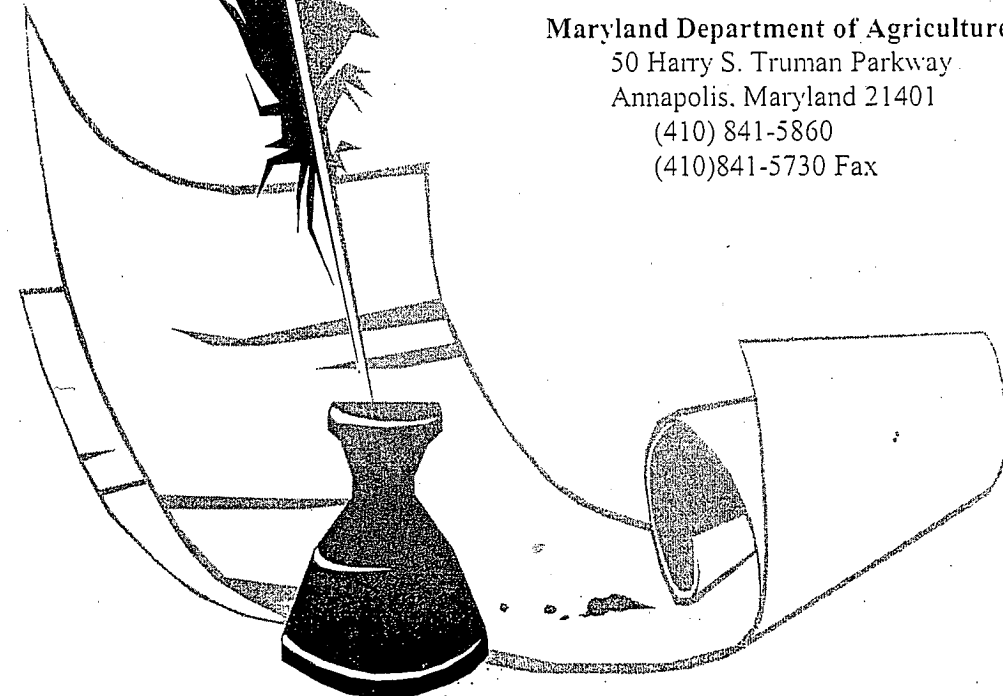




Maryland Agricultural Land Preservation Foundation

Annual Report Year 2000

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The Maryland Agricultural Land Preservation Foundation

Annual Report for FY 2000

Maryland Department of Agriculture
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Annapolis, Maryland 21401

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Lieutenant Governor

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Secretary of Agriculture

Hagner Mister
Deputy Secretary of Agriculture

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Iva Frantz, Administrative Officer
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STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
Maryland Agricultural Land Preservation Foundation

November 1, 2000

The Honorable Parris N. Glendening, Governor
The Honorable Thomas V. Miller, Jr., President of the Senate
The Honorable Casper R. Taylor, Speaker of the House

Gentlemen:

We are pleased and proud to present the Fiscal Year 2000 Annual Report of the Maryland Agricultural Land Preservation Foundation. This year, the program celebrates its twenty-third year of operations. Maryland's program still remains to be the nation's leader in farmland preservation and has preserved more farmland acres than any other state in the union!

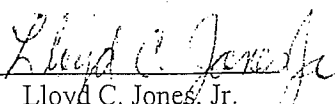
At the close of FY 2000, after accounting for acreage adjustments due to lot exclusions and terminations, the Foundation had a grand total of 2,728 individual farms enrolled in our program protecting 360,498 acres. During the past year alone, we added another 164 farms covering 20,426 acres to the program's acreage base as new agricultural land preservation districts were formed by willing landowners.


Of the total acreage enrolled in the program, as of June 30, 2000, the Maryland Agricultural Land Preservation Foundation either purchased, or has acquired options to purchase, perpetual preservation easements on a grand total of 185,871 acres spread over 1,303 farms. Since last year's annual report, the Foundation has acquired 147 new options to purchase perpetual preservation easements in FY 2000 covering 19,367 acres.

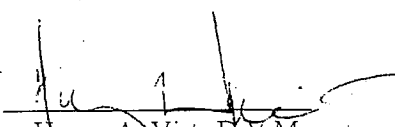
Our mission is to preserve enough of Maryland's productive farmland to perpetually maintain a viable agricultural industry and to help curb the spread of random urban development. With the strong support of the legislature and the agricultural community, we hope to protect and preserve much more of Maryland's prime and productive farmland in the future. We have taken great strides in modifying the program to reduce the time it takes to go to settlement and allow counties to focus our preservation efforts to the better quality farms and to build on existing preservation areas. By preserving large blocks of land, we help to keep the agricultural support structure in place and direct growth to non-agricultural areas.

Although development of prime agricultural land will continue into the future, your continued support allows us to protect more and more of those precious lands as land use issues grow ever more critical. Once land is lost to development, it is highly unlikely that it will ever return to productive agricultural use again. Therefore, we thank you for the support you have given us in the past, and we ask for your continued support into the future.

Sincerely,


Lloyd C. Jones, Jr.
Acting Chairman, MALPF


Paul W. Scheidt
Executive Director, MALPF


Henry A. Virts D.V.M.
Secretary of Agriculture

What is the Maryland Agricultural Land Preservation Foundation?

The Maryland Agricultural Land Preservation Foundation (MALPF) was created by the Maryland General Assembly to preserve productive agricultural land and woodland for the continued production of food and fiber for all present and future citizens of the State. The preservation of agricultural land and woodland helps to curb the expansion of random urban development, protects wildlife habitat, and enhances the environmental quality of the Chesapeake Bay and its many tributaries. During the Foundation's twenty three years of existence, more than 2,728 farms have been protected by recorded documents which prevent the land from being used for commercial, industrial and residential use, and protects 360,498 acres of Maryland farmland. Of those acres, and over 1,303 properties, consisting of 185,872 acres of quality farmland have been permanently preserved and protected from development through the purchase of perpetual preservation easements.

Today, the Maryland Agricultural Land Preservation Program is the most successful program of its kind in the nation and has perpetually preserved more farmland than any other State in the Union. Maryland's effort to preserve agricultural land also leads to the protection of wildlife and increases the environmental quality of the Chesapeake Bay and its many valuable tributaries.

How is the Program Funded?

Funding for the Maryland Agricultural Land Preservation Foundation is made up entirely of special funds. One revenue source is a portion of funds derived from the **State Transfer Tax**, which is a tax that is assessed on all real estate property transfers. The Foundation receives 14.5% of the State Transfer Tax remaining after certain funds are set aside by the State for long term obligations and allocations. In addition, the Foundation receives additional State Transfer Tax revenue from the creation and funding of the Rural Legacy Program. In FY 2000, the total revenue allocated to the Foundation from the State Transfer Tax for easement offers was \$17,534,000.00.

The Foundation also receives special funds collected as **Agricultural Transfer Tax** which is collected when farmland is sold and converted to another land use. Generally, the Foundation receives 2/3 of the amount of Agricultural Transfer Tax collected by each county, while 1/3 is retained by the local jurisdiction collecting the tax, all of which will be used for agricultural land preservation purposes. If a county has a local agricultural land preservation program that has been certified by the Foundation and the Maryland Department of Planning and is effective in preserving quality farmland, that county may retain 75% of the Agricultural Transfer Tax collected, instead of only 1/3 of the revenue. In FY 2000, the State's share of the Agricultural Transfer Tax collected and made available for easement purchases totaled \$2,600,000.00.

Many counties provide **Local Matching Funds** to help acquire easements to varying degrees. Most of the funds provided by the counties are derived from their share of the collected agricultural transfer tax, but some add other county funds. The total county commitment will be used to make easement offers to landowners within that county on a 40% county and 60% State matching fund basis. Collectively, the total county participation has averaged \$3 - 5 million over the last several years.

Other sources of funds may be derived from **Special Grants, Donations and the reimbursement for acres released for lot exclusions.**

How Does the Program Operate?

Program Administration

The Maryland Agricultural Land Preservation Foundation is governed by the Agricultural Article, Sections 2-501 through 2-515 of the Annotated Code of Maryland. The Program is administered by a 12-member Board of Trustees which include the State's Comptroller, Treasurer, and Secretary of Agriculture, all of whom serve as *ex-officio* members. The other nine members of the Board serve "**At-Large**" and represent various regions of the State. All members are appointed by the Governor and serve a term of four years. At least five of the at-large members are farmer representatives of which three represent the Maryland Agricultural Commission, the Maryland Farm Bureau and the Maryland State Grange.

Responsibilities of the Foundation's Board of Trustees, as they relate to the implementation of the Program include: disseminating information to farmland owners and other citizens of the State; providing assistance and coordination to 23 Agricultural Land Preservation Advisory Boards; promulgating program rules, regulations and procedures; reviewing and approving District Agreements and acquiring, by purchase or donation, agricultural land preservation easements on productive agricultural land within the State of Maryland.

The Program is completely voluntary on the part of the landowner, but is dependent upon the cooperation of local governments. This program requires each local government to appoint a five member agricultural land preservation advisory board to assist the Foundation in dispersing information about the program, creating program rules, regulations and procedures and creating agricultural land preservation "**districts.**" A district can be an individual farm but it must meet certain criteria as outlined in the section that follows (Qualifications and Benefits).

Qualifications and Benefits

To be eligible for district status, a property must have at least 100 contiguous acres with at least 50% of the total soils in the property classified as USDA soil capability Class I, II, or III and/or woodland group 1 or 2. These soils are considered to be prime or productive and are capable of successfully producing viable agricultural commodities with reasonable yields and returns.

Smaller properties (less than 100 acres) may qualify under special exceptions, if they meet certain requirements, or if the property is adjacent to land already enrolled in the Maryland Agricultural Land Preservation Program. For more details about qualifications or benefits or about eligibility of a specific property, contact the Foundation directly, or call the program administrator in the county where the property is located.

