



MARYLAND
the **BEAUTIFUL**

CH546

Smart Growth Subcabinet Five-Year Plan

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List of Abbreviations:

30 by 30	Conserve 30% of the state by 2030
40 by 40	Conserve 40% of the state by 2040
ACEP	Agricultural Conservation Easement Program
CREP	Conservation Reserve Enhancement Program
DNR	Maryland Department of Natural Resources
LPPRP	Land Preservation, Parks, and Recreation Plan
MALPF	Maryland Agricultural Land Preservation Foundation
MDA	Maryland Department of Agriculture
MET	Maryland Environmental Trust
MFR	Managing for Results
MDP	Maryland Department of Planning
NGO	Non-governmental Organization
PDR	Purchase of Development Rights
POS	Program Open Space
SGCC	Smart Growth Coordinating Committee
SGSC	Smart Growth Subcabinet
TDR	Transferable Development Rights

Executive Summary



MALPF easement (Charles County).

The Maryland the Beautiful Act ([CH546](#)), which was enacted in 2023 in recognition of the multiple benefits derived from protected lands throughout the state, established ambitious land conservation goals: conserve 30% of the state by 2030 (30 by 30) and conserve 40% of the state by 2040 (40 by 40). Through the combined efforts of state agencies, local governments, the federal government, and nonprofit land trusts, the first goal to conserve 30% (1,856,889 of 6,189,629 land acres) of Maryland land was already achieved in 2024, well in advance of the 2030 goal year. Thus, this plan focuses on efforts towards the second goal to conserve 40% of the land in Maryland by 2040. The 40 by 40 goal should be tightly coupled with existing state priorities to ensure strategic conservation. Conserved

lands are critically important to support working farms and forests, protect natural resources, provide public access to open space throughout the state, advance environmental justice for underserved and overburdened communities, increase climate resilience and mitigation, and improve water quality.

The Maryland the Beautiful Act requires the Smart Growth Subcabinet (soon to be Sustainable Growth Subcabinet per [HB225/SB309](#) effective October 1, 2024) to develop and publish the first five-year plan by July 1, 2024 to outline how to meet the goals in the legislation, provide an annual report on the state's progress, and update the plan at least every five years through 2040. This plan provides an overview of progress to date, a summary of land conservation programs in Maryland, an evaluation of challenges and opportunities facing land conservation in Maryland, and initial actions for next steps as the Smart Growth Subcabinet coordinates efforts to work towards the second goal to conserve 40 by 40.

The Smart Growth Subcabinet (SGSC) works on land use, development, infrastructure, and resource management that is sustainable and equitable across the environment, economy, and society by ensuring vitality and resiliency across Maryland. To achieve sustainable growth, we must proactively plan for sustainable, affordable, and equitable development in population centers, appropriate growth close to population centers, minimizing infrastructure costs, and preserving green space for resource protection, agriculture, resilience, and public access. Sustainable growth should improve the lives of all Marylanders equitably and reduce burdens on the environment while growing the economy and accommodating the estimated one million additional people in [Maryland by 2050](#). Sustainable growth is about where we grow, how we grow, and who we build for.

Land conservation is dependent on the amount of financial and staff resources for easements and fee-simple acquisitions, the willingness of landowners to conserve land, and the real estate market. Financial resources are constrained by variations in transfer tax revenues for land conservation and federal funding. Development pressure varies based on the fluctuations of the real estate market and private interest in low-density greenfield development. Equitable access to public lands and [conservation impacts on nearby real estate affordability](#) should be considered. Because of that, annual reports on our progress towards meeting the conservation

goals, along with future five year updates to this plan, will provide more information on ongoing initiatives, funding, statistics, updated projections, and additional actions to meet the 40% by 2040 goal. Members of the Smart Growth Subcabinet can be found in Appendix A.



*Maryland Environmental Trust Easement property in Dorchester County
Photo by Maryland Environmental Trust.*

Introduction

To conserve land, as defined in the Maryland the Beautiful Act (CH546), means to permanently protect land from development through purchase, donation, perpetual conservation or an open space easement, or fee ownership to preserve the cultural, historical, ecological, or agricultural value of the land. The Act further outlines that the goals established "shall be accomplished through multiple efforts including:

1. Working with local communities, counties, municipalities, American Indian communities, and private landowners to conserve natural places and resources;
2. Improving access to nature for all individuals in the state including communities of color and economically disadvantaged communities;
3. Sequestering carbon and greenhouse gas emissions in the lands and waters of the state;
4. Increasing public incentives for private landowners to voluntarily conserve and protect areas of demonstrated conservation value and areas that have a high capacity to sequester carbon and greenhouse gas emissions;
5. Focusing conservation work at a large landscape scale that is biologically and ecologically meaningful;
6. Preventing the extinction of native plant and animal species by recovering and restoring the species;



*Chester River, Queen Anne's County.
Photo by Wendy Foster*

7. Stabilizing ecosystems and ecosystem services, restoring degraded ecosystems, and maintaining ecological functions; and
8. Increasing economic opportunities for farmers, ranchers, fishers, and foresters.”¹

The efforts outlined in the bill and listed above are key priorities for the state’s land preservation programs. Agencies will continue to work to advance these efforts as additional land is conserved throughout the state.

The goals as established in the Act complement existing state and federal goals related to land conservation, including Maryland’s statewide agricultural land preservation goal, and the Chesapeake Bay Agreement land preservation goal. The goals also are supported by Maryland’s sustainable growth approach, which includes the Maryland State Economic Growth, Resource Protection, and Planning Policy (State Finance and Procurement Article, [Section 5-7A-01](#)) and the efforts of the SGSC, which annually evaluates and reports on implementation of the sustainable growth policy to the Maryland General Assembly.

Regarding Maryland’s statewide agricultural land preservation goal, Joint Resolutions 16 and 17 of 2002 created a statewide milestone to, by 2022, triple the number of acres (now considered to be a goal of 1,030,000 total acres) of productive agricultural land preserved by (1) Maryland Agricultural Land Preservation Foundation (MALPF); (2) the Maryland GreenPrint Program²; (3) the Rural Legacy Program; and (4) local preservation programs. Chapter 284 of 2021 expressed the intent of the General Assembly to extend the deadline to meet the state’s agricultural land preservation goal from 2022 to 2030, and to include acres preserved through the Maryland Environmental Trust and the Next Generation Farmland Acquisition Program. Land protected to meet the state’s agricultural land preservation goal also counts towards the state’s 30 by 30 goal and 40 by 40 goal.

¹ The Act does not include goals for protecting waters of the state. The state agencies interpret the 2030 and 2040 goals as only covering the lands of the state.

² GreenPrint funds were used to purchase easements or land through other programs, so GreenPrint easements do not exist under that name. The Rural Legacy and MALPF easements acquired with GreenPrint funds are attributed to those programs. GreenPrint funds are no longer available.

In addition to the state’s agricultural land preservation goal, Maryland is also working together with other Bay states to meet the goals set in the [Chesapeake Bay Watershed Agreement](#). The Agreement, signed in 2014, establishes goals and outcomes for the restoration of the Bay, its tributaries and the lands that surround them. The land conservation goal is to “conserve treasured landscapes in order to maintain water quality and habitat; sustain working forests, farms and maritime communities; and conserve lands of cultural, indigenous and community value.” The protected lands outcome is to protect an additional two million acres of land throughout the watershed. As of 2022, according to the Chesapeake Bay Program, 9.1 million acres of land in the Chesapeake Bay watershed—roughly 22% of the total land in the region—are permanently protected from development. Nearly 1.64 million acres have been conserved since 2010, achieving 82% of the protected lands outcome, and the outcome is expected to be achieved by the 2025 deadline. ([Protected Lands - Chesapeake Progress](#)). Land protected in the watershed in Maryland will contribute towards both federal and state conservation goals.

As members of the Smart Growth Coordinating Committee (SGCC) and SGSC, the Maryland Department of Agriculture (MDA), Maryland Department of Natural Resources (DNR), and the Maryland Department of Planning (MDP) worked together to develop the plan. The plan is a snapshot of where the State currently is in relation to 2030 and 2040 goals and will continue to be updated at least every 5 years. Also, the plan considers existing data and information the state has collected from stakeholders, such as 5-year Local Land Preservation, Parks, and Recreation Plans (LPPRPs) from counties.

The SGSC served in an advisory role, provided comments on the plan, and ultimately approved the plan prior to it being finalized and submitted to the General Assembly. Although there was not a formal comment requirement for local governments or nongovernmental (NGO) partners on the draft plan, information on state agency work to complete the plan by July 1, 2024 was shared with local governments, NGOs, and land trusts.

After submission to the General Assembly, MDA, DNR, and MDP, as members of and in coordination with the SGCC and SGSC, will coordinate the actions of state agencies, local governments, and NGO partners to implement the plan over time.

Coordination will focus on collaborating on projects, and sharing

data, progress, and priorities, for example, through conservation organizations that the state agencies participate in, such as the Chesapeake Conservation Partnership, and through communication materials that are part of state conservation programs, such as the Maryland Environmental Trust (MET), Maryland Agricultural Land Preservation Foundation (MALPF), Program Open Space (POS) and the Rural Legacy Program.

