
**Land Preservation in Maryland:
Where Are We Now and Where Are We Headed?**

**Department of Legislative Services
Office of Policy Analysis
Annapolis, Maryland**

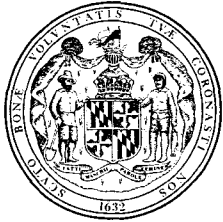
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DEPARTMENT OF LEGISLATIVE SERVICES
OFFICE OF POLICY ANALYSIS
MARYLAND GENERAL ASSEMBLY

Karl S. Aro
Executive Director

Warren G. Deschenaux
Director

January 21, 2004

The Honorable Thomas V. Mike Miller, Jr., President of the Senate
The Honorable Michael E. Busch, Speaker of the House of Delegates

Dear President Miller and Speaker Busch:

There are over 6.2 million acres of land in Maryland. The State's primary land preservation programs – Program Open Space, the Maryland Agricultural Land Preservation Program, Rural Legacy, and GreenPrint – enjoyed years of healthy funding during the Glendening Administration. During the 2003 interim, the Department of Legislative Services, Office of Policy Analysis conducted a review of land preservation in the State to better understand the current status of land preservation and how much funding the State's programs will need in the future to meet land preservation goals.

This report provides background information on land preservation in Maryland, a brief description of State land preservation funding, a snapshot of the status of land preservation in the State, a discussion and analysis of the stated goals and missions of the State's various land preservation programs, a review of the Governor's new guidelines for land preservation, and a review of land preservation activities in other states. The report generally concludes that the State must identify a long-term statewide goal for land preservation before future funding needs can be determined.

For further information on this report, please contact Lesley Cook or Malachy Rice of the Office of Policy Analysis.

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

Sincerely,

Karl S. Aro
Executive Director

KSA/LGC/rma

Contents

Transmittal Letter.....	iii
Executive Summary	vii
Background	1
Funding for Land Preservation in Maryland.....	1
Local Governments Complement the State’s Efforts.....	4
Where are We Now? The Status of Land Preservation in Maryland.....	5
How Much Land Does Maryland Need to Preserve?.....	7
The Governor’s New Land Preservation Guidelines	10
How Does Maryland Compare to Other States?.....	12
Conclusion: Determining Future Funding Needs	20
Appendix 1	21
Appendix 2.....	23

Executive Summary

There are over 6.2 million acres of land in Maryland. The State's primary land preservation programs – Program Open Space, the Maryland Agricultural Land Preservation Program, Rural Legacy, and GreenPrint – enjoyed years of healthy funding during the Glendening Administration. Through June 2003, these programs, in conjunction with the Maryland Environmental Trust, county preservation programs, and other publicly owned land, have collectively protected approximately 1.2 million acres, or 19.1%, of land in the State. Of the remaining land in the State, just over 1.2 million acres, or 19.8% have been developed. Approximately 3.8 million acres, or 61%, remain unprotected and undeveloped. Maryland is considered one of the leading states in the nation with respect to land preservation activities.

From fiscal 1995 through 2004, State funding for land preservation totaled just under \$1 billion. Funding for the State's land preservation programs varies by program; however, a large portion of the total funding for land preservation activities typically comes from the State's property transfer tax, which imposes a 0.5% tax on all real property recorded in the State and in recent years, has generated over \$100 million annually. In the 1990s and early 2000s, land preservation activities increased dramatically for two main reasons: land preservation was one of Governor Glendening's top priorities, and the strong housing market led to a dramatic increase in transfer tax revenues. Due to recent budget constraints, however, funding for the State's land preservation programs has decreased in

recent years; for fiscal 2003 and 2004, a significant portion of the transfer tax revenues have been diverted to the general fund.

What is the future of the State's land preservation programs? After reviewing the status of land preservation in the State as well as the existing goals for land preservation, the Department of Legislative Services advises that a thorough examination of the various State land preservation programs and goals is warranted. While several of the programs have stated missions, there does not appear to be a long-term goal for land preservation in the State. The Ehrlich Administration recently announced new guidelines for land preservation; while those guidelines state that a more coordinated and targeted approach to land preservation will be used, they do not appear to question the current goals of the various programs or identify the need for a long-term goal for land preservation in the State. How much of the remaining 3.8 million acres of land does the State want to protect? Over how many years? What portion of this land will be protected by local and federal efforts? Once those questions are answered, the acreage identified for protection is prioritized, and various preservation techniques are considered, only then can appropriate funding levels for the State's land preservation programs be determined.

Land Preservation in Maryland: Where Are We Now and Where Are We Headed?

Background

Land preservation in Maryland dates back to the early 1900s and has evolved from mainly private donations of land to the establishment of several State programs designed to protect open space, woodland, and agricultural land from development. Currently, there are four main programs for preserving land in the State: Program Open Space (POS), the Maryland Agricultural Land Preservation Program, the Rural Legacy Program, and the GreenPrint Program. Together, these programs work to protect open space and farmland throughout the State through land and easement acquisitions. POS, Rural Legacy, and GreenPrint are administered by the Department of Natural Resources (DNR), while the Maryland Agricultural Land Preservation Program is administered by the Maryland Agricultural Land Preservation Foundation (MALPF) within the Maryland Department of Agriculture.

In addition to those main preservation programs, other programs also seek to protect land in the State. The Maryland Environmental Trust (MET) was established to conserve, improve, stimulate, and perpetuate the aesthetic, natural, health and welfare, scenic, and cultural qualities of the environment. As part of its activities, the trust accepts donations of conservation easements from citizens. The Community Parks and Playground Program within DNR provides a dedicated fund source to allow the State to focus on restoring existing and creating new park and green space systems in Maryland's cities and towns. Several counties also preserve land through their own preservation programs, as does the federal government.

Funding for Land Preservation in Maryland

POS is statutorily funded through special funds; the special funds are derived from the State's real estate property transfer tax. The State property transfer tax is issued on every real property transfer recorded in the State at the rate of 0.5%. The concept behind using the transfer tax for land preservation 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 that can be used by the general public.

The transfer tax was originally established to pay the principal and interest on the certificate of indebtedness issued under the Outdoor Recreation Land Loan of 1969. Once the debt service payment, which averaged \$1 million per year, had been made for a particular year, the balance of transfer tax revenues was utilized for the funding of open space land acquisition and development projects. The last debt service payment was made in fiscal 2001. Prior to 1984, all transfer tax revenues, net of debt service payments, were used for open space

acquisition and development projects. Legislation enacted in 1984 required all revenues in excess of \$24 million to be credited to the general fund in order to help offset costs associated with Chesapeake Bay-related programs that were implemented in 1985. All debt service and administration costs attributable to POS would subsequently be paid directly out of the general fund. The cap was phased out over several years. Beginning in 1998, all transfer tax revenues were once again dedicated to land preservation activities.

In recent years, the transfer tax has generated over \$100 million in special funds annually; after a reduction is made to cover administrative costs, transfer tax revenues are distributed as follows: 75.15% to POS, an additional 1% to POS for land acquisition, 5% to Rural Legacy, 1.8% to the Heritage Conservation Fund, and 17.05% to MALPF.

