



Maryland Land Preservation, Parks & Recreation Plan 2009

EXECUTIVE SUMMARY



Maryland Department of Planning



State of Maryland

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Maryland Department of Planning

Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary

Development of the 2009 Maryland Land Preservation, Parks, and Recreation Plan was coordinated by the Maryland Department of Planning, which takes responsibility for content and accuracy. However, the planning process involved many participants from our sister agencies and from other jurisdictions, primarily the following:

Maryland Department of Planning/Maryland Historical Trust

*Erik Balsley
Angela Butler
Kacey Carter
Linda Eisenberg
Elizabeth Hughes
Graham Petto
Mark Praetorius
Daniel Rosen
Joe Tassone
Scott Whipple*

Maryland Agricultural Land Preservation Foundation

*Jim Conrad
Elizabeth Weaver*

Maryland Department of Natural Resources

*Kelly Collins
Christine Conn
Kevin Coyne
Lynn Davidson
Lisa Gutierrez
Tim Larney
Chris Millard
Chip Price
John Wilson*

County Land Preservation administrators

Maryland Association of Counties Recreation and Parks Affiliate and Planning Directors Affiliate

Maryland Department of Planning

301 West Preston Street, Suite 1101

Baltimore, Maryland 21201

Tel: 410.767.4500 Toll Free: 1.877.767.6272 TTY users: Maryland Relay

www.mdp.state.md.us

Maryland Land Preservation, Parks & Recreation Plan 2009

EXECUTIVE SUMMARY



Smart, Green & Growing



Maryland Department of Planning

Executive Summary

Overview

Maryland's land preservation, resource conservation, and recreation programs aspire to conserve the state's most important rural and natural resource lands and resource-based industries; ensure that rich and diverse outdoor recreational opportunities are available to citizens; and protect natural environments for the enrichment of current and future Marylanders. The subject lands, resources, and businesses enhance Maryland's quality of life by providing food and fiber as well as access to environmental, recreational, economic, and cultural opportunities that would otherwise cease to exist in many parts of the state.

For Maryland's **2009 Land Preservation, Parks, and Recreation Plan**, we examined how well Maryland's programs are preserving those lands and resources and providing recreational opportunities to its citizens. We also analyzed what is likely to happen if development trends and the State's strategies for land preservation, resource conservation, and recreation and parks continue unchanged. Finally, the plan proposes steps to address the challenges indicated by these findings.

Maryland's **2009 Land Preservation, Parks, and Recreation Plan** is organized into four elements, published in two volumes:

- Volume I: Rural Resource Land; Recreation and Parks; and Cultural and Historic Resources; and
- Volume II: State Comprehensive Outdoor Recreation Plan for DNR Lands.

Steps in Developing the 2009 Maryland Land Preservation, Parks, and Recreation Plan

- *Guidelines for State and Local Land Preservation, Parks, and Recreation Plans* were provided in October 2003, to counties and Baltimore City to prepare their own land preservation, parks, and recreation plans;
- Local plans were reviewed and evaluated, comments were provided to local governments, and plans were approved by the Maryland Departments of Planning and Natural Resources; and
- Statewide analyses were completed for each element of the plan, and the results were integrated with information from the local plans.

For each element, we first reviewed the goals and objectives of relevant State and local programs to identify where they are essentially the same, complementary, or different. Next, we evaluated the ability of the programs and their funding sources to achieve goals and objectives, and identified shortcomings. Finally, we developed recommendations to overcome shortcomings, achieve goals, and ensure good return on public investment.

Various land preservation programs and public revenue sources have been established by the State and local governments since Program Open Space (POS) law was enacted in 1969. In addition to public parks and active recreation, these programs focus on agricultural land preservation and the conservation of open space and lands that support natural resources.

Concerns in recent years revolve around effectiveness, funding, and redundancy. Are statutory goals being achieved? How many programs are accomplishing the same thing, and to what effect? When will we preserve enough land to accomplish statutory goals and stop spending public funds? How much more will we have to spend? Are regulatory and land use planning and programs managing development well enough to even make achievement of goals feasible or likely?

By evaluating the ability of programs and funding sources to achieve goals for rural resource land; recreation and parks; cultural and historic resources; and State lands, we tried to answer these and other important questions in the plan. A few outstanding findings and recommendations are mentioned here.