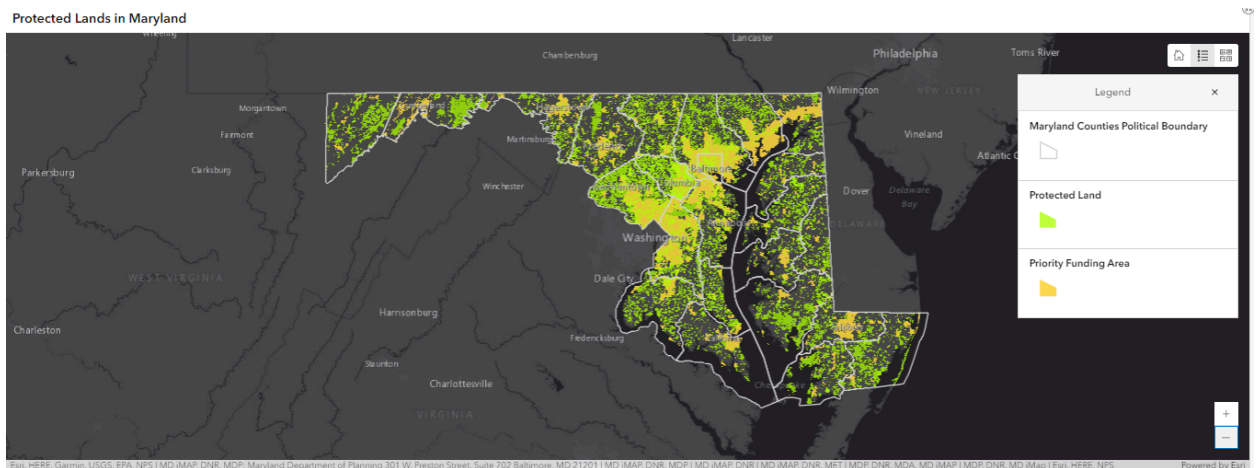
By December 1, 2024, and each December 1 thereafter, the SGSC will report to specified committees of the General Assembly on the state's progress toward meeting the 2030 and 2040 conservation goals.



*Maryland Environmental Trust Easement property in Kent County
Photo by Maryland Environmental Trust.*

Progress to Date

The agencies use the [Maryland Protected Lands Dashboard](#) to track our progress towards each state-level land preservation goal. MDP, DNR, MET, and MDA work collaboratively to collect data from various sources (federal, state, local, and NGO) and MDP updates the dashboard quarterly. Acres protected are also reported as part of the agencies' annual Managing for Results (MFR) submissions.



Data collected that are counted towards the state conservation goals include the following land preservation categories:

- MET easements
- MALPF easements
- Local Purchase of Development Rights (PDR) and Transferable Development Rights (TDR) easements
- Local cluster subdivision remainders
- Private conservation organizations, such as local land trusts
- Maryland Agricultural and Resource-Based Industry Development Corporation (MARBIDCO)
- Rural Legacy easements
- Federal program easements, such as Forest Legacy or CREP
- POS state-side easements
- Local recreation facilities and parks, including those funded with POS local-side
- DNR state lands

- Federal parks and conservation properties

According to the Maryland Protected Lands Dashboard, 1,859,331 acres have been protected in Maryland as of the end of calendar year 2023.³

There are 6,189,629 land acres in Maryland. Therefore, Maryland has conserved 30.04% of its land as of the end of 2023 and has already exceeded the goal of 30% conserved land in advance of 2030.⁴



³ Best available data as of February 20, 2024. This is our best estimate for the end of calendar year 2023 acres preserved.

⁴ Note that acreage protected with state funds is included in state program reporting so when a private conservation organization, such as a local land trust, uses state funds to place an easement on a property, the acreage is not attributed as land conserved by the private conservation organization. Distinguishing between lands conserved by private conservation organizations through government funding versus through private funding is a difficult but important task to ensure that we are not double-counting preserved lands. MET, MDP and DNR worked together over the past two years to identify critical data needs, in conformance with the Chesapeake Bay Program data standard, and then developed a spreadsheet and instructions to improve the collection of private conservation organization data. To provide technical assistance on this issue, the agencies held a webinar on March 1, 2024 for local land trusts.

Projected Conservation through 2030 and 2040



Maryland Environmental Trust Easement property in Charles County. Photo by Wendy Foster.

Achieving 40 by 40 (2,475,852 acres), an additional 616,521 acres beyond land protected at the end of calendar year 2023, will be challenging and will depend on future funding for land preservation programs, willing sellers, and continued cooperation from all state, local, and federal partners.

Further conservation will also be impacted by development pressure. Efforts should also be made to redevelop and increase density within existing population centers. Neighborhood conservation should also be addressed as an important element in open space preservation strategies. Having attractive, affordable communities with good access to services can reduce pressure for new development outside of areas planned for development and avoid the public costs associated with unplanned development.

To forecast how much land might be preserved between now and the end of 2040, we can examine the amount of land that was preserved in Maryland in the latest 5-year period (when state preservation programs were fully funded).

Table 1. Acres of land preserved by Maryland Protected Lands Dashboard land preservation category - best estimate for the end of calendar year

2023.

Category	End of Calendar Year 2023
DNR state lands	502,307
MALPF easements	361,746
Local PDR and TDR easements	236,590
Local recreation facilities and parks, including those funded with POS local-side	205,496
MET easements	142,044
Rural Legacy easements	122,554
Federal parks and conservation properties	115,600
Private conservation organizations, such as local land trust	52,871
POS state-side easements	47,954
Local cluster subdivision remainders	43,054
Federal program easements, such as Forest Legacy or CREP	26,772
MARBIDCO	2,346
TOTALS	1,859,329

If the latest reported 5-year level of activity is sustained⁵, we will conserve approximately 37% (2,290,163 acres) of Maryland lands by 2040. This is equivalent to 93% of the goal to conserve 40% of land in Maryland by 2040. This trend will be re-evaluated in each 5-year plan update. Maryland state agencies will continue to work with partner organizations and implement this plan’s recommendations (see Action Items) to increase the pace of land conservation over the coming years. Progress will be reported by the SGSC in the annual reports to the General Assembly on the state’s progress

⁵ Between the end of FY18 (June 30, 2018) and the end of FY23 (June 30, 2023), according to MDP’s MFR reports, additional POS stateside data from DNR and additional MALPF data from MDA, additional land preserved in Maryland (including federal, state, local and nongovernmental sources) was 127,944 acres, or about 25,589 acres per year. The projections use the FY18-FY23 five-year average to calculate future preservation - future preservation will be impacted by funding and staffing resources.

towards meeting the conservation goal and in updates to this plan.

For a full overview of the state, federal, and local programs that contribute towards the land preservation goals, please see Appendices B, C and D, respectively.



Maryland Environmental Trust easement property in Baltimore County. Photo by Wendy Foster.



Maryland Environmental Trust Easement property in Kent County. Photo by Maryland Environmental Trust.

Strengths

State Land Conservation Programs

As described in Appendix B, each of the State's land preservation programs are unique in their statutory purpose and intent and are administered differently. Run as separate programs, these differences are highly complementary and contribute to the overall State goals for land preservation by focusing on different types of properties. The programs are complementary programs that work together to preserve large blocks of protected land. For example, Rural Legacy can purchase infill parcels that would not be eligible for funding through MALPF. The combination of different programs makes large landscape protection possible.

- Having different programs with different goals, objectives, and criteria allows local governments and land trusts to identify the programs most beneficial to an individual property owner.
- Having different programs makes it possible to team up with more partners both for outreach and for matching funding.
- Different programs serve land with different characteristics. For example, MALPF relies heavily on prime and productive soils; Rural Legacy places a greater emphasis on streams and woodland.
- More choices make for a stronger program for individual property owners and for the state.

Dedicated Funding Source

Maryland has been a national leader in land conservation for more than 50 years. That is primarily due to the fact that there is a dedicated funding source in state law. According to statute, the majority of funding for State land preservation and recreation programs is provided through the collection of a 0.5% State property transfer tax. This funding mechanism was designed to directly tie development to available funding for open space and recreational facilities for the public good.

Agricultural Land Preservation

The American Farmland Trust (AFT) Farmland Information Center (FIC) is a national organization that has been supporting and tracking farmland preservation around the country since 1980. The most recent Farmland Information Center's annual survey (calendar year 2022) of state Purchase of Agricultural Conservation Easement (PACE) programs shows the success that Maryland's land conservation efforts continue to achieve. In 2022, out of all the states that have purchased agricultural conservation easement programs, Maryland protected more acres in 2022 than any other state PACE program (13,343 acres), with Pennsylvania a close second.

Tax Benefits

Maryland is one of a handful of states that offers income tax benefits to landowners (including pass-through entities) that donate conservation easements specifically to MET and the other DNR easement programs, as well as MALPF (Tax-General Article §10-723). Maryland law provides a tax credit of up to \$5,000 per year against state income taxes when an easement is donated by individual landowners and pass-through entities. This \$5,000 credit may be taken for the year of the donation plus an additional 15 years, up to a total of \$80,000 in credit. However, this total amount cannot exceed the value of the easement donation. For a taxable year the total aggregate amount of credits claimed by members of pass-through entities cannot exceed \$200,000.

In addition to the federal income tax benefits, the Maryland income tax credits have provided an important incentive for landowners to donate easements particularly to MET. There have been legislative proposals in previous years for making the tax credits for donated easements more generous, but no bills were ultimately passed. Doing so in the future could spur more land conservation.

Additionally, Maryland law allows a landowner to pay no property tax on unimproved land that is subject to an easement donated to MET or the other DNR easement programs, for 15 years from the date of the easement donation (Tax-Property Article §9-107). At the end of the 15-year period, the unimproved land that is subject to the easement will be assessed only at the highest agricultural rate and will qualify for this assessment rate even if it is not actively farmed. If it is farmed it will be assessed at the appropriate agricultural rate.

Partnerships

A core component of implementing the State's land conservation programs is strong partnerships with local governments and nonprofit land trusts.

DNR partners with Local Governments and Land Trusts. DNR relies on these relationships as local "boots on the ground" to identify and facilitate conservation projects. DNR's Rural Legacy and Conservation Reserve Enhancement Permanent Easement (CREP) programs rely entirely on partnerships with Local Governments and Land Trusts. POS Stateside, often partners with Land Trusts to acquire real property in fee simple and conservation easement interests. POS Local provides grant funds directly to local governments to acquire property that meets their park and open space needs.