The landowner must be willing to maintain the land in agricultural use for a minimum of five (5) years, and be willing to have a document recorded in the county land records that would restrict the subdivision and development of the land and prevent the land from being used for any commercial, industrial, or residential use during the term of the District Agreement. Under the agreement, agricultural production and woodland production activities are encouraged and protected.

Benefits of Putting Land into an Agricultural Land Preservation District:

- Direct and Indirect support of Agriculture.
- Recognition from the county and the State that the preferred use of the property is agriculture which is reflected in a document that is recorded in the land records of the county.
- Insulation of normal agricultural activities from nuisance complaints.
- Possible tax credits (if the county, where the property is located, has developed a tax credit program).
- Eligibility to submit an application to sell an agricultural land preservation easement to the Foundation.

Selling An Easement

Once the Agricultural Land Preservation District is established, the landowner is eligible to apply to sell an easement to the Foundation. However, due to the high demand of landowner participation and limited funds, there is no guarantee that an offer will be extended to the landowner by the Foundation. The application submitted by a landowner must include their asking price for any easement offered.

The **maximum price** that the Foundation may pay for an easement is either the **landowner's Asking Price, OR, the Easement Value, whichever is lower.** The Easement Value of a property is determined by subtracting its Agricultural Value from the Fair Market Value. (See Figure 1 below).

Properties are ranked according to a ratio, determined by dividing the landowners asking price by the appraised easement value. A ratio of less than 1.0 indicates the landowner is willing to sell an easement for less than the appraised easement value and therefore the State could purchase the easement at a discount. Up until this year, before the counties were able to create their own prioritization method for easement purchases, the landowner that offered the best discounted savings to the State was ranked first. The discounted savings of the State allowed for the purchase of additional easement acreage through other offers.

FY 2000 marked the first year that counties could request the Foundation to make easement offers based on a local prioritization method, approved by the Foundation, as opposed to the straight ratio method. Legislation was introduced by the Foundation and passed during the FY 2000 General Assembly to allow counties to rank properties in an effort to preserve the better quality farms, build on existing preservation areas, help them meet local preservation goals, and be consistent with their comprehensive plans, and the Governor's Smart Growth Initiative.

Seven counties requested the Foundation to make easement offers based on their local prioritization method including Baltimore, Cecil, Charles, Kent, Washington, Wicomico and Worcester Counties. More counties are expected to use their own prioritization method next year. They wanted more time to develop their own method and allow landowners to understand the use and intent of it before putting it into action.

Any offer made by the Foundation is subject to available funds and the approval by the State Board of Public Works.

Appraised Fair Market Value		Agricultural Value		Easement Value
(determined by the better of at least two appraisals conducted by the state and by the appraisal submitted by the landowner if included with the application)	<i>(less)</i>	(determined by a formula that calculates a land rent based on the soil productivity OR the 5 year average cash rent in the County, whichever is lower)	<i>(equals)</i>	

Note: The Foundation's offer to purchase an agricultural land preservation easement on any property will be dependent upon the county's approval of the application to sell an easement, available funds and the approval from the State Board of Public Works.

Figure 1. Easement Value Formula

The time it takes to sell an easement varies with each property but generally takes **9 - 14 months** from the application deadline (July 1st of each year) to actual settlement. This time-frame of course may be longer if there is a need for survey work, acreage verification, the need for additional signatures of owners, financial institutions or third party interests, as well as unforeseen title problems. The Foundation is continually looking into ways to reduce this time-frame and will be making significant changes in fiscal year 2001.

The Foundation requires a **Soil Conservation and Water Quality Plan** for each property that is submitted for easement sale. The requirement for having a soil conservation and water quality plan began in 1985 and is intended to identify existing erosion and water quality problems on the land and recommend best management practices or other conservation measures necessary to address them, along with a schedule for implementation. The landowner will be responsible for implementing the plan according to the schedule contained within the plan if an easement is purchased on the property. The implementation responsibility will be included as a special condition within the Deed of Easement.

The purpose of the plan is to protect the land from erosion, increase potential yield production and reduce and/or eliminate the flow of sediment entering into neighboring streams, rivers and ultimately the Chesapeake Bay. A **Forest Management Plan** is also encouraged on properties having 50% or more of the land dedicated to woodland.

Once an agricultural land preservation easement has been sold, the property is perpetually protected from further development with certain rights available only to the landowner who originally sold the easement. These rights refer to the construction of a dwelling house intended for that owner and/or his children, subject to certain restrictions, density requirements, and local approval by the county.

FY 2000 Easement Offers

The Foundation received 333 applications to sell an easement for the FY 2000 Easement Acquisition Program. Of those properties submitted for consideration, 253 farms were approved and appraised for possible easement sales.

Each property approved for easement sale was appraised by two independent fee appraisers, contracted by the State, to estimate the fair market value of the land, not including improvements. In addition, smaller properties with less than 100 acres were appraised as if they were part of a 100 acre parcel.

The Office of Real Estate in the Department of General Services reviews each appraisal and recommends to the Foundation which appraisal, in their opinion, best represents the property and adheres to the specifications outlined by the Foundation and included in their contract agreement.

In FY 2000, the Foundation made **169** easement offers to landowners over a three month period (in April, May and June) to landowner's applying in the FY 2000 Easement Acquisition Program. Of those offers, **147** were accepted and will proceed to settlement to preserve an additional **19,367** acres. This response represents a **87% acceptance rate!** In addition, it represents a **12%** increase in the total acres of preserved land, bringing the total to **185,872 acres!**

The Foundation acquired these easements at combined discount of \$13,818,049.00 below the total combined easement values due to competitive bidding. As a result, the total acquisition cost for the 147 easement offers was \$32,609,436.00 which was made up of approximately 79% State funds and 21% County Funds.

COOPERATIVE ARRANGEMENTS WITH OTHER AGENCIES/PROGRAMS

Rural Legacy Program

In 1997, the Maryland General Assembly approved the Rural Legacy Program as a major component of Governor Parris N. Glendening's Smart Growth and Neighborhood Conservation Initiative.

Administered by the Secretary of the Maryland Department of Agriculture, Secretary of the Maryland Department of Natural Resources and the Secretary of the Maryland Office of Planning, the program was established to protect natural resources, farms, forests and other sensitive environmental areas while maintaining the viability of resource-based economies and the proper management of tillable and wooded areas. The program provides funds to local governments and land trusts to purchase interests in real property, as well as to purchase property in fee-simple, in designated Rural Legacy Areas.

On February 23, 1999, the Maryland Agricultural Land Preservation's Board of Trustees approved the concept of co-holding Rural Legacy conservation easements, whose focus is primarily agricultural and generally meets the minimum qualifications of the program. Final approvals are given on a case by case basis and are contingent upon the Rural Legacy easements not having any language in the document that could potentially conflict with the restrictions of the MALPF program. In addition, the board requires a Memorandum of Understanding between the sponsor of the Rural Legacy Area and MALPF to outline monitoring and enforcement of the easement.

Settlement of Rural Legacy easements is the financial responsibility of the Rural Legacy Sponsor and there is no cost to MALPF, other than administrative costs associated with monitoring the easements. **To date, the MALPF Board of Trustees has voted to co-hold a total of 23 Rural Legacy easements with various sponsors.**

Ten of these easements are located in the Piney Run Rural Legacy Area of Baltimore County, covering 1,031 acres, with a total acquisition cost of \$3,394,530. Thirteen other Rural Legacy easements to be co-held by the MALPF are located in the Little Pipe Creek Rural Legacy Area of Carroll County, covering 1,234 acres, with a total acquisition cost of \$2,394,855.

The Rural Legacy Program continues to thrive and is preserving not only farmland, but areas that are rich in cultural, historical, and natural resources. In June 2000, the Rural Legacy Advisory Committee completed its third annual review of applications for grant funds under the Rural Legacy Program. The Rural Legacy Board accepted the Committee's recommendations for Fiscal Year 2001, which will result in having twenty five Rural Legacy Areas located in twenty of Maryland's twenty three counties.

As a result, Governor Parris N. Glendening requested \$35,861,043 in Rural Legacy grant funds for Fiscal Year 2001, including \$24 million in General Obligation Bond funds and \$11,861,043 in Program Open Space transfer tax funds. However, the 2000 Maryland General Assembly reduced the Governor's bond request by \$8 million, awarding a total of \$27,861,043. When this amount is added to the contingency funds reserved from prior years, the Rural Legacy Board and the Board of Public Works will be able to award \$28,000,000 in grants for FY 2001.

The Rural Legacy Board's highest priority for FY 2001 is to continue funding, and where possible enhance funding, for existing Rural Legacy areas approved in prior years. The board recommended grants to eighteen of nineteen applications from existing areas, with \$23.5 million (84%) of the total \$28 million available.

The goal of the Rural Legacy Program is to preserve 225,000 acres of land during a fifteen year period, at an estimated cost of \$600 million. This would preserve an additional 5% of unprotected agricultural and forested lands in Maryland, resulting in 20.5% of the undeveloped land being protected!

Conservation Reserve Program (CRP) and Conservation Reserve Enhancement Program (CREP)

In 1985, the Conservation Reserve Program (CRP) program was created to focus on, and protect, highly erodible land and more recently, began focusing on other environmentally sensitive areas. USDA makes annual payments to landowners who agree to take these sensitive areas out of agricultural production for a period of 10-15 years.

The federal 1996 Farm Bill authorized the USDA to redirect dollars from expiring CRP contracts to certain enhanced programs, thus the Conservation Reserve Enhancement Program (CREP) was born. Maryland's portion of the program is headquartered within DNR's Forest, Wildlife and Heritage Service and focuses on highly erodible lands, steep slopes, riparian areas, stream buffers, wetlands, etc. The main eligibility requirement for enrolling in the program is that the land must have a cropping history of 2 out of the past 5 years.

In CREP, compensation is based on the fair market value of the land as determined by the length of the contract. Landowners are given two options: 1) to enroll in a fifteen year contract similar to the CRP program, or 2) to enroll in a permanent contract on these environmentally sensitive areas.

