban areas;
- preserve and protect fish and wildlife habitat, and unique natural and vegetative areas;
- protect, preserve, and enhance natural heritage sites, structures, and areas in addition to cultural and historic sites and structures; and
- preserve and conserve forest cover throughout the State and protect prime and productive forest land.

## Local Recreational Acquisition and Development Goals

In the most recent State LPRP, the State recommended a local recreational goal of 30 acres of recreation land per 1,000 persons. Each county, in its own LPRP, may set a goal that differs from the State recommended goal. However, the higher of the two goals is used when determining whether a county has met its acreage goal.

The local recreation acreage goal is designed to encourage counties and municipalities to acquire sufficient land to meet the current and future active recreational and open space needs of their residents. Ideally, local governments will buy land for this purpose in designated growth areas before development pressure drives up land costs; or they will expand recreational opportunities in currently developed areas where priority needs still exist.

Counties which have met the local recreational acreage goal may be certified by the State. Certified counties are permitted by law to use up to 75 percent of their POS allocation for park development projects, as opposed to 50 percent in counties that have not been certified. In addition, the local funding match required for development projects in certified counties drops from 25 percent to 10 percent.

The certification process is part of either the regular five year update cycle of the local LPRP or an amendment to the LPRP that may be made at any time. To be certified, a county must explicitly request certification in the LPRP, and the LPRP (or amendment)

must document the acreage that the county is counting in its claim that it has met its goal. MOP and the DNR review the information presented and make a finding as to the eligibility of the acres used. If MOP and DNR find that the county has met its goal, the county may be certified.

The State recommended acreage goal and the formula for calculating the categories of recreational land that count toward the goal were published in the 1989 State LPRP. The 1993 State LPRP did not change the goal or the formula. The goal and formula as they appeared in the 1989 Plan were used in the guidelines for the 1998 Local Land Preservation and Recreation Plans. The goal appears as follows in those guidelines.

**30 Acres of Recreation Land/1,000 Persons**

- up to 15 acres per 1,000 persons in excess of 60 acres per 1,000 persons
    - any combined State and federal ***recreational*** acreage over 60 acres/1,000 persons
    - one-third of local open space (Natural Resource lands) per 1,000 persons
- at least 15 acres of local recreational acreage

**Appendix 1** details how categories of land fit into the formula.

The 30 acres per 1,000 persons goal is based in large part on the recommendations of the National Recreation and Parks Association. Because the need for recreational land is based largely on population, the amount of land needed to meet the goal will increase proportionally as population increases. Lands that have the protection of natural resources as their primary purpose generally may not be counted to meet this population driven demand for active recreational land.

## Current Status of Local Plans and Acreage Goal Achievement

**Exhibit 2** shows the status of the county LPRPs and local acreage goals for each of the planning cycles. As the table shows, LPRP submissions and approvals have run behind the official five-year cycle dates. A county may use up to $25,000 per year of its POS acquisition funds for preparing the LPRP, totaling $125,000 per five-year cycle.

Exhibit 2 shows that in the 1993 round of plans, six counties requested acreage goal certification but only five were certified: Allegany, Garrett, Somerset, Washington, and Worcester. Dorchester applied but did not have sufficient acreage in the appropriate categories to qualify for certification. Carroll, Cecil, Montgomery, and Prince George's

counties appear to qualify for certification for achieving the State goal, but did not request certification.

Exhibit 2 also shows that most of the 1998 county LPRPs are still not complete. Only seven counties have submitted local plans in final form for approval, and nine counties have not yet submitted a draft plan. The MOP informed the relevant counties that failure to submit an updated LPRP may put their POS funding at risk and processing of their grant applications may be suspended pending submission of at least a draft plan.

As shown in Exhibit 2, the accumulated deficit in the 1993 LPRPs for all counties to meet the local recreational acreage goal is 15,657 acres. The estimated State population increase of 130,000 residents by 1999 adds an additional 3,900 acres necessary to meet the goal statewide. Conversely, many acquisitions that qualify toward meeting the local acreage goals have also taken place since 1993. A pending inventory of park and open space lands will show the status of the deficit; however, MOP anticipates a significant overall deficit.

## Exhibit 2
## Local Recreational Goal Achievement and Status 1993 and 1998 Plans

| County | 1993 Plan Status | Status: Action Date | Status: Certification Requested | Status: Certified | Acreage Qualified: Goal Acres/1000 | Acreage Qualified: Acres Per 1000 | 1994 Population x 1000 | Acreage Surplus/ (Deficit) |
|---|---|---|---|---|---|---|---|---|
| Allegany | Final Submitted & Approved | 08/07/1995 | Yes | Yes | 30 | 30 | 73.9 | 0 |
| Anne Arundel | Final Submitted & Approved | 10/18/1995 | No | No | 30 | 23 | 456.2 | -3,193 |
| Baltimore City | Final Submitted & Approved | 01/18/1996 | NA | NA | NA | NA | 703.1 | NA |
| Baltimore | Final Submitted & Approved | 06/15/1995 | No | No | 30 | 21 | 711.8 | -6,406 |
| Calvert | Final Submitted & Approved | 08/07/1995 | No | No | 30 | 21 | 62.2 | -560 |
| Caroline | Final Submitted & Approved | 01/24/1996 | No | No | 30 | 20 | 28.7 | -287 |
| Carroll | Final Submitted & Approved | 10/18/1995 | No | No | 30 | 35 | 136.4 | 682 |
| Cecil | Final Submitted & Approved | 11/22/1995 | No | No | 30 | 35 | 77 | 385 |
| Charles | Final Submitted & Approved | 04/12/1996 | No | No | 30 | 25 | 109.3 | -547 |
| Dorchester | Final Submitted & Approved | 06/19/1995 | Yes | No | 30 | 22 | 30.4 | -243 |
| Frederick | Final Submitted & Approved | 10/04/1996 | No | No | 30 | 25 | 171.3 | -857 |
| Garrett | Final Submitted & Approved | 06/19/1995 | Yes | Yes | 30 | 44 | 29.4 | 412 |
| Harford | Final Submitted & Approved | 08/17/1995 | No | No | 30 | 17 | 201 | -2,613 |
| Howard | Final Submitted & Approved | 01/29/1997 | No | No | 35 | 22 | 213 | -2,769 |
| Kent | Final Submitted & Approved | 01/24/1997 | No | No | 30 | 25 | 18.7 | -94 |
| Montgomery | Final Submitted & Approved | 08/16/1995 | No | No | 30 | 36 | 802.7 | 4,816 |
| Prince George's | Final Submitted & Approved | 06/19/1995 | No | No | 35 | 31 | 764.1 | -3,056 |
| Queen Anne's | Final Submitted & Approved | 02/06/1995 | No | No | 30 | 22 | 36.1 | -289 |
| St. Mary's | Final Submitted & Approved | 06/19/1995 | No | No | 30 | 12 | 80.3 | -1,445 |
| Somerset | Final Submitted & Approved | 06/19/1995 | Yes | Yes | 35 | 49 | 23.7 | 332 |
| Talbot | Final Submitted & Approved | 07/29/1996 | No | No | 30 | 21 | 32 | -288 |
| Washington | Final Submitted & Approved | 06/19/1995 | Yes | Yes | 30 | 32 | 126.6 | 253 |
| Wicomico | Final Submitted & Approved | 02/06/1995 | No | No | 30 | 16 | 78.5 | -1,099 |
| Worcester | Final Submitted & Approved | 09/11/1995 | Yes | Yes | 30 | 61 | 39 | 1,209 |
| **Total** | | | | | | | **5,005.40** | **-15,657** |

## Exhibit 2 (continued)

| County | 1998 Plan Status | Status: Action Date | Status: Certification Requested | Status: Certified | Acreage Qualified: Goal Acres/1000 | Acreage Qualified: Acres Per 1000 | 1998 Population x 1000 | Acreage Surplus/ (Deficit) |
|---|---|---|---|---|---|---|---|---|
| Allegany | Final Submitted & Approved | 11/09/1998 | Yes | Yes | 30 | 30 | 71.3 | 0 |
| Anne Arundel | No Plan | | | | | | 476.1 | |
| Baltimore City | No Plan | | | | | | 645.6 | |
| Baltimore | No Plan | | | | | | 721.9 | |
| Calvert | No Plan | | | | | | 71.9 | |
| Caroline | No Plan | | | | | | 29.5 | |
| Carroll | Draft Submitted & Reviewed | 01/19/1999 | | | | | 149.7 | |
| Cecil | Final Submitted & Approved | 11/09/1998 | No | No | 30 | 24 | 82.5 | -487 |
| Charles | Draft Submitted & Reviewed | 05/20/1999 | | | | | 118 | |
| Dorchester | Final Submitted & Approved | 09/22/1999 | Yes | No | 30 | 22 | 29.5 | -236 |
| Frederick | Draft Submitted & Reviewed | 04/21/1999 | | | | | 186.8 | |
| Garrett | Final Submitted & Approved | 01/25/1999 | Yes | Yes | 30 | 42 | 29.2 | 350 |
| Harford | Draft Submitted & Reviewed | 03/15/1999 | | | | | 214.7 | |
| Howard | No Plan | | | | | | 236.4 | |
| Kent | No Plan | | | | | | 19 | |
| Montgomery | Final Submitted & Approved | 08/23/1999 | No | No | 30 | 34 | 840.9 | 3,364 |
| Prince George's | Draft Submitted & Reviewed | 10/29/1999 | | | | | 777.8 | |
| Queen Anne's | No Plan | | | | | | 39.7 | |
| St. Mary's | Draft Submitted & Reviewed | 07/16/1998 | | | | | 87.7 | |
| Somerset | Final Submitted & Approved | 01/22/1999 | Yes | Yes | 30 | 39 | 24.3 | 219 |
| Talbot | No Plan | | | | | | 33.1 | |
| Washington | Final Submitted & Approved | 11/09/1998 | Yes | Yes | 30 | 32 | 127.4 | 255 |
| Wicomico | Draft Submitted & Reviewed | 10/08/1998 | | | | | 79.4 | |
| Worcester | Draft Submitted & Reviewed | 06/28/1999 | | | | | 42.8 | |
| Total | | | | | | | 5,135.20 | |

Source: Maryland Office of Planning

## The State Acquisition Process

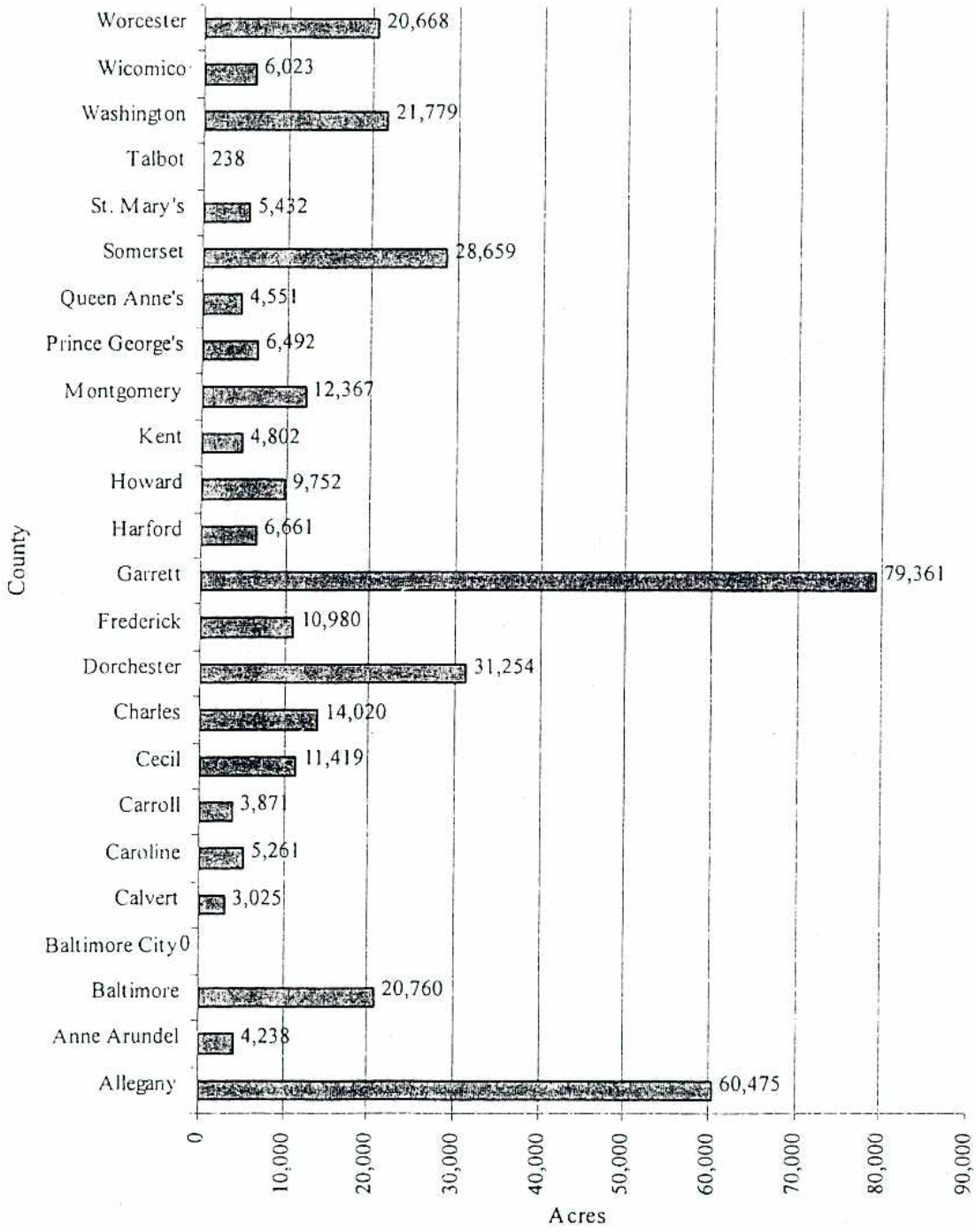
The Strategic Plan and the Preservation Plan both provide policies which guide DNR acquisitions. Each year the unit and program directors meet to create more specific acquisition policies. These policies are submitted to DNR's regional directors. Based upon these policies, the regional directors then create a prioritized list of projects and submit this list to DNR's administration. Based upon the prioritized list and the projected transfer tax revenue, DNR's administration formulates a list of proposed POS projects for the upcoming fiscal year. This list is submitted to MOP and the Department of Budget and Management for comment and is ultimately submitted to the Governor for inclusion in the Governor's budget.