Over the past 30 years, MET has established strong partnerships with land trusts across Maryland for working together to conserve land through donated conservation easements. Roughly 50% of MET's conservation easement interests (over 1,300 properties) are jointly held with land trusts or other NGO conservation partners. MET has entered into formal cooperative agreements with 30 such organizations outlining procedures for managing new easement projects that will be jointly held, and assigning long-term stewardship responsibilities for these easements. MET relies on its partnerships with land trusts to connect with landowners who are interested in permanently conserving their land with easements, and to assist with regular monitoring of jointly held easements to ensure compliance with their provisions. These partnerships allow land trusts to draw on the professional expertise of MET's staff in drafting new easements using model language developed by MET with the Office of Attorney General, and in interpreting, stewarding, and defending existing easements.

Like the other agencies, MALPF also relies on the strength of the partnerships with Local Governments. The success of the MALPF Program from its inception is a testament to the strong working relationship with all twenty-three Maryland counties. Similar to DNR, the county partners are the "boots on the ground" for MALPF as well, which includes the initial easement application process, assistance during the settlement transaction, and continues with annual monitoring of the easements. The county partnerships utilize the strengths of the State and County staff to achieve the mission of the MALPF Program

Challenges

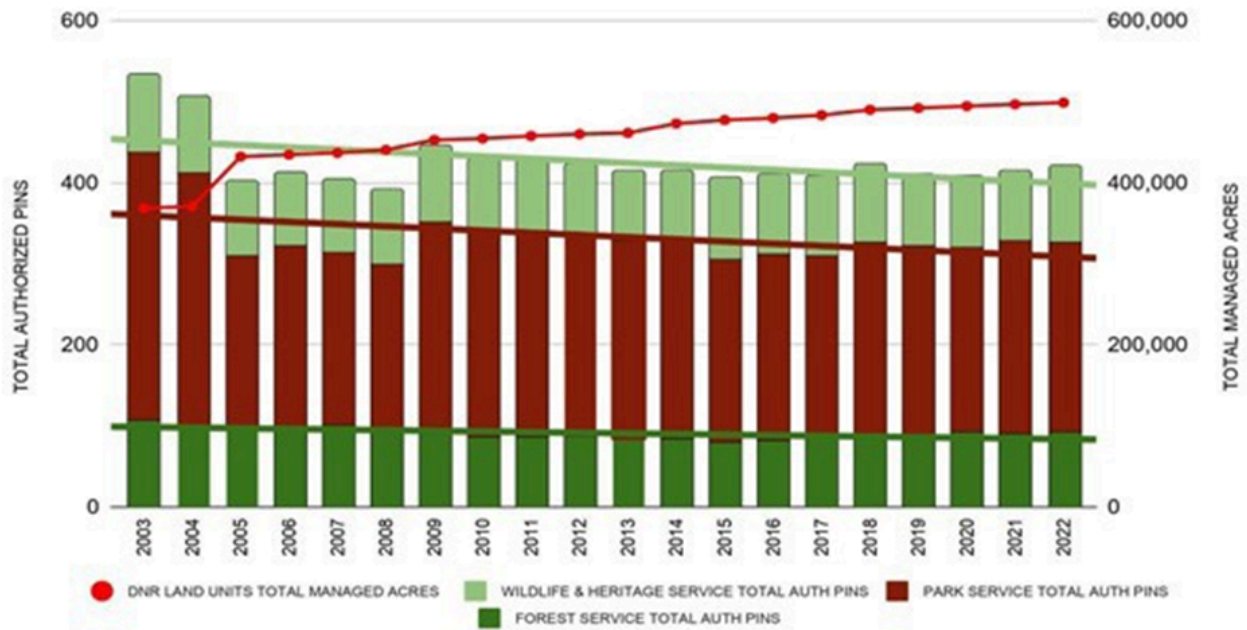
Stewardship of Conserved Lands

Maryland has already met the 30 by 30 goal and is developing a plan to meet the 40 by 40 goal. Each land conservation transaction that has brought Maryland closer to the 40 by 40 goal also creates an ever growing responsibility that must be met, to be a responsible steward of the land. Maryland will reach a point where the focus of land conservation will not be acquiring and protecting more land, but to ensure the lands owned by the State and under State-held easements are maintained and well managed. Good stewardship of the lands means something different for State owned lands and State-held easement properties, which are private property.

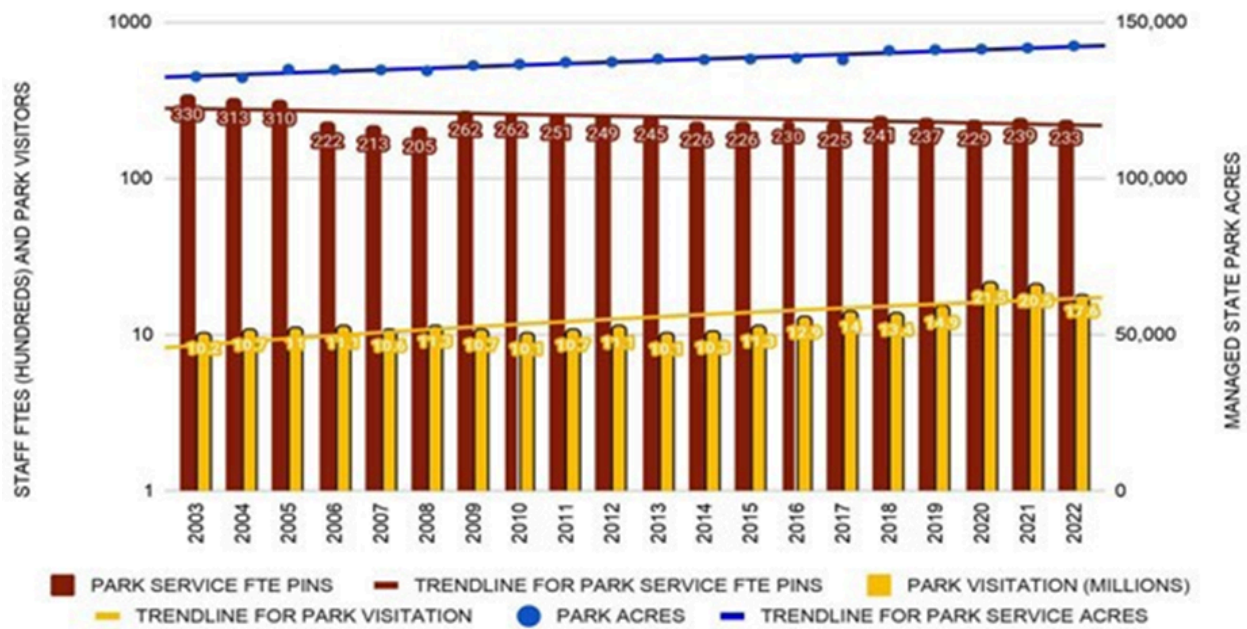
For the State-held easement properties, agencies regularly monitor the easements to ensure the terms are being upheld. Monitoring of easement properties often becomes more challenging with generational changes in ownership. This can and should include a combination of both routine aerial inspections as well as on-the-ground inspections of the properties and will require continued funding and staffing.

For fee-simple acquisitions, staff is essential for maintenance and operations at State owned properties, especially those areas open to the public. The two charts below illustrate that from 2003 to 2022, as the total acres of land owned and managed by the Department of Natural Resources has increased significantly over time, the actual number of staff DNR has to manage those lands has decreased. As described below, the [Great Maryland Outdoors Act](#), provided 90 positions in the Maryland Park Service. For DNR to continue to be able to pursue fee-simple acquisitions and increase the pace of conservation through the purchase of fee-simple property, DNR needs staff to manage the properties as state parks, forests, wildlife management areas, and fisheries management areas.

DNR LAND UNIT ACRES MANAGED AND AUTHORIZED FTE PINS 2003 to 2022



PARK SERVICE FTE PINS AND PARK ACRES COMPARED WITH VISITATION - 2003 TO 2022



Overall, the resources needed for the above fee land management and easement monitoring/defense activities to ensure the permanent protection of Maryland’s large and growing conservation estate are considerable (staffing, legal, tech, etc) and need serious consideration. Stewardship of protected lands is and will be an ever growing responsibility.

Acres protected function of various factors

Whether Maryland will meet the 40 by 40 goal is dependent on several factors.

- For all of the state's land conservation programs, acquisition projects have to meet program criteria. The investment of state dollars in land conservation is significant and so each property must be fully evaluated to meet the goals and objectives of the specific program and the state as a whole. In addition, state agencies only work with willing sellers.
- Real estate market fluctuations impact the state's ability to successfully acquire properties. For example, when the real estate market is extremely competitive, property owners can receive unsolicited, higher dollar cash offers that can go to settlement quickly and choose not to sell to the state.
- Funding - while the majority of funding for the state's land conservation program comes from a dedicated funding source is a strength, it also means that funding for land conservation is subject to fluctuations in the real estate market. The state's ability to meet 40 by 40 will be impacted by funding provided through 2040 which is subject to change every year.

The Department of Budget and Management provided estimates for FY 2026 through FY 2029 transfer tax revenue, which reflect the recent slow-down of the real estate market. Below are the estimated transfer tax funds to be distributed through the POS formula through FY29 (this accounts for the under attainment adjustment in FY26 as well as the 3% DNR administrative expenses off the top):

FY 2026: \$199,893,716

FY 2027: \$273,966,678

FY 2028: \$306,788,226

FY 2029: \$335,651,143

In addition to the impact of real estate market fluctuations on the overall budget, another historic challenge has been the diversion of funds during the budget process to other needs within the State. Chapter 10 of 2016 requires any diversion of transfer tax funds include a plan to reimburse those funds within three years. While no transfer

tax funds have been diverted since this 2016 law became effective, there have been bills introduced that would alter the rate of transfer tax collection as well as diverting a percentage of the total to the General Funds before the POS distribution formula was applied. Other bills have been proposed that would allow non-land conservation programs to divert funds from the established State land conservation programs. In order for the State to meet the 40 by 40 goal, State land conservation programs should (i) continue to receive full funding from the statutory established transfer tax distribution; and (ii) consider appropriate levels of State funding through the addition of bonds or General Funds for programs as needed based on transfer tax allocation and program balances to accelerate the rate of land conservation provided there is a corresponding increase in staff capacity to administer land preservation projects, manage acquired lands, and monitor easements. Funding and positions will be evaluated annually during the state's budget process.