To date, CREP has settled on 11 easements within 3 Maryland counties, at a cost of \$1,210,885.

Landowner interest is growing and the Foundation has been asked to allow CRP and CREP easements to be placed on top of their agricultural land preservation easement. Although these easements protect the land from development, there has been some controversy in this matter as the purpose of the Foundation is to preserve the land for continued agricultural production and the purpose of CRP and CREP is to take land out of production.

However, the areas that qualify for CRP and CREP are generally limited to small areas and contain areas that are either highly erodible, or have marginal productivity potential. Such an easement may create buffers around streams, wetlands and forests and do not usually encompass entire farms.

MALPF is currently discussing alternative ways to allow, and fund, CREP easements into agricultural land preservation easements with the Maryland Department of Natural Resources.

While the MALPF easements cover the entire farm, CREP easements would only cover sensitive areas. The Foundation does not want CRP or CREP easements to interfere with the current or potential future agricultural operations of the farm. In addition, it does not want large areas taken out of agricultural production, where the State paid landowners to preserve the land for production. However, they do want the land and water quality to be protected.

The general policy of the Foundation is to consider placing CRP and CREP easements on preserved properties in MALPF, on a case by case basis. Issues that still need to be addressed include:

1. What effects will CRP and CREP easements have on the overall value of a property when it is appraised for MALPF;
2. To what extent, or how much of the land within a district or easement will be allowed to be used for this purpose;
3. How will the CRP and CREP easements be valued, and how will the money will be dispersed and;
4. How can they simultaneously be incorporated into a MALPF easement without having to have a separate real estate easement settlement.

PROPOSED REGULATIONS AND POLICY CHANGE

Divisions of Land

As was reported in last year's Annual Report, there has been a lot of controversy relating to the subdivision of land once it is entered into the State's preservation program. The Foundation's Policy Review Committee evaluated many different aspects of potential subdivision requests and tried to make several changes to their policy. Further, they continued on with a goal to introduce legislation that would consolidate all types of subdivision into one bill. After reaching a general consensus, the proposed policy was circulated to agricultural organizations, local agricultural land preservation advisory boards and program administrators for comment. Although most of the response was positive, it generated additional concerns and controversy.

After many months of discussion, the Foundation's Policy Review Committee decided to separate the "Sub-division" issue into two parts:
1) **lot exclusions** and 2) **agricultural subdivisions**.

The MALPF Board of Trustees supported this process and continued their discussions. However, it became clear that general consensus could only be achieved on the issue of lot exclusions and that the issue of agricultural subdivisions needed more work.

The Board of Trustees agreed on several items to be incorporated into proposed legislation which included the following:

1. Maintain their policy of allowing lots to be excluded only for the landowner who sold the easement, which could be used as an owner's lot or children's lots.
2. Change the density of allowable lot exclusions to 1 lot per full 50 acres. (Instead of the current 1 lot per 20 acres)
3. Limit the number of allowable lot exclusions to no more than 4 lots per district. (Instead of the current cap of 10 lots per district)

Although there were discussions about increasing the payback requirement for each acre released for lot exclusions, and the idea of allowing more flexibility of who could use the lots, the board could not come to a consensus and neither was included in the proposed legislation.

The proposed legislation as agreed to was presented to the Maryland General Assembly during FY 2000 as House Bill 162 - Maryland Agricultural Land Preservation Foundation - Lot Rights. The bill neither passed nor failed, but was referred to a Task Force that was created to study the Maryland Agricultural Land Preservation Foundation (HB 740) (See Pages 10-13)

The issue of Agricultural Subdivisions is still being discussed by the Board of Trustees. At this time, they have come to a general consensus and the proposed policy is being circulated to various agricultural organizations, local agricultural land preservation advisory boards and program administrators for comment. More on this issue will be reflected in the 2001 Annual Report.

Pre-Existing Dwellings:

The issue of pre-existing houses will continue into FY2001 and will be the focus of the Foundation's Policy Review Committee after addressing agricultural subdivisions. Although the Committee came to a general consensus on some items relating to the pre-existing dwellings, others are still pending and legislation was not submitted.

There is a general feeling that any pre-existing dwelling should count against the total allowable lot rights that a person may exclude. However, there is also some feeling that if a landowner agrees not to subdivide any acreage around a pre-existing dwelling and agrees never to separate, or divide, that house from the farm, then the total number of potential lot exclusions should not be affected, or reduced.

A major point of discussion of the Policy Review committee will be on how many houses can be built on a farm property before they interfere with the current or future farm operations. Some individuals feel that regardless of the use of each house or lot, (whether a pre-existing dwelling, owner's lot, child's lot, or even a tenant house), there should be a limit on the number of dwellings permitted and the number should be based on acreage.

In addition, there is some feeling, though not shared by all, that each property preserved should have a dwelling unit on it, or the ability to construct one in the future, for the use of subsequent owners. These issues will be discussed further and will be addressed in the FY2001 Annual Report.

Sand and Gravel Pilot Project

During the 1999 Maryland General Assembly, the legislature passed SB 572 which began a five year project to study the effects of mining sand and gravel on agricultural land and permits up to 3 district properties to serve as study sites.

Current policy and regulations of the program do not allow the mining of sand and gravel on lands protected by an agricultural land preservation easement. The restrictions contained in the Deed of Easement prohibit landowners from using their land for residential, commercial and industrial uses.

With the financial demands and development pressures on farmers today, many are forced to look towards alternative sources of income. Mining the subsurface materials could be an additional source of revenue for the landowner, but there is great concern on the effects that mining has on the land.

In most cases, the mining process is only temporary. The top soil can be stockpiled while the land is not producing agricultural products and the sand and gravel, underneath the "plow zone" is being removed.

To some people, allowing the land to be mined could save the farm from being sold for development. In addition, the reclamation of mined areas could possibly improve the farm property making it more conducive to farming. The topography may be changed to allow more accessibility to certain areas. Also, ponds can be created and used for aquacultural operations and/or to irrigate fields to help increase crop yields.

Not all members of the Board are convinced, at this time, that mining should be allowed on preserved lands. After the mining is completed and the land is reclaimed, the soil structure that qualified the property to become an agricultural land preservation district or easement, is changed and it no longer has the same qualities it had prior to the mining process. Taking the subsurface away can effect drainage, and mixing "new" soil can effect its' productivity potential.

The Steering Committee of the Sand and Gravel Pilot Project will study the effects of mining on a few selected sites in southern Maryland and on the Eastern Shore. The committee will have the opportunity to evaluate properties before, during and after the mining process, which will allow them to evaluate the productive capability of the land.

The committee's goal is to conduct a thorough study and determine if mined properties have the ability to be at least as productive as it was prior to the mining operation, determine if it provides additional benefits to the current or potential future farm operations, and provide a recommendation to the Foundation as to whether, it should (or should not) be allowed to occur on preserved properties under the MALPF.

Currently, the committee has selected several study sites and is now in the process of interviewing landowners, collecting production data, and outlining limitations and other criteria for the study. More on this issue will be addressed in next year's annual report.

A Task Force Was Created To Study The Maryland Agricultural Land Preservation Program

During the 2000 Maryland General Assembly, HB 740 created a Task Force that has been established to study the Maryland Agricultural Land Preservation Foundation. The Task Force will study the current program, practices and financial standing of the Foundation and will review and make recommendations on legislation that was presented (but not passed) during the last legislative session. This will include a review of the following bills:

- SB 255/HB 186:** Land Preservation Matching Grants Act of 2000
- SB 393/HB 615:** Agricultural Transfer Tax - County Land Preservation Programs
- SB443:** Political Subdivisions - Property Tax - State Grants
- HB 162:** Maryland Agricultural Land Preservation Program - Lot Rights

The Task Force was appointed in late September and consists of the following 18 members:

1. Two members from the House of Delegates
2. Two members from the Senate of Maryland
3. The Secretary of the Department of Agriculture
4. The Secretary of the Department of Budget and Management
5. The Secretary of the Department of Planning
6. The Secretary of the Department of Natural Resources
7. One member from the Maryland Agricultural Land Preservation Foundation
8. One member from the Maryland Farm Bureau
9. One member from the American Farmland Trust
10. One member from the Chesapeake Bay Foundation
11. One member from the Maryland Association of Counties
12. One member representing a County Agricultural Land Preservation Program
13. One member from the Maryland State Grange
14. One member from the Maryland Agricultural Commission
15. One member representing Forestry Groups in the State
16. One member from the Maryland Land Trust Alliance

The charge of the Task Force is to make recommendations to improve program policy, practices, and financial standing of the Maryland Agricultural Land Preservation Foundation. They will meet once a month and shall submit an interim report of its findings and recommendations to the Governor and to the General Assembly, on or before December 1, 2000 and a final report to the Governor and to the General Assembly on or before July 31, 2001.

In addition to discussing legislation as drafted, the Task Force also identified other issues it would like to address including, but not limited to, the use of land for non-agricultural purposes; agricultural subdivisions; lot exclusions; subsequent owners rights; sand and gravel mining and other commercial and industrial uses of preserved properties.

More information on the work of the Task Force will be reported in next year's Annual Report.

LEGISLATION 2000

Relating to Agricultural Land Preservation Issues

- ***House Bill 162 - Maryland Agricultural Land Preservation Foundation - Lot Rights***
(Referred to Interim Study)

This bill proposed to alter the number of allowable lots that could be excluded from District/Easement property. The bill would have changed the current density of 1 lot per 20 acres (or portion thereof) not to exceed a maximum of 10 lots per district; to 1 lot per each full 50 acres, not to exceed a maximum of 4 lots per district. This legislation would have enhanced the Foundation's efforts to preserve agricultural land and woodland for continued production of food and fiber and reduced the number of dwellings that could potentially be excluded from program restrictions. Not only would it have helped to keep farms from being fragmented, it would have limited the extent of potential residential subdivisions and possible farmer/resident conflicts in the future. The bill was referred to a Task Force which was created by the passing of HB 740 for the purpose of studying the policies, practices and financial standing of the Foundation.