The Governor's budget, which includes the list of proposed POS projects for the fiscal year, is submitted to the General Assembly for consideration and approval. Once the budget is passed, the Department of General Services will obtain two appraisals for each desired property that becomes available. The appraised price is the maximum price the State can pay to acquire the property. After an agreement is reached with the landowner, the proposal may be submitted to the budget committees for any required review and comment and to the Board of Public Works for approval. Upon approval by the Board of Public Works, DNR may purchase the land.

## DNR Holdings

DNR owns property in every county but does not own any land in Baltimore City. **Exhibit 3** shows the distribution of lands owned by DNR in each county as of July 1, 1999. Exhibit 3 includes all land owned by DNR and is not limited to property acquired using State POS funds.

**Exhibit 3**
**DNR Lands by County**




Source: DNR 1999 Public Lands Acreage Report

As indicated in Exhibit 3, almost half (46 percent) of DNR's holdings, representing 172,595 acres, are located in the counties of Western Maryland. Of DNR's holdings, approximately 16 percent is located in Allegany County, approximately 3 percent is in Frederick County, approximately 21 percent is in Garrett County, and approximately 6 percent is in Washington County. Clearly, the State's land holdings are concentrated in the Western Maryland region, with particular emphasis on Allegany and Garrett Counties. **Appendix 2** provides further detail.

**Exhibit 4** shows DNR statewide holdings by land classification. Most of DNR's holdings are classified as State forests and wildlife management areas. Appendix 1 provides detailed definitions of the various categories of holdings.

**Appendix 3** details the last five years of Program Open Space activity by county. The program has been extremely active. Local purchases are purchases made with State dollars which are managed by local governments.

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**Exhibit 4**

**DNR Acreage by Classification**

| Classification | Acres |
|---|---|
| State Parks | 91,369 |
| State Forests | 136,907 |
| Natural Environment Areas | 13,960 |
| Natural Resources Management Areas | 18,344 |
| Wildlife Management Areas | 106,671 |
| Fish Management Areas | 1,637 |
| Heritage Conservation Purchases | 2,112 |
| **Total** | **371,000** |

Source: DNR 1999 Public Lands Acreage Report

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## Financing Land Preservation

To pay the principal and interest on the certificates of indebtedness issued under the Outdoor Recreation Land Loan of 1969, the General Assembly enacted the State property transfer tax (Title 13, Subtitle 2, Tax-Property Article). The tax is imposed on every real property transfer recorded in the State at the rate of one-half of one percent.

The concept behind the transfer tax is that a person who buys a home or other property for private use has hastened the decline in available open space land. By paying a tax on the property purchase price, that same person helps to support the purchase of land which can be used by the general public. Once the debt service payment, which averages $1,000,000 per year, has been made for a particular year, the balance of transfer tax revenues is utilized for the funding of open space land acquisition and development projects. The last debt service payment will be made in fiscal 2001.

The formula for the distribution of transfer tax receipts has been changed numerous times through legislation. A brief legislative history is provided in **Appendix 4**. The adjusted estimate is derived by taking the total estimate, subtracting 3 percent for administrative expenses and adjusting the actual attainment from two fiscal years prior. Of this total, 90 percent is allocated as follows:

**90% of Adjusted Estimate**
Minus Debt Service of $1,000,000
**= 90% Allocation adjusted for debt service**

90% Allocation adjusted for debt service
2.0% Heritage Conservation Fund
14.5% Agricultural Land Preservation
83.5% Program Open Space
Heritage Areas Authority - $1,000,000
POS Local
POS State
POS Capital Development Eligible
POS Capital Development 25% of the 83.5%
State Park Operating Expenses of $1,200,000
Rural Legacy Program
State Land Acquisition

The remaining 10% is allocated as follows:

50% - Rural Legacy
40% - Agricultural Land Preservation
10% - State Land Acquisition

**Appendix 5** shows the historic distribution of transfer tax revenues.

## State Land Acquisition Funds

The annual budget bill lists the areas of the State where money will be appropriated for anticipated acquisitions. In addition to these line item appropriations, the department has a number of statewide appropriation categories.

## Advance Option and Purchase Fund

The Advance Option and Purchase Fund is set forth in Section 5-904 of the Natural Resources Article. DNR uses the fund to: (1) supplement existing appropriations when funds allocated are not sufficient to cover the cost of acquiring a particular parcel of land within an approved acquisition area; and (2) acquire land threatened by immediate development which is vital to preserving Maryland's natural resources and for which specific allocations have not been made. In recent years, the department has increased the use of this fund. Money is appropriated in a lump sum into the fund. When a parcel becomes available and DNR intends to purchase it, the proposed acquisition with supporting documentation is submitted to the budget committees for review. The committees then have 45 days to review and comment on the proposed acquisition, thereby maintaining legislative oversight of the lump sum appropriation.

## Bay Access Areas Fund

The Bay Access Areas Fund was created in fiscal 1980 to provide for the purchase of properties which offer public access to the Chesapeake Bay. Purchases using this fund must help increase public interaction with the Bay and are predominantly waterfront purchases. This fund is also provided with a lump sum appropriation, and, like the Advance Option and Purchase Fund, budget committee review and comment is required to appropriate funds.

### Heritage Conservation Fund

As part of its continuing interest in preserving Maryland's unique natural areas throughout the State, the General Assembly established the Heritage Conservation Fund in 1986. The fund is administered under DNR by the Maryland Natural Heritage Program. The Program has focused its efforts on establishing an inventory of unique natural areas statewide and setting priorities for their protection. This inventory ultimately drives the State's land acquisition under the Heritage Program. The Heritage Program uses three methods to protect areas: (1) acquisition in fee simple; (2) conservation easement; and (3) voluntary agreement.

## Rails to Trails

The Rails to Trails appropriation is designed to turn abandoned rail corridors into trails. Many rail corridors are being abandoned and provide a relatively unique opportunity to acquire rights-of-ways.

## Greenways Program

DNR also appropriates money to various Greenways throughout the State. Greenways are protected corridors of open space maintained in a largely natural state, for a variety of purposes, including wildlife enhancement, water quality protection, aesthetic relief, recreation, non-vehicular transportation, and environmental education. Ideally, they incorporate or link larger open spaces. Most large Greenways lie in public and private ownership.

## Other Appropriations

### Baltimore City Direct Grant

At the inception of the program, the General Assembly determined that a direct grant to Baltimore City should be appropriated from the State's half of Program Open Space funding. This decision was made because there is a shortage of land available within Baltimore City suitable for park purposes, and as a result State purchases in the Baltimore City are very limited. Additionally, Baltimore City already has numerous parks, and has historically needed funding for maintenance and operation of parks rather than funding for park acquisitions. Consequently, Baltimore City may use the Baltimore City direct grant for operation, maintenance, or acquisition of parks. The funding level of the direct grant can be found in **Appendix 5**.

### St. Mary's City Commission

Also at the inception of the program, the General Assembly determined that the St. Mary's City Commission should be given a grant from State Program Open Space funds because the commission was created to preserve, develop, and maintain ancient St. Mary's City, Maryland's first settlement and colonial capital for sixty one years. However, the special grant to the St. Mary's City Commission was eliminated in 1986.

## POS Capital Development

DNR is able to use 25 percent of the POS State share allocation for development on State-owned lands. There are a variety of programs which constitute the entirety of POS capital eligible development.

### Ocean City Beach Maintenance Fund

The Ocean City Beach Maintenance Fund was established to provide annual maintenance of the Ocean City beach. When the fund was established, the State entered into an agreement with Worcester County and Ocean City to deposit funds into the Ocean City Beach Maintenance Fund. The amount is based on estimates of maintenance costs, but it is not to be less than $1,000,000 from the State and $500,000 each from the county and city. The $1,000,000 contribution from the State is paid through POS capital development funds. Major replenishment of the beach takes place once every four years. The last major replenishment occurred during the summer of 1998. Annual maintenance is also supplied from the fund.

### Critical Maintenance Program

Smaller repair projects on DNR owned lands are funded through the Critical Maintenance Program. This program includes activities such as structural repairs to buildings, well and pump replacements, bridge and culvert repairs/replacements, utility system upgrades, vehicle lift repairs, and parking lot and road resurfacing.

### Park Improvements Incentive Fund

The General Assembly established this fund during the 1996 legislative session to create an incentive for park managers who have been successful in attaining revenues for the park system. Park managers who exceed projected revenue attainment by more than 10 percent are eligible for a grant award through this program. The requested funds are used to reward entrepreneurial park managers with small capital projects for their parks. This money is appropriated in advance of awards, and the department provides the General Assembly with an annual list of projects which were funded. This fund receives $500,000 annually.

### Dam Rehabilitation Program

Prior to fiscal 1999 dam rehabilitational projects were funded through the Maryland Capital Consolidated Bond and Loan program. This program repairs deteriorating dams located on land owned by DNR. The program receives $500,000 per year.

### Natural Resources Development Fund

The remainder of the POS capital eligible funds are used for development projects throughout the State. Examples of projects include comfort stations, day use areas, trails, and multipurpose buildings. These projects are listed annually in the budget bill.

## Local Acquisition and Development

Half of the funds allocated under Program Open Space go directly to the 23 subdivisions of the State and to Baltimore City. Generally, each county, with the exception of Baltimore City, must use half of its grant for the acquisition of land. A county certified by MOP as having met its acquisition goals must only use 25 percent of its grant for land acquisition. One hundred percent of land acquisition costs can be reimbursed under the program.

The method by which a local jurisdiction receives its annual share of open space funds is determined by a formula. The local share of POS funds is allocated as follows:

- The proportionate distribution of the sum of each county's largest grant between 1970 and 1982 is applied to the initial distribution of current funds.

- Counties that are projected to lose population between 1980 and 1990 are allocated the lesser of the above distribution or the proportionate distribution in 1982.

- Remaining funds are distributed based on each county's relative share of transfer tax revenues collected in the second preceding fiscal year.

In order to receive funds, counties must submit an update of their LPRP and Recreation Plan every five years. Each year thereafter, counties must submit annual proposals of projects consistent with their plans to DNR for approval. The counties prioritize potential projects and fund them according to their appropriation. They then apply for reimbursement for the projects from DNR.

Municipalities may also receive POS funding through their counties. Municipalities apply to the counties for the funds, and each county then considers municipal projects along with other county projects.

**Exhibit 5** shows the total local share allocations since the beginning of the program.

## Exhibit 5

### Total POS Local Share Allocations (1969 - 1998)

| County | Dollars | Percent of Total | Unencumbered Balance |
|---|---|---|---|
| Allegany | 4,524,378 | 1.09% | $461,476 |
| Anne Arundel | 50,615,917 | 12.23% | $4,616,934 |
| Baltimore | 56,274,584 | 13.59% | $12,916,618 |
| Calvert | 4,151,471 | 1.00% | $675,409 |
| Caroline | 1,697,304 | 0.41% | $249,495 |
| Carroll | 10,432,720 | 2.52% | $2,633,314 |
| Cecil | 5,347,082 | 1.29% | $760,928 |
| Charles | 9,450,016 | 2.28% | $3,187,757 |
| Dorchester | 1,738,608 | 0.42% | $371,245 |
| Frederick | 10,828,731 | 2.62% | $1,354,623 |
| Garrett | 2,259,413 | 0.55% | $256,771 |
| Harford | 16,740,986 | 4.04% | $925,883 |
| Howard | 26,255,393 | 6.34% | $3,122,011 |
| Kent | 1,224,788 | 0.30% | $589,501 |
| Montgomery | 78,929,501 | 19.06% | $6,358,339 |
| Prince George's | 64,911,372 | 15.68% | $13,585,254 |
| Queen Anne's | 2,844,040 | 0.69% | $620,941 |
| St. Mary's | 4,636,588 | 1.12% | $530,528 |
| Somerset | 1,204,582 | 0.29% | $169,059 |
| Talbot | 2,975,334 | 0.72% | $389,387 |
| Washington | 8,440,863 | 2.04% | $1,117,394 |
| Wicomico | 5,685,704 | 1.37% | $892,101 |
| Worcester | 5,266,378 | 1.27% | $950,784 |
| Baltimore City | 37,593,045 | 9.08% | $3,100,521 |
| **Total** | **414,028,798** | **100%** | **$59,836,271** |

Source: Department of Natural Resources

## Rural Legacy Program

The General Assembly created the Rural Legacy program in 1997 to protect agricultural and natural resource lands from sprawl development and thus promote resource-based economies and develop green belts. Rural Legacy is funded through the State transfer tax and general obligation bonds. The program is administered by a Rural Legacy Board comprised of the Secretary of DNR, the Secretary of the Maryland Department of Agriculture, and the Director of MOP.