In addition to a portion of the transfer tax revenues, MALPF also receives special funds from the agricultural land transfer tax (a tax assessed on real property transferred out of agricultural use), GreenPrint funds, and federal funds. In addition to a portion of the transfer tax revenues, Rural Legacy is typically funded through general obligation (GO) bonds; the Governor is required by law to include at least \$5 million in the capital budget each year for that program. GreenPrint is funded as provided in the State budget; to date, the program has been funded through GO bonds.

From 1995 through 2004, the State spent approximately \$933.9 million on land preservation activities, as shown in **Exhibit 1**. The increase in funding in the late 1990s and early 2000s was due primarily to two reasons. First, land preservation was a top priority of the Glendening Administration; the Governor not only included significant amounts of funding in the budget each year for existing programs, but also proposed the establishment of new programs (Rural Legacy and GreenPrint).

Exhibit 1
Land Preservation Funding by Fund Source
(\$ in Millions)

<u>Fiscal Year</u>	<u>General Funds</u>	<u>Special Funds</u>	<u>GO Bonds</u>	<u>Federal Funds</u>	<u>All Funds</u>
1995	0.0	48.1	0.0	0.0	48.1
1996	0.0	57.8	0.0	0.0	57.8
1997	0.0	58.1	0.0	0.0	58.1
1998	0.0	75.3	3.0	1.0	79.3
1999	11.0	82.5	5.0	1.0	99.5
2000	9.8	98.4	13.8	0.0	122.0
2001	0.7	91.8	16.0	0.0	108.5
2002	6.1	125.1	42.2	0.6	174.0
2003	0.4	68.0	32.5	1.9	102.8
2004	0.3	15.6	64.4	3.5	83.8
Total	\$28.3	\$720.7	\$176.9	\$8.0	\$933.9

Note: 2004 data represents the legislative appropriation. All other years are actuals. Data includes funding provided to locals.

Source: Department of Legislative Services, based on data from the Department of Natural Resources and the Maryland Department of Agriculture.

Second, revenues from the State's property transfer tax increased during this time period due to the strong real estate market. **Exhibit 2** shows the general trend of increasing transfer tax revenues from 1992 through 2003.

Exhibit 2
History of POS Transfer Tax Revenues
(\$ in Millions)

<u>Fiscal Year</u>	<u>Transfer Tax Revenues</u>	<u>Amount to Programs</u>	<u>Amount to General Fund</u>	<u>% of Tax to General Fund</u>
1992	\$58.6	\$12.1	\$44.8	76.3%
1993	62.6	2.8	57.9	92.5
1994	72.2	36.3	33.7	46.7
1995	65.9	47.6	16.3	24.7
1996	65.6	60.7	2.7	4.1
1997	67.2	60.0	5.0	7.5

<u>Fiscal Year</u>	<u>Transfer Tax Revenues</u>	<u>Amount to Programs</u>	<u>Amount to General Fund</u>	<u>% of Tax to General Fund</u>
1998	69.7	64.6	0.0	0.0
1999	85.3	80.2	0.0	0.0
2000	95.0	92.5	0.0	0.0
2001	100.0	97.2	0.0	0.0
2002	117.4	114.4	0.0	0.0
2003	108.7	47.3	58.5	53.8
2004 (est.)	136.8	9.9	123.4	90.2
Total	\$1,105.0	\$506.1	\$342.3	31.0%

Note: Transfer tax revenues through fiscal 1997 from Comptroller's actual receipts and may differ from estimated basis for appropriated budgets. Amount to Programs does not include 3% for administration. Amount to general fund does not include unencumbered balances transferred by budget reconciliations (\$36.8 million) or transfer of \$18.1 million of overattainments that would have been available to the programs in fiscal 2005.

Source: Department of Natural Resources

While the State's land preservation programs enjoyed healthy funding between fiscal 1999 and 2002, in recent years, the General Assembly has used transfer tax revenues and land preservation program balances as a means to balance the State's operating budget. The Budget Reconciliation and Financing Act (BRFA) of 2002 (Chapter 440) and the BRFA of 2003 (Chapter 203) diverted, over several fiscal years, approximately \$73.5 million and \$163.3 million, respectively, in transfer tax revenues and land preservation program balances to the general fund. Chapter 203 of 2003 also stipulates that 50% of the estimated transfer tax revenues for fiscal 2005 will go to the general fund. To partially offset these reductions, the fiscal 2004 capital budget included \$32.1 million in GO bond funding for POS and \$21.2 million in GO bond funding for MALPF.

In addition to direct spending, the State encourages land preservation by offering tax incentives for the donation of easements to MALPF and MET.

Local Governments Complement the State's Efforts

In addition to the acquisition of land (funded with both State and local monies), local jurisdictions use a variety of tools to preserve land. These include zoning, subdivision, and development procedures, and land preservation techniques such as the transfer of development rights (TDR), the purchase of development rights (PDR), and innovative financing methods called installment purchase agreements (IPAs):

- **Zoning:** While most counties have some type of 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.

- ***Limited Expansion of Water and Sewer Service:*** Another method of preserving land is to confine residential growth to existing water and sewer service.
- ***TDR Programs:*** Under TDR programs, residents who occupy certain 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.
- ***PDR and Easement Acquisition Programs:*** Sometimes paired with TDR programs, PDR and easement acquisition programs allow local jurisdictions to purchase development rights from landowners and then retire or extinguish those rights.
- ***IPA Programs:*** Used by a handful of jurisdictions under their PDR programs, an IPA is an innovative payment plan that helps jurisdictions stretch available funds while offering benefits to landowners. IPAs spread out payments so that landowners receive semi-annual, tax-exempt interest over a term of years (typically 20 to 30). The principal is due at the end of the contract term. Landowners can sell or securitize IPA contracts at any point to realize the outstanding principal.

According to the American Farmland Trust (AFT), as of January 2003, nine counties in Maryland (Anne Arundel, Baltimore, Calvert, Carroll, Frederick, Harford, Howard, Montgomery, and Washington counties) had farmland PDR programs. AFT also reports that as of 2000, nine counties (Calvert, Caroline, Charles, Harford, Howard, Montgomery, Queen Anne's, St. Mary's, and Talbot counties) had farmland TDR programs. Some counties, such as Montgomery County, preserve land primarily through their TDR programs, while others, such as Harford and Howard counties, rely more on their PDR programs. Exercising management plans and tools – such as the use of TDRs and other techniques that remove development rights with little or no public expenditures – results in lower per acre costs for easements. This makes purchasing easements, and therefore protecting land from development, more affordable.

Where Are We Now? The Status of Land Preservation in Maryland

As shown in **Exhibit 3**, through June 2003, approximately 1.2 million acres, or 19.1% of the total land area in the State, had been preserved (525,333 under easement; and 662,516 under public ownership, including 438,776 acres owned by DNR, 136,943 acres in county and municipal parkland, and 86,797 acres under federal ownership). **Appendix 1** shows the number of acres of land preserved and developed by county. **Appendix 2** shows the percentage of land

under easement and the percentage of land publicly owned by county. ¹ **Exhibit 4** shows the number of acres of land preserved, developed, and farmland converted from 1980 through 2003.