Federal Funding Challenges

Agricultural Conservation Easement Programs (ACEP) under Farm Bill: The USDA Farm Bill is the largest source of federal funding for private land conservation, with a large part of that funding going through the Agricultural Conservation Easement Program (ACEP). Unfortunately, the State of Maryland has been unable to utilize this source of funding in over a decade due to the USDA's minimum easement terms. All Maryland easement programs, as a unit of State government, are prohibited by State law from entering into agreements to bind itself to unfunded liabilities, and as the State of Maryland would be the Grantee under the Agricultural Land Easement (ALE), it would not be possible to include that provision (or any other similar provision regarding unfunded liability) in the ALE.

The MDA has been the lead agency in attempts to work with USDA-NRCS during the open comment period of the 2018 Farm Bill, and has already initiated suggested changes for ongoing discussion for the Farm Bill currently being negotiated, to find a solution that would allow Maryland agencies to apply for new ACEP funds going forward. Until the legal incompatibility has been resolved, Maryland won't be able to access this source of federal land conservation funding.

Federal Grant Requirements

The Department of Natural Resources has leveraged federal grant funds for acquisition projects in the past. However, there are times when the federal grant requirements are not compatible with the planned use of the property or can be overly restrictive, especially as it relates to fee simple acquisitions directly managed by the Department. In addition, given the nature of real estate, the timing of federal grants do not always align with the project schedules making it challenging to utilize federal grants for acquisition. The Department continues to work with our federal partners on these issues and identify acquisitions (fee or conservation easement) for successful collaboration.

Local Government and Land Trust Challenges

Some counties and NGOs face significant challenges in their efforts to acquire and manage more land and easements. Some have much more capacity than others, and ideally will be an important part in helping us to reach the 2040 goal.

Increased Population and Development

An ongoing challenge to land preservation is residential development to accommodate increased population and commercial development to support economic trends. According to the Maryland State Data Center at MDP, about 1 million more people (or about 385,000 more households) are expected to live in Maryland in 2050 compared to 2025 - see [this link](#). Although the following projected land loss is not expected to be this extreme, to give a sense of the importance of sustainable development to minimize the loss of land, if each new household consumed an average of one acre of forest or farmland, there would be a loss of about 385,000 acres of land to development (about 6% of the land area in Maryland). At the same time, Maryland needs to be able to support population growth and its associated additional economic activity. Balancing growth with conservation, especially in rural areas, will be the major challenge that State and local officials will have to meet to ensure that the goals of CH546 are met.

Opportunities

Legislation

Recent legislation enacted in 2022 and 2023, outlined below, provide opportunities for land conservation in Maryland.

The [Great Maryland Outdoors Act](#), enacted in 2022, made various changes to State law affecting the Maryland Park Service (MPS), parks and forests in the State, land conservation, and State lakes, related to (1) funding for parks, land conservation, State lakes, and forest-related purposes; (2) parks staff and volunteers; (3) management of parks and park infrastructure; and (4) new parks/amenities and other considerations. As it relates to land conservation goals, the additional staff for both the Maryland Park Service, DNR's Land Acquisition and Planning Unit, and the Office of the Attorney General will continue to allow DNR to conserve additional acres through POS, Rural Legacy, and associated programs.

The [Maryland the Beautiful Act](#), enacted in 2023, had several components in addition to setting land conservation goals for the state. The legislation establishes a new Local Land Trust Revolving Loan Program and Loan Fund, which could provide a significant opportunity for increasing the rate of land conservation in the state. The purpose of the program is to support the conservation efforts of local nonprofit land trusts in Maryland by providing them with revolving loans to help them acquire easement or fee simple interests in real property. The program will be administered by Maryland Environmental Trust. The loans will be made on a rolling basis, and a land trust that receives a loan from the Loan Fund will repay the loan after the property has been placed under permanent easement or transferred to a state or local government entity. Such loans will provide land trusts with an important new tool for acquiring, or gaining contractual control of, high value conservation properties that are facing imminent threat from sale and/or development, while also allowing them time to obtain the necessary funding to achieve a permanent conservation outcome.

The bill provides that the Governor may include an appropriation in the annual budget to the Loan Fund, which is a special, non-lapsing fund

held by the State Treasurer and accounted for by the State Comptroller.

The Maryland Beautiful Act also established that starting in fiscal year 2025 and each year thereafter the Governor may appropriate \$235,000 in the annual budget to MET's Keep Maryland Beautiful grants program, the bulk of which is for making grants to community organizations, schools, and municipalities in support of environmental education and community stewardship initiatives. However, \$100,000 of this appropriation must consist of grants to land trusts specifically for supporting their efforts to monitor and steward conserved lands in the state. Such grants would provide much needed funding to help address the challenge of long-term stewardship of lands permanently conserved by conservation easements. Since a significant portion of the easements held by DNR's land conservation programs are jointly held with land trusts, strengthening the stewardship capacity of land trust partners will help DNR achieve its easement stewardship goals.

Further the Act establishes a new 40 by 40 Land Conservation Implementation Grant Program to be administered by MET in support of achieving the land conservation goals in the bill. This is an annual grant of \$250,000 to be awarded annually on a competitive basis to a statewide nonprofit supporting land conservation in Maryland for the purpose of presenting educational conferences and training for land trusts, as well as providing resources for land trust organizational support and capacity building. Starting in fiscal year 2025 and each year thereafter the Governor may appropriate \$250,000 in the annual budget to fund this grant.

The [Greenspace Equity Program](#) was established in legislation in 2023. DNR will administer the program, further described in Appendix B. The establishment of the Greenspace Equity Program will provide additional partnership opportunities to conserve land in overburdened and underserved areas. Conservation projects in these areas were already eligible under existing programs but the establishment of a new program provides dedicated funding and also allows the DNR to provide grants to land trusts and nonprofit organizations in addition to local governments. Acres protected through this program will be determined by applications received by eligible grant recipients. The FY 2025 budget includes \$5 million for this program. DNR will work to establish this program and will coordinate as needed with state and local agencies that invest in underserved areas such as the Department of Housing and Community Development, to maximize impact and partnerships.

Conservation Reserve Enhancement Permanent Easement Program Expansion

On January 3, 2024, the Board of Public Works approved DNR's expansion of the Conservation Reserve Enhancement Program (CREP) permanent easement program statewide from the nine counties that were eligible (Worcester, Somerset, Wicomico, Dorchester, Caroline, Queen Anne's, Harford, Frederick, and Washington). The CREP program was instituted to help meet the state's goal of planting forest riparian buffers, which helps filter out nutrient pollutants such as nitrogen and phosphorus that negatively affect the Chesapeake Bay. Through this program, farmers enter a contract with the federal government to remove environmentally sensitive cropland and pastureland from active protection for 10-15 years and install best management practices. Maryland's permanent easement program compensates farmers for keeping those lands out of active production and maintaining those best management practices there in perpetuity. The Department will now work with local governments and land trust partners throughout the state to purchase conservation easements from willing sellers. This will result in increased land conserved.

Conservation Easements - Supporting Coastal Resilience

DNR is pursuing a strategy to purchase POS conservation easements with a focus on supporting coastal resilience. Easement elements would provide for the migration of wetland habitat inland as sea levels rise, providing for reduced impacts of coastal hazards to adjacent communities by dampening waves, stabilizing sediment and absorbing water. Coastal resilience management planning may accompany these easements and provide specific strategies. This effort offers an opportunity to expand land conservation in more vulnerable areas that may offer opportunities to acquire easements in areas that are more economically challenged.



MALPF Easement property in Charles County.

Action Items

While the state has met the first goal established in the Maryland the Beautiful Act, protecting 30% of Maryland's land well in advance of the 2030 goal, the state agencies are looking ahead to how the state can accomplish the ambitious goal of protecting 40 by 40. Current programs, policies and resources may not be sufficient to achieve the 40 by 40 goal. Given the nature of real estate transactions and the fluctuations in funding and staffing, state agencies will continue to refine the plan in future updates. Agencies will work with partners on the action items listed below. Additional details on how Maryland plans to achieve 40 by 40 will be provided in the next update to this plan.

Ongoing Actions

State agencies have identified specific actions that will need to be done on an ongoing basis from now through 2040. Those actions are outlined below.

- A. Continue to foster and grow partnerships with Land Trusts and Local governments to facilitate conservation projects. DNR, MET, and MALPF all work very closely with land trusts and local governments on conservation projects. State agencies will continue this work through ongoing coordination, regular meetings, and sharing information and data.
- B. Continue work on refining data and reporting procedures. DNR, MET and MDP will continue to promote the use by local governments and local land trusts of MDP's GIS tool to facilitate the gathering of data to conform to the Chesapeake Bay Program's land preservation protocol. DNR and MDP also will continue collaboration with MET to facilitate the gathering of critical data from local land trusts. State agencies will continue to report acres preserved by program.
- C. Continue working with federal partners to optimize the use of federal grant funds in Maryland. DNR has regular coordination meetings with the National Park Service to discuss and review Land and Water Conservation Fund grants.