Local governments, or land trusts with endorsements from local governments, may submit applications for designation as a rural legacy area. An advisory board appointed by the Governor and confirmed by the Senate reviews applications and makes recommendations to the Rural Legacy Board. In order to qualify as a rural legacy area, an application must meet three criteria concerning the area, plan, and partnership of the proposal:

- The proposal must address the goals and objectives of the program. Specifically, the area must protect agricultural, natural, and cultural resources and enhance the completion of ongoing land protection efforts. The board will also consider the size of the land and its proximity to existing green belts.

- The proposal must be realistic in its ability to achieve the easement or land acquisition. It should contain a reasonable plan and strategy for the phasing of the conservation efforts set forth in the proposal. The time line should be reasonable given the size of the area and the resources of those involved.

- The parties involved, including the sponsor and the local government entity, should be willing to donate financial and personnel support in order to ensure timely and efficient acquisition, management, and monitoring.

Rural Legacy has only received funding for three fiscal years. **Exhibit 6** shows the Rural Legacy funding history.

**Exhibit 6**
**Rural Legacy Appropriations**
**($ in Millions)**

| | FY 1998 Appropriation | FY 1999 Appropriation | FY 2000 Appropriation |
|---|---|---|---|
| **General Obligation Bonds** | 3.000 | 5.000 | 13.935 |
| **Special Funds** | 7.876 | 8.339 | 10.624 |
| **General Funds** | 0 | 5.000 | 0 |
| **Total** | **10.876** | **18.339** | **24.559** |

Source: DLS, Analysis of the Maryland Executive Budget for the Fiscal Year Ending June 30, 2000

In the three years that the Rural Legacy program has received funding, funding has more than doubled. The Governor is required, by §5-9A-09 of the Natural Resources Article, to include at least $5 million in the capital budget each year for Rural Legacy.

## Maryland Environmental Trust

The General Assembly created the Maryland Environmental Trust (MET) in 1967 to protect Maryland's farmland and forest land, wildlife habitat, waterfront, significant area, historic sites, and properties with scenic features. MET fulfils this mission through its four voluntary cooperative programs -- Conservation Easements, Local Land Trust Assistance, Rural Historic Village Protection, and Keep Maryland Beautiful. MET operates under Subtitles 2 and 2A of Title 3 of the Natural Resources Article.

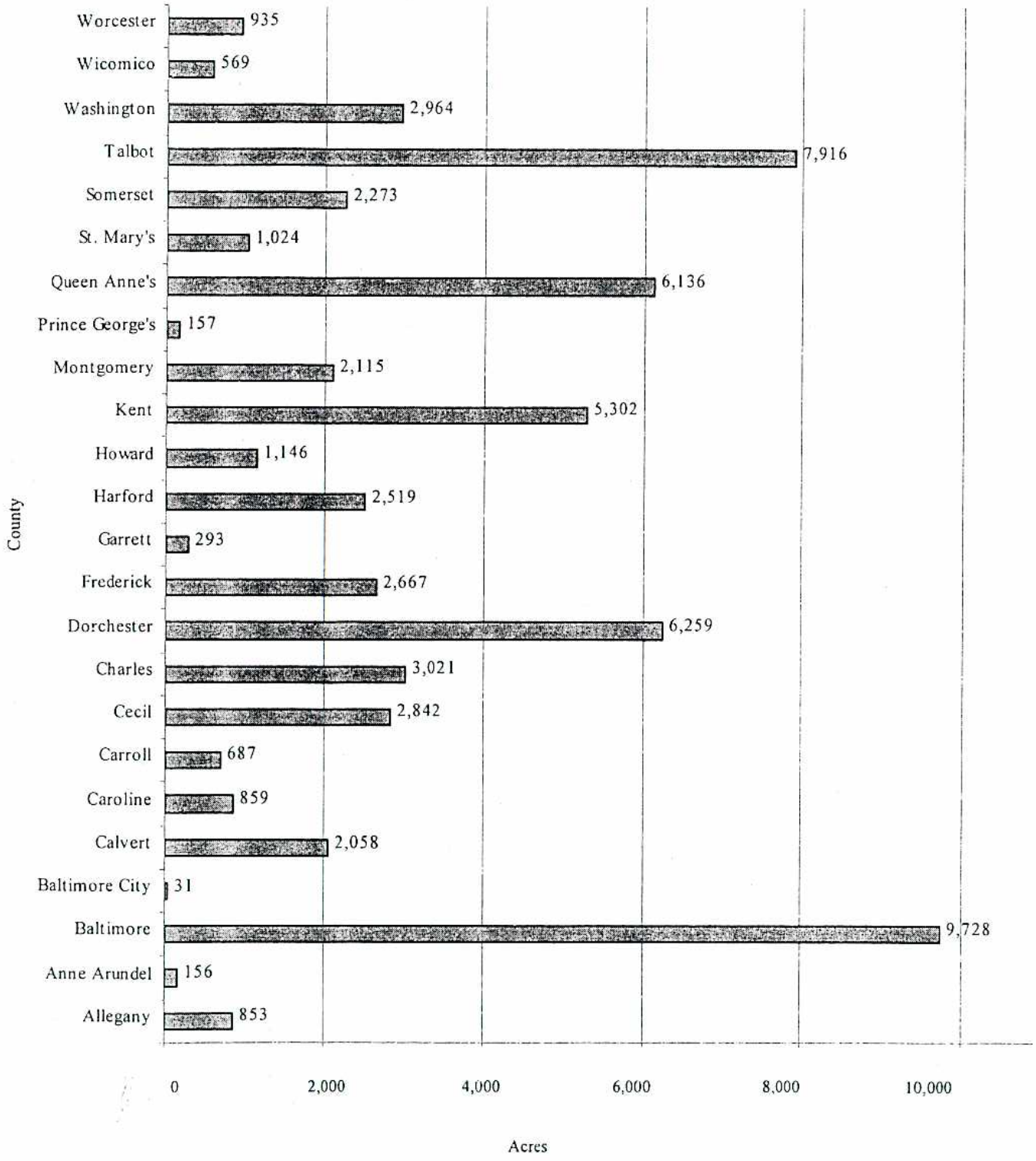
### Programs

MET's most active program has been its Conservation Easement Program. Under this program landowners donate protective conservation easements on lands. The conservation easements generally provide that land will perpetually remain open space. The landowner retains title to the land and may sell or transfer the property at will. The specific provisions of the easement will determine what the landowner may do to modify the appearance, character, and use of the land. If the property is transferred, the new property owner remains subject to the terms of the easement. On a few occasions, MET acquires ownership of the land in fee simple. These purchases are generally encumbered

by MET with appropriate conservation restrictions and sold back to the private sector or transferred to other land management agencies.

Through its Conservation Easements Program, MET has acquired 481 easements totaling 62,510 acres through 1998. MET holds easements in each county and in Baltimore City; however, the majority of easement acres are held in Baltimore (16 percent), Talbot (13 percent), Dorchester (10 percent), and Queen Anne's (10 percent) Counties. **Exhibit 7** shows the distribution of easement acreage throughout the State.

## Exhibit 7
## MET Acres by County



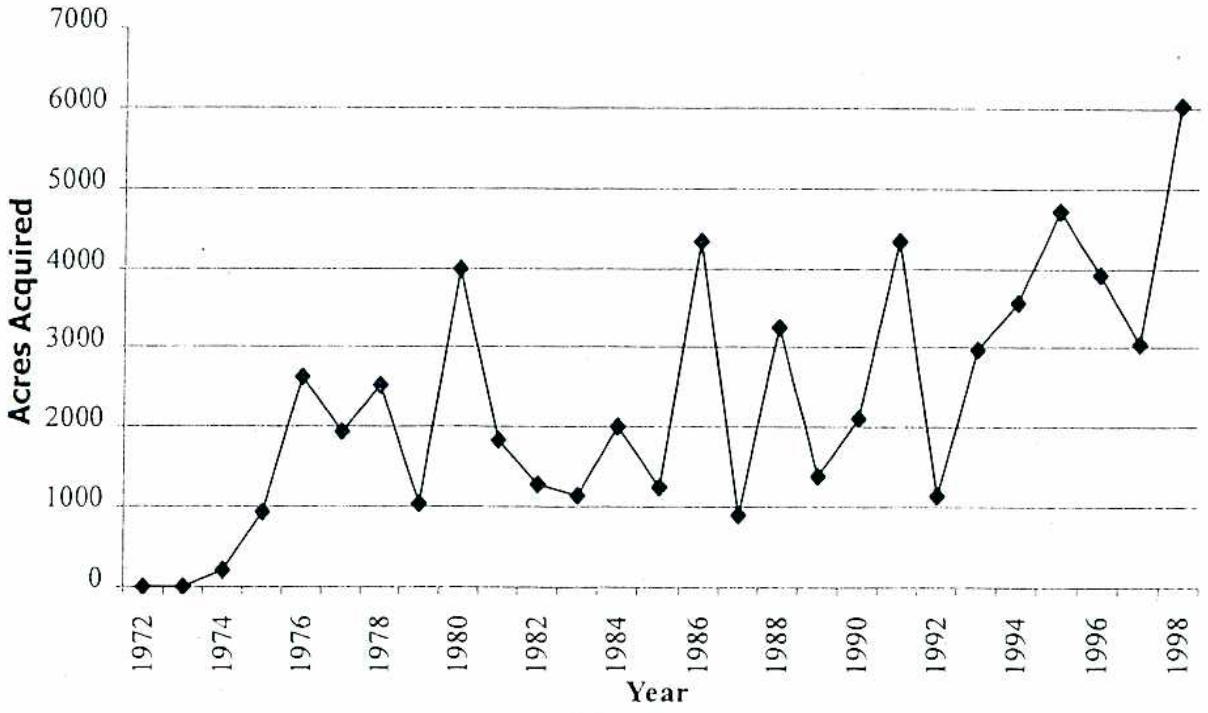

Source: Maryland Environmental Trust

The majority of easements are held in Baltimore (32 percent) and Talbot (10 percent) counties. MET gives priority to easement offers for property over 50 acres that have important ecological, agricultural, or historic features or which have bay or tributary frontage. **Appendix 6** provides further detail on MET easements and easement acres in each county.

Because MET relies on voluntary easements for its Conservation Program, the number and acres of easements acquired each year vary greatly. Through 1998, MET has received 467 easements protecting 62,512 acres. **Exhibit 8** shows the easement acres acquired each year.

**Exhibit 8**

**MET Annual Easement Acquisitions**




Source: Maryland Environmental Trust

In addition, MET occasionally receives gifts or bequests of property in fee simple. Through 1998, MET has received title to 3,558 acres. **Appendix 7** provides further detail on the number and acres of easements and titles received each year.

MET also operates the Local Land Trust Assistance program. Through this program, MET helps citizen groups form and operate local land trusts. In addition, MET offers land trusts technical assistance, training and grants for land protection projects, and administrative expenses. On occasion, land trusts may hold easements jointly with MET.

MET's final two programs are the Rural Historic Village Protection program and the Keep Maryland Beautiful program. The Rural Historic Village Protection program solicits easement agreements with landowners which protect open space surrounding Maryland's villages. This program is coordinated with MET's conservation easement program, local land trusts, and agricultural preservation programs. Finally, MET operates the Keep Maryland Beautiful program which focuses on environmental education projects, including providing grants for proposals addressing Maryland's environmental issues and granting awards for achievements which have benefitted Maryland's natural environment.

# Maryland Agricultural Land Preservation Foundation

MALPF was created by the Maryland General Assembly in 1977 (Chapter 833 of the Acts of 1977). The mission of the program is to preserve agricultural land and woodland in the State, provide for the continued production of food and fiber, curb the expansion of urban development, and protect agricultural land and woodland as open space. The program is voluntary on the part of landowners and is dependent upon the cooperation of local governments.