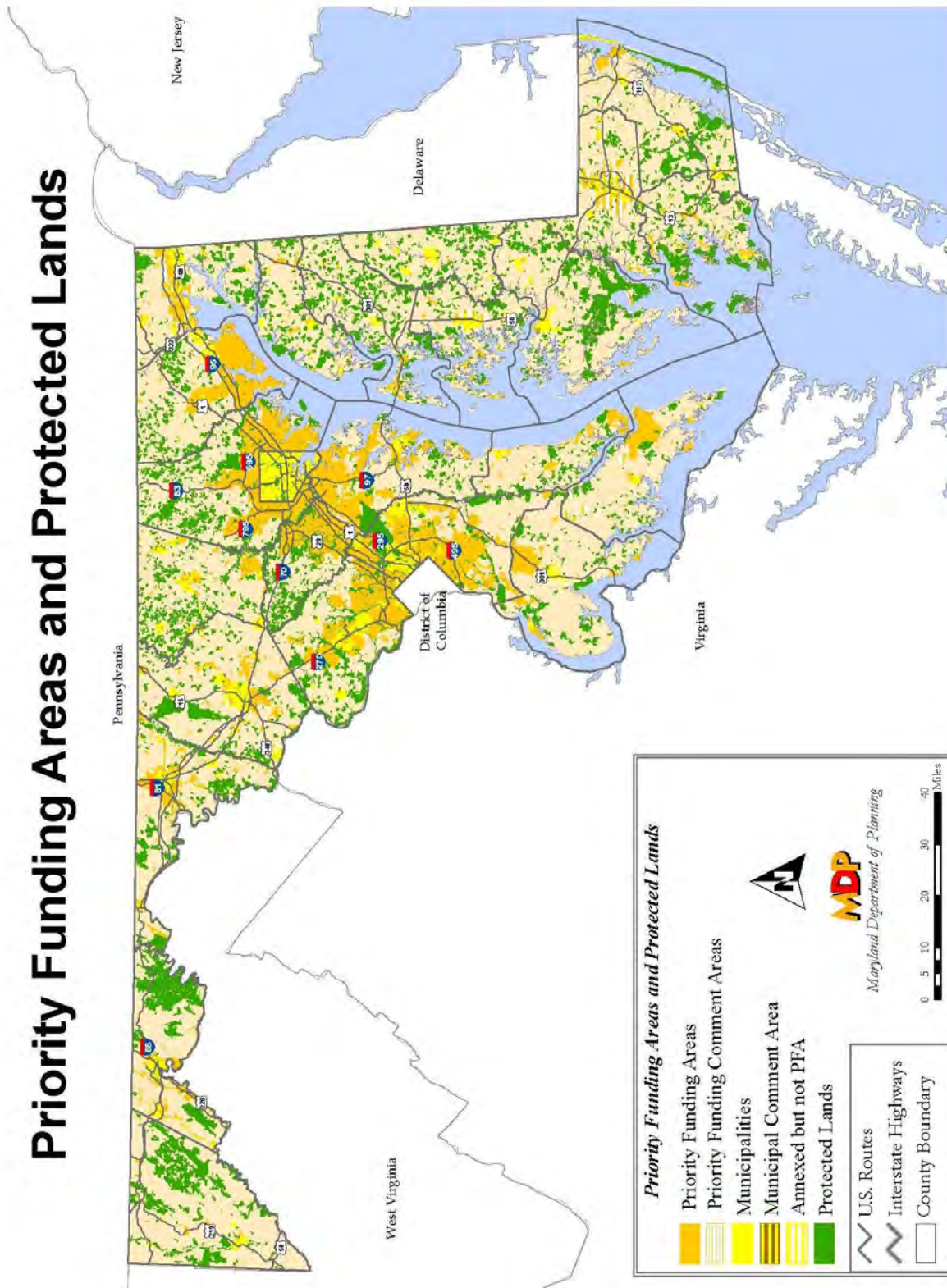
The Big Picture



Map A - Maryland PFA & Protected Lands

Source: Maryland Department of Planning

Priority Funding Areas and Protected Lands



Most of Maryland's land preservation, resource conservation, and recreation and parks programs are funded at the State level primarily by the real estate transfer tax, supplemented (for agricultural land preservation only) by the agricultural land transfer tax. (The Heritage Area Program, which funds historic and cultural preservation, also receives funds from the real estate transfer tax.) With the creation of POS in 1969 and the Maryland Agricultural Land Preservation Foundation (MALPF) in the late 1970's, Maryland began a series of actions that have made it a national leader in several respects. It



established public funding mechanisms at the State level – primarily the two taxes just named – for State and local programs to preserve land, conserve resources, and provide recreational opportunities. These funding mechanisms and programs have served as models for other states pursuing the same objectives.