- D. Conduct routine review of staffing levels in order to support goals. This needs to be done on an annual basis with the Department of Budget and Management to ensure agencies have staff to administer funding for land conservation programs, adequate staff to manage existing lands and support the acquisition of additional lands, and monitor easements in perpetuity.
- E. Consider funding for ongoing monitoring and stewardship for both State owned properties and State-held easements to ensure that the State's investment of billions of dollars are being managed and stewarded appropriately.
- F. Expand the use of park equity analysis in the siting of new parks and facilities and incorporate MDE's EJ screening tool to advance environmental justice for underserved and overburdened communities. In addition, consider the new Just Communities designation created by [HB 241](#), passed in 2024. The use and implementation of these tools and designations will vary by program.
- G. To address increased population, sustainable growth in population centers is needed. Existing growth areas in Maryland represent an opportunity to accommodate increased population without losing agricultural or natural lands. The state agencies on the Subcabinet will collaborate to measure various criteria that contribute to achieving broader sustainable growth goals, such as [HB131 Housing Development Permit Applications - Local Reporting Requirements](#) or Federal [Climate and Economic Justice Screening Tool](#).
- H. Update plan as needed, no less than every 5 years from now until 2040.

Short Term Actions

State agencies have identified the actions below to work on over the next five years.

- A. Create a structure and metrics for annual reporting on CH546.
- B. Continue a working group to discuss more specific actions to be incorporate in the next five year plan.

- C. Working group to analyze current program criteria and the eight efforts on page 9 under 5–104(B)(2) of CH546 legislation to identify areas of programmatic overlap and targeted land areas that achieve multiple criteria and efforts.
- D. Evaluate alignment of land conservation programs with administration priorities and the shift from smart to sustainable growth.
- E. Continue to identify additional working group members to support land conservation under CH546.
- F. Consider funding for the new initiatives established by the Maryland the Beautiful Act. The Maryland the Beautiful Act established the Local Land Trust Revolving Loan Program and Loan Fund and the 40 x 40 Land Conservation Implementation Grant Program.
- G. Review small procurement limits which are creating challenges with obtaining the necessary real estate due diligence. Real estate due diligence including appraisals, title work, and surveys must be completed for acquisition projects. In the past, this work could be procured under small procurement limits. As costs have increased, additional procurement steps must be completed which can add time to acquisition projects. Reviewing these limits and possibly pursuing procurement changes would decrease the time needed to complete projects.
- H. Examine whether the wetland mitigation, MS4 stream restoration, forest mitigation, and Tier II antidegradation mitigation acres meet the definition of conserved lands in the bill. If so, develop a process to collect and report that data.
- I. Work with federal partners to revise the upcoming Farm Bill to allow Maryland to use the Agricultural Conservation Easement Program funds through [Natural Resources Conservation Service](#).
- J. Review all statutory provisions and policies and procedures to identify opportunities to provide for operational parity among conservation easement programs and to increase efficiency.

Long Term Actions

State agencies have identified the actions below to work on in the

longer term. Additional long term actions will be identified in the next update.

- A. Consider legislation to expand the State's income tax credit for donating conservation easements to MET/DNR easement programs and to MALPF.

Conclusion

In summary, land conservation in Maryland has been a priority since the 1960s and the Maryland the Beautiful Act (CH546) outlines goals for land conservation in Maryland in the future. Marylanders have worked hard together to already achieve the 30% by 2030 goal based on acres of conserved land by the end of 2023. However, it is projected that based on current resources, we may not obtain the goal of 40% by 2040 as set forth in CH546. This report, guided by the SGSC, will inform and direct how state agencies will continue implementing existing programs and investigating new opportunities to ensure success in achieving the 40 by 40 goal along with the Governor and General Assembly.

Appendix A

The SGSC, chaired by Rebecca Flora, Secretary of Planning, includes the following members:

- Secretary of Agriculture: Kevin Atticks
- Secretary of Budget & Management: Helene Grady
- Secretary of Commerce: Kevin Anderson
- Secretary of Emergency Management: Russ Strickland (Ex-Officio until October 1, 2024 per HB225/SB309 Sustainable Growth Subcabinet)
- Secretary of Environment: Serena McIlwain
- Secretary of General Services: Atif Chaudhry
- Secretary of Health: Laura Herrera Scott
- Secretary of Higher Education: Dr. Sanjay Rai
- Secretary of Housing & Community Development (DHCD): Jake Day
- Assistant Secretary of the DHCD Office of Neighborhood Revitalization: Carol Gilbert
- Secretary of Labor: Portia Wu
- Secretary of Natural Resources: Josh Kurtz
- Secretary of Planning: Rebecca Flora
- Secretary of Transportation: Paul Wiedefeld
- Director of Maryland Energy Administration: Paul Pinsky
- Governor's Office: Deputy Chief of Staff, Shaina Hernandez (Ex-Officio)
- Executive Director of the National Center for Smart Growth: Kathryn Howell (Ex-Officio)

The Smart Growth Coordinating Committee (SGCC) includes staff representatives of the agencies represented on the SGSC. Both the SGCC and SGSC are staffed by MDP.

Appendix B

State Land Conservation Programs

Maryland has several existing land preservation programs that contribute towards the goals in the Maryland the Beautiful Act.



Maryland Environmental Trust easement property in Washington County. Photo by Maryland Environmental Trust.

Program Open Space

Established under DNR in 1969, Program Open Space (POS) symbolizes Maryland's long-term commitment to conserving natural resources while providing exceptional outdoor recreation opportunities for all citizens. Funding for Program Open Space typically comes from the collection of a State property transfer tax (either 0.5% or 0.25%). Transfer tax funding of POS is designed with a direct correlation between development pressures and available funding for open space and recreational facilities for the public good.

The General Assembly, per Section 5-902 of the Natural Resources Article – Annotated Code of Maryland, recognized the need for funds for State agencies and local subdivisions to expedite the acquisition of outdoor recreation and open space areas before the escalating cost of land prevented its purchase for public use and to accelerate the development and capital renewal of recreation facilities.

Funding

Funding for POS comes primarily from the transfer tax allocation formula. DNR also pursues federal grant funds for open space and recreation projects.

POS has two components, a local grant component called POS Local and a component that funds acquisition and recreation facility development by the State called POS Stateside. Both components are described below.

Program Open Space Stateside

[POS Stateside](#) preserves natural areas for public recreation and watershed and wildlife protection across Maryland through the acquisition of fee simple land and conservation easements. Fee simple purchases are managed by DNR as State Parks, Forests, and Wildlife and Fisheries Management Areas.

The [Department's Land Acquisition and Planning \(LAP\) Unit](#) administers Program Open Space Stateside in collaboration with the Office of the Attorney General and according to the Natural Resources Article of the Annotated Code of Maryland. On some acquisitions, DNR partners with land trusts.



DNR Acquisition - Holly Beach Farm, Anne Arundel County

The Department of Natural Resources evaluates all potential POS Stateside acquisitions using a process that balances protection of conservation attributes with practical land management needs for public recreation. The department has implemented a targeting process that strives to meet the department's statutory mission to conserve ecologically valuable lands and provide public recreation opportunities while maximizing available funding.

Potential acquisitions are reviewed based on two categories, Land and People. Land examines:

- the ecological value of the property focusing on wildlife habitat connectivity;
- presence of rare or endangered species;
- support of aquatic life;
- forests important for water quality protection;
- location of the property with respect to Targeted Ecological Areas;
- restoration opportunity, and
- climate change adaptation.

People examines how the property:

- provides exceptionally high value resource-based recreation, such as a new land unit for public access, or a new recreational opportunity such as a public beach or water access in an access-limited area or a critical trail connection;
- provides an opportunity to expand or connect existing recreation opportunities, especially in areas that experience capacity pressures;
- is an in-holding or adjacent parcel that will address important, long term management concerns for an existing land management unit;
- buffers existing lands or contribute to large landscape protection;
- conserves the natural features of the property;
- enhances coastal community resilience to climate change impacts; and
- has educational, cultural or historical value.

The Land and the People components of the evaluation are equally important in guiding the department's decision whether to acquire a property or conservation easement. POS Stateside funding is also used for the purchase of permanent Conservation Reserve Enhancement Program (CREP) easements on agricultural properties. CREP

easements make permanent the conservation practices established through 10 to 15 year CREP contracts. In January 2024, the Board of Public Works approved the expansion of CREP from 9 Counties to the entire State.

In addition, DNR has implemented new land conservation strategies to address the impacts of climate change and increase the resilience of vulnerable coastal habitats. Conservation easements that support coastal resilience can help protect critical infrastructure in vulnerable areas while providing multiple co-benefits. DNR reviews all land acquisitions for a variety of climate change impacts and incorporates those considerations into purchased conservation easements and management of land purchased in fee simple.

Through 2023, Program Open Space Stateside has preserved over 350,000 acres statewide (fee-simple and easement acquisitions). There are over \$100 million in high quality ecological, recreational, public access, and coastal resilience projects in the POS Stateside project pipeline that could conserve approximately 15,000 acres if acquired.

Program Open Space Local

[Program Open Space Local](#) provides financial and technical assistance to local subdivisions (counties and municipalities) for the planning, acquisition, and/or development of recreation land or open space areas. The program is administered according to Sections 5-905 and 5-906 of the Natural Resources Article.

POS Local is a reimbursable grant program administered by DNR's Land Acquisition and Planning Unit. To be eligible for funding, counties must submit a Local Land Preservation, Parks, and Recreation Plan (LPPRP). LPPRPs are an important resource by which county governments and the City of Baltimore evaluate key issues, trends and plans for managing and enhancing the systems of preserved public lands, parks and recreation facilities in their jurisdictions.

The LPPRPs provide county and state leaders and the general public with a clear understanding of the county or City's goals and strategies for investing to improve parks and recreation facilities and open spaces for the public's benefit. LPPRPs must include a proximity analysis and park equity analysis in their plans and should be used to identify projects funded by local governments.

Counties must also submit an annual program of proposed acquisition

and development projects to MDP for review and to DNR for approval. Any projects funded through POS Local must be included in the annual program.