- ***House Bill 186 - Agriculture - Land Preservation Matching Grants Act of 2000 (Companion Bill: SB 255)***
(Referred to Interim Study)

This bill would have provided a State grant of up to \$1,000,000 in fiscal year 2002 only, to each certified county that operates an effective county agricultural land preservation program. Each grant would equal the lesser of \$1,000,000, OR an amount equal to the increase in the county's General Funds commitment for agricultural land preservation programs in Fiscal year 2001 over that which was committed during Fiscal year 2000. For those counties that do not have a certified local program, the bill would have allowed them to qualify for the State grant if their program was certified during Fiscal Year 2001.

A couple of amendments were introduced. One was to broaden the source of increased county funds from their general fund to any source of funds other than revenue collected as Agriculture Transfer Tax. Another was to limit the grant to a maximum of \$500,000 and lastly, any grant received was to be used specifically for the purchase of an agricultural land preservation easement to be held by the Foundation or by the County operating a certified local program.

The bill was referred to a Task Force which was created by the passing of HB 740 for the purpose of studying the policies, practices and financial standing of the Foundation.

- ***House Bill 301 - Maryland Agricultural Land Preservation Foundation - Development Rights***
(Passed)

This bill requires each local governing body to submit a written statement to the Maryland Agricultural Land Preservation Foundation that identifies the total number of development rights existing on each property approved for easement sale; and requires the statement to identify the total number of development rights that have been subdivided or transferred from the subject property. This legislation helps to ensure that the properties are being appraised with verified information concerning the number of development rights associated with each property when submitted for easement sale.

• ***House Bill 434 - Agricultural Land Preservation Easements - Dwelling House
(Referred to Interim Study)***

This bill would have authorized a subsequent landowner to construct a principal dwelling on land protected by an agricultural land preservation easement held by the Maryland Agricultural Land Preservation Foundation under certain conditions. This bill would have allowed a dwelling to be constructed if: (1) the property contained at least 50 acres, (2) no dwelling existed on the property at the time of easement sale, (3) the property had not been subdivided since the easement sale, and (4) any dwelling constructed under these conditions may not be subdivided from the property covered by the easement.

There were several proposed amendments to the bill but none were fully accepted and no action was taken on the legislation.

• ***Senate Bill 443 - Political Subdivisions - Property Tax - State Grants
(Referred to Interim Study)***

This bill would have provided an annual State grant, beginning in Fiscal Year 2002 to each county and Baltimore City based on a rate of \$.02 per \$100 of assessed value of real property, taxable for State purposes. The grant would be distributed based on the percentage of the number of acres of agricultural land in each county to the total number of acres of agricultural land in the State. A flat grant of \$500,000 would have been provided to Baltimore City. The bill required that the grants be used only for agricultural land preservation and for the acquisition and development of land for recreation and open space purposes. The bill was to be effective July 1, 2000 and made applicable to all fiscal years beginning on or after July 1, 2001. However, the bill was referred to interim study.

• ***House Bill 615 - Agricultural Transfer Tax - County Land Preservation Program (Companion Bill: SB 393)
(Referred to Interim Study)***

This bill would have allowed a county having a certified agricultural land preservation program to collect and retain 75% of the agricultural transfer tax collected on properties that are entirely wooded. Currently, a certified county can collect 75% of collected agricultural transfer tax on all properties except those that are entirely wooded. The revenue collected on entirely wooded parcels, is remitted to the comptroller and placed in a special fund to be allocated to the Woodland Incentives Program. Revenue collected beyond the \$200,000 would be allocated to the Maryland Agricultural Land Preservation Program.

The bill was referred to a Task Force which was created by the passing of HIB 740 for the purpose of studying the policies, practices and financial standing of the Foundation.

• ***House Bill 661 - Income Tax - Preservation and Conservation Easements
(Referred to Interim Study)***

This bill would have allowed a State Income Tax Credit for 50% of the fair market value of donations of land or an interest in land to the Maryland Environmental Trust (MET) that are accepted and approved by the State's Board of Public Works. The bill required that the fair market value of the donation be substantiated by an appraisal by a certified appraiser. The maximum credit that may be claimed was set at \$50,000 for an individual and \$100,000 for a corporation. Any unused portion of the credit may be carried forward for up to ten taxable years.

The bill also provided for a subtraction modification under the Maryland Individual Income Tax for any gain recognized on the sale or other disposition of an easement or other interest in agricultural land to the Maryland Agricultural Land Preservation Foundation. The bill was to take effect July 1, 2000 and apply to all taxable years beginning after December 31, 1999. However, this bill was also referred to interim study.

• ***House Bill 703 - Maryland Agricultural Land Preservation Fund - Income Tax Checkoff
(Withdrawn)***

This bill would have provided additional funding to the Maryland Agricultural Land Preservation Foundation by way of a checkoff on individual income tax forms, allowing individuals to make voluntary donations, in any amount, directly to the Maryland Agricultural Land Preservation Fund. It would have required the Comptroller to print a new line on individual income tax return forms for voluntary contributions to the MALPF. In addition, it would have required the Comptroller to collect and account for contributions made through the checkoff system, and to credit the net proceeds to the MALPF. The bill was withdrawn.

• ***House Bill 740 - Task Force to Study the Maryland Agricultural Land Preservation Foundation
(Passed)***

This bill created an 18 member Task Force to study the Maryland Agricultural Land Preservation Foundation and make recommendations to improve the program's policies, practices and financial standing. In addition, the Task Force was charged with reviewing certain legislation that was proposed during the 2000 General Assembly which did not pass. The bill specified specific membership and duties of the Task Force and requires that an interim report of its findings and recommendations be sent to the Governor and to the General Assembly on or before December 1, 2000 and a final report prepared on or before July 31, 2001.

• ***House Bill 754 - Income Tax - Gain Recognized on the Sale of Preservation or Conservation Easements (Unfavorable Report)***

This bill would have provided an income tax subtraction modification for any gain recognized on the sale or disposition of a preservation or conservation easement, or other interest in agricultural land, to the Rural Legacy Program, Maryland Environmental Trust, the Maryland Agricultural Land Preservation Foundation, a county agricultural land preservation program, a county transferable development rights program or the Maryland Historical Trust; and would have been applied to all taxable years beginning after December 31, 1999. The bill received an unfavorable vote and did not pass.

• ***House Bill 808 - Garrett County - Agricultural Land - Property Tax Credits
(Passed)***

This bill authorizes the County Commissioners of Garrett County to grant a property tax credit of up to 100% against the county property tax on agricultural land in an agricultural land preservation district; authorizing the county to recapture taxes, plus interest, if the land is removed from district status.

• ***House Bill 1213 - Calvert County - Agricultural Land Preservation Program - General Obligation
Installment Purchase Agreements (Passed)***

This bill authorizes the County Commissioners of Calvert County to borrow not more than \$10,300,000 to acquire, under specified criteria, transferrable development rights in tracts or parcels of agricultural land and forestry land in Calvert County, as part of the County's Agricultural Land Preservation Program, by the issuance and sale of its general obligation bonds.

• ***House Bill 1367 - Dorchester County Property Tax Credit - Agricultural Land in Agricultural
Preservation District (Passed)***

This bill authorizes the governing body of Dorchester County to grant a property tax credit for property tax imposed on agricultural land that is located in an agricultural land preservation district, or is subject to an agricultural land preservation easement or similar easement. The bill requires Dorchester County to develop criteria necessary to implement the credit and specify the amount and duration of the credit, qualification and application procedures for the credit and any other requirement or procedure that the governing body considers appropriate.

CERTIFICATION OF COUNTY AGRICULTURAL LAND PRESERVATION PROGRAMS

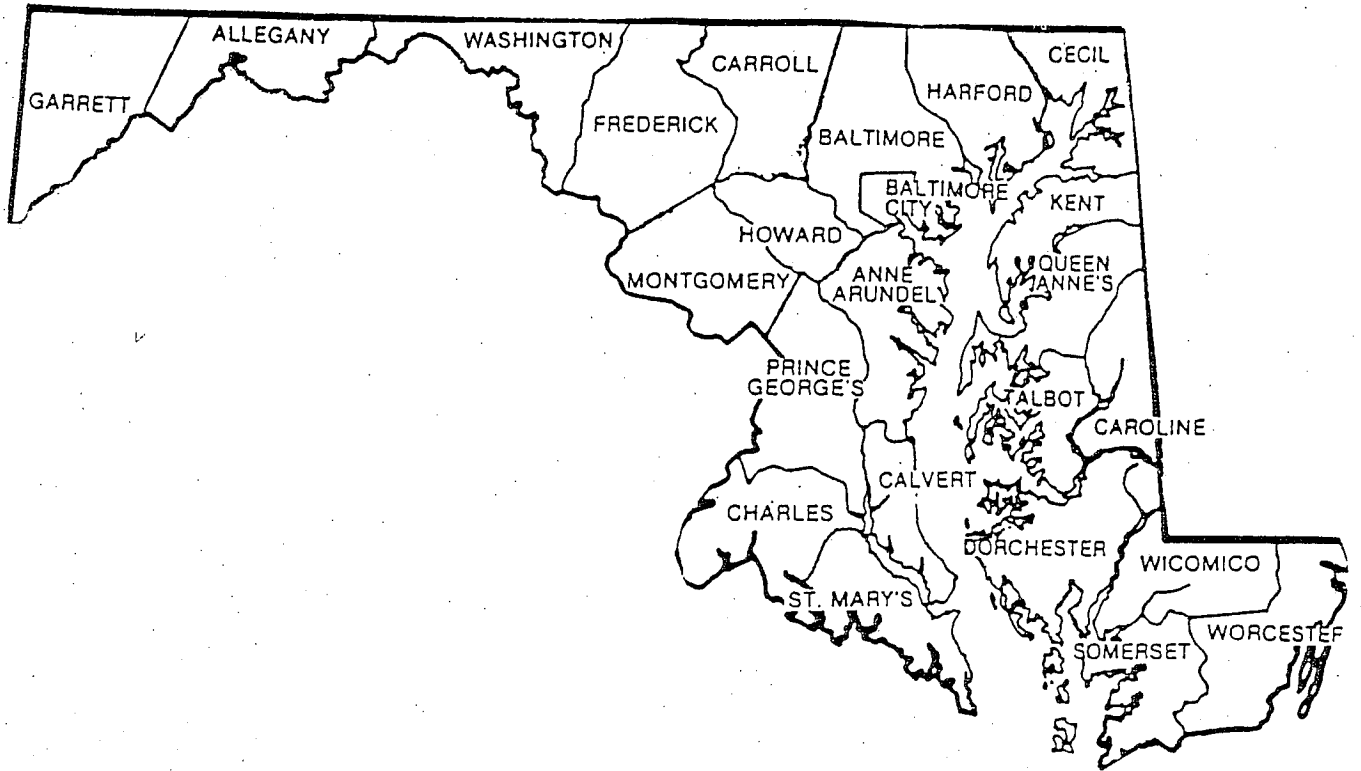
The Certification Program that certifies Local Agricultural Land Preservation Programs, was created by the Maryland General Assembly in 1990 and is jointly administered by the Maryland Agricultural Land Preservation Foundation and the Maryland Department of Planning. It provides Maryland and its counties with an additional tool to preserve the States' valuable agricultural land. Since its inception, the Foundation and the Maryland Department of Planning have together certified fifteen (15) counties as having an effective land preservation program of their own that appears likely to be successful in supporting viable agricultural operations and preserving land in perpetuity.