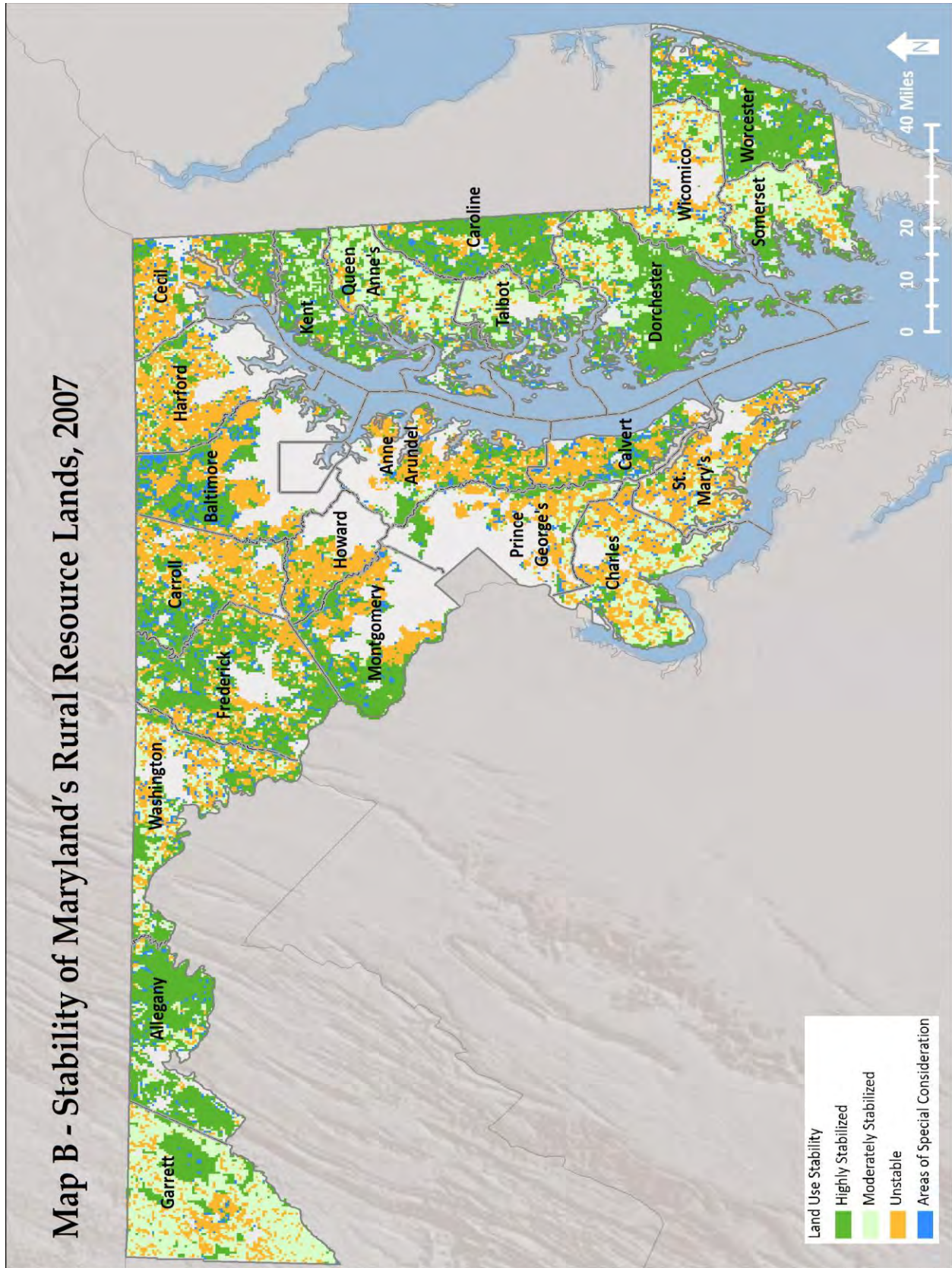
These funding sources and programs have accomplished a great deal, some of which is discussed in more detail in the body of the report (**See Map A**). For example, through May 2009, Maryland protected almost 1.4 million acres through its own and related local programs, while about 1.3 million acres have been developed. This keeps Maryland on track to achieve its long-standing goal to protect recreational open space and resource lands at a rate that equals or exceeds the rate at which land is developed.

Maryland can boast similar accomplishments for each element of this plan. State, local, and private programs/ conservation organizations have protected over 690,000 acres of agricultural and natural resource land through easement (over 170,000 acres by local government), and almost 690,000 acres of land that is rich in natural resources, supports recreational activities, or both through public ownership (again, over 147,000 acres by local government). The Maryland Historic Trust holds easements on over 600 significant architectural or



Map B - Stability of Maryland's Rural Resource Lands*, 2007

Source: Maryland Department of Planning



archaeological properties on about 11,000 acres.

But as Maryland's population continues to increase, employment centers are expanding and multiplying within and far from the Baltimore-Washington metropolitan area, creating and increasing markets for residential, commercial, and institutional development. Highway and other transportation improvements have made job centers accessible from rural areas formerly considered to be "remote." The result is that Maryland's lands and resources are being exposed to unprecedented pressure from markets for land development, which in rural areas often begins with residential commuters.

This pattern has significant ramifications for many of Maryland's land and resource conservation goals, because success achieving them depends on more than just preserving a number of acres or occasional historic buildings. For example, the viability of agricultural and natural resources most often requires preservation of large, contiguous tracts of land that are relatively free from the intrusive impacts of development. Success thus depends on limiting the amount of development that occurs between and around preserved acres.

This fact was recognized by the Task Force to Study the Maryland Agricultural Land Preservation (MALPF), and led to provisions in the Agricultural Stewardship Act of 2006 requiring counties with State-certified agricultural land preservation programs to stabilize land use through zoning and land use tools in their priority preservation areas. The Task Force recognized that patches of farms, forests, watershed lands, and other natural resource habitat surrounded by residential subdivisions and dissected by congested roads constitute poor return on public investment in conservation but are increasingly common, even in areas designated for preservation by local governments and the State.

The bottom line is that many of Maryland's land and resource conservation programs are not winning the competition with these landscape-changing market forces for two reasons: the lack of State investment strategies that can compete cost-effectively with these forces, and a shortage of funding.

Ineffective Investment Strategies

The cost of land preservation is high and is increasing most rapidly where residential markets are large and land use is not stabilized by zoning (**See Map B**). Land and resources in these areas are the most threatened. Preserved land in these areas is likely to eventually exist as islands in a sea of residential development – its resource and public values, in many cases, limited to serving as open space that enhances large-lot residential neighborhoods. These conditions already exist in a growing number of areas. Although some resources may be conserved, the result offers a poor return on public investment for conservation purposes. Given the shortage of public funds and

the large amount of conservation yet to be accomplished, poor return of this sort is not a luxury the State can afford.

The primary reason for this state of affairs is that many of the programs are not designed to invest strategically in response to what local zoning and land use management tools are doing to encourage or limit the development market in an area and what, in turn the development market is doing to the landscape. This is a fatal flaw, in terms of cost and return, in areas where land use tools do not protect conservation investment. For agricultural and natural resources whose conservation depends upon large contiguous expanses of land and limited development, success is minimized while cost is maximized. Landscape features needed to sustain many agricultural activities, wildlife, terrestrial and aquatic habitats, and farm and forest-based businesses are compromised. Intensifying development markets raise land values beyond the ability of preservation programs to compete and win the race for the landscape.

