



MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

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MALPF was established by the Maryland General Assembly in 1977 and is part of the Maryland Department of Agriculture. The Foundation purchases agricultural preservation easements that forever restrict development on prime farmland and woodland. MALPF settled on its first purchased easement in October 1980.

The mission of the Foundation is to preserve productive farmland and woodland for the continued production of food and fiber for all present and future citizens of the State. The preservation of agricultural land 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.

We're on the Web!
www.malpf.info

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The MALPF Memo



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Volume 2, Issue 1

Fall 2009

Welcome!



Contact your local Program Administrator to request a Preserved Farm sign. Visit www.malpf.info and look under Contact Information on the right.

For those that were with the MALPF program in 2000, you might remember receiving a newsletter at that time. However, due to a staff shortage that followed that time period, we were unable to maintain the publication. We believe a newsletter is a valuable means of communi-

cation and we will try to restart with this edition so landowners can stay informed about the program. The program has evolved over the years and we would like to keep you informed of those changes.

You can be proud of your participation in the MALPF program. Maryland is one of the nation's leaders in agricultural land preservation with over 2,000 easements in the twenty-three counties totaling more than a quarter million acres!

Funding for the program comes from Special Funds, not the General Fund which is currently being affected

by the budget crisis. MALPF's Special Funds money is generated from the Real Estate Transfer Tax, money collected every time property is sold, and from the Agricultural Transfer Tax, money collected when farmland is converted to another land use. Other sources of revenue include County and Federal matching funds.

However, the downturn in the real estate market affected the revenue generated from the transfer taxes, so we have less money available to purchase easements. This year we combined fiscal years 2009 and 2010 monies to maximize purchases of easements.

Going High Tech

For many years we had a very basic database, mostly just owner names and addresses and number of acres under easement. But with the help of a graduate student intern, we now have a BIG database which keeps tract of many aspects of each easement property. We can now answer such questions as, How many horse farms are in the program?

We ask for your help in keeping our database current. If you are buying or selling a preserved farm, please notify your local Program Administrator or the Foundation staff of any ownership changes so we may update our database.



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IT IS A GOOD IDEA TO READ YOUR DEED OF EASEMENT AGAIN TO REFRESH YOUR MEMORY OF ITS CONTENT.

Important New Legislation That Could Affect You!

New legislation was passed by the General Assembly this year that will affect every landowner in the program, regardless of when the easement went into effect. Because the easement runs with the land, subsequent owners also are responsible to uphold the restrictions in the deed of easement on their properties. Beginning October 1, 2009 the MALPF Board of Trustees will have the discretion to impose civil penalties for easement violations newly identified on preserved land. Most violations MALPF identifies on its easement properties are minor, inadvertent and easily correctable. Landowners rarely willfully violate the restrictions on the property and are typically eager to bring their properties back into compliance with the deed of easement.

The purpose of this new authority is to help MALPF address the rare circumstance where a landowner is willfully in violation of the restrictions on the property and uncooperative in correcting the problem. In such a situation, the landowner would be given:

- 1. Clear written notification
2. An opportunity to meet with Foundation staff to work out a solution and timetable
3. An adequate opportunity to correct the violation

If the violation goes uncorrected, the MALPF Board of Trustees would determine whether to seek a civil penalty (fine) which would be assessed only after a hearing before the Office of Administrative Hearings.

We all have an obligation to protect the investment the

citizens of Maryland have made in preserving the best agricultural and forest lands in the State for future production and to uphold the integrity of the program. The new authority will help us all achieve our obligation. We expect, with your support, the Foundation will rarely, if ever, need to exercise its authority to seek civil penalties for easement violations.

It is a good idea to read your deed of easement again to refresh your memory of its contents. If you have any questions regarding the program, contact your county program administrator or the MALPF office. Contact information is listed on the back of this newsletter. A list of county program administrators is located on our website, www.malpf.info along with plenty of useful information regarding the program.

Acceptable Uses of MALPF Properties

Many landowners have been asking and the Foundation has been working for a long time to clarify the ability for farmers to earn supplemental income from farm- and forestry-related uses and from home occupations. In response, the Foundation has recently adopted three new Uses Policies.

General Uses Policy: In November, 2007 the Board approved the General Uses Policy. This policy provides an owner or operator of easement property the ability to engage in an array of uses that compliment the existing agriculture or forestry operation on the land but won't interfere with the future farm operation.

These uses are restricted to limited areas, access and parking on the farm or must be contained within an existing dwelling. Allowable uses include, agrotourism and educational tours, farm animal petting zoo, fee fishing, landscaping business, bed and breakfast, and many others.

(cont'd on page 3)



MALPF supports many equine related opportunities

If You Are Selling Your Easement Property—A New Law (Also—A New Law on Confidentiality)

In addition to the new law discussed on the previous page, there are 2 other laws which may be of interest to you. One law, House Bill 754, is a requirement for the seller to provide potential buyers of preservation easement properties with a copy of that easement. This applies to all types of preservation (or conservation) easements whether they are held by MALPF, the Maryland Environmental Trust, a County government, the Nature Con-

servancy or a local land trust. The law requires that the easement be provided to the buyer prior to entering into a contract for sale.

Another new law, Senate Bill 73, requires that certain records be kept confidential for a period of time. That is, the Foundation and its County partners may not disclose landowners' asking prices, offers, and rank while the application cycle is in process. The purpose of the con-

fidentially law is to preserve the integrity of the process, especially since the application cycles overlap. The MALPF Board also has a policy of not allowing changes in asking prices after they have been submitted, for the same reason.

More information on these and other laws related to agriculture can be found by going to www.malpf.info and clicking on LEGISLATION.

Acceptable Uses of MALPF Properties (cont'd from page 2)

Equine Uses Policy:

The Foundation has always allowed horse operations on its easement properties. However, at some point the operation can stop being just agricultural and cross the line into a commercial recreational use. In an effort to clarify what is permitted on easement properties, in February 2008 the MALPF Board of Trustees approved the Equine Uses Policy.

This policy includes commercial recreational activities, such as horseback riding lessons, shows and auctions, horse racing, and other similar events and activities.

Winery and Vineyard Uses Policy:

In the past, a property that had a winery operation was asked to exclude in advance of the sale of the easement the land associated with the

winery if it included any incompatible activities.

In February, 2009 the Board approved the new Winery and Vineyard Uses Policy. This policy will not only allow existing winery operations to enter the program, but sets guidelines for existing easements to begin an operation to grow grapes and process them into wine. This venture may also include a tasting room and special events that don't interfere with the farm operation.

For a complete description of these new uses policies and to see the uses tables that were approved by the Board, please visit our website at www.malpf.info, select REPORTS from the right column, then navigate to the FY08 Annual Report.

Also, the September, 2009 Mid-Atlantic Thoroughbred

magazine has an excellent article that features the Program by Lucy Acton. The article is an interview of the Foundation's then Chairman, Dan Colhoun and our Executive Director, James Conrad. This frank dialogue includes some discussion on the new uses policies.

Many allowable uses require review and approval by the county and the MALPF Board of Trustees. Please contact your county program administrator for more information.

MORE INFORMATION ON MALPF RELATED LAWS CAN BE FOUND ON WWW.MALPF.INFO AND CLICKING ON "LEGISLATION"



The Maryland Wine Industry is growing at a rate of nearly 25% each year