The program operates under Sections 2-501 through 2-516 of the Agriculture Article and is administered by a Board of Trustees. Also integral to the process are the county agricultural preservation advisory boards which are appointed in each county.

The process for preserving agricultural land involves two steps. First, agricultural preservation districts are formed when qualifying landowners sign voluntary agreements to keep their land in agricultural or woodland use for a minimum of five years. Second, landowners who agree to place their farms within a district may sell a development rights easement on that property to the State.

## Eligibility Criteria

In order for a landowner to participate in the program, the landowner must petition to establish an Agricultural Land Preservation District. If the property meets the minimum criteria as established by MALPF, the landowner signs a voluntary agreement which states that the land will be maintained in agricultural use for a minimum of five years. The agreement further states that the land will not be subdivided for residential, commercial, or industrial use while under district status.

To be eligible for district status, a property must have at least 100 contiguous acres with at least 50 percent of the total soils in the property classified as USDA soil capability Class I, II, or III and/or woodland group one or two. These classifications are considered to be prime or productive and are capable of successfully producing viable agricultural commodities with reasonable yields and returns. Smaller properties may qualify under special exceptions or if the property is adjacent to land already enrolled in the program.

Once a district is established, the landowner is eligible to apply to MALPF to sell an easement to the State. The landowner, in the application, must include the asking price of any easement offered. There is no guarantee that an offer will be extended to the

landowner. The maximum price MALPF may pay for an easement is either the landowner's asking price or the easement value, whichever is lower. The easement value is calculated by subtracting the agricultural value of the property from the appraised fair market value of the property. Any offer made is subject to available funds and approval by the State Board of Public Works.

During the 1999 legislative session, the General Assembly passed legislation (Chapter 421, Acts of 1999) which allows counties to rank applications for easement sales based on locally established priorities as approved by MALPF. Previously, MALPF was required to rank easement sale applications based on the asking price and the State easement value.

For each property that is submitted for easement sale, MALPF requires a soil conservation and water quality plan. The plan should list solutions to the soil erosion problems and include a schedule of implementation as a condition included in the deed of easement. A forest management plan is also encouraged on properties with 50 percent or more of the land dedicated to woodland.

Once an easement has been sold, the property is protected from further development in perpetuity, subject to some limitations. If farming is no longer feasible 25 years after the easement has been settled, the landowner who originally sold the easement to MALPF can petition the State and the county to buy back the easement.[1] In addition, certain rights referring to the construction of a dwelling home intended for the landowner and/or the landowner's children, subject to certain restrictions, density requirements, and local approval are available only to the landowner who originally sold the easement to MALPF.

## Program Benefits

Participating in MALPF provides landowners with several benefits including local tax property credits, other possible tax benefits, payment options, and legal protection.

Tax benefits vary by county. For example, in Charles County, landowners receive a 100 percent property tax credit (not including residential property). In Harford County, for land that is subject to a District Agreement, owners receive a 50 percent property tax credit; for land that is subject to an easement, owners receive a 100 percent property tax credit (including residential property). In some counties, the difference

[1]The petitioning landowner must prove that no type of farming is feasible. If the petition is approved both locally and by the State, the landowner must obtain an appraisal of the land and must pay a price equal to the difference between the fair market value of the land and the agricultural value of the land.

between the value of the easement and the actual purchase price may be considered a charitable contribution for tax purposes.

Landowners who sell an easement to the State can elect to receive a lump sum payment for the sale of an easement or may choose to be paid in installments. Landowners also receive insulation from nuisance complaints for normal agricultural activity.

## Program Funding

Funding for MALPF is made up entirely of special funds. Historically, the two main sources of revenue for the program have been a portion of the State's property transfer tax and the Agricultural Land Transfer Tax.

- ***State Property Transfer Tax.*** The amount of funding provided to MALPF from the State property transfer tax varies year to year, depending on the amount of tax collected.

- ***Agricultural Land Transfer Tax.*** Real property transferred out of agricultural use is assessed the Agricultural Land Transfer Tax based on the fair market value of the land. The tax is imposed as follows: 1) 5 percent for a transfer of 20 or more acres; 2) 4 percent for a transfer of less than 20 acres of unimproved agricultural land; and 3) 3 percent for a transfer of less than 20 acres of agricultural land assessed as improved agricultural land or agricultural land with site improvements. The tax is collected by each county. Each county retains one-third of the total collections and transfers two-thirds via the Comptroller to MALPF. Certified counties retain three-quarters and transfer one-fourth to MALPF. Revenue from the tax retained by the county, if unspent after a three-year period, reverts to MALPF.

State funding for MALPF from 1982 to 1998 amounted to $151,423,554 **(see Exhibit 9)**.[2] In 1991, 1992, and 1993, funding was limited as a result of the budget deficit. Since 1994, annual funding has increased 115 percent.

[2]Prior to fiscal 1982, records are not available.

## Exhibit 9

## State Funding for MALPF, Fiscal 1982 - 1998 (in Dollars)

| Fiscal Year | Property Transfer Tax Distribution | Agricultural Transfer Tax (ATT) Distribution | 3-Year Old ATT | Total |
|---|---|---|---|---|
| 1982-1989 | 27,000,000 | 42,998,699 | 3,618,658 | 73,617,357 |
| 1990 | 5,000,000 | 6,126,012 | n.a. | 11,126,012 |
| 1991 | 5,000,000 | 2,026,817 | 280,668 | 7,307,485 |
| 1992 | 4,993,192 | 1,161,246 | 1,080,026 | 7,234,464 |
| 1993 | 1,116,670 | 1,532,791 | 1,046,000 | 3,695,461 |
| 1994 | 4,600,000 | 1,400,000 | 44,475 | 6,044,475 |
| 1995 | 6,521,650 | 1,700,000 | 592,430 | 8,814,080 |
| 1996 | 7,755,888 | 1,748,541 | 92,189 | 9,596,618 |
| 1997 | 8,885,000 | 2,036,485 | 92,189 | 11,013,674 |
| 1998 | 10,869,130 | 2,000,000 | 104,798 | 12,973,928 |
| **Total** | **81,741,530** | **62,730,591** | **6,951,433** | **151,423,554*** |

* This total does not include capital bond appropriations or transfers. In 1991, 1992 and 1993, $17 million, $4.9 million, and $1.1 million, respectively, were transferred out of the MALPF Fund to the State General Fund as part of the State's Deficit Reduction Plan. A total of $12 million were replaced through bond appropriations.

Source: Department of Agriculture.

Note: n.a. = not available.

## Program Allocation

The total certified fund, or funds available for easement offers, is equally divided to provide General Allotted Funds and State Matching Funds. The total amount of the General Allotted Funds is divided equally among the 23 counties during "Round 1" offers, which is the round under which easement purchase requests within each county compete for available funds.

The other half of the certified fund is used for up to a 60 percent match in those counties which participate in the State Matching Funds Program.[3] Once General Allotted Funds are depleted, the State will provide up to a 60 percent match for the county easement purchases up to $1 million in any county in any fiscal year. Once those funds are exhausted, the remaining easement requests compete Statewide in "Round 2." "Round 2" funding consists of unused General Allotted Funds and unused State Matching Funds.

MALPF's unencumbered funds are held on a revolving basis at the end of the fiscal year. As of June 30, 1998, the certified fund balance (including all revenues and expenditures, as well as any balances from the previous fiscal year) amounted to approximately $15 million.

The allocation of MALPF funds made available to counties for easement acquisitions totaled approximately $175 million from 1982 to 1998. Of this amount, approximately $138 million (79 percent) was from State funding sources and approximately $37 million (21 percent) was from county funds and federal grants. Detail on the breakdown of funds by county is provided in **Appendix 8**.

As of June 30, 1998, Baltimore County had received the greatest amount of funding from the State, followed by Carroll, Frederick, Harford, Montgomery, and Anne Arundel Counties **(see Exhibit 10)**.

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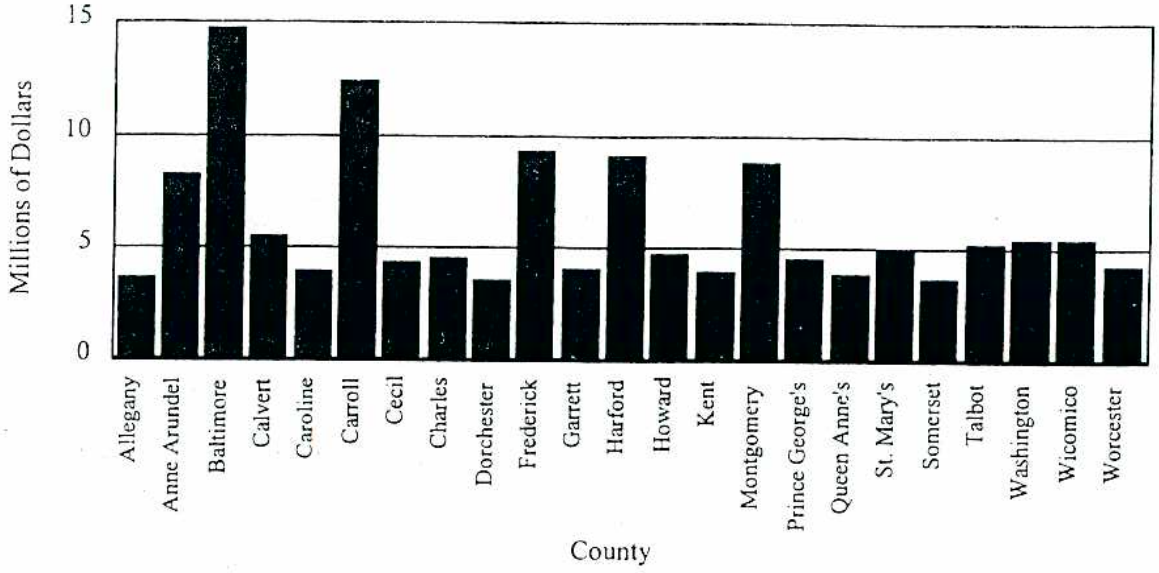
[3]In fiscal 1999, nineteen counties participated in the State Matching Funds Program.

**Exhibit 10**

**Allocation of State Dollars to Counties, 1982 to 1998**




Source: Department of Agriculture

## Easement Acquisitions

As of June 30, 1998, MALPF had protected a total of 152,288 acres through the purchase of 1,052 permanent development rights easements **(see Exhibit 11)**. Since 1990, the program has protected approximately 54,000 acres, or an average of about 6,000 acres per year and 42 easements per year. Since 1993, total easement acreage has increased 42 percent, and the total number of easements acquired increased 43 percent.

Easement acquisition costs totaled approximately $177 million from 1980 to 1998. The average acquisition cost was $1,165 per acre. From 1993 to 1998, annual acquisition costs increased 78 percent, and average acquisition costs per acre increased 19 percent.

## Exhibit 11

### Summary of Easement Acquisitions from Fiscal 1980 to 1998

| Fiscal Year | Number of Easements | Number of Acres | Total Acquisition Costs | Average Costs Per Acre |
|---|---|---|---|---|
| 1980-1990 | 677 | 98,619 | $97,268,517 | $986 |
| 1991 | 0 | 0 | $0 | n.a. |
| 1992 | 0 | 0 | $0 | n.a. |
| 1993 | 59 | 8,357 | $11,472,760 | $1,373 |
| 1994 | 49 | 6,805 | $11,000,311 | $1,616 |
| 1995 | 24 | 7,869 | $10,891,991 | $1,384 |
| 1996 | 75 | 6,575 | $10,109,481 | $1,537 |
| 1997 | 84 | 11,808 | $16,324,772 | $1,382 |
| 1998 | 84 | 12,469 | $20,378,116 | $1,634 |
| **Total** | **1,052** | **152,514** | **$177,445,588** | **$1,163** |
| **Reductions*** | | (225) | ($128,621) | |
| **Total** | 1,052 | 152,288 | $177,316,967 | $1,165 |

*Reductions due to lot exclusions and adjustments to deeds
Note: No easements were acquired until 1980.
Source: Maryland Agricultural Land Preservation Foundation Annual Report (1998), Department of Agriculture.

In fiscal 1998, Maryland's central region (Carroll, Baltimore, Harford, Montgomery, and Howard Counties) had the largest percentage of total easement acreage (37 percent), while the Southern region (Anne Arundel, St. Mary's, Calvert, Charles, and Prince George's Counties) had the lowest percentage of total easement acreage (7 percent).

Percentages of total easement acreage have remained fairly constant for the various regions since 1995 **(see Exhibit 12)**.