According to statute:

- Counties that have not met the land acquisition goals of their LPPRP must use at least 50% of their total POS annual allocation exclusively for acquisition projects.
- Counties that have met the land acquisition goals of their LPPRP (as certified by DNR and MDP) may use up to 75% of their future annual apportionment for development projects for a period of five years after attainment. The General Assembly has passed legislation that has allowed for the use of up to 100% of the future annual apportionments for development projects for certain counties meeting certain requirements.
- POS funds may be used to reimburse local governments:
 - up to 100% of costs for local acquisition projects.
 - up to 90% assistance (10% local match) for local development projects in counties that have met their land acquisition goals as stated in the current LPPRP.
 - up to 75% assistance (25% local match) for local development projects in counties that have not met their land acquisition goals as stated in the current LPPRP.

Rural Legacy Program

Maryland's [Rural Legacy Program](#) was established in 1997 by the General Assembly to protect the State's 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 conservation easements and property in fee simple in designated Rural Legacy Areas. The Program is focused on a community-up approach to land preservation, stressing partnerships among federal, state, and local governments and non-profit land trusts. Counties are encouraged to initiate other land conservation measures to build upon the land preservation accomplishments achieved through Rural Legacy Program funds.

Funding for the Rural Legacy Program comes primarily from the transfer tax allocation formula.

Land trusts and local governments (Rural Legacy Sponsors) administer the Rural Legacy Program in partnership with DNR staff. The Rural Legacy Sponsors propose and apply for the designation of Rural Legacy Areas and for annual grant funding. The Rural Legacy Advisory Committee, appointed by the Governor, reviews applications annually and makes recommendations to the Rural Legacy Board, consisting of the Secretaries of DNR (Chair), Agriculture and MDP. The decisions of the Rural Legacy Board are then taken as a whole to the BPW.

Once a Rural Legacy Area is designated and funded, the local Sponsor works with willing landowners and DNR to purchase conservation easements. The individual conservation easements within the Rural Legacy Area are then taken to the BPW throughout the year for approval. Easement requirements include Soil Conservation and Water Quality Plans, Forest Management Plans, and riparian buffers which ensure water quality benefits and protect the Chesapeake Bay and its tributaries.

Rural Legacy Areas represent a targeted strategy of land conservation through local and state partnerships. Creation of Rural Legacy Areas involves a combined effort by county governments, land trusts, and landowners to protect what is collectively regarded as the best of Maryland's concentrated natural, cultural, and agricultural resources. Communities and local governments desiring to protect working farms and forests, support the local resource based economy, and conserve natural resources and open space are able to do so through Rural Legacy Program grants.

By statute, the Rural Legacy Program "is established to enhance natural resource, agricultural, forestry, and environmental protection...while maintaining the viability of resource-based land usage and proper management of tillable and wooded areas through accepted agricultural and silvicultural practices for farm production and timber harvests." The emphasis on resource protection in the Program's statutory criteria combined with the Program sponsors' grassroots knowledge of regionally significant areas throughout the State ensures that Rural Legacy Areas and acquisitions represent strategic conservation of resources.

A property must be located within a designated Rural Legacy Area to be conserved with a Rural Legacy easement. There are 35 Rural Legacy Areas, with at least one Rural Legacy Area in every county in the State. When a Rural Legacy Sponsor submits a proposed application for designation or funding, the applications are reviewed by all of the State agencies involved in land conservation including DNR,

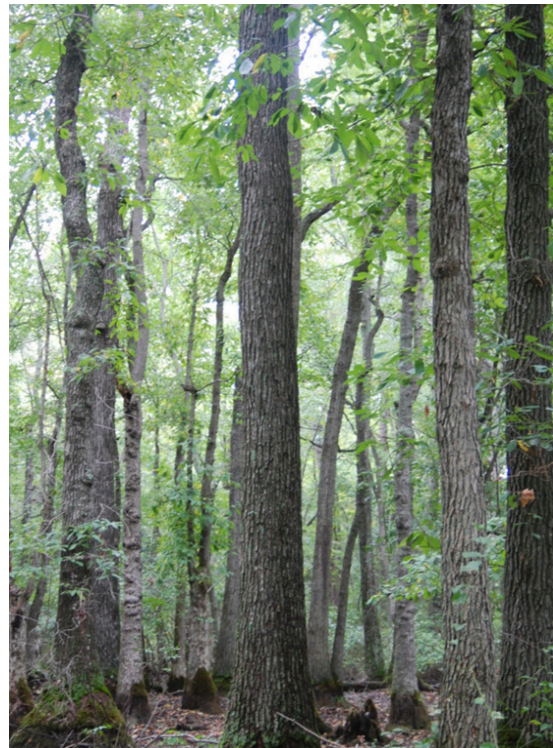
MDA, and MDP.

The Rural Legacy Program has preserved over 122,000 acres of Maryland's most scenic landscapes and critical natural resources that support the State's resource based industries. Demand for funding through the Rural Legacy Program has averaged \$96 million/year while funding has averaged \$17 million/year. Given the continued high demand for easement acquisition projects and the continued partnerships between DNR and the local sponsors, the Rural Legacy Program will continue to encumber funding in the year in which it is appropriated.

Greenspace Equity Program

The [Greenspace Equity Program](#) was established in 2023 through legislation (Chapter 487 of 2023). The purpose is to provide grants to eligible applicants for projects to preserve, create, and improve public greenspace in overburdened and underserved communities. The Program will be administered by the Department of Natural Resources' Land Acquisition and Planning Unit. Funding for the program is authorized to come from the state share of Program Open Space starting in FY 2025 but is subject to future budget actions.

Per statute, "Overburdened community" means any census tract for which three or more of specified environmental health indicators are above the seventy-fifth percentile statewide. "Underserved community" means any census tract in which, according to the most recent U.S. Census Bureau Survey



Maryland Environmental Trust Easement property in Dorchester County. Photo by Maryland Environmental Trust.

(1) at least 25% of the residents qualify as low-income; (2) at least 50% of the residents identify as nonwhite; or (3) at least 15% of the residents have limited English proficiency. The program will provide grants to eligible applicants for community greenspace projects

located (1) in an overburdened community;

(2) in an underserved community; or (3) on a property owned by an eligible applicant, or for which the applicant holds a conservation easement, located in a census tract adjacent to an overburdened community or an underserved community.

Eligible applicants are (1) specified land trusts or nongovernmental organizations located or working in an overburdened community or an underserved community where a project is proposed to be implemented or

(2) a county or municipality. Grants for land acquisition may only be awarded to land trusts, counties, and municipalities. Eligible projects include both acquisition or capital development projects. Property acquired with a grant through the program must remain in public open space/recreation use in perpetuity. Development projects must be operated and maintained for public use for at least 15 years.

The Department is currently working on mapping eligible areas throughout the state, establishing the Greenspace Equity Advisory Board, and drafting application materials and program policies and procedures in anticipation of funding in FY 2025. Acres protected through the Greenspace Equity Program will depend on grant applications received. The Department will be able to include updates in the next report.

Maryland Environmental Trust

The [Maryland Environmental Trust](#) (MET) was established by the General Assembly in 1967. The organization is charitable in nature and governed by a board of trustees made up of Maryland citizens. The Governor, President of the Senate, and Speaker of the House of Delegates are ex-officio trustees. MET was assigned as a unit of the Maryland Department of Natural Resources (DNR)

in 1969, from which its annual operating funds are allocated. As a valued unit within the DNR, MET works with nonprofit land trusts, governmental partners, and Maryland landowners to permanently conserve land throughout the state.

In accordance with its enabling statute (Md. Code Ann., Natural Resources Article § 3-201), MET's main purpose was, and still is, twofold:

- To conserve and steward Maryland’s critical ecological, agricultural, scenic, and cultural resources for future generations; and
- To inspire and engage the public to take responsibility for care of these natural resources that sustain all Marylanders.

MET’s primary means of accomplishing this purpose is through the acquisition and perpetual stewardship of conservation easements, the large majority of which are donated by private landowners, and for which there are generous federal income and estate tax benefits available to donors (Internal Revenue Code §170(b), §170(h), and §2031(c)). The State of Maryland also offers significant income and property tax benefits to landowners who donate easements specifically to MET (Tax-General Article §10-723 and Tax-Property §9-107).

From 1972, when MET accepted its first easement donation, through the calendar year 2023 MET has acquired a total of 1,140 easements protecting approximately 142,038 acres across the state. Just over half of MET’s easements are co-held with local nonprofit land trusts. This partnership with land trusts is a critical element of MET’s conservation program. Land trusts help MET to identify easement opportunities, and MET relies on land trust partners to provide annual monitoring of co-held easements to ensure landowner compliance. Over the five-year period January 1, 2019 through December 31, 2023, MET has acquired 50 easements protecting 6,560 acres, or roughly 1,312 acres per year. MET holds easements in each of Maryland’s counties and the City of Baltimore.

MET evaluates each offer of a conservation easement donation individually to ensure that the conservation easement will serve a valid public purpose. Easements are generally considered on lands in both rural and urban areas where conservation will yield a significant public benefit. MET generally expects that proposals meet at least one or more of the following conservation purposes pursuant to and in compliance with the requirements of §170(h) (4)(A) of the Internal Revenue Code and Section 1.170A-14(d) of the Treasury Regulations:

- The protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem; or
- The conservation of certain open space (including farmland and forest land) that is pursuant to a clearly delineated Federal, State of Maryland, or local governmental conservation policy, or that is for the scenic enjoyment of the general public; or
- The preservation of a historically important land area or a certified historic structure; or

- The conservation of land areas for outdoor recreation by, or the education of the general public.

In evaluating new easement projects to determine the level of public benefit, MET emphasizes most of the criteria established by the State of Maryland and its local governments as high priorities for land conservation. These include land within State-designated Targeted Ecological Areas, Green Infrastructure Hubs and Corridors, or land identified by the State's Biodiversity Conservation Network (BioNet) as being a priority for protection. Land containing prime agricultural soils, land located within county-identified priority preservation areas, or land along designated scenic roadways are also high priorities. In urban communities, the availability of significant public access to an easement property is of critical importance to MET.