Exhibit 3
Total Acres Preserved in Maryland and Percentage of State Land Protected through June 2003

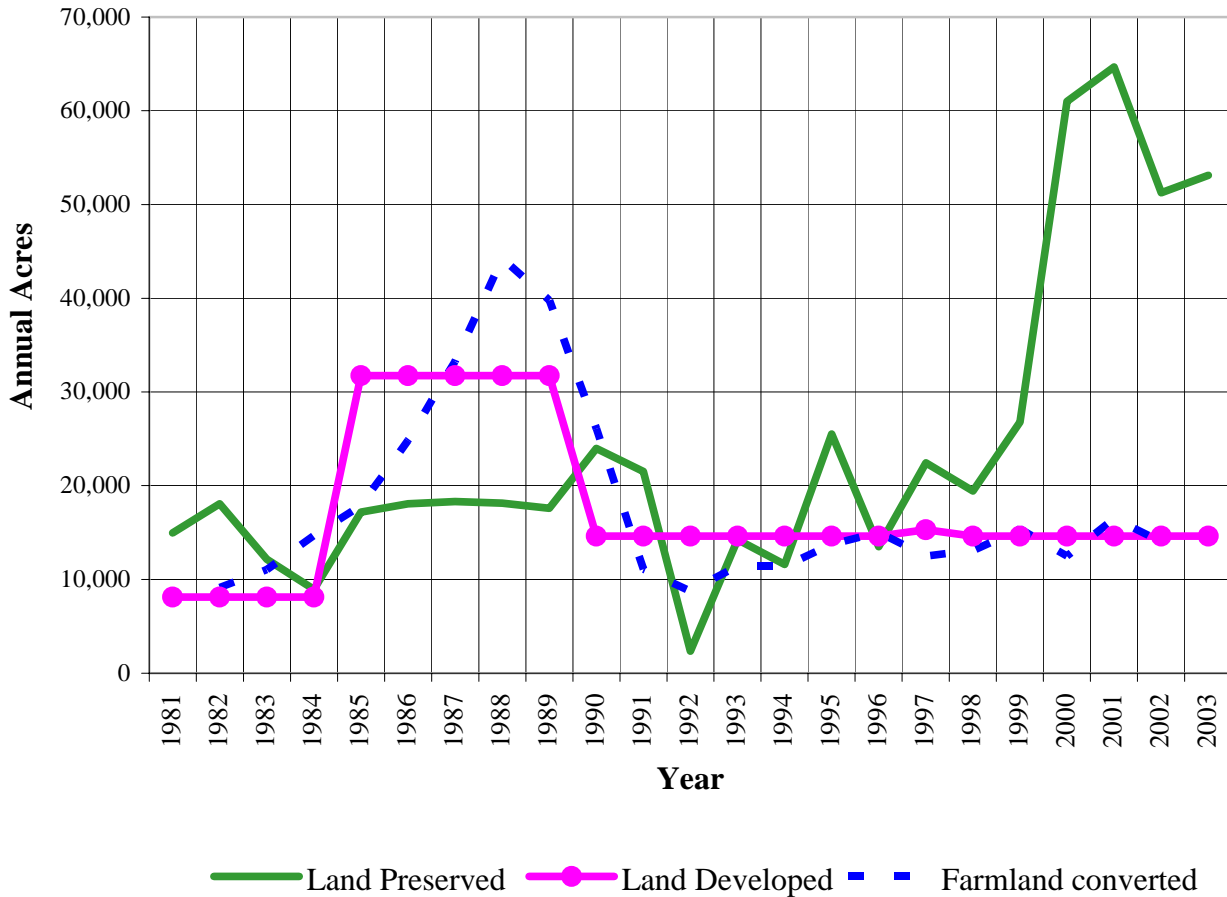
	<u>Acres</u>	<u>% of State (dry land)</u>
Publicly-owned Land (Federal/State/Local)	662,516	10.68
Federal	86,797	1.40
State (DNR-owned)	438,776	7.07
Local	136,943	2.21
Private Conservation Organizations	33,226	0.54
MALPF Easements	228,854	3.69
POS Easements	17,186	0.28
Rural Legacy	40,129	0.65
MET Easements	75,543	1.22
GreenPrint Easements	17,389	0.28
MHT Easements	9,583	0.15
County PDR/TDR Easements	103,423	1.67
Total	1,187,849	19.16

Note: MHT: Maryland Historical Trust

Source: Department of Natural Resources

¹ The data in the appendices do not sum to the totals in Exhibit 3 due to variation in reporting.

**Exhibit 4
Land Preserved and Developed
1980 through 2003**



Source: Department of Natural Resources

Based on the data in Exhibit 3, 56% of the land that has been protected to date is protected through public ownership, and 44% is protected under easement. Of the land under easement, almost half is protected through MALPF, while county programs are responsible for protecting approximately 20%.

How Much Land Does Maryland Need to Preserve?

Sixty-one percent, or 3.8 million acres, of land in Maryland is neither protected nor developed. Of that, how much does the State need to protect in the future to meet its land preservation goals while balancing economic development and population growth? According to

DNR, approximately 15,000 to 20,000 acres of land is lost to development each year. How does the State quantify the number of acres it needs to protect? And how does the State identify the most strategic acquisitions?

Every five years, the Maryland Department of Planning (MDP) prepares the State Land Preservation and Recreation Plan (LPRP). The plan identifies the acquisition needs for parks and open space in the State and provides guidance in this area to local jurisdictions. Local governing bodies are required to prepare a local LPRP with acquisition goals based upon the most current population data available from MDP. Local jurisdictions that meet acreage goals set forth in their LPRPs are given more flexibility in how they may use POS funds. The most recent State LPRP recommends a local recreational goal of 30 acres of recreation land per 1,000 persons. Given the State's current population of 5.3 million people, this means that approximately 159,000 acres should be preserved for recreational purposes. To meet the LPRP goal, based on population projections, land preserved for recreational purposes should total 183,687 acres by 2020 and 190,863 by 2030. Because POS has protected over 287,000 acres (through State and local acquisitions), the LPRP goal no longer appears valid. MDP advises that the current acreage goals will change in the next State LPRP which will be submitted in 2006.

In addition to the goals stated in the State LPRP, some of the State's land preservation programs have their own acreage goals, which are listed below along with a description of the programs and the purposes for which they were originally established.² Funding levels necessary to meet those goals, as estimated by DNR, are also included.

Program Open Space

Established in 1969, and administered by DNR, the purpose of POS is twofold: to expedite the public acquisition of outdoor recreation and open space areas and to accelerate development and capital renewal of outdoor recreation facilities. While the General Assembly has not adopted a specific acreage goal for POS, DNR indicates that the goal of this program is to protect open space at a pace equal to or greater than the rate at which land is being developed (15,000 to 20,000 acres annually). Because POS was the first land preservation program with a dedicated funding source, this goal does not take into account the goals of the State's other preservation programs. DNR advises that to meet this goal, funding must be restored to pre-BRFA levels. Through June 2003, POS had protected 250,719 acres (233,533 in fee simple and 17,186 under easement). In addition, local governments have acquired 36,388 acres with POS assistance.