Funding Shortages

In conjunction with these issues of cost-effectiveness, the amount of public funding needed for conservation and recreation far exceeds estimated funding for the foreseeable future. Optimistic revenue and spending projections used by the MALPF Task Force were that full, dedicated funding for all State and local rural land preservation programs would fall about \$800 million short of the amount needed to achieve the State's goal to preserve 1.03 million acres of productive agricultural land by 2022 through MALPF, Rural Legacy, and local purchase and/or transfer of development rights programs. Needs-based priorities for recreational land acquisition and facility development estimated by local governments for 2005 to 2020 totaled \$2.3 billion – far less than will be provided through local side Program Open Space under the distribution formula established in the November 2007 Special Session of the General Assembly. The Department of Natural Resources (DNR) estimates that approximately \$11 billion is needed to preserve the State's priority natural resource lands identified in DNR's latest inventory and evaluation. But the cost of protecting hundreds of thousands of acres through in-fee acquisition by stateside POS will far exceed the funding available for that program.

Lack of Continuity between Planning and Implementation Programs

There is a notable lack of effective plans and programs to achieve established public goals for cultural and historic preservation. For example, comprehensive land use plans may include appropriate objectives for neighborhoods but fail to recognize the importance of historic preservation to achieve them. Far too few local governments establish historic preservation districts, one of the few land use tools that ensures

sufficient attention on historic resources to achieve outcomes commensurate with preservation goals.

Achieving Public Goals on State Resource Lands

Most properties owned by DNR have been acquired to protect specific natural and cultural resources found on them. DNR's acquisition program has long been directed toward protection of stream valleys and fish and wildlife habitat, and somewhat more recently, toward protection of rare and endangered species habitat. In the last several years, however, a new awareness of the importance of protecting larger ecosystems or entire landscapes has emerged. These ecological values have been captured in Maryland's statewide GreenPrint, which guides the Ecological Targeting Strategy for all new acquisitions.

Recreational use of some type occurs on most of the land units managed by the DNR, but only in the State Parks is recreation the primary reason for owning and maintaining the property. The recreational uses which occur on the property are, in almost all cases, centered on the public enjoyment of the property's resources, with varying levels of improvements to facilitate public access to and comfort in the natural setting. In a few DNR land units more intensive, user-oriented activities occur; in rare cases these activities are not dependent upon the particular natural characteristics of the site.

Generally, very few improvements are made to facilitate recreational use of State Forests and Wildlife Management Areas. A somewhat greater level of improvement can be found in some of the units designated as Natural Resource Management Areas or Natural Environment Areas. Regardless of the type of designation, protection and interpretation of the natural and cultural resources is a key management purpose. Also, spurred in part by growing public interest in cultural heritage areas, as well as by awareness of the many cultural assets to be found on DNR properties, DNR is taking a fresh look at these resources and how better to protect and interpret them.

While POS should continue to provide funding for stateside land purchases and some development of capital improvements to facilitate public access and enjoyment, new mechanisms for financing day-to-day operation of DNR land units are clearly necessary in a time of continually dwindling General Fund availability and federal cutbacks of special funds.

Public Opinion about Land and Resource Conservation

Based on a 2003 statewide survey commissioned by MDP and DNR to support this and associated local plans, Marylanders are highly supportive of government actions to protect more land for the full range of conservation purposes. Large majorities feel that government actions to acquire more parkland (90.8%), protect lands for wildlife, water quality, and environment (97.1%), preserve farmland (91.9%), and provide public access

to waterways (88.6%) are either “very” or “somewhat” important. Marylanders strongly support a variety of governmental actions to conserve land and manage growth and development. Eighty to 92% of respondents agreed strongly or somewhat that governments should “limit growth through...land use regulation, require developers to preserve more natural...open space, buy more land for parks, and provide more economic incentives to landowners for conservation.”