**Exhibit 12**

**Percentage of Total Easement Acreage by Region**

| Region | FY 1995 | FY 1996 | FY 1997 | FY 1998 |
|---|---|---|---|---|
| **Western:**<br>Garrett<br>Allegany<br>Washington<br>Frederick | 14.0%<br>16,973 acres | 14.0%<br>17,495 acres | 13.4%<br>18,657 acres | 13.3%<br>20,242 acres |
| **Central:**<br>Carroll<br>Baltimore<br>Harford<br>Montgomery<br>Howard | 39.1%<br>47,545 acres | 38.9%<br>49,770 acres | 37.4%<br>52,263 acres | 37.0%<br>56,465 acres |
| **Southern:**<br>Anne Arundel<br>St. Mary's<br>Calvert<br>Charles<br>Prince George's | 7.1%<br>8,676 acres | 7.0%<br>8,973 acres | 7.1%<br>10,009 acres | 7.2%<br>10,880 acres |
| **Upper Shore:**<br>Queen Anne's<br>Talbot<br>Cecil<br>Kent<br>Caroline | 33.8%<br>41,020 acres | 33.4%<br>43,160 acres | 34.4%<br>48,138 acres | 35.0%<br>11,519 acres |
| **Lower Shore:**<br>Dorchester<br>Wicomico<br>Worcester<br>Somerset | 6.0%<br>7,264 acres | 6.7%<br>8,633 acres | 7.1%<br>10,761 acres | 7.5%<br>11,519 acres |
| **Total Acreage** | **121,478** | **128,031** | **139,828** | **152,288** |

Source: Maryland Agricultural Land Preservation Foundation Annual Report (1998)

As of June 30, 1998, the number of easements acquired by the State per county ranged from 0 to 219. The number of acres protected ranged from 0 to over 28,000 acres. Carroll County had the largest number of easements and protected the largest share of easement acreage (about 18 percent) at 28,000 acres **(see Exhibit 13)**. All counties in the State, with the exception of Prince George's County, had acres protected as a result of the MALPF program.

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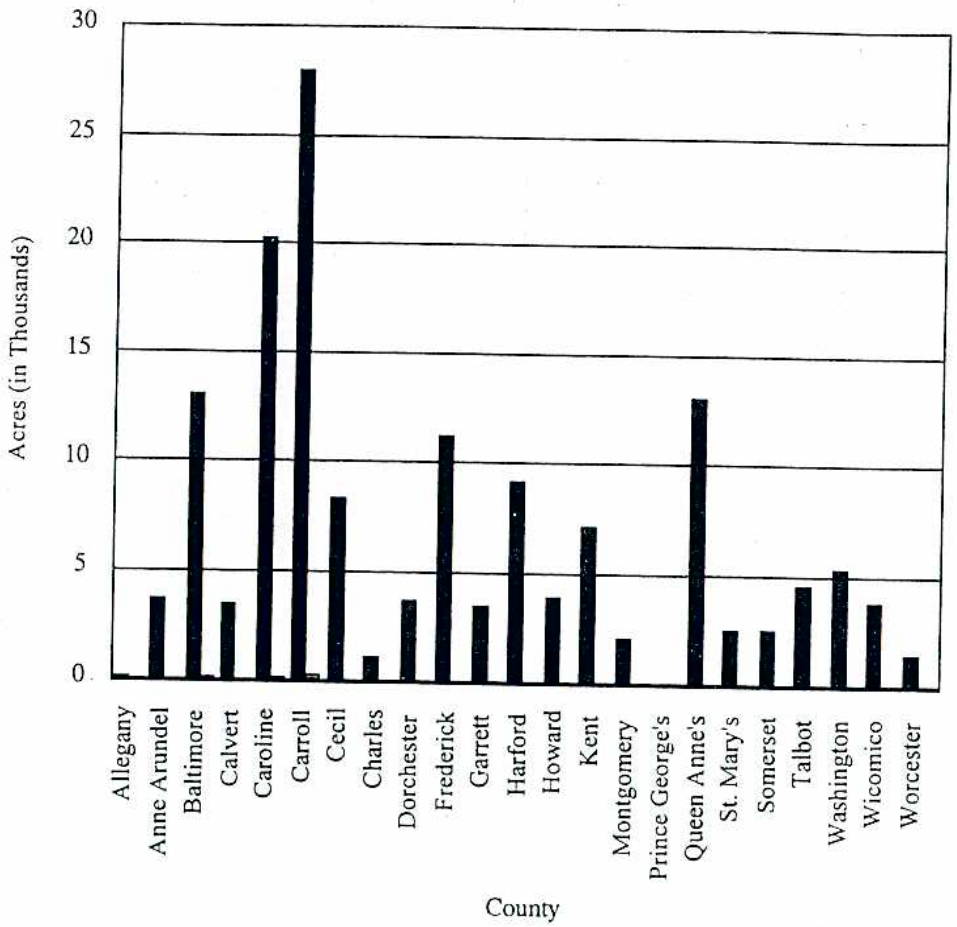
**Exhibit 13**

**Easement Acreage by County as of June 30, 1998**




Source: Maryland Agricultural Land Preservation Foundation Annual Report (1998)

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Further detail on the cumulative number of easements and easement acreage by year is provided in **Appendix 9**. Additional detail on the number of easements, easement acreage, and percent of total acreage by county is included in **Appendix 10**.

## District Participation

Since the establishment of the program, 2,429 districts have been created by qualifying landowners who have voluntarily protected an area of 323,031 acres. Since 1990, 1,020 districts have been established, covering an area of 128,643 acres **(see Exhibit 14)**. From 1990 to 1998, landowners, on average, have volunteered to protect about 14,300 acres per year through the creation of about 113 districts per year. From 1993 to 1998, the number of districts increased 28 percent and district acreage increased 17 percent.

**Exhibit 14**

**District Participation, Fiscal 1977 to 1998**

| Fiscal Year | Number of Districts | Number of Acres |
|---|---|---|
| 1977-1989 | 1,211 | 192,979 |
| 1990 | 198 | 21,429 |
| 1991 | 313 | 39,785 |
| 1992 | 134 | 16,395 |
| 1993 | 49 | 4,498 |
| 1994 | 67 | 8,915 |
| 1995 | 95 | 13,707 |
| 1996 | 67 | 8,488 |
| 1997 | 143 | 17,104 |
| 1998 | 152 | 19,745 |
| **Total** | **2,429** | **323,031** |

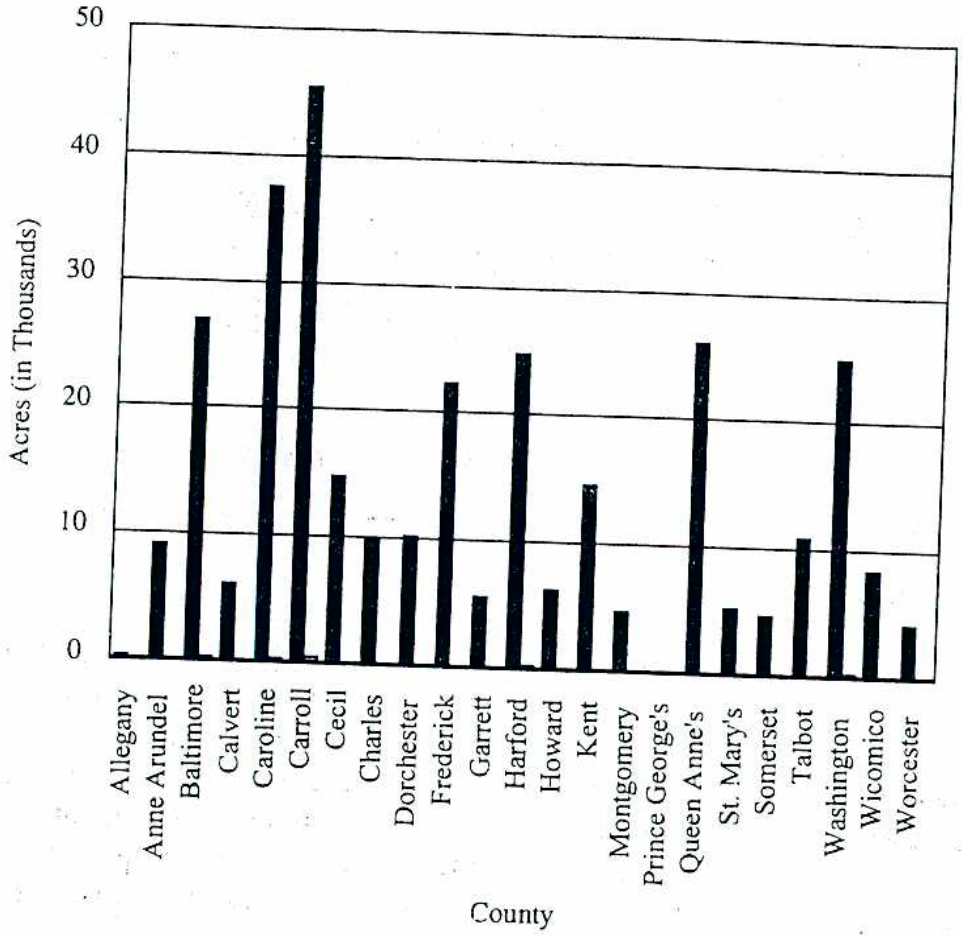
Source: Maryland Agricultural Land Preservation Foundation Annual Report (1998)

As of June 30, 1998, the number of districts per county ranged from 0 to 372 covering an area of 0 to over 45,000 acres. District participation was greatest in Carroll

County, whose districts protected an area of over 45,000 acres, or 14 percent of the total acres in district participation **(see Exhibit 15)**. Caroline and Baltimore Counties had the next largest area of land in established districts.

**Exhibit 15**

**District Acreage by County as of June 30, 1998**



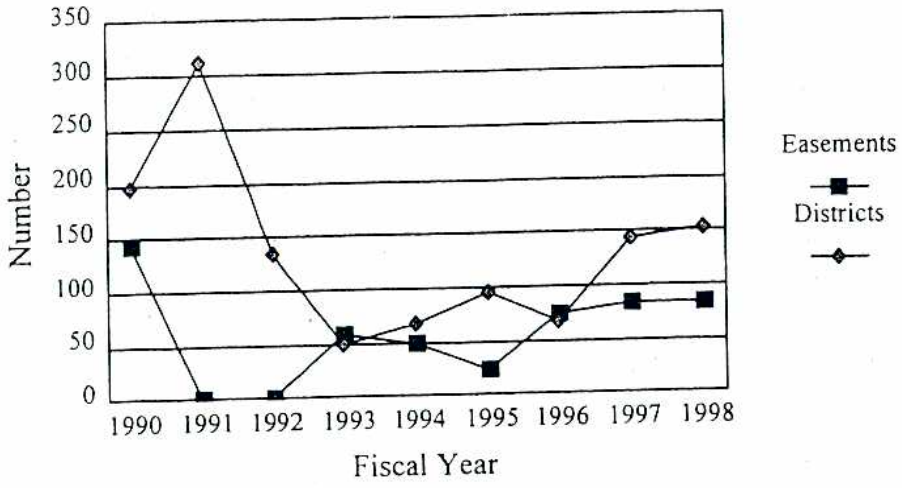

Source: Maryland Agricultural Land Preservation Foundation Annual Report (1998)

Further detail on district participation is provided in **Appendices 11 and 12**.

Generally, as easement acquisition increased, district participation decreased, and as easement acquisition decreased, district participation increased **(see Exhibit 16)**. In 1991 and 1992, when no easements were purchased due to lack of funding, the number of districts established increased significantly.

**Exhibit 16**

**Easement Acquisition and District Establishment, Fiscal 1990 to 1998**




Source: Maryland Agricultural Land Preservation Foundation Annual Report (1998)

## County Programs

Another important component of agriculture land preservation in Maryland is the effort put forth by individual counties. In 1990, the Maryland General Assembly created the Certification of Local Agricultural Land Preservation Programs. Certification enables counties to create a preservation program that best meets local goals and needs. Certified counties are allowed to retain a greater portion of the agricultural transfer tax to increase the local purchase of easements. Establishing acreage goals and defining areas for preservation are key components of the programs. In combination with easement purchases, counties use other tools such as:

- ***Agricultural Zoning.*** While most counties have some type of agricultural zoning, the type and enforcement of zoning policies vary widely. Large lot sizes prevent the subdivision of land into small lots, which discourages development by potentially reducing the investment return to the developer. Zoning is more essential to preserve farming in counties facing development pressures than in rural areas, as it helps to impede development.

- ***Transfer of Development Rights Programs (TDR).*** Under TDR programs, residents who occupy certain agricultural areas in a county (sending areas) are

precluded from selling their land to developers. In exchange, these landowners are awarded transferable development rights which may be sold on the open market to developers.

These rights are applied by developers to designated receiving areas (areas where the county is attempting to foster development). Developers who purchase TDRs are allowed an increased density in these areas. Several counties have established TDR programs.

- ***Limited Expansion of Water and Sewer Services.*** Another method of preserving agricultural land is to confine residential growth to existing water and sewer service.

To become certified, a county must apply to MALPF and MOP and obtain county approval. For certification to be granted, a county must demonstrate that its program is likely to succeed in achieving county goals for preserving agricultural land. A county must also:

- demonstrate that it has committed to making qualifying expenditures of county funds that equal or exceed the estimated certification funds that will be available as a result of certification;
- demonstrate that it intends to use the additional funds acquired through certification in accordance with appropriate regulations;
- have in effect a comprehensive plan which describes county goals;
- describe and show on a map the designated agricultural land preservation areas;
- describe the elements of the county's implementation program and tools, zoning ordinances and procedures used to protect agricultural land from subdivision and conversion;
- describe the programs the county uses to purchase and transfer development rights and to provide other financial incentives to landowners who sell their development rights;
- describe activities which support productive agriculture and the agricultural industry;
- demonstrate that purchase of development rights (PDR) programs preserve only properties that meet certain requirements as put forth by MALPF; and

- provide an evaluation of the county's implementation program and a strategy for improving the program.