² A more detailed description of the State's land preservation programs, with the exception of GreenPrint, can be found in the December 1999 DLS report "An Inventory of Land Preservation in Maryland."

The Maryland Agricultural Land Preservation Program

Established in 1977, and administered by MALPF, the purpose of this program is to preserve agricultural land and woodland in the State in order to provide sources of agricultural products within the State for the citizens of the State; control the urban expansion which is consuming the agricultural land and woodland of the State; curb the spread of urban blight and deterioration; and protect agricultural land and woodland as open-space land. In 2002, Senate Joint Resolution 10/House Joint Resolution 22 established the goal of tripling the existing number of acres of productive agricultural land preserved by MALPF, Rural Legacy, GreenPrint, and local land preservation programs by 2022. (Based on acres protected at the time the resolution passed, tripling the number of acres results in a total of 1.03 million acres protected by 2022.) Through June 2003, 393,552 acres of agricultural land had been protected through all of these programs (228,854 of which have been protected through MALPF), leaving 636,448 acres to be protected by 2022 (or 33,497 acres per year). At an average cost of \$2,000 per acre, required funding to reach this goal totals \$66.99 million per year for 19 years, or \$1.27 billion by 2022. This estimated funding need includes State and local contributions.

The Rural Legacy Program

Established in 1997, and administered by DNR, the purpose of this program is to supplement State land preservation programs in order to preserve key areas before escalating land values make their protection impossible or the land is lost to development. A quantifiable goal of Rural Legacy has not been defined by the General Assembly. DNR indicates, however, that the goal of Rural Legacy is to preserve 200,000 acres by 2012. This goal appears to have been based upon the level of funding that the program received when it was established in 1997 (assuming a funding level commensurate with the proposed initial five-year funding, it would have taken 15 years to preserve 200,000 acres). Through June 2003, the program had protected 40,129 acres, leaving 159,871 acres to be protected by 2012, or 17,763 acres per year. At an average cost of \$2,950 per acre, required funding to reach this goal totals \$52.4 million per year for nine years, or \$471.6 million by 2012. It is important to note that this goal, which was based on Rural Legacy's initial funding level, was established when the State was experiencing a budgetary surplus. As stated earlier, in addition to the program's allocation of transfer tax revenues, statute requires only \$5 million be appropriated annually to the program.

The GreenPrint Program

Created in 2001, and administered by DNR, this five-year program was established to create a statewide green infrastructure network by the acquisition of property and property interests, including easements, in a manner that complements existing conservation programs including POS, Rural Legacy, and MALPF. The GreenPrint Program is scheduled to sunset on June 30, 2006. There is no defined goal for the GreenPrint program; however, 2 million acres have been included in the "Green Infrastructure Network." Currently, 545,166 acres within the network have been protected, leaving over 1.4 million acres remaining. Through June 2003, the GreenPrint Program had directly funded easement purchases by DNR covering 17,389 acres.

The Chesapeake Bay Agreement

In addition to these goals regarding land preservation, the Chesapeake Bay Agreement, to which the State is a signatory, established the goal of permanently protecting 20% of the Chesapeake Bay watershed in Maryland by 2010 (1,241,605 acres). Through June 2003, 1,187,849 acres had been protected, leaving 53,756 acres to be protected, or 7,680 acres per year. At an average cost of \$2,500 per acre, required funding totals \$19.2 million per year for seven years, or \$134.4 million by 2010.

The goals described above were not necessarily based on any identified needs; some were merely based on the number of acres that could be purchased each year assuming the program was level-funded at late 1990s levels, which happened to be during a budget surplus. In addition, while several of these programs overlap in terms of the types of lands and easements that may be purchased, no attempt to develop a statewide goal for land preservation has been made. Each program has identified the amount of funding it needs to reach its own goals. Because these goals and the associated funding needs overlap, a coordinated approach across all programs is warranted in order to accurately identify funding needs; to date, the State has not made much of an effort to coordinate these goals and needs.

The Governor's New Land Preservation Guidelines

Governor Robert L. Ehrlich, Jr. has identified new administrative policies with respect to the State's land preservation programs. According to these new guidelines, Maryland will:

- focus State land conservation programs on the most strategic land to protect the Chesapeake Bay and its tributaries as well as the most significant natural and agricultural resources;
- apply the best scientific information and technology to identify resource lands that are most important, the potential threats to these lands, and areas in which preservation goals can be maximized; and
- establish a process for collaboration and coordination among State and local land conservation programs to identify geographic and natural resource areas.

Governor Ehrlich has directed State agencies to meet the existing land preservation goals of the 2000 Chesapeake Bay Agreement and the prime agricultural goals of Senate Joint Resolution 10/House Joint Resolution 22 of 2002. The Administration has stated that the existing goals of the other programs generally overlap with those goals. However, in its new guidelines, the Administration does not assess the validity of the individual program goals or indicate that a review of those goals or programs is warranted. Also, the new guidelines do not address the establishment of a long-term statewide goal for land preservation in the State.

Focus State Land Conservation Priorities and Investments

According to the Administration, all State land conservation programs will identify the most critical areas for conservation and focus on permanently preserving Maryland's most important land resources. State agencies also will focus stewardship and restoration programs on areas where the State has made significant investments in land conservation. Easement acquisition guidelines will be developed in consultation with local governing bodies to identify the best agricultural and forestry lands of the State. Properties identified by DNR and MDA as high priorities will be considered favorable investments. The Department of Legislative Services (DLS) advises that further analysis of this new guideline is necessary to understand how this will differ from the existing GreenPrint program.

Use Best Available Information and Technology

According to the new guidelines, the State will use the best available mapping, data and geographic information systems (GIS) to identify the most important parcels of land based on ecological and economic value, contribution to Chesapeake Bay restoration, and vulnerability to land use changes. MALPF will incorporate mapping and GIS capabilities to implement new ranking guidelines. DNR's Green Infrastructure and Strategic Forest Lands Assessment, as well as MDP's Master Parcel Database, will be used.

Emphasize Cooperation and Collaboration

The State will establish a process for collaboration and coordination among State and local land conservation programs. According to the Administration, each program's conservation strengths and legislatively mandated activities will be directed toward accomplishing the State's overall land protection goals. However, DLS notes that concrete programmatic goals and a collective State preservation goal does not currently exist. In its effort to implement cooperation and collaboration, the Administration should identify a central entity responsible for tracking acreage preserved as well as total expenditures spent on land preservation across all programs. Because land preservation activities span multiple agencies and involve multiple funding sources, it is currently difficult to track this information. DLS found that trying to obtain consistent information was difficult.

Funding

The Administration advises that it will identify potential revenue sources for land preservation, including seeking a return to using 100% of the transfer tax revenues for land conservation and park improvements when the State's fiscal condition improves; acquiring land using IPAs whenever possible; collaborating with other states that are signatories of the 2000 Chesapeake Bay Agreement; enhancing State and local tax incentives for land conservation; and increasing the marketing of conservation easements. However, the new guidelines do not currently address the funding needs of the individual programs.