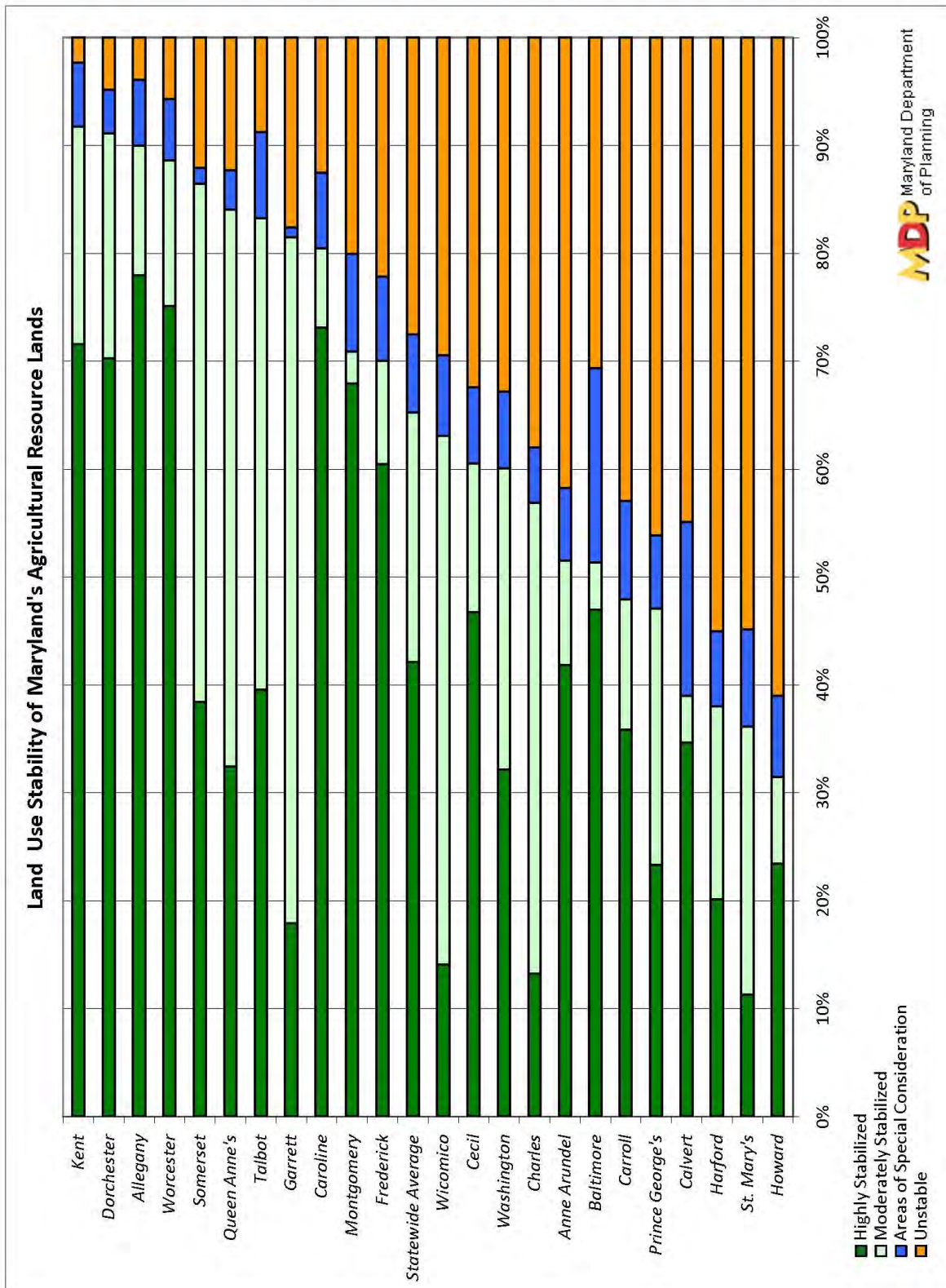
Conservation of Agricultural and Natural Resource Lands

In Chapter II, *Agricultural and Natural Resource Lands*, State and locally designated agricultural and natural resource conservation areas were examined to evaluate the degree to which the land resource has been stabilized by zoning and land use management tools, providing time for easement and land acquisition to achieve State goals before resources are excessively compromised by development.

Findings and recommendations are summarized here. More information is provided in the body of the plan, specifically in Chapter II.

Findings:

- A minority of Maryland’s rural resource land has been highly stabilized by zoning and related land use management tools to effectively support achievement of Maryland’s land preservation and resource conservation goals (See **Graph 1**).
- In the long term over which rural resource conservation goals must be achieved, zoning and related land use tools are as important or more important than easement acquisition. Under any realistic funding scenario, if those tools are not used effectively to stabilize the land base commensurate with the market for residential lots, land resources are likely to be excessively compromised by development before preservation goals can be achieved.
- Consequently, the choice by a local government to protect conservation investment through zoning and related land use management tools is the most important factor determining if easement acquisition efforts can protect large blocks of land consistent with State goals.
- In many cases, as our analysis in Chapter II (*Agricultural and Natural Resource Lands*) shows, State conservation expenditures are not being strategically concentrated in areas stabilized by local land use management tools, where goals are most likely to be achieved.
- Additional public funding that could be concentrated in these areas is not likely to become available in amounts and timeframes necessary to achieve Maryland’s goals in more than a relatively few areas before development compromises the resources.



Graph 1 - Land Use Stability of Maryland's Agricultural Resource Lands

Source: Maryland Department of Planning

There are two actions that could change this outcome. One is that counties improve the ability of zoning and land use management tools to limit subdivision and development, commensurate with State land and resource conservation goals. The second is that the State concentrate expenditures of its land and resource conservation funds where the investment is protected by local zoning and land use management authority, and that this encourage more counties to better protect conservation investment. Clearly, both actions are essential if the State is going to realize good return on its investment of public funds for conservation. (Maryland has begun to change the way it invests in land preservation as demonstrated through the targeting strategy described in Chapter II.)

Recommendations:

To improve return on the State's investment of public funds for land and resource conservation and better achieve State goals, Maryland has begun to change the way it invests in land preservation through programs for which successful conservation of resources depends upon protection of large aggregations of land. These include MALPF, Rural Legacy, in some cases stateside POS, and perhaps other natural resource conservation programs. Specific recommendations:

- The State should establish an over-arching policy to maximize return on conservation investment toward State goals, by investing public funds strategically where they are supported by local goals and land use practices. Two parallel and mutually supportive courses of action are suggested: changes by individual programs and advice to the Board of Public Works.
- Administrative and statutory changes should be made where necessary to allow programs to invest the majority of State funds in areas that have the potential to yield good return on the investment, that is, areas which are:
 - ♣ Rich in the resources of interest;
 - ♣ Of sufficient size and configuration to sustain targeted resources, if enough of the land is protected from development; and
 - ♣ Stabilized by zoning and land use management tools, to provide time for easement or in-fee acquisition programs to achieve conservation goals before the land is excessively compromised by development.
- Where supportive local land use management is essential to successful conservation, the State should invest more cautiously if the former is absent. Small amounts should be invested to preserve individual properties or small aggregates of properties if that will accomplish specific conservation objectives, even if the properties are ultimately likely to be surrounded by development. Investment of small sums should also be used to encourage local adoption of more supportive land

use policies and procedures, in areas where State goals might still be achieved if more effective zoning and related land use tools were established.