Fifteen counties currently have certified programs. As shown in **Exhibit 17**, the ratio of agricultural land preserved to agricultural land converted to other uses increased in all but one county after certification.

## Exhibit 17

### Agricultural Land Saved by MALPF and/or Local PDR/TDR and Agricultural Land Lost, Before and After Certification (through Fiscal 1998)

| County | Year Certified | Acres Preserved Before Certification | Acres Lost Before Certification | Ratio of Preserved to Lost Before Certification | Acres Preserved After Certification | Acres Lost After Certification | Ratio of Preserved to Lost After Certification |
|---|---|---|---|---|---|---|---|
| Anne Arundel | 1991 | 2,758 | 13,027 | 0.21 | 3,140 | 2,455 | 1.28 |
| Baltimore | 1991 | 9,395 | 20,975 | 0.45 | 4,106 | 5,340 | 0.77 |
| Calvert | 1993 | 10,372 | 11,121 | 0.93 | 2,443 | 4,862 | 0.50 |
| Carroll | 1991 | 20,138 | 20,813 | 0.97 | 9,488 | 7,379 | 1.29 |
| Cecil | 1999 | 8,372 | 18,943 | 0.44 | N/A | N/A | N/A |
| Charles | 1996 | 628 | 17,162 | 0.04 | 1,962 | 1,979 | 0.99 |
| Frederick | 1991 | 7,417 | 17,372 | 0.43 | 4,809 | 6,900 | 0.70 |
| Harford | 1991 | 5,329 | 12,797 | 0.42 | 16,781 | 6,241 | 2.69 |
| Howard | 1991 | 8,837 | 13,500 | 0.65 | 8,369 | 4,278 | 1.96 |
| Kent | 1997 | 5,574 | 3,545 | 1.57 | 1,615 | 59 | 27.37 |
| Montgomery | 1991 | 28,093 | 28,908 | 0.97 | 19,196 | 7,060 | 2.72 |
| Queen Anne's | 1999 | 15,410 | 5,972 | 2.58 | N/A | N/A | N/A |
| St. Mary's | 1995 | 1,797 | 14,019 | 0.13 | 747 | 1,510 | 0.49 |

| County | Year Certified | Acres Preserved Before Certification | Acres Lost Before Certification | Ratio of Preserved to Lost Before Certification | Acres Preserved After Certification | Acres Lost After Certification | Ratio of Preserved to Lost After Certification |
|---|---|---|---|---|---|---|---|
| **Talbot** | 1999 | 5,101 | 6,640 | 0.77 | N/A | N/A | N/A |
| **Washington** | 1993 | 3,337 | 10,263 | 0.33 | 2,073 | 3,882 | 0.53 |
| **Total** | | **132,558** | **215,057** | **0.62** | **74,729** | **51,945** | **1.44** |

Note: PDR = Purchase of Development Rights
TDR = Transfer of Development Rights

Source: Maryland Office of Planning

# Appendix 1

## Local Recreational Acreage Goal Calculations by Facility Category

| County | Locally Owned | State Owned Recreation Land | Federally Owned Recreation Land |
|---|---|---|---|
| **Recreation Acres** | **100% of Local Recreation Land:**<br><br>- Neighborhood Parks<br>- Community Parks<br>- City/Countywide Parks<br>- Metro/Regional Parks<br>- Educational Recreation Areas*<br>- Reserved Open Space<br><br>*60% of school site or actual community recreational use areas. Must also have joint use agreement. | **State Recreation Land and Federal Recreation Land - Up to 15 acres per 1000 persons in excess of 60 acres/1000, counting 100% of*:**<br>*Added to 33% of any acres in "B", local resource land | |
| | | **- Parks<br>- Forests<br>- Community Parks<br>- Educational Recreation Areas<br>- Reserved Open Space** | **- Parks<br>-Seashores<br>-Recreation Areas - Community/ Countywide Parks** |

| | | | |
|---|---|---|---|
| Resource Acres | **Local Resource Land- Up to 15 acres per 1000 persons in excess of 60 acres/1000, counting 33% of*:**<br>- Natural Resource Areas<br>- Historic/Cultural Areas<br>*Added to 100% of any acres in "C" and "E", State and federal recreation land | **State Resource Land - None:**<br>- Natural Resource Management Areas<br>- Natural Environment Areas<br>- Wildlife Management Areas<br>- Fish Management Areas<br>- Roadside Picnic Areas<br>- Historic Cultural Areas<br>- Natural Areas | **Federal Resource Land - None:**<br>- Wildlife Areas<br>- Wilderness Preservation Areas<br>- Parkways, Historic Sites<br>- Cemeteries<br>- Natural Areas<br>- Battlefields |

## Categories of State Holdings

- ***State Park:*** Operated primarily for outdoor recreation purposes. Improvements to facilitate users' access and comfort are typically found in sections of the property, although much of the land remains as undeveloped natural area.

- ***State Forest:*** Managed for multiple purposes, including water quality protection, wildlife enhancement, timber, natural beauty and low-intensity recreation. Recreational improvements are generally very limited.

- ***Wildlife Management Area (WMA):*** Focuses on wildlife enhancement and low intensity wildlife-related recreation, including hunting and observation. Recreational improvements are minimal.

- ***Natural Resources Management Area (NRMA):*** Managed for optimal use of the resources on the site, which may suggest varying levels or intensities of recreational development.

- ***Natural Environment Area:*** A large land unit of important natural attraction or unique geological or biological significance. Recreational development is generally very limited.

- ***Fish Management Area (FMA):*** Under the jurisdiction of the Fisheries Service, could be a highly specialized propagation facility or Public fishing pond.

# Appendix 2

## DNR Lands by County

| County | DNR Lands (Acres) | % of Total |
|---|---|---|
| Allegany | 60,475 | 16.25% |
| Anne Arundel | 4,238 | 1.14% |
| Baltimore | 20,760 | 5.58% |
| Baltimore City | 0 | 0.00% |
| Calvert | 3,025 | 0.81% |
| Caroline | 5,261 | 1.41% |
| Carroll | 3,871 | 1.04% |
| Cecil | 11,419 | 3.07% |
| Charles | 14,020 | 3.77% |
| Dorchester | 31,254 | 8.40% |
| Frederick | 10980 | 2.95% |
| Garrett | 79,361 | 21.33% |
| Harford | 6,661 | 1.79% |
| Howard | 9,752 | 2.62% |
| Kent | 4,802 | 1.29% |
| Montgomery | 12,367 | 3.32% |
| Prince George's | 6,492 | 1.74% |
| Queen Anne's | 4,551 | 1.22% |
| Somerset | 28,659 | 7.70% |
| St. Mary's | 5,432 | 1.46% |
| Talbot | 238 | 0.06% |
| Washington | 21,779 | 5.85% |
| Wicomico | 6,023 | 1.62% |
| Worcester | 20,668 | 5.55% |
| **Total** | **372,088** | **100.00%** |

Source: 1999 Public Lands Acreage Report, Department of Natural Resource

# Appendix 3

# POS Funding and Acres Protected 1995-99

| 1999 Statewide Program Open Space - BPW Approvals | | | | | | | |
|---|---|---|---|---|---|---|---|
| County/City | State Projects | | Local Projects | | Total | | Local % of Total Project $ |
| | Funding | Acres | Funding | Acres | Funding | Acres | |
| Allegany | $563,259.03 | 595.63 | | | $563,259.03 | 595.63 | 0% |
| Anne Arundel | | | $1,262,080.00 | 78.76 | $1,262,080.00 | 78.76 | 100% |
| Baltimore City | $1,500,000.00 | 181.00 | | | $1,500,000.00 | 181.00 | 0% |
| Baltimore County | $45,000.00 | 6.15 | | | $45,000.00 | 6.15 | 0% |
| Calvert | $388,794.00 | 116.91 | | | $388,794.00 | 116.91 | 0% |
| Caroline | $152,015.19 | 158.70 | | | $152,015.19 | 158.70 | 0% |
| Carroll | $184,219.04 | 220.25 | | | $184,219.04 | 220.25 | 0% |
| Cecil | $774,762.72 | 668.21 | $160,000.00 | 0.42 | $934,762.72 | 668.63 | 17% |
| Charles | $9,789,787.50 | 1,850.00 | | | $9,789,787.50 | 1,850.00 | 0% |
| Frederick | $436,700.00 | 289.97 | | | $436,700.00 | 289.97 | 0% |
| Garrett | $37,000.00 | 42.49 | | | $37,000.00 | 42.49 | 0% |
| Harford | $1,145,000.00 | 360.18 | | | $1,145,000.00 | 360.18 | 0% |
| Howard | $5,000,000.00 | 292.00 | $0.00 | 2.80 | $5,000,000.00 | 294.80 | 0% |
| Kent | $533,133.00 | 351.58 | | | $533,133.00 | 351.58 | 0% |
| Montgomery | | | $2,688,000.00 | 185.95 | $2,688,000.00 | 185.95 | 100% |
| Prince George's | $65,000.00 | 2.00 | | | $65,000.00 | 2.00 | 0% |
| Queen Anne's | | | $2,000,000.00 | 305.00 | $2,000,000.00 | 305.00 | 100% |
| Washington | $310,300.00 | 217.48 | | | $310,300.00 | 217.48 | 0% |
| Wicomico | $430,050.00 | 30.74 | | | $430,050.00 | 30.74 | 0% |
| Worcester | $39,000.00 | 105.00 | | | $39,000.00 | 105.00 | 0% |
| **Totals** | **$21,394,020.48** | **5,488.29** | **$6,110,080.00** | **572.93** | **$27,504,100.48** | **6,061.22** | **22%** |

| 1998 Statewide Program Open Space - BPW Approvals | | | | | | | |
|---|---|---|---|---|---|---|---|
| | State Projects | | Local Projects | | Total | | Local % of Total Project $ |
| County/City | Funding | Acres | Funding | Acres | Funding | Acres | |
| Allegany | $748,465.80 | 358.28 | | | $748,465.80 | 358.28 | 0% |
| Anne Arundel | $175,000.00 | 155.35 | $975,265.00 | 258.83 | $1,150,265.00 | 414.18 | 85% |
| Baltimore City | $300,000.00 | 2.97 | | | $300,000.00 | 2.97 | 0% |
| Baltimore County | $755,450.00 | 85.69 | | | $755,450.00 | 85.69 | 0% |
| Calvert | $1,124,755.00 | 364.74 | $270,000.00 | 104.09 | $1,394,755.00 | 468.83 | 19% |
| Carroll | $314,192.00 | 118.85 | | | $314,192.00 | 118.85 | 0% |
| Charles | | | $177,959.93 | 4.33 | $177,959.93 | 4.33 | 100% |
| Dorchester | $90,000.00 | 224.00 | | | $90,000.00 | 224.00 | 0% |
| Frederick | $1,140,550.00 | 370.84 | | | $1,140,550.00 | 370.84 | 0% |
| Garrett | $69,768.86 | 62.50 | | | $69,768.86 | 62.50 | 0% |
| Harford | $878,822.78 | 40.91 | | | $878,822.78 | 40.91 | 0% |
| Montgomery | $35,822.78 | 14.50 | $919,325.00 | 40.79 | $955,147.78 | 55.29 | 96% |
| Queen Anne's | $394,000.00 | 307.00 | | | $394,000.00 | 307.00 | 0% |
| Washington | $160,258.00 | 49.12 | $663,526.69 | 66.26 | $823,784.69 | 115.38 | 81% |
| Wicomico | | | $514,037.67 | 342.61 | $514,037.67 | 342.61 | 100% |
| Worcester | $219,599.50 | 254.00 | | | $219,599.50 | 254.00 | 0% |
| Totals | $6,406,684.72 | 2,408.75 | $3,520,114.29 | 816.91 | $9,926,799.01 | 3,225.66 | 35% |