How Does Maryland Compare to Other States?

In recent years, Maryland's land preservation policies have received increased national attention. In 1999, the Sierra Club ranked Maryland the top state in the nation for open space protection. Also in that year, the National Trust for Historic Preservation presented DNR with a National Preservation Honor Award for POS and Rural Legacy. Based on rankings provided in the July/August 2003 Farmland Preservation Report (Bower's Publishing, Inc.), Montgomery County, Maryland ranks first in the nation for agricultural land preservation; four other Maryland counties (Carroll, Baltimore, Harford, and Frederick) rank within the top 12 counties in the nation. That report also ranks Maryland second in the nation (behind Pennsylvania) in terms of agricultural land preserved, and sixth in the nation in terms of the average annual per capita spending on farmland PDR programs. AFT reports that Maryland, New Jersey, and Pennsylvania lead the nation in the volume of agricultural easement activities.

A discussion of land preservation efforts in other states in this region (Delaware, New Jersey, Virginia, and Pennsylvania) follows.

Delaware

Delaware preserves land primarily through two programs, the Delaware Agricultural Land Preservation Foundation (DALPF) and the Land and Water Conservation Trust Fund. DALPF is the only program in Delaware aimed at protecting land for agricultural purposes; there are no local agricultural land preservation programs in Delaware. The Land and Water Conservation Trust Fund was created for park acquisition and the development of outdoor recreation facilities. The state has preserved just under 109,000 acres through these two programs.

Delaware Agricultural Land Preservation Foundation

DALPF was created in 1991 with one time revenues. In 1989, Delaware challenged New York's authority to claim money in brokerage accounts that had become subject to abandoned property laws for companies that were incorporated in Delaware. Eventually, the Supreme Court ruled in Delaware's favor, which led to a \$235 million settlement paid to Delaware. A little more than \$67 million of the settlement money was used to create DALPF. There is no dedicated funding source for DALPF; however, the program did receive general funds in the 1990s when Delaware experienced budget surpluses, and bond funding has been used for the program. Between fiscal 2001 and 2003, bond issuances were approved ranging from \$1 million to \$2 million annually.

DALPF protects land by purchasing easements on agricultural land. Currently, there are 129,123 acres of land in 519 agricultural preservation districts throughout Delaware. Of the 129,123 acres within districts, 64,830 acres have been preserved, at a cost of \$67.4 million. DALPF estimates that it will cost \$50 million to preserve all of the remaining agricultural land that is currently eligible for preservation. Delaware benefits from a lower per acre easement cost

than Maryland. The average easement cost in Delaware is \$1,039 per acre; the average agricultural easement cost in Maryland is about \$2,000 per acre.

Land and Water Conservation Trust Fund

The Land and Water Conservation Trust Fund, which was created in 1986 and is administered by the Delaware Department of Natural Resources and Environmental Control, is used to preserve land and develop recreational facilities. Revenue for the fund, appropriated at \$10 million annually, is generated by a real estate transfer tax. Currently, the fund balance is \$47 million. Statute governing the fund dictates that when the fund balance reaches \$60 million, an annual appropriation to the fund is no longer required.

Of the \$10 million annual appropriation, \$1 million is earmarked for the Endowment Account to increase the principal in the fund. The fund currently earns approximately \$2.3 million annually in interest. Statute provides that the first \$1.5 million of the interest is to be used for 50/50 grants to local governments for the purpose of preserving land or improving recreational facilities. Any remaining interest may be used for state land acquisition and for the stewardship of public lands. The remaining \$9 million of the annual appropriation is earmarked for the Projects Account, which is used for state land acquisition and improvements to recreational facilities. Delaware has not decreased funding for this program in order to address its fiscal realities. Under the Land and Water Conservation Trust Fund, Delaware has preserved 44,000 acres.

New Jersey

The two main land preservation programs operated by New Jersey are the Green Acres Program and the Farmland Preservation Program. Located within the Department of Environmental Protection, Green Acres is used to preserve land for conservation and recreational purposes. Agricultural land is preserved by the Farmland Preservation Program, which is administered by the State Agriculture Development Committee (SADC). Prior to the creation of these programs, New Jersey relied on the Green Trust, a revolving loan fund, to preserve land. Land preservation spending dramatically increased with the passage of the Garden State Preservation Trust Act in 1999, which is discussed below. To date, a little less than 1.2 million acres of land have been preserved in New Jersey by state, local, and federal governments, environmental settlements, and nonprofit organizations.

Garden State Preservation Trust Act

In 1999, a constitutional amendment was passed by referendum in New Jersey that created the Garden State Preservation Trust Act. This act identified a goal of preserving 1 million acres of farmland, open space, and historic sites in New Jersey over the next ten years. The Preservation Trust Act identified, for the first time, a stable funding source for land preservation in New Jersey. From 1999 through 2009, \$98 million from the state sales tax is dedicated for land preservation. The Preservation Trust Act also initially authorized the issuance

of \$1 billion in bonds for land preservation. In 2003, due to favorable bond rates, the bond authorization was increased to \$1.15 billion.

During the first ten years of the program, any debt service for bonds will be paid using \$92 million of the \$98 million annual appropriation. The initiative requires that during the first ten years, \$6 million be appropriated to the Historic Preservation Trust to preserve historic sites. Any funding not needed for debt service during this period may be used for the purchase of land or easements. Beginning in 2009, an annual appropriation of up to \$98 million will be made to the fund based on the level of funding needed to service bonds. In the first three years of the initiative, no bonds were issued; only a small bond issuance was made in 2003. As more bonds are issued during the first ten years of the program, less ongoing revenue from the sales tax will be used for the purchase of land and easements, and more ongoing revenue will be used for debt service. In essence, the Garden State Preservation Trust Act seeks to preserve 1 million acres in ten years by using bonds to finance the program over 30 years. During the first ten years, dedicated revenues from the sales tax may be used for the purchase of land or for debt service. During the last 20 years, those revenues will be used solely for debt service.

Even though its annual appropriation is only \$98 million, the fund is authorized to allocate up to \$200 million a year. This is due to two factors: the time-consuming administrative process involved with preserving land; and the reliance on bonds to fund the program. Of the \$200 million annual allocation authorized for the first ten years of the fund, 60% is earmarked for open space preservation (\$60 million for state open space preservation; \$48 million in grants and loans to local governments for open space preservation; and \$12 million for nonprofit organizations for open space and land preservation) and 40% (\$80 million) is earmarked for farmland preservation.

Green Acres

Green Acres administers four land preservation program areas in order to preserve open space: state acquisition through fee simple or preservation easement purchases; grants/loans to municipal and county governments for open space preservation; planning incentive grants to municipal or county governments to preserve land included in a detailed local open space preservation plan; and nonprofit matching grants to nonprofit organizations for fee simple or easement purchases. Green Acres funding can be used for land preservation or recreational development.

Farmland Preservation Program

SADC uses five permanent farmland preservation methods: fee simple purchases, which allow SADC to purchase a farm and then sell it at auction with development restrictions; direct state easement purchases, which allow SADC to purchase development easements from the landowner; county easement purchases, which allow SADC to provide grants to counties for the purchase of easements; planning incentive grants, which allow SADC to provide grants to municipalities and counties for the purpose of preserving land in blocks identified in a detailed

local land preservation plan; and nonprofit matching grants, which allow SADC to provide grants to nonprofit organizations for fee simple or easement purchases.