Certified counties are allowed to retain 75% of collected Agricultural Transfer Tax revenues which are to be used to purchase development rights on agricultural land. The requirements for the program are designed to contribute to cost-effective use of funds for easements by the counties, and to encourage support of the agricultural land preservation objectives through local planning and land use management tools.

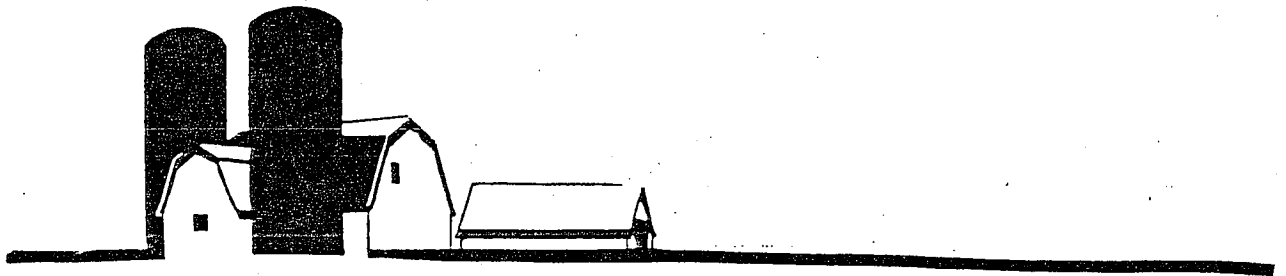
In combination with easement purchases, some counties have a variety of preservation tools. Many certified counties have preserved land locally through private land trusts, MET easements, Rural Legacy easements and federal easements to name a few. Listed below is a chart which shows the cumulative totals of the various preservation programs:

COUNTY	CERTIFIED COUNTY AGRICULTURAL LAND PRESERVATION PROGRAMS								
	Acreage Preserved Through Other Programs (In Addition To MALPF)								
	County Districts	County Easements	MET Easements	Rural Legacy Easements	Local TDR Programs	Private Land Trusts	Critical Farm Programs	Federal Easements	Purchase /Retirement
ANNE ARUNDEL	1,831	3,023						366	
BALTIMORE		1,058	10,496	407		538	279		
CALVERT	16,345				8,700				2,500
CARROLL	48,752	31,602	715	879	0	39	1,080	396	
CECIL			2,561			796		585	
CHARLES			3,019	97	1,183			226	
FREDERICK		349	2,711	203			751	445	
HARFORD	2,252	15,250	2,532			250		247	
HOWARD		18,089	1,070		2,460				
KENT			6,723			3,300		397	
MONTGOMERY	93	5,644	1,959		40,583			514	
QUEEN ANNE'S			6,233		2,417	1,378		1,046	
ST. MARY'S			800		221	303		330	
TALBOT			8,069		580	2,800		629	
WASHINGTON	129		3,109	632		213		1160	
TOTAL	69,402	75,015	49,997	2,218	56,144	9,617	2,110		2,500

Acreage totals are subject to change, as additional information is gathered and easements settle. Federal Easements may include view-shed protection easements and other easements purchased through the Federal Farmland Protection Program. Several of the Certified Counties have pending Rural Legacy easements which are still under negotiations, and therefore are not included in the chart. Only settled Rural Legacy Easements as of November 1, 2000 are reflected in the chart above. The acreage shown under TDR programs reflect data through Dec. 1999. Information is still being gathered to reflect total land holdings by private land trusts, so the acreage shown may only be a partial listing.



MARYLAND COUNTIES



ACREAGE ADJUSTMENTS

The table on the opposite page shows acreage reductions in district and easement properties recorded from July 1, 1999 through June 30, 2000. The table is comprised of five (5) factors that would result in an adjustment of the Program's acreage base and include approved and recorded lot exclusions for use of the owner(s) or owner's children, exclusions by a county for public benefit, early termination due to severe economic hardship, district terminations and acreage adjustments from deeds.

During FY 2000, 17 District Agreements were terminated after meeting the minimum 5 year commitment. In addition, there were partial terminations of whole districts for various reasons. Collectively, 2,387.7683 acres were released from the programs acreage base during FY 2000. Since the program began, a total of 224 districts covering 35,439 acres have been terminated but it is important to note that some of the terminated districts may have been re-configured and put back into the program in a different form or under different ownership.

Several lots were excluded from either district or easement restrictions exclusively for the construction of a dwelling intended for the use of the landowner who sold the easement, or the landowner's children. From district status, 6.5 acres were excluded for this purpose during FY2000. From easement restrictions, 17.8726 acres were released for this purpose. Combined, a total of 24.3726 acres were released from district or easement properties specifically for the construction of new houses. These lots range from 1.00 - 2.00 acres in size, depending on local health department and county regulations.

When lots are released for an owner's lot or child's lot, the landowner is required to pay back the per acre value of the easement originally paid to them when new lots are created on easement property. This payback requirement has been in effect since 1982. No payback is involved for lots excluded from the program while the property is in district status. In FY 2000, the total payback amount for lot exclusions from easement properties equaled \$14,272.62.

To date, the cumulative total payback amount for lot exclusions, since 1982 is \$174,808.92.

When an easement is purchased, restrictions are placed on the total property acreage within the district; however, a landowner is not compensated for the one acre area surrounding each dwelling that was in existence at the time the easement sale. However, any landowner may request to exclude 1.00 acre surrounding each pre-existing dwelling in the future with no payback requirement. If more than one acre is needed to satisfy the health department or county regulations for residential lots, the Foundation may allow up to 2 acres to be excluded with proper verification. A payback will be required for the extra 1.00 acre prior to its release.

The Foundation may receive requests from county governments to exclude land from district or easement restrictions for the purpose of public benefit. Some examples may include road improvements or the taking of land for the construction of bridges or culverts. There were no acres excluded for public benefit during FY 2000. Since the program began, a total of 21.469 acres have been excluded for such public improvements resulting in a total payback of \$2,490.43.

In the easement settlement process, acreage adjustments are often made after a title search of each property is performed. The verification of acreage through research of ownership, including out-conveyances and surveys may reflect a different acreage total than that shown on the district agreement. Therefore, adjustments are made to the data base. During FY 2000, there was a net decrease of 28.3856 acres due to adjustments from deeds. The total net loss from such adjustments to date, since the program first began, totals 921.9186 acres.

The total acreage reductions and downward adjustment to the programs acreage base in FY 2000, from all sources shown on the adjacent chart, recorded between July 1, 1999 and June 30, 2000, total 2,440.5265 acres.

MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
ACREAGE REDUCTIONS IN DISTRICTS OR EASEMENT PROPERTIES
 RECORDED FROM JULY 1, 1999 TO JUNE 30, 2000
 (*Partial termination resulting in loss of partial district acreage)

COUNTY	OWNER'S OR CHILDREN'S LOT EXCLUSIONS			EXCLUSION BY COUNTY FOR PUBLIC BENEFIT		EARLY TERMINATION FOR SEVERE ECONOMIC HARDSHIP		DISTRICT TERMINATION AFTER 5 YEARS		ACREAGE ADJUSTMENTS FROM DEEDS	TOTALS
	Easement Acreage	Pay-back Amount	District Acreage	Dist. Ease Acreage	Pay-back Amount	Number	Acreage	Number	Acreage		
ALLEGANY											
ANNE ARUNDEL			-1.0000							-0.3670	-1.3670
BALTIMORE	-1.0000	\$7,200.00						-2	-137.3483	-0.3640	-139.7123
CALVERT	-1.0000	N.A.								+0.9300	-3.0700
CAROLINE											
CARROLL	-2.3726	563.00						-4	-633.2560	-10.1500	-645.4060
CECIL			-1.0000					-5	-490.1290	2.9800	-489.5216
CHARLES	-1.0000	1.975.00	-1.0000					-2	-738.2000	+12.5300	-726.6700
DORCHESTER											
FREDERICK	-2.0000	878.44	-1.0000								-3.0000
GARRETT	-1.0000	313.85									-1.0000
HARFORD	-2.0000	2,973.66						-1	-53.5350		-55.5350
HOWARD											
KENT											
MONTGOMERY											
PRINCE GEORGE'S											
QUEEN ANNES	-1.5000	N.A.	-2.5000								
ST. MARY'S	-1.0000	293.85						-1	-95.7500	-12.7200	-112.4700
SOMERSET	-2.0000	4.92									-1.0000
TALBOT											
WASHINGTON	-1.0000	N.A.						-1	-135.5300	-6.7670	-128.7830
WICOMICO											
WORCESTER								-1	-102.0000	-1.3760	-2.3760
TOTAL	-17,8726	\$14,272.62	-6.5000					-17	-2,387,7683	-28,3856	-2,410,5265

FY 2000 DISTRICT PARTICIPATION

In FY 2000, the Foundation approved the establishment of 164 new agricultural land preservation districts protecting an additional 20,426 acres.