| 1997 Statewide Program Open Space - BPW Approvals | | | | | | | |
|---|---|---|---|---|---|---|---|
| | State Projects | | Local Projects | | Total | | Local % of Total Project $ |
| County/City | Funding | Acres | Funding | Acres | Funding | Acres | |
| Allegany | $402,426.00 | 463.34 | | | $402,426.00 | 463.34 | 0% |
| Anne Arundel | | | $1,450,010.00 | 192.00 | $1,450,010.00 | 192.00 | 100% |
| Baltimore City | | | $791,000.00 | 3.27 | $791,000.00 | 3.27 | 100% |
| Baltimore County | $373,700.00 | 11.17 | $750,000.00 | 230 | $1,123,700.00 | 241.17 | 67% |
| Charles | $43,575.00 | 34.86 | | | $43,575.00 | 34.86 | 0% |
| Dorchester | $1,277,500.00 | 2,381.09 | | | $1,277,500.00 | 2,381.09 | 0% |
| Frederick | $150,877.00 | 79.05 | | | $150,877.00 | 79.05 | 0% |
| Garrett | $685,608.48 | 554.23 | | | $685,608.48 | 554.23 | 0% |
| Harford | $105,221.00 | 28.00 | | | $105,221.00 | 28.00 | 0% |
| Prince George's | $4,768,010.00 | 615.00 | | | $4,768,010.00 | 615.00 | 0% |
| Somerset | $25,000.00 | 39.50 | | | $25,000.00 | 39.50 | 0% |
| St. Mary's | $343,000.00 | 151.99 | | | $343,000.00 | 151.99 | 0% |
| Washington | $387,511.30 | 334.13 | | | $387,511.30 | 334.13 | 0% |
| Worcester | $748,592.00 | 999.38 | | | $748,592.00 | 999.38 | 0% |
| **Totals** | **$9,311,020.78** | **5,691.74** | **$2,991,010.00** | **425.27** | **$12,302,030.78** | **6,117.01** | **24%** |

| 1996 Statewide Program Open Space - BPW Approvals | | | | | | | |
|---|---|---|---|---|---|---|---|
| | State Projects | | Local Projects | | Total | | Local % of Total Project $ |
| County/City | Funding | Acres | Funding | Acres | Funding | Acres | |
| Allegany | $2,252,331.77 | 683.69 | | | $2,252,331.77 | 683.69 | 0% |
| Anne Arundel | | | $247,500.00 | 0.17 | $247,500.00 | 0.17 | 100% |
| Baltimore City | $371,350.00 | 2.79 | $1,000,000.00 | 0. | $1,371,350.00 | 2.79 | 73% |
| Baltimore County | $739,406.20 | 162.84 | | | $739,406.20 | 162.84 | 0% |
| Carroll | $129,032.00 | 26.30 | | | $129,032.00 | 26.30 | 0% |
| Charles | $1,978,025.00 | 759.15 | | | $1,978,025.00 | 759.15 | 0% |
| Dorchester | $136,099.50 | 354.00 | | | $136,099.50 | 354.00 | 0% |
| Frederick | $125,391.00 | 17.91 | | | $125,391.00 | 17.91 | 0% |
| Garrett | $896,160.00 | 658.25 | | | $896,160.00 | 658.25 | 0% |
| Howard | $388,333.65 | 36.25 | $288,487.00 | 7.37 | $676,820.65 | 43.62 | 43% |
| Queen Anne's | $140,000.00 | 0.94 | | | $140,000.00 | 0.94 | 0% |
| Somerset | $157,939.65 | 1.01 | | | $157,939.65 | 1.01 | 0% |
| St. Mary's | $487,611.00 | 47.77 | | | $487,611.00 | 47.77 | 0% |
| Washington | $656,881.51 | 636.88 | | | $656,881.51 | 636.88 | 0% |
| Worcester | $1,015,000.00 | 114.80 | | | $1,015,000.00 | 114.80 | 0% |
| **Totals** | **$9,473,561.28** | **3,502.58** | **$1,535,987.00** | **7.54** | **$11,009,548.28** | **3,510.12** | **14%** |

| 1995 Statewide Program Open Space - BPW Approvals | | | | | | | |
|---|---|---|---|---|---|---|---|
| | State Projects | | Local Projects | | Total | | Local % of Total Project $ |
| County/City | Funding | Acres | Funding | Acres | Funding | Acres | |
| Allegany | $156,862.00 | 85.04 | | | $156,862.00 | 85.04 | 0% |
| Baltimore City | $445,000.00 | 5.45 | $1,147,433.23 | 7.34 | $1,592,433.23 | 12.79 | 72% |
| Baltimore County | $447,112.60 | 65.55 | | | $447,112.60 | 65.55 | 0% |
| Calvert | $2,421,500.00 | 243.00 | | | $2,421,500.00 | 243.00 | 0% |
| Carroll | $313,209.40 | 75.13 | | | $313,209.40 | 75.13 | 0% |
| Cecil | $69,900.00 | 6.16 | $114,137.00 | .33 | $184,037.00 | 6.49 | 62% |
| Charles | $623,850.00 | 315.00 | | | $623,850.00 | 315.00 | 0% |
| Dorchester | | | $25,000.00 | 1.00 | $25,000.00 | 1.00 | 100% |
| Frederick | $938,073.25 | 424.06 | | | $938,073.25 | 424.06 | 0% |
| Garrett | $576,000.00 | 640.00 | | | $576,000.00 | 640.00 | 0% |
| Harford | $285,966.42 | 34.62 | | | $285,966.42 | 34.62 | 0% |
| Howard | $112,800.00 | 6.31 | $100,000.00 | 7.37 | $212,800.00 | 13.68 | 47% |
| Prince George's | $4,075,000.00 | 409.00 | | | $4,075,000.00 | 409.00 | 0% |
| St. Mary's | $76,798.00 | 23.00 | | | $76,798.00 | 23.00 | 0% |
| Washington | $4,787,441.83 | 4,932.23 | | | $4,787,441.83 | 4,932.23 | 0% |
| **Totals** | **$15,329,513.50** | **7,264.55** | **$1,386,570.23** | **16.04** | **$16,716,083.73** | **7,280.59** | **8%** |

# Appendix 4

## The Legislative History of Program Open Space Funding

**1969** - Chapter 403 established Program Open Space with transfer tax funding.

**1984** - Chapter 665 capped transfer tax revenues dedicated to Program Open Space at $24 million.

**1987** - Chapter 303 increased the cap to $29 million in fiscal 1988 and $32 million in subsequent years. Chapter 450 placed new restrictions on use of local program funds for acquisition and development.

**1989** - Chapter 744 authorized local governments to use surplus Agricultural Land Preservation funds for Program Open Space Acquisitions.

**1990** - Chapter 63 phased out the cap on the program over a five-year period beginning in fiscal 1992, and required certain unencumbered local Program Open Space funds to revert to the State after five years from the date of deposit.

**1993** - Chapter 204 altered the allocation of transfer tax revenues between the program and the general fund and delayed the phase-out of the cap until fiscal 1997.

**1996** - Chapter 600 delayed the dedication of 100 percent of the transfer tax to Program Open Space and related programs until fiscal 1998.

**1996** - Chapter 601 authorized the Governor to transfer $1 million in Program Open Space funds to the Maryland Heritage Area Authority Fund.

**1996** - Chapter 659 authorized DNR to use up to 12.5 percent ($800,000), in fiscal 1997 only, of the State's share of Program Open Space funds available for capital improvements to operate State parks and forests.

**1997** - Chapter 672 authorized DNR to use up to $1 million of the State's share of POS funds available for capital improvements to operate State parks and forests in fiscal 1998 and up to $1.2 million in subsequent years.

**1997** - Chapter 758 established the Rural Legacy Program and altered the distribution of the State transfer tax by dedicating 90 percent to open space and related programs and 10 percent to Rural Legacy, POS, and Agricultural Land Preservation.

# Appendix 5

# Distribution of Transfer Tax and POS Acres Acquired

| FY | State Acquisition | Acres | Baltimore City Grant | Heritage Conservation | Rural Legacy | Heritage Finance Auth. | State Cap. Dev. | Local | Total |
|---|---|---|---|---|---|---|---|---|---|
| 1970 | $8,580,000 | | $920,000 | | | | | $9,500,000 | $19,000,000 |
| 1971 | 8,580,000 | | 720,000 | | | | | 9,300,000 | 18,600,000 |
| 1972 | 8,730,000 | | 720,000 | | | | | 9,700,000 | 19,150,000 |
| 1973 | 11,930,000 | | 720,000 | | | | | 13,000,000 | 25,650,000 |
| 1974 | 10,405,000 | | 720,000 | | | | | 11,500,000 | 22,625,000 |
| 1975 | 9,100,000 | | 3,000,000 | | | | | 12,350,000 | 24,450,000 |
| 1976 | 8,800,000 | | 300,000 | | | | | 9,200,000 | 18,300,000 |
| 1977 | 4,400,000 | | 750,000 | | | | | 5,500,000 | 10,650,000 |
| 1978 | 5,650,000 | | 750,000 | | | | | 6,750,000 | 13,150,000 |
| 1979 | 10,700,000 | 80,000.00 | 800,000 | | | | | 14,000,000 | 25,500,000 |
| 1980 | 8,650,000 | 3,743.00 | 1,000,000 | | | | | 11,000,000 | 20,650,000 |
| **1970-1980** | **$ 95,525,000** | **83,743** | **$10,400,000** | | | | | **$111,800,000** | **$217,725,000.00** |
| 1981 | 8,900,000 | 2,691 | 750,000 | | | | | 12,000,000 | 21,650,000.00 |
| 1982 | 7,600,000 | 8,000 | 650,000 | | | | | 12,000,000 | 20,250,000.00 |
| 1983 | 7,600,000 | 1,466 | 650,000 | | | | | 12,000,000 | 20,250,000.00 |
| 1984 | 4,750,000 | 2,142 | 500,000 | | | | | 8,000,000 | 13,250,000.00 |
| 1985 | 7,450,000 | 5,040 | 1,150,000 | $300,000 | | | | 12,000,000 | 20,900,000.00 |
| 1986 | 7,000,000 | 5,000 | 1,000,000 | 500,000 | | | | 12,000,000 | 20,500,000.00 |
| 1987 | 8,000,000 | 2,600 | 1,000,000 | | | | | 12,000,000 | 21,000,000.00 |
| 1988 | 9,750,000 | 5,158 | 1,000,000 | 750,000 | | | | 14,500,000 | 26,000,000.00 |
| 1989 | 15,000,000 | 3,758 | 1,000,000 | | | | | 16,000,000 | 32,000,000.00 |
| 1990 | 15,000,000 | 1,973 | 1,000,000 | | | | | 16,000,000 | 32,000,000.00 |
| 1991 | 15,000,000 | 6,968 | 1,000,000 | 1,000,000 | | | $1,700,000 | 16,000,000 | 34,700,000.00 |
| 1992 | 12,962,000 | 1,160 | 750,000 | 750,000 | | | | 8,650,000 | 23,112,000.00 |
| 1993 | 10,911,000 | 3,141 | 750,000 | 1,000,000 | | | | 14,164,000 | 26,825,000.00 |
| 1994 | 18,702,388 | 1,525 | 1,000,000 | 1,212,575 | | | 4,086,877 | 19,634,388 | 44,636,228.00 |
| 1995 | 14,893,000 | 7,265 | 750,000 | 1,285,000 | | | 4,086,877 | 20,804,000 | 41,818,877.00 |
| 1996 | 18,153,000 | 3,502 | 1,200,000 | 1,594,000 | | | 5,845,000 | 25,803,000 | 52,595,000.00 |
| 1997 | 17,612,000 | 5,691 | 1,200,000 | 1,226,000 | | $1,000,000 | 6,271,000 | 25,083,000 | 52,392,000.00 |
| 1998 | 12,317,000 | 2,408 | 1,200,000 | 1,143,000 | $10,876,000 | 1,000,000 | 5,839,000 | 23,356,000 | 55,731,000.00 |
| 1999 | 17,517,000 | 5,488 | 1,500,000 | 1,182,000 | 18,339,000 | 1,000,000 | 6,889,000 | 24,174,000 | 70,601,000.00 |
| Total | $324,642,388 | 162,725 | $28,450,000 | $11,942,575 | $29,215,000 | $3,000,000 | $34,717,754 | $415,968,388 | $847,936,105.00 |

Source: Department of Natural Resources

# Appendix 6

## Maryland Environmental Trust Easements

| County | Number of Easements | % of Easements | Acreage | % of Acres |
|---|---|---|---|---|
| Allegany | 3 | 1% | 853 | 1% |
| Anne Arundel | 11 | 2% | 156 | 0% |
| Baltimore | 151 | 32% | 9,728 | 16% |
| Baltimore City | 3 | 1% | 31 | 0% |
| Calvert | 11 | 2% | 2,058 | 3% |
| Caroline | 4 | 1% | 859 | 1% |
| Carroll | 10 | 2% | 687 | 1% |
| Cecil | 15 | 3% | 2,842 | 5% |
| Charles | 9 | 2% | 3,021 | 5% |
| Dorchester | 23 | 5% | 6,259 | 10% |
| Frederick | 30 | 6% | 2,667 | 4% |
| Garrett | 4 | 1% | 293 | 0% |
| Harford | 23 | 5% | 2,519 | 4% |
| Howard | 15 | 3% | 1,146 | 2% |
| Kent | 27 | 6% | 5,302 | 8% |
| Montgomery | 10 | 2% | 2,115 | 3% |
| Prince George's | 2 | 0% | 157 | 0% |
| Queen Anne's | 27 | 6% | 6,136 | 10% |
| St. Mary's | 5 | 1% | 1,024 | 2% |
| Somerset | 9 | 2% | 2,273 | 4% |
| Talbot | 49 | 10% | 7,916 | 13% |
| Washington | 26 | 5% | 2,964 | 5% |
| Wicomico | 3 | 1% | 569 | 1% |
| Worcester | 4 | 1% | 935 | 1% |
| **Total** | **474** | **100%** | **62,510** | **100%** |