Funding for agricultural land preservation increased nearly four times with the passage the Preservation Trust Act. Prior to 1997, when the goal of preserving 1 million acres was first identified, only about 35,000 acres of farmland had been preserved. Since 1997, an additional 91,000 acres of farmland have been preserved, for a total of 125,973 acres.

Green Trust

Until the passage of the Preservation Trust Act, the only identified ongoing funding for land preservation in New Jersey came from the Green Trust. Created in 1983, the Green Trust is a revolving loan fund that provides funding for land preservation to local governments. The Green Trust was created by a bond issuance. Revenue for the trust is derived from loan repayments and interest earned on revenue in the trust. Annual revenues total over \$20 million; however, in fiscal 2002 these revenues were diverted to the general fund to help address budgetary shortfalls.

The Role of Local Governments

In addition to state funding for land preservation in New Jersey, 179 municipalities and 19 counties have an open space tax. In 2003, 38 local governments had ballot measures that either created or raised the level of an open space tax; only six failed. It is estimated that in fiscal 2004, over \$140 million in revenue will be generated by local open space taxes. Local governments that levy an open space tax are allowed more flexibility with state funding for land preservation.

Virginia

State land preservation efforts in Virginia are administered by the Virginia Land Conservation Foundation and the Virginia Outdoors Foundation (VOF), a quasi-governmental agency. Slightly more than 3.6 million acres of land have been preserved in Virginia; however, 2.42 million of these acres have been preserved by the federal government in national forest.

Virginia Outdoors Foundation

VOF was created in 1966 as a government agency to hold preservation easements donated to the state. VOF began receiving state funds with the creation of the Open Space Lands Preservation Trust Fund in 1997. State funding for the fund comes from general fund appropriations. Fund monies may be used for the purchase of preservation easements and the cost of conveying easements. Priority for funding is given to easement applications: on family farms; for projects with demonstrated financial need; and for cost-only reimbursement projects. VOF may use up to \$100,000 in interest from the fund for administrative costs; however, this

year, interest from the fund is expected to be only about \$800. In fiscal 1999 and 2000, general fund appropriations of \$225,000 and \$1.5 million, respectively, were made to the fund.

Since 1997, just over 229,000 acres have been preserved using fund monies. However, VOF awards grants primarily to assist landowners with the administrative costs of conveying easements (such as land record searches and land surveys), rather than the actual purchase of easements. Accordingly, the fund has paid for only a small portion of the total costs associated with purchasing easements on the acreage preserved to date.

Virginia Land Conservation Foundation

In 1999, the Virginia Land Conservation Foundation was established; it is administered by the Department of Conservation and Recreation. Funds from the foundation are used to establish permanent conservation easements and to purchase open spaces and parklands, lands of historic or cultural significance, farmlands and forests, and natural areas. State agencies, local governments, public bodies, and registered nonprofit conservation groups are eligible to receive matching grants from the foundation. The foundation has identified four categories of land preservation: open space; natural area protection; historic protection; and forest and farmland protection. The foundation's funds are allocated as follows: 25% to the Preservation Trust Fund administered by VOF and 75% evenly among the four categories of land preservation, one-third of which is earmarked for easement purchases.

The foundation is funded primarily by general fund appropriations. There is no permanent dedicated funding stream; however, the foundation will benefit from a temporary dedicated funding stream. To pay for the celebration of the 400th anniversary of the founding of Jamestown, Virginia established a Jamestown 2007 Celebration Fund which is funded by a temporary \$1 surcharge on driver license renewals. Any revenues to the Celebration Fund above \$5 million have been earmarked for the foundation; approximately \$1 million will be available to the foundation after July 1, 2005.

From fiscal 2000 to 2002, a total of \$15.8 million was appropriated to the foundation. However, a portion of the fiscal 2001 appropriation and all of the fiscal 2002 appropriation were diverted to the general fund to help balance Virginia's budget. In April 2001, the grant application process was suspended due to lack of funds, and has not resumed.

Since its establishment in 1999, the Virginia Land Conservation Foundation has spent just over \$10 million in state funds to preserve 9,039 acres. In addition, Virginia has authorized \$56.5 million in bond funding for land preservation (\$36.5 million for fee simple preservation and \$20 million to purchase land to create or expand state parks). To date, these funds have not been spent.

Potentially Dedicated Funding for Land Preservation

In December 2003, the Governor of Virginia announced that the budget for fiscal 2005 and 2006 will include \$15.1 million per year for a newly created Natural and Historic Resources Fund, which will be funded by a \$10 recordation fee on land deeds and certifications. The creation of this new land preservation fund is subject to the passage of legislation.

Pennsylvania

Open space preservation efforts in Pennsylvania are divided between the Pennsylvania Game Commission and two bureaus of the Department of Conservation and Natural Resources (DCNR): the Bureau of Conservation and Recreation, and the Bureau of Forestry. Agricultural land is protected by the Pennsylvania Agricultural Conservation Easement Program administered by the State Agricultural Preservation Board (SAPB). The total number of acres of land preserved in Pennsylvania is over 4.3 million acres, of which 500,000 acres is protected by the federal government.

Growing Greener

In 1999, Pennsylvania passed legislation to establish the Growing Greener initiative. The purpose of this initiative is to preserve farmland and protect open space; eliminate maintenance backlog in state parks; clean up abandoned mines and restore watersheds; and provide new and upgraded water and sewer systems. Initially, \$645.9 million was designated for Growing Greener over five years. General funds make up \$473.4 million of the initiative's funding, with the remainder of funding coming from redirecting \$172.5 million in funds from the Recycling and Hazardous Sites Cleanup Fund and the Landfill Closure Account. Of the total funding for Growing Greener, \$252.4 million dollars is earmarked for land preservation and stewardship (\$125 million to eliminate the backlog of infrastructure improvements at state parks; and \$127.4 million for land preservation, including \$100 million for agricultural land preservation and \$27.4 million for matching grants to acquire land to protect open space and critical natural habitat). At this time, funding for the Growing Greener initiative has not been reduced due to Pennsylvania's fiscal problems; however, the original five year program has been extended to six years.

Bureau of Conservation and Recreation

The Bureau of Conservation and Recreation, located within DCNR, preserves land for the state and administers the Community Conservation Partnership (CCP). CCP provides matching grants to local governments to acquire open space and critical natural habitat; conserve river resources; create greenways; build community parks and playgrounds; and enhance heritage tourism by preserving historic sites. To achieve these goals CCP is broken into five grant programs: the Community Grant Program; the Rivers Conservation Program; the Land Trust Grant Program; the Rail-to-trails Grant Program; and the Heritage Parks Program.

Approximately \$25 million annually from the state's real estate transfer tax is used to fund CCP, of which \$10 million is earmarked for grants to local governments. Additional funding is provided to CCP through dedicated revenues from snowmobile and all-terrain vehicle registration fees. Total funding available to the bureau, including federal funding, is approximately \$35 million annually. The \$27.4 million in funding identified in the Growing Greener initiative for open space preservation augments the bureau's open space preservation funding for six years.