- The State should use this investment policy as a framework to establish effective conservation strategies with local governments. Shared commitments to steps that ensure better return should be an over-arching consideration for State designation of priority preservation areas for both agricultural and natural resources.
- When properties are presented to the Board of Public Works for purchase or easement acquisition, the Board should be advised about the importance of land use management around the site to achieving the intended conservation purpose. The Board should also be informed of the degree to which surrounding land is being protected by local zoning and land use management authority.
- The preceding recommendations are designed to make it possible for State and local conservation programs to win the race with development in more places, and should in some senses be pre-requisite to increasing State funding sources. Even if this occurs, State funding sources must be maintained and increased to achieve State goals, and to provide sufficient incentives for local government to do the hard work of protecting resources with their zoning and land use management authority. To these ends, we offer the following recommendation:
- The Governor and the legislature should consider statutory changes to implement the funding recommendations made by the MALPF Task Force in its 2004 Final Report. Those recommendations would increase funding for all Maryland State programs funded by the real estate transfer tax, including those focused on agriculture, natural resources, and recreation.
- It is important to note that State funding is needed not only to protect more land, but also to prepare and disseminate better inventories of critical resources (before they are lost), and to provide better outreach and education for our citizens on the importance of agricultural and natural resource protection.

Recreation and Parks

Chapter III examines the need for parks and recreational opportunities across the State in several different ways, and evaluates the degree to which State goals are being achieved. Findings and recommendations are summarized here.

Findings:

- Local side Program Open Space (POS) funds have done much to provide recreational opportunities to Maryland's citizens and to achieve many State and local goals. Large percentages of Marylanders participate in recreational activities and report positive experiences about accessibility and the quality of land and

facilities. Some local governments have extensive inventories of recreational land and facilities available, in part through the use of POS funds.

- At the same time, significant numbers of Marylanders feel that access to some types of recreational facilities is inadequate, and there are projected shortfalls in available recreational lands and facilities in the majority of metropolitan and “transitional” counties – those changing from rural to suburban. Local governments estimate the cost of needs-based priorities for land and facilities to be \$2.3 billion between 2005 and 2020.
- Recent changes in the distribution of POS funds have reduced State funding for local recreation and parks, but both population and financial needs for land acquisition and facility development are growing.
- From the information available at this time, it is difficult to determine if State goals to ensure that recreational opportunities are accessible to all Marylanders and to complement broader public goals for growth, development, and communities are being achieved.
- Since its inception, the State/local parks and recreation planning process under POS has been driven in part by the concept of acreage goals for land acquisition as a threshold for the amount of State funds local government could spend on facility development versus land acquisition.
- While it remains important to emphasize acquisition as population increases, it is increasingly clear that simple counts of public recreational acreage relative to population by jurisdiction are far too simple a measure of needs and priorities for recreation, especially when the issues of land/ facility location, population(s) served, and accessibility are considered.

Recommendations:

Based on the findings summarized above and discussed in more detail in Chapter III, the need for clearer focus on goals at the State level is crucial. Population-based acreage targets for acquisition, needs analyses based on measures of supply and demand, and the consolidation of uniform statistics statewide are helpful. But by themselves, these measures are limited in their ability to tell us if we are making recreational opportunities accessible to all populations and achieving the other established State goals for recreation and parks:

- Make a variety of quality recreational opportunities accessible to all of Maryland’s citizens, and thereby contribute to their physical and mental well-being.
- Use parks and recreation facilities as amenities to make communities, counties, and the State more desirable places to live, work, and visit.

- Use State investment in parks, recreation, and open space to complement and mutually support the broader goals and objectives of local comprehensive plans.
- To the greatest degree feasible, ensure that recreational land and facilities for local populations are conveniently located near population centers, are accessible without reliance on the automobile, and help to protect natural open spaces and resources.
- In existing communities and in areas planned for growth, complement infrastructure and other public investments through investment in neighborhood and community parks and facilities.
- Continue to protect parkland and resource land at a rate that equals or exceeds the rate at which land is developed at a statewide level.

The over-arching need for the next round of local land preservation, parks, and recreation plans is to focus more on how well these goals are being achieved and less on the mechanisms used to achieve them. Accordingly, each local plan should show how it will achieve these goals through its spending priorities for acquisition, facility development, and rehabilitation. Specifically, plans and projects should follow these guidelines:

- Plans should be oriented to population centers, communities, and neighborhoods designated for growth and development in comprehensive plans. Parkland and recreational needs, accessibility of populations to recreational opportunities, and spending priorities should be evaluated and determined for those specific areas.
- Spending priorities should emphasize locations accessible to residents in population centers, communities, and neighborhoods, and the use of State funds to make them more desirable places to live, work, and visit.
- Parks and recreation facilities that support highly desirable activities that are most appropriate at community and neighborhood scales should not generally be located in areas designated in comprehensive plans for conservation of agricultural and/ or natural resource land. There may be exceptions in cases where sufficient population exists to merit such parks and facilities, or when such facilities are coupled with parks that preserve significant natural resources.