The adjusted total acreage base of recorded and approved district properties as of June 30, 2000 was 360,498 acres, covering 2,728 individual district properties!

There were 17 district terminations totaling 2,387.7683 acres during FY 2000. Routine termination of districts has been a potential factor only since FY '84 when the first districts in the program had been in district status for at least five years. However, it is important to note that some of the terminated districts may have been re-configured and put back into the program in a different form or under different ownership.

Acreage adjustments from deeds resulted in a decrease of 28,3856 acres in the program's acreage base on properties pending easement sale after verifying acreage within the districts.

After adding the acreage of newly established districts to last year's total acreage base (342,502.2854 acres) and then subtracting the total acreage adjustments from full and partial terminations, district lot exclusions and acreage adjustments from deeds during FY 2000, the adjusted total acreage base of recorded and approved district properties, as of June 30, 2000, was 360,498.1851 acres, covering 2,728 individual district properties.

During FY 2000, Charles County enrolled the most district acreage in the program with twenty-seven (27) new agricultural districts being established covering 4,097 additional acres! St. Mary's County had second highest number of new districts created as they added 20 new properties. However the second highest additional acreage was achieved by Queen Anne's County who added 1,998 acres to the program during FY 2000.

There were several other counties who also added significant acreage to the program's acreage base. Allegany County added the first new districts to their acreage base since 1982. Two districts were approved in the county totaling 295.92 acres. The Foundation hopes to see more participation from Allegany County in the near future.

The largest distribution of district acreage is still located in **Central Maryland** (Carroll, Baltimore, Harford, Montgomery and Howard Counties). The total acres enrolled from this area are 115,583 district acres, or 32.1% of all district acres statewide. The next largest area of distribution is the **Upper Eastern Shore** (Queen Anne's, Talbot, Cecil, Kent and Caroline Counties), which represents 115,121 acres or 31.9% of the total district acreage base.

In the **Western Region** (Garrett, Allegany, Washington and Frederick) a total of 59,783 acres or 16.6% were enrolled in the program. In the **Southern Region** (Anne Arundel, St. Mary's, Calvert, Charles and Prince George's) there is a total of 38,507 acres enrolled in the program, which represents 10.7% of the total district acreage base. The **Lower Eastern Shore** (Dorchester, Wicomico, Worcester and Somerset) has a total of 31,504 acres or 8.7% of the total district acreage base.

Several counties had significant increases in total acres entering the program, which slightly altered the previous percentage totals listed in last year's annual report.

The Maryland Agricultural Land Preservation Foundation Program continues to preserve quality farmland and relies on the continued coordination and cooperation of local governments and, of course, the willingness of landowners.

MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
 FY 2000 DISTRICT PARTICIPATION

COUNTY	Recorded Districts As Of June 30, 1999		Approved During FY 2000		District Terminations *includes partial terminations		Acreage Adjustments		Total Recorded and Approved Districts As Of June 30, 2000		Per- centage Of Total
	No. of Districts	District Acreage	No. of Districts	District Acreage	No. of Districts	District Acreage	Acreage Adjustments From Deeds	District Lot Exclusion Acreage	No. of Districts	District Acreage	
ALLEGANY	5	781,0580	2	295,9200					7	1,076,9780	0.3%
ANNE ARUNDEL	96	9,339,4713					-0.3670	-1.0000	96	9,338,1043	2.6%
BALTIMORE	313	29,202,0781	11	1,142,9703	-2	-137,3483	-0.3640		322	30,207,3361	8.4%
CALVERT	48	6,171,1902					+0.9300		48	6,171,1202	1.7%
CAROLINE	287	39,229,3968	9	910,6370	-4	-635,2560	-10.1500		292	39,494,6278	10.9%
CARROLL	389	47,582,0399	13	1,410,3503	-5	-490,1290	+2.9800		397	48,505,2412	13.5%
CECIL	97	14,923,0681	8	1,234,6800			-16.5836	-1.0000	105	16,140,1645	4.5%
CHARLES	68	10,632,1071	27	4,096,7642	-2	-738,2000	+12.5300	-1.0000	93	14,002,2013	3.8%
DORCHESTER	74	11,392,0490	12	1,467,0000					86	12,859,0490	3.6%
FREDERICK	157	23,196,0493	9	1,137,4830				-1.0000	166	24,332,5323	6.8%
GARRETT	40	5,609,1978	6	985,5500					46	6,594,7478	1.8%
HARFORD	233	25,199,7079	7	535,3580	-1	-53,5350			239	25,681,5309	7.0%
HOWARD	49	6,281,8034							49	6,281,8034	2.0%
KENT	83	15,344,3122	6	1,006,2200			-10.0320		89	16,340,5002	4.5%
MONTGOMERY	24	4,675,9446	1	234,1950					25	4,910,1396	1.4%
PRINCE GEORGE'S											
QUEEN ANNE'S	172	29,448,8064	15	1,998,1680	-1	-95,7500	-12.7200	-2.5000	186	31,336,0044	8.7%
ST. MARY'S	54	7,320,4143	20	1,668,6880					74	8,989,1023	2.5%
SOMERSET	32	4,632,4550	2	292,8000					34	4,925,2550	1.4%
TALBOT	73	11,731,7898	1	221,7500	-1	-135,5500			73	11,817,9898	3.0%
WASHINGTON	194	26,334,8110	11	1,438,3800					205	27,779,9580	7.8%
WICOMICO	65	8,663,3065	4	348,5900	-1	-102,0000	+6.7670		68	8908,5205	2.5%
WORCESTER	28	4,810,3045					-1.3760		28	4,810,3045	1.3%
TOTAL	2,581	342,502,2854	164	20,425,9778	-17	-2,387,7683	-28,3856	-6.5000	2,728	360,498,1851	100%

* Indicates partial termination of District Acreage

**REGIONAL ANALYSIS:
PERCENTAGE OF TOTAL DISTRICT ACREAGE**

REGIONS	FY '97	FY '98	FY '99	FY 2000
WESTERN:				
Garrett				
Alleghany	16.4%	16.5%	16.3%	16.6%
Washington	49,645 acres	53,348 acres	55,922 acres	59,783 acres
Frederick				
CENTRAL:				
Carroll				
Baltimore	33.3%	33.5%	33.0%	32.1%
Harford	101,015 acres	108,160 acres	112,942 acres	115,583 acres
Montgomery				
Howard				
SOUTHERN:				
Anne Arundel				
St. Mary's	9.5%	9.4%	9.8%	10.7%
Calvert	28,846 acres	30,255 acres	33,469 acres	38,507 acres
Charles				
Prince George's				
UPPER SHORE:				
Queen Anne's				
Talbot	33.0%	32.1%	32.3%	31.9%
Cecil	99,941 acres	103,819 acres	110,670 acres	115,121 acres
Kent				
Caroline				
LOWER SHORE:				
Dorchester				
Wicomico	7.9%	8.5%	8.6%	8.7%
Worcester	23,839 acres	27,449 acres	29,499 acres	31,504 acres
Somerset				
TOTAL ACREAGE	303,286 acres	323,031 acres	342,502 acres	360,498 acres

**REGIONAL ANALYSIS:
PERCENTAGE OF TOTAL EASEMENT ACREAGE**

REGION	FY'97	FY '98	FY '99	FY 2000
WESTERN:				
Garrett				
Alleghany	13.3%	13.3%	13.9%	13.9%
Washington	18,657 acres	20,242 acres	23,203 acres	25,067 acres
Frederick				
CENTRAL:				
Carroll				
Baltimore	37.4%	37.1%	36.1%	35.8%
Harford	52,263 acres	56,465 acres	60,115 acres	64,411 acres
Montgomery				
Howard				
SOUTHERN:				
Anne Arundel				
St. Mary's	7.1%	7.1%	7.3%	8.0%
Calvert	10,009 acres	10,880 acres	12,104 acres	14,484 acres
Charles				
Prince George's				
UPPER SHORE:				
Queen Anne's				
Talbot	34.4%	34.9%	35.0%	36.9%
Cecil	48,138 acres	53,182 acres	58,286 acres	65,187 acres
Kent				
Caroline				
LOWER SHORE:				
Dorchester				
Wicomico	7.7%	7.6%	8.3 %	9.3 %
Worcester	10,761 acres	11,519 acres	13,821 acres	16,722 acres
Somerset				
TOTAL ACREAGE	139,828 acres	152,288 acres	166,529 acres	185,871 acres

EASEMENT ACQUISITION PROGRAM

FY 2000 Easement Acquisition

Average values of all accepted offers during FY 2000 are analyzed in the facing table by county and for the entire State. For FY 2000, a total of 19,367.1352 acres will be placed under perpetual easement after settlement. The values listed in the table reflect average asking prices, fair market value, agricultural value, easement value and acquisition cost of properties within each county during FY 2000. The averages shown in the adjacent chart pertain exclusively to those properties on which easement offers were accepted by the landowners and should not be considered to be representative values of all farmland within any one county.

The Foundation received 333 applications to sell an easement for the FY 2000 Easement Acquisition Program. Of those properties submitted, 253 farms were appraised and considered for possible easement sales. With the limited funds available, the Foundation was able to make 169 total easement offers which resulted in 147 accepted offers.

The **average farm size** of the 147 properties currently pending settlement is 132 acres, which is slightly down from last year's average farm size of 137 acres.