MET's total operating budget for FY 2023 was \$1,137,920, roughly 90% of which covered personnel costs. Currently MET has ten full-time staff positions. Of the total budget, General Funds accounted for \$781,410, Program Open Space funds accounted for \$173,244, and federal Coastal Zone Management Act grant funds accounted for \$103,266. MET does not receive any state appropriations for land acquisition. MET's board of trustees also manages an endowment of funds gifted to MET by private individuals over the many years of its existence. Each fiscal year MET's board allocates an amount from its endowment for use by MET to augment its state funding for non-personnel related costs. In FY 2023 this allocation totaled \$117,178.

MET is also responsible for administering the Keep Maryland Beautiful grants program (Natural Resources Article § 3-210). This is a suite of small competitive grants offered annually to volunteer-based nonprofit groups, schools, municipalities, and land trusts to support environmental education projects, community stewardship, and the protection of natural resources in urban and rural areas throughout the state. Funding for these grants is provided from MET's board-administered endowment, as well as the Maryland Department of Transportation, and the Maryland Department of Agriculture. One of the grants is awarded specifically to land trusts to fund conservation planning and capacity building initiatives.

Maryland Agricultural Land Preservation Foundation

Established by the General Assembly in 1977, the [Maryland Agricultural Land Preservation Foundation](#) (MALPF) was one of the first and continues to be one of the most successful state purchased agricultural easement programs in the country. The primary purpose of MALPF is to preserve sufficient agricultural land to maintain a viable local base of food and fiber production for the present and future citizens of Maryland. Preserving agricultural land helps curb the expansion of random urban development, protects wildlife habitat, and enhances the environmental quality of Maryland's waterways.

Funding for MALPF primarily comes from two sources, the majority of the funding is from the transfer tax allocation formula, with additional funding from local government contributions. MALPF purchases development rights on farms and restricts them to only agricultural uses by using perpetual agricultural conservation easements, which are recorded in the land records. The MALPF Program allows landowners to retain ownership of their farms, receive payment from MALPF for the sale of the farms' development rights, and continue to farm their land, which is what they have done for years, decades, or in cases of multi-generational farming families, for a century or longer.

MALPF easements allow for all types of agricultural operations, which includes woodland management and harvesting operations, to be conducted on the farm. The MALPF easement defines agriculture/agricultural uses as "any use of the easement property which directly contributes to the production, conversion, processing, storage, or sale of agricultural products generated on the easement property and/or management of products such as livestock, horses, poultry, crops, trees, shrubs, plants, other vegetation, and aquaculture." It is important that the terms of the easement allow for owners to grow and evolve as the agricultural industry changes through the years.

The following criteria must be met for landowners to apply to sell an easement to MALPF:

SIZE: The minimum easement size is 50 contiguous acres. If a property is less than 50 acres, it may still be eligible if it is contiguous to an existing easement such that combined, the total acreage is at least 50 acres.

PRODUCTIVITY: An easement is purchased on land that is currently

being used for producing food or fiber or has the capability to do so. The productivity of the soil as measured by the U.S. Department of Agriculture's (USDA) Soil Conservation Service Land Classification System standards.

LOCATION: MALPF does not purchase easements in areas that the counties have planned for future growth areas. Land that lies within the boundaries of a 10-year water and sewer service area plan is generally ineligible unless it has extraordinary productive capability and is of significant size.

DEVELOPMENT RIGHTS: A property must have at least one unused development right associated with the property to sell an easement.

LOCAL CRITERIA: MALPF partners with county governments during the entire easement process, which is a significant factor to the overall success of the Program. The criteria listed above are the minimum eligibility standards set by the state. The county may impose criteria in addition to or more stringent than the state.

The county ranks the applications in order of the county's priorities. Each county uses a MALPF-approved ranking system. Some counties have added criteria to their ranking system that better fits the state of farming within their county whether due to development pressure, terrain, or types of farming in that part of the state. Any revisions to the ranking system must be approved by MALPF.

By statute, each county appoints an agricultural advisory board to assist MALPF by providing information and recommendations about the MALPF Program's operations, as well as assisting with the creation of MALPF Program rules, regulations and procedures. Each MALPF easement purchase has already been reviewed and approved by the county in which the property is located.

After more than 45 years, MALPF has protected 2,699 individual farms, which is over 361,000 acres of Maryland's valuable farmland for a public investment of \$934 million – and landowners' interest in the MALPF Program remains strong. Over the past five years, MALPF's funding has afforded the state to purchase an easement over approximately one-third of the farms for which landowners submitted an application to sell an easement to MALPF.

Maryland Agricultural and Resource-Based Industry Development Corporation (MARBIDCO) Programs: Next Generation Farmland Acquisition Program (“Next Gen Program”) & Small Acreage Next Generation Farmland Acquisition Program (“SANG”)

Since the launch of the original [Next Generation Farmland Acquisition Program](#) in FY 2018, [MARBIDCO](#) has received a total of \$18,731,250 in appropriations from the State of Maryland, (with \$2.5 million received annually, except in FY 2021 there was a small pandemic-related reduction of \$268,750 and a final appropriation in FY 2024 of \$4 million).

The Next Gen Program is designed to provide a young or beginning farmer with the money needed for a down-payment towards a farm purchase, while the subject farmland is put on a path to becoming permanently preserved. At settlement, the Next Gen farmer is awarded an “Option Purchase”, where they enter into an Option Agreement with MARBIDCO and receive an Option Purchase amount (at 51% FMV of the land) to be used as the farm purchase down-payment. The Option Agreement allows the Next Gen farmer a period of several years to sell the permanent easement to a rural land preservation program. Typically, once the Next Gen farmer has received an offer to sell the permanent easement, MARBIDCO will terminate and release the Option and receive a repayment amount equivalent to the original Option Purchase Price amount (plus an additional 3% admin fee collected), and the Next Gen farmer is able to retain the remaining amount of money from the permanent easement sale.

If the Next Gen farmer is only able to sell the permanent easement for an amount less than the original Option Purchase Price, MARBIDCO will only collect the amount from the permanent easement sale and forgive the difference. If for any reason the Next Gen farmer is unable to sell the permanent easement for a period of several years, the Option Agreement will be exercised on the property, meaning the Option Agreement will default to a permanent easement and the Next Gen farmer will receive no additional compensation.

Since the launch of the Next Gen Program (in FY 2018), MARBIDCO has funded a total of 42 Option Purchases across the state of Maryland. In addition, MARBIDCO has awarded a total of over \$13 million to assist these Next Gen farmers to purchase 4,294 acres of farmland to start their farm operations, with a total of 4,151 acres being put on the path for permanent preservation.

In FY 2019, MARBIDCO started to receive requests for releases (including both partial releases and full termination releases). To date, MARBIDCO has completed two (2) partial release and 11 termination release transactions and has received over \$3.3 million in repayments to revolve back into the program's funding.

In FY 2020, MARBIDCO established the Small Acreage Next Generation Farmland Acquisition Program (SANG) to help qualified Next Gen farmers purchase smaller farm properties (between 10 to 49 acres in size). Under the SANG program, MARBIDCO awards the SANG farmer with funds for a farm purchase down-payment via an "Easement Purchase", where the applicant agrees to permanently preserve the property under a deed restricted easement in exchange for these funds.

In both programs, once the permanent easement is on track to be settled, MARBIDCO assigns the Easement to a "Permanent Easement Holder", since MARBIDCO does not hold or administer permanent conservation easements. (MARBIDCO only holds temporary easements.)

Since the launch of the SANG Program in FY 2020, MARBIDCO has funded four (4) Easement Purchases in the amount of \$369,433 to assist a SANG farm couple with purchasing 100 acres to start their small farm operation, with a total of 100 acres going into permanent preservation (with MALPF expected to hold the permanent easement).

Today, MARBIDCO has a total of \$8,031,500 in funding available for future Next Gen and SANG program projects.

Federal Initiatives



MALPF easement (Charles County)

In addition to land conserved through the efforts of state and local governments and land trusts in Maryland, parks and other land conserved by the federal government will also count towards the goals established in the Maryland the Beautiful Act. A few of the federal initiatives that will contribute are outlined below.

Southern Maryland Woodlands National Wildlife Refuge

The United States Fish and Wildlife Service (USFWS) has proposed to create a new Refuge to be named the Southern Maryland Woodlands National Wildlife Refuge (Refuge). The Refuge would consist of four watershed-based units in Anne Arundel, Calvert, Charles, Prince George's and St. Mary's counties: the Lower Patuxent - Calvert Unit, Nanjemoy - Mattawoman Unit, Zekiah - Wicomico Unit, and McIntosh Run - St. Mary's Unit. The total area encompassed by the proposed Refuge acquisition boundary is approximately 577,420 acres, of which the Service could acquire a maximum of 40,000 acres in fee-title

acquisitions or conservation easements from willing sellers. Additional land acquired by the Service if this area is established would contribute to the state's goal.

Chesapeake National Recreation Area

Legislation has been introduced to designate the [Chesapeake National Recreation Area \(CNRA\)](#) as part of the National Park Service. The primary goals of the CNRA are to highlight the diverse landscape and historic significance of the Chesapeake Bay while providing ecological, cultural, and economic benefits to the region. The designation will provide an opportunity to help conserve certain cultural, historic, and natural resources in the Bay, improve public access to it, deliver additional federal resources to the region and spur economic growth and prosperity across the watershed. Currently, the four initial sites identified include Fort Monroe in Hampton, Virginia, and Thomas Point Shoal Lighthouse, Whitehall, and Burtis House in the Annapolis, Maryland region. It is not yet known how much additional conservation in the region will be spurred by this initiative.