In addition to these priorities and guidelines, the over-arching recommendation of this plan is that the Department of Planning should form a State/ local work group with the Department of Natural Resources and local recreation and parks representatives, convening during the summer of 2009, to:

- Review the findings, conclusions, priorities, and guidelines of this plan;
- In light of those findings and other issues identified by local governments,

evaluate existing State rules, requirements, and procedures governing local expenditures of POS funds and the preparation of local land preservation, parks, and recreation plans; and

- Make recommendations to the General Assembly about ways in which the State/local process could more effectively achieve the goals of the State plan and local programs, including needs for expanded capital funding for parks and recreation.

Based on the results of the workgroup's deliberations, the Department should:

- Establish by October 2010 any revised *Guidelines* for the planning and implementation process; and
- Propose changes to the General Assembly in the restrictions and requirements governing local use of POS funds for the 2011 legislative session.

Issues to be Addressed by the Work Group

The State/ local work group should address, at a minimum, the following issues:

1. Resolve the apparent discrepancy between the needs-based priorities of many jurisdictions (indicating greater needs for facility development) and information on recreational acreage and population by jurisdiction (indicating substantial needs for acquisition).
2. Determine how the State can most effectively guide and monitor local use of POS funds to achieve State and local goals, while minimizing burdensome restrictions and requirements for spending, data compilation, and reporting.
3. Visit the inconsistencies among jurisdictions' estimates of season length and facility capacity for a number of recreational activities. Decide if this is a problem or merely the natural result of differing circumstances among the counties.
4. Develop and implement a statewide parklands data base that is useful to local governments, is compatible with State and local GIS data, and provides the State with the data necessary to support uniform, complete, and accurate statewide reports to the General Assembly on parklands and facilities. MEIRS (Maryland's Electronic Inventory of Recreational Sites) was created for this purpose, but it has shortcomings and has not been sufficiently embraced and populated by all necessary State and local partners.
5. Determine what types of statewide surveys and facility and community audits would best support useful needs analyses for future rounds of recreation and parks planning under POS law. Explore with local governments the potential value of a statewide survey of recreational activities similar to one performed by MDP and DNR in 2003; a facility audit that local governments could use to evaluate

maintenance and safety needs and deficiencies; and a community audit that local governments could use to evaluate perceived safety, accessibility, and adequacy of existing lands and facilities.

6. Determine how to fund and perform the surveys and audits needed.
7. Evaluate the use of available standards to gauge demand for specific parks and recreational facilities at neighborhood and community scales as a means to help local governments to identify needs and spending priorities.

Cultural and Historic Resource Conservation

Counties were not required to include cultural and historic resources in their LPPRPs, and the great majority did not. However, based on reviews of local comprehensive plans and the Maryland Historical Trust's programs, we can draw a number of general conclusions about how counties and municipalities – especially municipalities – approach the preservation of historic and cultural resources.

Findings:

- The Maryland Historical Trust (MHT) holds historic preservation easements on more than 600 significant architectural or archaeological properties on about 11,000 acres and supports the state's 220 history and cultural museums with grants and technical assistance. Heritage tourism is the third most popular reason to visit the state, trailing only shopping and beach going.
- Most of Maryland's historic properties are privately owned and must function in the present. MHT offers guidance and assistance to the thirty-three municipalities and fifteen counties that have enacted local historic area zoning ordinances. These jurisdictions identify and designate historic landmarks and historic districts and establish local programs to protect them from demolition, neglect, and destructive alterations. State incentives to support the maintenance and protection of private historic properties are described in Chapter IV.
- These accomplishments notwithstanding, historic preservation remains a poor stepsister of planning. It often appears in isolation or even as an afterthought, not well integrated with other planning matters. For example, a comprehensive plan may emphasize Main Street or neighborhood revitalization without mentioning the importance of historic preservation in attaining those goals. Preservation's crucial role in establishing a sense of place and contributing to the economy and long-term stability of a community is often overlooked.
- Communities are unaware of the wide range of grants, loans, tax incentives, and technical assistance available for historic preservation planning and the preservation of historic and cultural resources. The differences between

designation on the local landmarks list and in the National Register of Historic Places are also not understood in many local plans.

- Many local governments are content to rely on education and incentives to protect historic and cultural resources but are reluctant to create a local historic preservation district, which is the only mechanism for keeping a resource's historic features intact or prohibiting demolition. Many jurisdictions lack the financial resources to adequately support a historic preservation program.
- The public funds spent on preservation tax credits and other programs leverage an enormous amount of private investment. This particular mix of public and private investment has revitalized older towns and cities all over Maryland.
- Because it is so effective in enhancing the quality of life in older neighborhoods, historic preservation is an excellent smart growth tool. It should also be in the forefront of thinking about "green building." Reusing an existing building saves energy, construction materials, and open space.
- The cap on Heritage Structure Rehabilitation Tax Credits, in conjunction with other factors, compromises the effectiveness of preservation programs. Sponsors of smaller and more marginal projects are discouraged from participating because of the lack of certainty of outcome, the cost of preparing an application that may prove unsuccessful in the competition for limited credits, and the difficulty of keeping financing commitments in place during the evaluation process.
- The Section 106 review process for State capital projects and for permits, licenses, and financial assistance for projects that may affect historic properties has not been revised significantly in two decades, while changes in federal project review statutes and regulations have improved the federal process. Updates are needed to the State undertakings statute in order to assure that the best practices developed as part of the federal review process are implemented at the State level in Maryland. Changes are also needed to reflect recent court rulings in Maryland.
- The State Historic Preservation Office is federally designated as the official repository for information on historic properties in Maryland. Nearly 100% of documentation is now in the form of digital photographs. Storage needs could grow 85 gigabytes annually in order to accommodate the shift to digital photography archiving. A top priority for MHT is to better harness technology to improve efficiency in daily operations. Most of the solutions revolve around delivering information over the Internet to customers and receiving information electronically through the Web.