Bureau of Forestry

The Bureau of Forestry is charged with maintaining 2.1 million acres of state forests, and 119 state parks. The bureau is funded by general funds and revenues from forest harvesting. Although state forests comprise a significant amount of land preserved in Pennsylvania, stewardship of public land, rather than preservation, is the primary function of the bureau. Pennsylvania has preserved a large amount of forestland primarily due to two historical reasons. First, when William Penn founded Pennsylvania he stated that a portion of the state's land should remain in the public's interest; as a result, the state has benefited from a founding principle of land preservation. Second, in the early 1900s, clear-cutting forest was a common practice. Clear-cutting led to massive brush fires, which scorched exceptionally large tracts of land. After the fires, the state purchased a significant number of acres (now in state forests) at \$.05 to \$.10 per acre in order to reforest the land damaged by the fires.

Pennsylvania Game Commission

The Pennsylvania Game Commission was created over 100 years ago in response to dwindling wildlife populations caused by deforestation, pollution, and unregulated hunting and trapping. Since 1920, the commission has preserved land in order to manage wildlife. To date, the commission has preserved about 1.4 million acres. The commission, which is an independent agency, is primarily funded through revenues generated by the sale of hunting and furtaker licenses; State Game Lands timber and oil/gas revenues; and a federal excise tax on sporting arms and ammunition. In recent years, dedicated revenue sources have provided slightly over \$60 million annually for the commission. The commission has no established policy for land preservation; the eight-member Board of Commissioners sets spending priorities each year. In fiscal 2003, the board earmarked \$1 million for land preservation. Pennsylvania statute dictates that land bought by the commission cannot exceed more than \$400 per acre. Funding is also leveraged by partnering with nonprofit groups.

The State Agricultural Preservation Board

In 1988, Pennsylvania created the State Agricultural Preservation Board (SAPB) to administer the Pennsylvania Agricultural Conservation Easement Program. The program is a state and local partnership for purchasing development easements on farms. Counties administer the program through state-approved county agricultural land preservation boards. The state and

counties jointly hold easements. The SAPB distributes state funds and approves and monitors county boards. Initially, all counties were eligible for state funds to preserve agricultural land; however, in 1999, this practice was changed to limit eligibility to counties with an approved agricultural land preservation board. Currently, 51 of Pennsylvania's 67 counties have an agricultural land preservation board.

Since 1989, \$564 million has been spent by the state and local governments to preserve over 255,000 acres of agricultural land. The state funds the easement program with a \$.02 tax on the sale of a pack of cigarettes, which generates \$20 million to \$21 million annually. Including funding for agricultural land preservation from the six-year Growing Greener initiative, two-thirds of agricultural land preservation funding is provided by the state, with local governments providing the other third. In fiscal 2001, local jurisdictions contributed \$23.7 million for agricultural land preservation in Pennsylvania.

Summary: Maryland vs. Other States

With the exception of transfers to the general fund during fiscal crises, Maryland dedicates more ongoing revenue for land preservation than any of its neighboring states. Delaware and Virginia's land preservation programs are more modest than Maryland's land preservation programs and, as such, have not spent as much on land preservation and have not protected as many acres under state programs as Maryland has. Also, neither state has a dedicated revenue stream for land preservation. Virginia has preserved more total acreage than Maryland; however, Virginia is over four times the size of Maryland. Further, Virginia has also benefited from the fact that the federal government has preserved a large number of acres in national forest.

Pennsylvania and New Jersey, on the other hand, have aggressive land preservation programs, and can be considered peer states for Maryland in terms of land preservation activities.

Pennsylvania has preserved more land than Maryland; this is due in part to older land preservation programs and unique historical events. AFT ranks Pennsylvania first among the states in terms of agricultural land preserved, with Maryland ranked second. This ranking reflects the fact that in recent years, Pennsylvania has focused its land preservation spending on agricultural land preservation. Ongoing dedicated funding for land preservation in Pennsylvania is, however, about half of the dedicated funding in Maryland. Pennsylvania dedicates in the neighborhood of \$50 million to \$60 million annually, while transfer tax revenues have totaled over \$100 million in recent years.

In order to preserve 1 million acres over the next ten years, which will be financed over 30 years, New Jersey has identified an ongoing revenue stream for land preservation that is comparable to Maryland's transfer tax. However, there are two notable differences between the two states. First, New Jersey has capped the level of spending at \$98 million for the first ten years and has authorized up to \$98 million for the remaining twenty years of the thirty-year program. After 2009, New Jersey must dedicate funding at a level that will service debt, which

may be less than \$98 million annually. Second, New Jersey has identified a clear goal for land preservation statewide. New Jersey has the highest population density in the country, and has established funding accordingly to meet its goal. With a population of over 8.5 million, and a land area of only 4.8 million acres (compared to Maryland's population of 5.3 million and a land area of 6.2 million acres), the need for land preservation may be more immediate in New Jersey, as development pressures are greater.

In examining state spending for land preservation activities, the role local governments play in Pennsylvania and New Jersey should be considered. Local governments in these two states play a greater role in funding agricultural land preservation than in Maryland. According to AFT's 2003 report, county and municipal governments in New Jersey and Pennsylvania contribute about 33% of the total funding for agricultural land preservation efforts. In Maryland, counties provide about 23% of the total funding for agricultural land preservation efforts.

Conclusion: Determining Future Funding Needs

At what level should the State's various land preservation programs be funded? Without clearly identified statewide goals and needs, many of the individual program goals appear arbitrary. In order to identify appropriate funding levels for the State's programs, a long-term statewide goal is needed. The goal needs to balance future growth needs and land preservation, identify the most strategic lands for protection, prioritize the acreage identified for protection, and identify innovative financing methods such as IPAs as well as less costly alternatives to land acquisition, such as restrictive zoning or TDRs. In addition, efforts should be made to increase participation and funding by local and federal counterparts.

In the meantime, the State will need to decide to what extent transfer tax revenues should support the State's land preservation programs. At an average easement cost of \$2,500 per acre, acquiring easements at a rate commensurate with development (approximately 20,000 acres per year) costs the State approximately \$50 million annually. December 2003 transfer tax estimates from the Board of Revenue Estimates totaled \$158.1 million in fiscal 2004, \$132.8 million in fiscal 2005, \$136.4 million in fiscal 2006, \$139.9 million in fiscal 2007, and \$143.2 million in fiscal 2008.

The State, along with county, federal, and private efforts, has protected approximately 1.2 million acres of land and is one of the leading states in the nation in terms of land preservation activities. With 3.8 million acres left unprotected and undeveloped, the State needs to identify long-term goals for land preservation in order to determine appropriate funding levels for its land preservation programs. The State should also look to the federal government as well as local governments to participate more actively in the land preservation process, as other states in this region have.