Department of the Navy's Readiness and Environmental Protection Integration (REPI) Program

Department of the Navy's Readiness and Environmental Protection Integration ([REPI](#)) Program through an Encroachment Protection Agreement. This Agreement also partners with The Nature Conservancy, The Conservation Fund, and The Trust for Public Land. The program seeks to protect lands adjacent to and near naval bases to serve as buffers to their operations and is a key initiative in maintaining the viability of naval facilities.

Middle Chesapeake Sentinel Landscape

[Middle Chesapeake Sentinel Landscape](#) was designated in 2015 and since that time Landscape partners have pursued conservation projects that collectively preserve natural resources, protect agricultural land, and strengthen military readiness. Sentinel landscapes are areas where conservation, working lands, and national defense interests converge. They are anchored by at least one high-value military installation or range and contain high priority lands for USDA, DOD, and DOI. Critically, they encompass agricultural and/or forestry lands and are the appropriate size and scale needed to address the ecological restoration objectives defined for each landscape.

Army Compatible Use Buffer Program

The [Army Compatible Use Buffer Program](#) allows installations to work with partners to encumber off-post land to protect habitat and buffer training without acquiring any new land for Army ownership. Through ACUB, the Army reaches out to partners to identify mutual objectives of land conservation and to prevent development of critical open areas. The Army can contribute funds to the partner's purchase of easements or properties from willing landowners. These partnerships preserve high-value habitat and limit incompatible development in the vicinity of military installations.

Land & Water Conservation Fund

The [Land & Water Conservation Fund](#), through the Department of the Interior, National Park Service provides matching grant funds to the State and local government partners for the acquisition of lands for outdoor public recreation.

Appendix D

County Preservation Programs

Many counties in Maryland have county-specific preservation programs, either for easement acquisitions or for park and recreation facilities.

In addition, every county must complete Land Preservation, Parks, and Recreation Plans (LPPRPs), which describe land conservation goals. The LPPRPs are comprehensive planning documents that are used by the counties and Baltimore City as an opportunity to collect and evaluate parks, recreation, and land preservation data. These plans are meant to identify the rates of public participation in specific types of recreation and the availability of those facilities. There is special emphasis placed on the proximity of park facilities to where people live and especially to underserved communities. The plans are used as a tool to help identify areas where new parks are needed. In the plans, counties determine whether their land acquisition goals have been met. Plans are updated at least every five years. The table below provides information from the 2022 LPPRPs on whether the jurisdiction has met its land acquisition goals and plans for acquisitions going forward. The next update to this plan will include information from the 2027 LPPRPs.

Table 2: Local Land Preservation, Parks, and Recreation Plans

County	Current Acquisition Goal Met	Plans for additional land acquisition in LPPRP
Allegany	Yes	No additional acquisition projects planned at this time.
Anne Arundel	No	County identified plan to acquire approximately 680 acres throughout the county.
Baltimore City	Yes	The focus is on developing properties that are already in city ownership, but the city does consider opportunities to acquire privately owned land in areas of need.
Baltimore County	No	County identified a need for land acquisitions in the densely populated parts

		of western Baltimore County and other urban regions.
Calvert	Yes	County does not have an acreage goal for additional acquisition, but lists the following as goals: Seek to acquire land for future trail development and waterfront property.
Caroline	Yes	County has identified approximately 35 acres for future acquisitions.
Carroll	Yes	County continues to pursue additional parkland acquisition when warranted to expand existing facilities, protect significant environmental and historical resources, and meet citizen demands.
Cecil	Yes	County still plans to acquire approximately 40 acres in the Northwestern Region of the County and approximately 100 acres in the Southwestern Region of the County in FY 25-26.
Charles	No	County's overall goal is to protect 50% of County land for preservation.
Dorchester	Yes	County will focus on development of existing properties within its inventory.
Frederick	Yes	In the long-range (2032-2036), County plans to acquire a Green Valley/Monrovia Area Community Park (Urbana planning region) as well as a New Market/Spring Ridge Community Park (New Market planning region).
Garrett	Yes	County looks to continue to improve connectivity and livability with the development and re-development of parks and trails. County aims to acquire four pocket parks of 0.1 acres in Oakland, 1.1 acres in Loch Lynn Heights, 3.1 acres in Grantsville, 1-1.5 acres in Deer Park, 5-20 acres for an indoor recreation facility, and an unspecified amount of land to assist in trail connections.

Harford	No	County will pursue opportunities for land acquisitions in communities as they are identified. The County aims to acquire land for community parks in Belcamp/Riverside (40 acres), Edgewood (105 acres), Emmorton (23.5 acres), Forest Hill (40 acres), Joppa/Joppatowne (22 acres)
Howard	Yes	County aims to acquire 110 acres for parkland and greenways. The Department of Recreation and parks has shifted to acquiring smaller parcels of land (25 acres or less). This allows for projects in densely populated areas.
Kent	Yes	County will focus on development of existing properties within its inventory.
Montgomery	No	Montgomery County aims to acquire a total of 5,642 acres in the long-term (by 2040).
Prince George's	Yes	County aims to acquire stream valley parks (4,700 acres), larger parks for active recreation and multi-generation recreation centers (113 acres), land for trail and pedestrian corridor development (180 acres), and other properties like a historic site, maintenance facilities, and inholding (244 acres).
Queen Anne's	Yes	County is continuing to develop its trails plans and may have acquisitions related to trails.
Somerset	Yes	County continues to acquire land as appropriate. Identified acquiring approximately 0.5 acres in the Town of Princess Anne and 7 acres at the Burgess Museum Collection.
St Mary	Yes	County is primarily focused on the development of existing public lands. In the mid-term (2028-2032), St. Mary's County aims to acquire 40-45 acres, including property on the Patuxent, the Wicomico,

		and in Lexington Manor.
Talbot	Yes	County will focus on development of existing properties within its inventory and will continue to monitor the need for additional lands as it relates specifically to meeting additional trail and water access needs.
Washington	Yes	Washington County has met its acquisition goal, but plans to continue to pursue land acquisition including acquisitions in Sharpsburg (0.5 acres), Williamsport (7.9 acres) and Washington County (96.1 acres)
Wicomico	Yes	County to remain flexible and opportunistic with future acquisition and development projects that help meet goals and objectives outlined in the LPPRP. Wicomico's capital improvement recommendations include acquiring 48 acres by FY31.
Worcester	Yes	County identifies acquisition of approximately 20 acres in FY 23-27 for development of additional field space and parking.

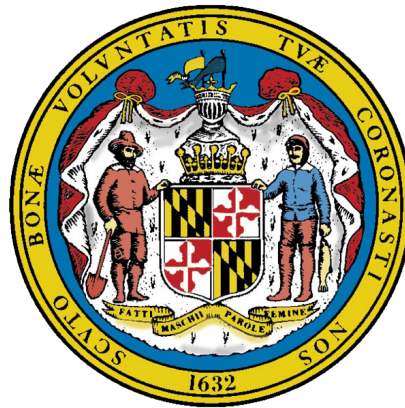
Some counties have also established agricultural land conservation goals as part of Priority Preservation Area (PPA) Elements within local comprehensive plans. These goals, and the federal, state, and county-specific PDR and TDR easement programs to help achieve them, will be important for helping the state to achieve the 40 by 40 goal. The following table lists the agricultural land conservation goals within county PPA elements as of the time of this plan.

Table 3. Local agricultural land preservation goals.

County	PPA element agricultural land preservation goal
Anne Arundel	The County’s preservation goal is to preserve 80% of the undeveloped land within the PPA, which equals 39,430 acres.

Baltimore	Baltimore County currently has a countywide acreage goal of 80,000 acres, although another goal is to preserve 80% of the undeveloped land within the PPA, around 105,000 acres.
Calvert	The county's countywide preservation goal is 40,000 acres.
Caroline	The county's preservation goal within its PPA is 135,000 acres.
Carroll	The countywide preservation goal is to protect ~100,000 acres.
Cecil	The County's PPA is 125,800 acres, with the goal to protect 79,000 acres within that area (80% of the undeveloped land in the PPA at the time it was established).
Charles	The County PPA contains 133,543 acres, with the goal to protect 80% of the remaining undeveloped land in the PPA or 86,018 acres.
Frederick	The countywide preservation goal is to protect 100,000 acres.
Harford	The county has established a goal to protect 75,000 acres within its PPA.
Kent	The county has established a preservation goal of 114,340 acres.
Montgomery	The county's Phase I goal to preserve 70,000 acres of the 93,000-acre Agricultural Reserve, which is their PPA, was completed in 2009 through the use of PDR (Purchase of Development Rights) and TDR (Transfer of Development Rights) easements; however,

	48,000 of these acres retain building rights (at 1:25 density) and an additional 7,000 acres of land are unencumbered by any easements. The county's Phase II goal is to layer more protective easements over the TDR easements using PDR programs and the county's Building Lot Termination Program to achieve the goal of eliminating 1,000 additional rooftops in the Agricultural Reserve.
Prince George's	The county's goal is to protect 80% of the undeveloped land within its PPA, which equals 20,446 acres.
Queen Anne's	The county's countywide preservation goal is 164,000 acres.
St. Mary's	The county's PPA equals 97,660 acres; its 80% preservation goal within the PPA is 78,130 acres.
Talbot	The County's PPA goal is to protect 56,000 acres by 2030, which represents 80% of the remaining, qualifying undeveloped land in the PPA.
Washington	The county's countywide preservation goal is 50,000 acres.
Wicomico	The county's preservation goal within its PPA is 94,515 acres.
Worcester	The county's goal is to protect an additional 100,000 acres within its PPA, which would result in 155,000 acres protected out of the 195,000 acres that makes up the PPA.
Totals	Collectively, the county agricultural preservation goals equal about 1,500,000 acres.



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State of Maryland

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Aruna Miller, Lt. Governor

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