The **average asking price** of all 253 properties considered during the FY2000 Easement Acquisition Program was 1,888 per acre, while the average asking price of the 147 accepted offers was \$1,818 per acre. This average is higher than the asking prices of the 1999 cycle, which was \$1,650 per acre.

The **average easement value** for FY 2000 was \$2,405 per acre, which was slightly higher than last cycle's average of \$2,345 per acre.

The FY 2000 **average acquisition cost** was \$1,683 per acre, slightly higher than the average acquisition cost during FY '99 which was \$1,619 per acre. The acceptance of 147 out of 169 easement offers made during this cycle shows a total acquisition cost of \$32,609,436.02 of which \$25,833,906.60 or 79% were State Funds and \$6,775,529.42 or 21% were County Matching Funds.

Carroll County Commissioners committed an additional \$2,874,431.40 above their original matching fund commitment of \$666,666.00 to purchase additional easements in Carroll County after all other fund allocations were exhausted. This enabled the Foundation to extend additional offers to landowner's in ranking order. However, the County instructed the Foundation to utilize their funds by making offers with the understanding that they do not exceed 60% of the appraised fair market value of each property. These offers will be funded entirely of county funds.

Twelve offers were made using the additional county funds. However, only 6 of the 12 offers were accepted by the landowners. As a result, the County will spend an additional \$1,215,318.60, above their original county match.

St. Mary's County also committed additional funds to be applied to the FY 2000 easement acquisition program. The additional \$377,690.57 that St. Mary's County provided enabled the Foundation to purchase another three easements. One of which was an insufficient funds offer. Although the offer was \$1,806.85 below the appraised easement value, the offer was accepted. Other insufficient fund offers were made in the State, but were either not accepted or a full offer was made later resulting from rejected offers.

Due to the fact that easement offers are based on the lower of either the asking price or the appraised easement value, the Foundation is able to purchase easements at a discounted value. In the FY 2000 Easement Acquisition Program, a total savings of \$13,878,049.00 was realized as the Foundation received accepted offers that were below the total value of the value of all easements.

Using the average acquisition cost of \$1,683 per acre as a unit of measure for FY 2000, the Foundation was able to purchase an additional 8,246 acres due to the competitive bidding component of the program.

MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
FY 2000 EASEMENT ACQUISITION PROGRAM

COUNTY	NUMBER OF EASEMENTS	TOTAL OF ACRES	AVERAGE FARM SIZE	AVERAGE ASKING PRICE PER ACRE	AVERAGE FAIR MARKET VALUE/ACRE	AVERAGE AGRICULTURAL USE/ACRE	AVERAGE EASEMENT VALUE/ACRE	ACQUISITION COST		DISCOUNT
								PER ACRE	TOTAL	
ALLEGANY										
ANNE ARUNDEL	2	297.1075	149	5,000.00	6,498.24	554.38	5,943.86	5,000.00	1,354,264.70	261,188
BALTIMORE	16	1,740.4084	109	3,528.13	6,343.23	678.42	5,664.80	3,528.13	6,153,395.64	3,607,345
CALYERT	4	351.3650	88	4,912.50	6,930.65	457.50	6,473.15	4,912.50	1,595,164.00	572,719
CAROLINE	16	1,734.5200	108	637.38	1,916.51	857.78	1,058.73	637.38	1,084,324.28	839,164
CARROLL	17	1,837.5697	108	2,144.81	4,233.63	669.92	2,633.65	2,047.89	3,697,848.31	1,081,630
CECIL	8	1,106.7680	138	1,769.75	4,225.43	763.72	7,003.00	1,769.75	1,752,018.63	1,774,382
CHARLES	4	456.9488	114	1,625.00	2,133.71	484.00	1,649.71	1,454.14	677,260.31	71,444
DORCHESTER	8	1,426.8100	178	812.38	1,906.43	770.18	1,136.24	812.38	1,449,550.95	456,424
FREDERICK	10	1,187.4278	119	1,788.00	3,230.25	680.71	2,569.52	1,763.10	2,064,608.03	988,489
GARRETT	2	165.2420	83	625.00	1,100.87	471.50	629.37	517.24	110,383.70	1,824
HARFORD	8	723.9510	90	2,875.00	4,791.83	786.85	4,025.41	2,875.00	2,087,098.00	809,979
HOWARD										
KENT	7	1,572.6160	225	1,379.29	2,947.06	849.10	2,097.96	1,379.29	2,091,859.51	1,204,888
MONTGOMERY										
PRINCE GEORGE'S										
QUEEN ANNE'S	17	2,648.7820	156	988.82	2,306.88	856.24	1,423.35	918.24	2,685,185.34	1,468,222
ST. MARY'S	9	1,281.1000	142	3,400.00	3,138.96	407.50	2,731.46	2,611.37	2,820,714.83	50,860
SOMERSET										
TALBOT	6	844.0950	141	1,159.33	2,800.22	1,075.61	1,891.27	1,159.33	949,331.73	605,232
WASHINGTON	4	515.9300	129	3,375.00	3,587.47	845.19	2,742.28	2,048.31	1,081,330.94	
WICOMICO	4	584.2240	146	1,225.00	1,548.92	691.21	837.71	857.71	475,962.82	
WORCESTER	5	892.2800	178	1,107.78	1,680.63	707.05	973.59	882.85	779,134.40	84,259
TOTAL	147	19,367.1352	132	1,818	3,129	724	2,405	1,683	32,609,436.02	13,878,049

EASEMENT PARTICIPATION

FY 2000 Easement Participation

The Maryland Agricultural Land Preservation Foundation received a total of 333 applications to sell an agricultural land preservation easement during the FY 2000 Easement Acquisition Program. Applications were received until July 1, 2000.

Since the Foundation could not purchase easements on all of the properties submitted for easement sale, the Board of Trustees requested the counties to prioritize the properties and submit their approval for up to five applications, or the top 80% of the total number of applications received from their county, whichever is greater.

This review and prioritization helps the Foundation and the counties in several ways. It allows counties to develop their own criteria which may be used to buy easements on the better quality land, build on existing preservation areas, or preserves farms that are under direct threat of development. For the Foundation, limiting the number of applications helps to maximize the use of State funds for actual easement purchases by limiting the number of properties to be appraised, thus saving on appraisal costs. Further, it helps Foundation staff and Department of General Services in keeping the total number of properties being processed for easement sale at a more manageable number.

As a result of limiting the number of applications and properties to consider in FY 2000, the Foundation appraised 253 properties. Offers were made to landowners to purchase easements on 169 farms. Of the 169 offers made by the Foundation, 147 were accepted (an 87% acceptance rate). Therefore, an additional 19,367 acres were placed under contract status during FY 2000.

The easement participation chart on the opposite page reflects the total number of easements acquired in each county during FY 2000, as well as the collective total of easements acquired, or under contract status, as of June 30, 2000.

At the close of the fiscal year, the Foundation preserved 1,303 individual easement properties permanently protecting 185,872 acres.

The number of easements acquired during the FY 2000 Easement Acquisition Program was significantly more than the 104 added in FY '99 and the 84 added in FY '98. The average farm size decreased slightly from 137 acres in FY '99 to 132 acres in FY 2000.

Queen Anne's County had the most acreage preserved during FY 2000, when the Foundation received accepted easement offers for 17 properties, consisting of 2,649 acres. When added to last year's total, Queen Anne's County will have 16,810 acres permanently preserved. This represents 9.1% of the total number of easement acres acquired by the Maryland Agricultural Land Preservation Foundation.

Carroll County had the second largest acreage increase with 1,838 acres, preserving seventeen (17) new properties. As of June 30, 2000, the Foundation had acquired a grand total of 252 easements protecting 31,807 acres in Carroll County representing 17.1% of the programs easement acreage base.

Other counties also added significant acreage including Baltimore (1,740 acres), Caroline (1,735 acres), Kent County (1,573 acres) and Dorchester County (1,427 acres).

Carroll and St. Mary's County provided additional County money above and beyond their local matching fund commitment to be used to purchase additional easements in their County. These funds were unmatched by State funds. Although the easements would be held by the State and processed by the State, some Carroll County and St. Mary's County easements were acquired using 100% County Funds.

Baltimore and Harford Counties also added additional local funds to help make up the difference of an insufficient funds offer.

MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
EASEMENT PARTICIPATION

County	Total Easements Acquired Or w/ Contract Status As Of June 30, 1999		Easements Offered & Accepted FY 2000		Less Recorded Lot Exclusions from Easements		Total Easements Acquired Or w/ Contract Status As Of June 30, 2000		% Of Total
	Number	Acreage	Number	Acreage	Acreage	Number	Acreage		
Allegany	1	183.2920				1	183.2920	0.1%	
Anne Arundel	32	3,945.0117	2	297.1075		34	4,242.1192	2.3%	
Baltimore	126	13,901.3142	16	1,740.4084	-2.0000	142	15,639.7226	8.4%	
Calvert	26	3,646.5132	4	351.3650	-4.0000	30	3,993.8773	2.1%	
Caroline	151	21,302.1944	16	1,734.5200		167	23,036.7144	12.5%	
Carroll	235	29,971.3708	17	1,837.5697	-2.3726	252	31,806.5679	17.1%	
Cecil	52	8,976.0704	8	1,106.7680	-1.0000	60	10,081.8384	5.4%	
Charles	7	1,502.6736	4	456.9488	-1.0000	11	1,958.6224	1.1%	
Dorchester	27	4,883.4320	8	1,426.8100		35	6,310.2620	3.4%	
Frederick	70	12,000.1465	10	1,187.4278	-3.0000	80	13,184.5743	7.1%	
Garrett	26	3,669.1040	2	165.2420	-1.0000	28	3,833.3460	2.1%	
Harford	90	10,020.8768	8	723.9510	-2.0000	98	10,742.8278	5.8%	
Howard	27	3,952.7802				27	3,952.7802	2.1%	
Kent	45	8,161.8232	7	1,572.6160		52	9,734.4392	5.2%	
Montgomery	11	2,070.7305				11	2,070.7305	1.1%	
Prince George's									
Queen Anne's	79	14,165.5046	17	2,648.7820	-4.0000	96	16,810.2866	9.1%	
St. Mary's	24	3,009.2450	9	1,281.1000	-1.0000	33	4,289.3450	2.3%	
Somerset	17	2,644.2080			-2.0000	17	2,642.2080	1.4%	
Talbot	32	5,879.3990	6	844.0950		38	6,723.4940	3.6%	
Washington	34	6,348.0340	4	515.9300	-1.0000	38	6,862.9640	3.7%	
Wicomico	32	4,306.8780	4	584.2240		36	4,891.1020	2.6%	
Worcester	12	1,988.2745	5	892.2800		17	2,880.5545	1.5%	
Total	1,156	166,528.8957	147	19,367.1352	-24.3726	1,303	185,871.6583	100.0%	

EASEMENT ACQUISITION PROGRAM HISTORIC PERSPECTIVE

The Historic Perspective table shows easement acquisitions by year. The table also factors in adjustments from deeds and late rejections of easement offers after initial acceptance, which is noted in the final figure. Total dollar value and average cost per acre by year are based on easement acreage only. The average fair market, agricultural and easement values are based on the appraisals obtained by the State and used in making easement offers.