Appendix 1
Acres Preserved and Developed by Program and by County

<u>County</u>	<u>Individual Program Preservation/Easement Acreage Totals</u>								<u>Total Acres of Land</u>			<u>% of County Land</u>	
	<u>County PDR/TDR</u>	<u>MALPF</u>	<u>MET</u>	<u>Private Cons. Orgs.</u>	<u>Rural Legacy</u>	<u>Green Print</u>	<u>CREP</u>	<u>Under Easement</u>	<u>Publicly Owned</u>	<u>Preserved</u>	<u>Developed</u>	<u>Preserved</u>	<u>Developed</u>
Allegany	0	183	881	382	0	0	0	1,446	67,766	69,212	26,502	25.9	9.9
Anne Arundel	3,810	4,242	252	1,927	860	611	0	11,702	20,117	31,818	106,122	12.0	40.0
Baltimore City	0	0	0	0	0	0	0	0	5,120	5,120	46,412	10.0	90.0
Baltimore County	733	17,888	11,637	1,419	5,138	0	0	36,814	47,689	84,504	141,311	22.0	36.7
Calvert	14,450	4,263	2,089	2,590	1,363	0	0	24,755	4,482	29,238	35,535	21.3	25.9
Caroline	100	25,251	1,681	1,004	3,133	1,586	0	32,755	7,059	39,815	15,977	19.4	7.8
Carroll	337	36,164	748	262	1,989	0	0	39,500	10,731	50,231	57,742	17.5	20.1
Cecil	0	12,255	2,561	1,197	1,439	0	0	17,452	15,049	32,501	32,732	14.6	14.7
Charles	1,183	3,474	4,508	2,066	1,602	4,035	0	16,868	16,503	33,371	48,012	11.3	16.3
Dorchester	0	9,350	7,637	645	2,194	493	78	20,397	56,999	77,397	16,735	21.8	4.7
Frederick	1,420	15,465	5,246	2,954	2,414	984	0	28,484	32,292	60,776	66,352	14.3	15.6
Garrett	0	4,764	554	1,485	0	0	0	6,803	77,899	84,702	29,732	20.2	7.1
Harford	17,555	11,958	2,611	2	1,268	202	0	33,596	9,435	43,032	69,510	15.3	24.8
Howard	13,735	3,968	1,101	0	82	0	0	18,886	13,640	32,525	58,665	20.2	36.5
Kent	0	10,467	6,656	3,506	1,074	0	0	21,703	7,347	29,049	10,804	16.3	6.1
Montgomery	46,227	2,852	2,122	82	3,384	805	0	55,472	49,426	104,898	143,133	33.1	45.2
Prince George's	0	0	166	2,600	607	0	164	3,538	45,947	49,485	138,514	16.0	44.8
Queen Anne's	2,471	20,604	6,774	1,403	3,678	0	0	34,930	6,524	41,454	19,767	17.5	8.3
St. Mary's	105	5,872	1,025	161	1,537	0	0	8,700	6,112	14,812	39,372	6.4	17.1
Somerset	0	3,230	3,308	1,771	0	5,827	601	14,737	47,304	62,041	12,099	30.0	5.8
Talbot	580	8,142	10,984	4,076	496	0	0	24,278	663	24,941	21,554	14.5	12.6
Washington	125	8,135	3,721	481	2,714	0	4	15,179	35,091	50,270	51,583	17.2	17.6
Wicomico	0	5,281	730	1,430	750	3,011	106	11,308	22,283	33,591	31,754	14.0	13.2
Worcester	445	3,653	1,153	1,950	4,563	3,672	426	15,862	44,090	59,952	21,583	19.9	7.2
Total	103,276	217,461	78,146	33,392	40,286	21,225	1,379	495,165	649,568	1,144,733	1,241,498	18.3	19.9

Notes: County PDR/TDR: From last county annual certification except for Worcester and Caroline (MDP GIS Database April, 2001). Howard County's acres include TDRs but not cluster reminders with < 50 acres.
MALPF: From 2002 MALPF annual report. Does not include easements approved by the Board of Public Works since then.
MET: From Maryland Environmental Trust, as of June 30, 2002.
Private Conservation Organizations: MDP GIS database, as of June 30, 2003 (figures are approximate), except for Carroll, Cecil, and Talbot counties (from fiscal 2002 certification reports).
Rural Legacy/CREP: As approved by the Board of Public Works as of July 16, 2003. Cecil County data includes 668 acres from Forest Legacy.
GreenPrint: From DNR as of April 30, 2003. Acreage of MALPF districts preserved with GreenPrint funds are included in MALPF column.
Under Easement: Total acres from individual programs.
Publicly Owned: An aggregation of DNR-owned, federal government lands, and local government lands. Military base acres not included. From MDP's protected land GIS data as of July 25, 2003.
Preserved: Sum of acres under easement and publicly owned.
Developed (and county acreage used for %): From 2000 Land Use/Land Cover Statistics, MDP.
According to DNR, Baltimore City has 5,120 acres of land preserved. POS funding provided to Baltimore City is used predominantly for maintenance and capital improvements at recreational facilities, as well as for operational expenses.

Numbers may not sum to total due to rounding.

Source: Maryland Department of Planning and the Department of Natural Resources

Appendix 2
Percentage of County Acreage Under Easement and Under Public Ownership

<u>County</u>	<u>Total Acres of Land</u>	<u>Acres Under Easement</u>	<u>Acres Publicly Owned</u>	<u>% Under Easement</u>	<u>% Publicly Owned</u>
Allegany	266,755	1,446	67,766	0.5%	25.4%
Anne Arundel	265,335	11,702	20,117	4.4%	7.6%
Baltimore City	51,532	0	5,120	0.0%	9.9%
Baltimore County	384,791	36,814	47,689	9.6%	12.4%
Calvert	137,158	24,755	4,482	18.0%	3.3%
Caroline	204,735	32,755	7,059	16.0%	3.4%
Carroll	287,019	39,500	10,731	13.8%	3.7%
Cecil	222,990	17,452	15,049	7.8%	6.7%
Charles	294,258	16,868	16,503	5.7%	5.6%
Dorchester	355,171	20,397	56,999	5.7%	16.0%
Frederick	424,566	28,484	32,292	6.7%	7.6%
Garrett	419,597	6,803	77,899	1.6%	18.6%
Harford	280,704	33,596	9,435	14.5%	3.4%
Howard	160,711	18,886	13,640	12.0%	8.5%
Kent	178,507	21,703	7,347	12.2%	4.1%
Montgomery	316,801	55,472	49,426	17.5%	15.6%
Prince George's	309,415	3,538	45,947	1.1%	14.8%
Queen Anne's	237,548	34,930	6,524	14.7%	2.7%
St. Mary's*	230,832	8,700	6,112	3.8%	2.6%
Somerset	206,876	14,737	47,304	7.1%	22.9%
Talbot	171,602	24,278	663	14.1%	0.4%
Washington	292,737	15,179	35,091	5.2%	12.0%
Wicomico	240,424	11,308	22,283	4.7%	9.3%
Worcester	301,663	15,862	44,090	5.3%	14.6%
Total	6,241,725	495,165	649,568	7.9%	10.4%

Source: Department of Legislative Services, based on data from the Maryland Department of Planning and the Department of Natural Resources