Source: Maryland Environmental Trust

# Appendix 7

## Maryland Environmental Trust: Annual Easements and Titles Acquired

| Year | Easements Received | Acres | Gifts in Fee and Bequests | Total Acres |
|---|---|---|---|---|
| 1972 | 1 | 11 | | 11 |
| 1973 | 0 | 0 | | 11 |
| 1974 | 2 | 202 | | 213 |
| 1975 | 4 | 930 | | 1,143 |
| 1976 | 8 | 2,636 | | 3,779 |
| 1977 | 8 | 1,948 | | 5,727 |
| 1978 | 8 | 2,523 | | 8,250 |
| 1979 | 10 | 1,048 | | 9,298 |
| 1980 | 17 | 3,985 | | 13,283 |
| 1981 | 13 | 1,824 | | 15,107 |
| 1982 | 9 | 1,290 | | 16,397 |
| 1983 | 6 | 1,128 | | 17,525 |
| 1984 | 12 | 2,023 | | 19,548 |
| 1985 | 12 | 1,244 | | 20,792 |
| 1986 | 19 | 4,333 | | 25,125 |
| 1987 | 11 | 889 | 29 | 26,043 |
| 1988 | 14 | 3,264 | 80 | 29,387 |
| 1989 | 19 | 1,380 | | 30,767 |
| 1990 | 22 | 2,122 | | 32,889 |
| 1991 | 19 | 4,342 | 2,817 | 40,048 |
| 1992 | 25 | 1,139 | | 41,187 |
| 1993 | 31 | 2,974 | 276 | 44,437 |
| 1994 | 31 | 3,573 | 176 | 48,186 |
| 1995 | 43 | 4,705 | 151 | 53,042 |
| 1996 | 37 | 3,921 | | 56,963 |
| 1997 | 34 | 3,040 | 29 | 60,032 |
| 1998 | 52 | 6,038 | | 66,070 |
| **Total** | **467** | **62,512** | **3,558** | **66,070** |

Source: Maryland Environmental Trust

# Appendix 8

## Detail of Allocation of MALPF Funds (in Dollars) to Counties, 1982 to 1998

| County | 1982 - 1990 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | Total, State Funds | County Funds | Federal Funds | Total Funding |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Allegany | 2,253,507 | 236,079 | 184,982 | 187,570 | 169,130 | 261,567 | 326,483 | 3,619,318 | 0 | 0 | 3,619,318 |
| Anne Arundel | 4,591,625 | 513,857 | 184,982 | 187,570 | 544,130 | 1,861,567 | 326,483 | 8,210,214 | 3,224,844 | 52,632 | 11,487,690 |
| Baltimore | 8,210,525 | 513,857 | 1,084,660 | 1,236,887 | 1,169,130 | 1,261,567 | 1,326,483 | 14,803,109 | 7,847,445 | 52,632 | 22,703,186 |
| Calvert | 4,094,085 | 236,079 | 184,982 | 187,570 | 169,130 | 261,567 | 352,884 | 5,486,297 | 1,283,152 | 52,632 | 6,822,081 |
| Caroline | 2,301,400 | 365,079 | 203,376 | 213,725 | 169,130 | 297,350 | 354,038 | 3,904,098 | 119,957 | 52,632 | 4,076,687 |
| Carroll | 5,978,058 | 795,189 | 859,982 | 1,049,317 | 1,168,130 | 1,261,567 | 1,326,482 | 12,439,325 | 6,088,620 | 52,632 | 18,580,577 |
| Cecil | 2,578,933 | 236,079 | 184,982 | 187,570 | 382,876 | 324,320 | 426,071 | 4,320,831 | 490,560 | 52,632 | 4,864,023 |
| Charles | 2,600,910 | 236,079 | 334,982 | 391,570 | 169,130 | 363,567 | 476,483 | 4,572,721 | 611,209 | 52,632 | 5,236,562 |
| Dorchester | 2,198,155 | 236,079 | 184,982 | 187,570 | 169,130 | 261,567 | 326,483 | 3,563,966 | 0 | 52,632 | 3,616,598 |
| Frederick | 4,633,393 | 819,651 | 814,660 | 750,070 | 431,630 | 749,067 | 1,113,983 | 9,312,454 | 3,745,947 | 52,632 | 13,111,033 |
| Garrett | 2,433,154 | 326,080 | 199,982 | 286,570 | 169,130 | 261,567 | 342,021 | 4,018,504 | 322,842 | 52,632 | 4,393,978 |
| Harford | 4,136,771 | 761,790 | 1,039,660 | 1,040,840 | 319,130 | 550,570 | 1,226,483 | 9,075,244 | 4,553,903 | 52,632 | 13,681,779 |
| Howard | 3,356,961 | 236,079 | 184,982 | 187,570 | 169,130 | 261,567 | 326,483 | 4,722,772 | 752,087 | 0 | 5,474,859 |
| Kent | 2,298,631 | 346,499 | 354,680 | 187,570 | 169,130 | 265,450 | 336,297 | 3,958,257 | 301,699 | 52,632 | 4,312,588 |
| Montgomery | 6,629,178 | 236,079 | 184,982 | 590,840 | 169,130 | 261,567 | 761,012 | 8,832,788 | 1,939,634 | 0 | 10,772,422 |
| Prince George's | 3,184,870 | 236,079 | 184,982 | 187,570 | 169,130 | 261,567 | 326,483 | 4,550,681 | 0 | 0 | 4,550,681 |

| County | 1982 - 1990 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | Total, State Funds | County Funds | Federal Funds | Total Funding |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Queen Anne's | 2,362,777 | 236,079 | 184,982 | 187,570 | 169,130 | 374,067 | 371,483 | 3,886,088 | 213,361 | 52,632 | 4,152,081 |
| St. Mary's | 2,552,524 | 236,079 | 359,643 | 187,570 | 251,630 | 416,817 | 912,950 | 4,917,213 | 940,094 | 52,632 | 5,909,939 |
| Somerset | 2,206,914 | 236,079 | 300,474 | 187,570 | 169,130 | 261,567 | 326,483 | 3,688,217 | 11,586 | 52,632 | 3,752,435 |
| Talbot | 3,130,874 | 417,898 | 604,444 | 187,570 | 210,093 | 273,788 | 375,522 | 5,200,189 | 970,728 | 52,632 | 6,223,549 |
| Washington | 3,091,775 | 485,139 | 146,294 | 337,570 | 319,130 | 524,067 | 476,483 | 5,380,458 | 1,292,039 | 52,632 | 6,725,129 |
| Wicomico | 3,032,305 | 498,580 | 490,365 | 429,600 | 244,546 | 351,567 | 371,483 | 5,418,446 | 1,275,038 | 52,632 | 6,746,116 |
| Worcester | 2,296,794 | 329,922 | 300,849 | 357,600 | 224,978 | 317,414 | 382,330 | 4,209,887 | 386,731 | 52,632 | 4,649,250 |
| Total | 80,154,119 | 8,771,010 | 8,758,889 | 8,935,429 | 7,294,963 | 11,285,281 | 12,891,386 | 138,091,077 | 36,371,476 | 1,000,008 | 175,462,561 |

Note: Although the program was established in 1977, easement acquisition did not begin until Fiscal 1980.
Allocation of funds was not recorded before 1982.
No offers were made in 1991 or 1992.
Allocations may not be equal to certified funds because certified funds are calculated before all revenues have been recorded.

Source: Department of Agriculture

# Appendix 9

## Number of Easements and Easement Acreage from 1990 to 1998

| Fiscal Year | Number of Easements | Number of Acres | Cumulative Number of Easements | Cumulative Easement Acreage |
|---|---|---|---|---|
| 1990 | 143 | 19,053 | 677 | 98,533 |
| 1991 | 0 | 0 | 677 | 98,533 |
| 1992 | 0 | -29 | 677 | 98,504* |
| 1993 | 59 | 8,320 | 736 | 106,824* |
| 1994 | 49 | 6,805 | 785 | 113,629* |
| 1995 | 24 | 3,690 | 809 | 117,319* |
| 1996 | 75 | 10,712 | 884 | 128,031 |
| 1997 | 84 | 11,797 | 968 | 139,828 |
| 1998 | 84 | 12,460 | 1,052 | 152,288 |

Source: Maryland Agricultural Land Preservation Foundation Annual Report (1998).
*Reflects reductions in easement acreage due to lot exclusions and adjustments to deeds.

# Appendix 10

# Easement Participation by County, 1998

**Total Easements Acquired as of 6/30/98**

| County | Number | Acreage | % of Total |
|---|---|---|---|
| Allegany | 1 | 183 | 0.1 |
| Anne Arundel | 30 | 3,697 | 2.4 |
| Baltimore | 118 | 13,054 | 8.6 |
| Calvert | 25 | 3,537 | 2.3 |
| Caroline | 145 | 20,266 | 13.3 |
| Carroll | 219 | 28,048 | 18.4 |
| Cecil | 49 | 8,372 | 5.5 |
| Charles | 5 | 1,101 | 0.7 |
| Dorchester | 20 | 3,656 | 2.4 |
| Frederick | 65 | 11,233 | 7.4 |
| Garrett | 24 | 3,537 | 2.3 |
| Harford | 84 | 9,141 | 6.0 |
| Howard | 27 | 3,955 | 2.6 |
| Kent | 39 | 7,189 | 4.7 |
| Montgomery | 11 | 2,071 | 1.4 |
| Prince George's | 0 | 0 | 0.0 |
| Queen Anne's | 71 | 13,032 | 8.6 |
| St. Mary's | 19 | 2,544 | 1.7 |
| Somerset | 15 | 2,500 | 1.6 |
| Talbot | 22 | 4,521 | 3.0 |

**Total Easements Acquired as of 6/30/98**

| County | Number | Acreage | % of Total |
|---|---|---|---|
| Washington | 26 | 5,285 | 3.5 |
| Wicomico | 28 | 3,864 | 2.5 |
| Worcester | 9 | 1,501 | 1.0 |
| **Total** | **1,052** | **152,288** | **100** |

Source: Maryland Agricultural Land Preservation Foundation Annual Report (1998)

# Appendix 11

## Number of Districts and District Acreage from 1990 to 1998

| Fiscal Year | Number of Districts | Number of Acres | Cumulative Number of Districts | Cumulative District Acreage |
|---|---|---|---|---|
| **1990** | 1,211 | 192,979 | 1,409 | 194,388 |
| **1991** | 198 | 21,429 | 1,722 | 234,178 |
| **1992** | 313 | 39,785 | 1,856 | 250,573 |
| **1993** | 134 | 16,395 | 1,905 | 255,071 |
| **1994** | 49 | 4,498 | 1,972 | 263,986 |
| **1995** | 67 | 8,915 | 2,067 | 277,693 |
| **1996** | 95 | 13,707 | 2,134 | 286,181 |
| **1997** | 67 | 8,488 | 2,277 | 303,286 |
| **1998** | 143 | 17,104 | 2,429 | 323,031 |

Source: Maryland Agricultural Land Preservation Foundation Annual Report (1998).

# Appendix 12

# District Participation by County, 1998

**Total Districts Established as of 6/30/98**

| County | Number | Acreage | % of Total |
|---|---|---|---|
| Allegany | 3 | 335 | 0.1 |
| Anne Arundel | 95 | 9,139 | 2.8 |
| Baltimore | 291 | 27,005 | 8.3 |
| Calvert | 47 | 6,084 | 2.0 |
| Caroline | 274 | 37,549 | 11.6 |
| Carroll | 372 | 45,436 | 14.1 |
| Cecil | 90 | 14,676 | 4.5 |
| Charles | 63 | 9,860 | 3.1 |
| Dorchester | 65 | 10,224 | 3.2 |
| Frederick | 150 | 22,386 | 6.9 |
| Garrett | 40 | 5,625 | 1.7 |
| Harford | 228 | 24,762 | 7.7 |
| Howard | 49 | 6,282 | 2.0 |
| Kent | 78 | 14,550 | 4.5 |
| Montgomery | 24 | 4,676 | 1.5 |
| Prince George's | 0 | 0 | 0.0 |
| Queen Anne's | 152 | 26,121 | 8.1 |
| St. Mary's | 36 | 5,172 | 1.6 |
| Somerset | 32 | 4,632 | 1.4 |

**Total Districts Established as of 6/30/98**

| County | Number | Acreage | % of Total |
|---|---|---|---|
| Talbot | 68 | 10,924 | 3.4 |
| Washington | 185 | 25,000 | 7.7 |
| Wicomico | 63 | 8,417 | 2.6 |
| Worcester | 24 | 4,175 | 1.2 |
| **Total** | **2,429** | **323,031** | **100** |

Source: Maryland Agricultural Land Preservation Foundation Annual Report (1998)