However, these figures do not reflect adjustments made to the total acreage when settled. Any adjustments made to the acreage, due to deeds and/or surveys reflecting different acreage contained in title deeds, as well as excluded lots over the past year, are shown in the chart on the opposite page and in the Acreage Reduction Chart on page 17.

Any adjustments made involving the total payback amount associated with lot exclusions and other adjustments from deeds to date are shown at the bottom of the acquisition cost column.

Over the past 23 years, a total of 1,303 applicants have accepted easement offers of the 1,828 offers made by the Foundation representing an historic 71% acceptance rate. The land contained on the 1,303 farms that have accepted the Foundation's easement offer total 185,872 acres. This adjusted figure takes into consideration a total reduction of 24.3726 acres from lot exclusions in FY 2000 and the 28.3856 acres from deed adjustments. Historically, the average farm size is 143 acres.

The historic average asking price of landowners is \$1,426 per acre, which is up slightly from FY '99 figures. The historic average easement value is \$1690 per acre (also up from last year's figures). However, the average historic acquisition cost increased to \$1,672 per acre from last year's historic acquisition cost of \$1,619.00 per acre.

Over the years, landowners have continued to discount their asking price in order to be competitive and be ranked within available funds. Up until last year, those landowners who offered the best discount were the ones who were ranked the highest. However, that may change as more counties create their own prioritization method.

The discount value shown in the adjacent chart represents the total dollars saved by competitive bidding, as well as the additional easement acres that the Foundation was able to acquire each year with that savings. In other words, the total discount value, divided by the average acquisition cost equals additional acreage that the Foundation was able to protect under easement.

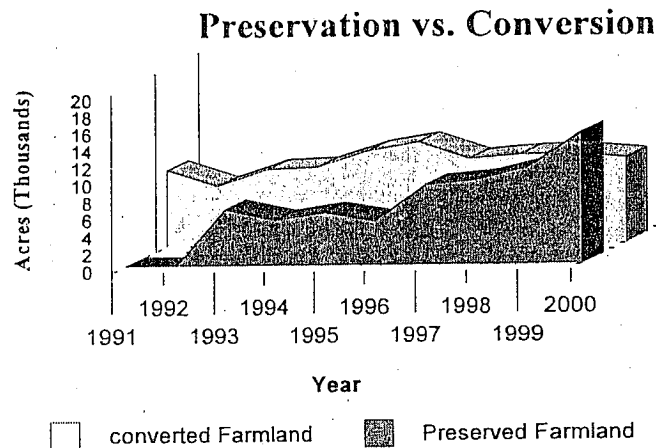
Over the years, due to competitive bidding and the discounted values, the Foundation has been able to purchase easements at a discount with a savings of \$77,987,463.00. In theory, this allowed the State to purchase 46,643 additional acres. Therefore, the most cost effective component of the program is distinguished by the nature of the competitive bidding mechanism.

It continues to play a very important role to the Foundation in making easement offers.

MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
EASEMENT ACQUISITION PROGRAM - HISTORIC PERSPECTIVE

FISCAL YEAR	ACCEPTED OFFERS	TOTAL ACRES	AVERAGE FARM SIZE	ASKING PRICE THAT ACCEPTED	APPRAISED VALUES			ACQUISITION COST	DISCOUNT VALUE
					FAIR MARKET	AGRICULTURAL	EASEMENT		
	ACCEPTANCE RATE			AVG. PER ACRE TOTAL AMT.	AVG. PER ACRE TOTAL AMT.	AVG. PER ACRE TOTAL AMT.	AVG. PER ACRE TOTAL AMT.	ADDTL. ACRES TOTAL AMT.	
1977 to 1993	736 of 1,184 62%	106,976.5016	144 acres	\$1,213/acre \$129,783,289	\$2460/acre \$263,212,656	\$1312/acre \$140,443,372	\$1185/acre \$126,786,333	\$1016/acre \$108,740,917	17,516/acre \$17,796,984
1994 Cycle One and Two	49 of 54 91%	6,805.0084	138 acres	\$1918/acre \$13,052,329	\$3639/acre \$4,760,750	\$718/acre \$4,884,325	\$2920/acre \$19,876,424	\$1617/acre \$11,000,311	1,183/acre \$8,049,188
1995 Cycle One	24 of 32 75%	3,708.2060	155 acres	\$1650/acre \$6,119,937	\$3,037/acre \$11,260,350	\$743/acre \$2,760,970	\$2292/acre \$8,499,429	\$1443/acre \$5,352,350	2,022/acre \$2,918,222
1995 Cycle Two	25 of 34 74%	4,160.5525	166 acres	\$1618/acre \$6,732,335	\$3,043/acre \$12,662,825	\$834/acre \$3,470,611	\$2,184/acre \$9,087,226	\$1,331/acre \$5,359,661	2,756/acre \$3,668,800
1996	30 of 39 83%	6,573.4135	132 acres	\$1,697/acre \$11,150,156	\$2,977/acre \$19,577,500	\$773/acre \$5,081,222	\$2,205/acre \$14,496,078	\$1,537/acre \$10,109,481	2,629/acre \$4,041,142
1997	84 of 88 95%	11,808.4475	141 acres	\$1,470/acre \$17,360,614	\$2,848/acre \$33,625,725	\$653/acre \$7,734,524	\$2,193/acre \$25,891,901	\$1,382/acre \$16,324,772	6,838/acre \$9,450,159
1998	84 of 90 93%	12,469.7617	148 acres	\$1,688/acre \$21,047,013	\$3,027/acre \$37,741,650	\$666/acre \$8,305,238	\$2,364/acre \$29,481,412	\$1,634/acre \$20,378,116	4,641/acre \$7,584,027
1999	104 of 118 88%	14,274.4518	137 acres	\$1,650/acre \$23,536,074	\$3,012/acre \$42,990,425	\$667/acre \$9,316,930	\$2,343/acre \$33,473,495	\$1,619/acre \$23,109,183	6,385/acre \$10,660,892
2000	147 of 169 87%	19,367.1352	132 acres	1,818/acre \$5,212,521	3,129/acre 60,614,079	724/acre 14,021,015	2,405/acre 46,593,084	1,683/acre 32,609,436	8,264/acre \$13,818,049
TOTAL	1,503 of 1,828 71%	185,896.0304 LESS 2,376 183,519.6585	143 acres	\$1,426/acre \$265,020,268	\$2,725/acre \$306,415,760	\$1,056/acre \$196,218,348	\$1,690/acre \$34,185,362	\$2,329/acre \$168,374,616 LESS 1,179,192 \$232,824,637	46,643/acre \$77,987,463

PRESERVATION VERSUS CONVERSION



Note: Acres of preserved farmland shown in the chart above only reflects that which was preserved by the Maryland Agricultural Land Preservation Foundation. There may have been much more acreage preserved through various county programs, local land trusts and other State programs.

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	Total
Converted Farmland	11,070	8,719	11,132	11,430	13,743	14,995	12,491	13,078	13,186	12,484	122,328
Preserved Farmland	0	0	8,358	6,805	7,869	6,575	11,808	12,470	14,274	19,367	87,526
Net Difference	(11,070)	(8,719)	(2,774)	(4,625)	(5,874)	(8,420)	(683)	(608)	1,088	6,883	(34,802)

The graph and table above reflects a comparison of acres lost from agriculture and converted to other land uses to the number of acres preserved through the Maryland Agricultural Land Preservation Foundation during the period between 1991 and 2000.

The amount of farmland that is continually being lost to development surpasses that which is being preserved. However, for two years in a row, during fiscal years 1999 and 2000, the rate of preservation topped that of development. Over the past ten years, the preservation efforts of the Maryland Agricultural Land Preservation Foundation have protected about 71.5% of the total farmland lost. Combined with other state, local and private land preservation programs, the pace may be more even. It is important to note that the chart above only reflects that which is preserved by the Maryland Agricultural Land Preservation Foundation.

There was a rather big development boom in the mid-90's when 4,625-8,420 acres were being converted each year. Later in the 1990's the conversion rate slowed dramatically and actually fell behind the rate of preservation. Over the last ten years, Maryland has lost an average of 12,233 acres per year. Not including the two years where funding was reduced (1990 and 1991), the Maryland Agricultural Land Preservation Foundation has been able to preserve an average of 10,940 acres per year for the most recent eight years.

In order to preserve more farmland and to work closely with other preservation programs, a more concentrated and coordinated effort with local jurisdictions and other programs to preserve our precious land must be made. The time to preserve is now, especially in light of the current economy, fairly low interest rates, the future threat of development and the political and public support of land preservation.

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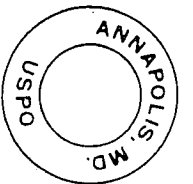
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