- DNR's Resident Curatorship Program establishes a public/private partnership that protects and restores historic structures on public land. Curators pledge to restore the historic properties, using their own funds and labor, and maintain them in good condition in exchange for a lifetime lease.

Recommendations:

- Despite its success, the Maryland Heritage Areas Authority faces critical issues, including how to measure program performance, how to market heritage areas, and the sustainability of the Maryland system of heritage areas. Accordingly, the Authority will be initiating a strategic plan to address these critical issues and chart a path for continued development and potential redirection of the program over the next ten years. DNR anticipates including historic structures as part of its Asset Inventory and Management System.

Promote Coordination among State Agencies Regarding the Preservation of Historic Properties

- Integrate historic preservation into planning, transportation, school facility construction, and heritage tourism efforts statewide to increase scenic byway development, community revitalization, and economic development in distressed, urban/PFA communities.
- Encourage greater coordination among State agencies regarding financial incentives and community development tools available to county and local governments (e.g., Main Street Maryland, Community Legacy, and Transportation Enhancements) as they relate to historic properties, and incentivize new and existing programs to encourage preservation and adaptive use of existing buildings. Consider amending existing funding guidelines to prioritize historic communities in the selection process.
- Update provisions of the Maryland Historical Trust Act (MHTA) of 1985 (State 106) that afford consideration to historic properties from adverse effects resulting from State actions to assure that the best practices developed as part of the federal Section 106 review process continue to be implemented at the State level.
- Implement regulations for the State 106 process.
- Establish State agency program statements and a consultative process between heritage areas and State agencies as required in MHTA statute and regulations.
- Expand penalties for violation of the Maryland Maritime Archaeology Program statute and regulations to deter looting of significant archaeological sites and improve the ability of enforcement agencies to protect such resources.

Ensure Appropriate Stewardship of State-Owned Historic Properties

- Ensure that all State agencies comply with the spirit, intent, and provisions of State 106 requirements, in consultation with MHT.
- Ensure that properties owned by State agencies are adequately and appropriately maintained.
- Provide adequate documentation of all State-owned historic property through the completion of Maryland Inventory of Historic Property forms.
- Plan for the preservation and utilization of historic properties that are acquired by State agencies individually or as part of a larger land acquisition project, including identifying the required financial resources for the maintenance and appropriate reuse of the historic properties, and avoiding acquisition when appropriate.
- Institute a “heritage first” policy regarding the use, lease, and acquisition of State property (similar to the federal 1976 Public Buildings Cooperative Use Act).
- Encourage the development of curatorship programs to help maintain unused State property.
- Require State agencies to consult with the Trust prior to the acquisition and/or disposal of all State properties in compliance with State 106 legislation, to ensure the appropriate stewardship and treatment of any historic properties that may be affected by acquisition or disposal actions.
- Require State agencies proposing to dispose of State-owned historic properties to ensure that the transfer provides for the preservation or enhancement of the historic property, through a perpetual easement or other protective measure.
- Allow exemptions for the disposal of historic properties within State holdings, with a perpetual easement or other protective measure, where such transfer will ensure the appropriate stewardship of the historic property.

Encourage the Sensitive Rehabilitation of Historic Buildings

- Reauthorize the Heritage Structure Rehabilitation Tax Credit Program for commercial historic buildings, removing the aggregate cap on the program and restoring it to a real "tax credit" program with predictability for users.
- Consult with MHT when hiring consultants and/or work with MHT to develop a list of appropriate contractors/consultants for work on State-owned historic property.
- Incorporate green building principles without compromising historic fabric when undertaking capital projects on State-owned historic structure. The

integrity of State-owned historic structures should not be compromised in an effort to meet LEED standards.

- Develop guidance documents demonstrating how historic preservation principles and green building guidelines may be integrated.

Improve Preservation Planning Tools

- Identify historic and cultural resource survey activities as a priority activity in order to provide data needed to inform local and statewide planning decisions and assist developers and project planners to more easily comply with federal, State, and local laws.
- Synthesize Maryland's archaeological data and make it available in the form of a searchable database.
- Launch a Web-accessible comprehensive statewide inventory of historic properties that provides up-to-the-minute data on historical and cultural resource documentation.
- Provide better guidance to local jurisdictions about including historic preservation in the comprehensive planning process and encourage active involvement by MHT during the draft process.
- Create a pay-for-performance grant program through which the State can support local-government-sponsored heritage preservation programs that will greatly enhance the identification, documentation, and protection of historic resources of significance to local communities, the state, and the nation. Such a program will provide local governments with financial and human capital needed to undertake new or expanded historic preservation initiatives and provide incentives to communities to provide professional, well run, effective programs benefiting the citizens of Maryland.

This plan begins the next round of land preservation, parks, and recreation planning called for in POS law. As discussed in Chapter I (Introduction), the State and local effort leading to this plan differed considerably from its predecessors. Changes were made to the scope, content, and emphasis of the State and local plans, both to address deficiencies in the utility of the process for State and local participants concerned with recreation and parks, and to place equal emphasis on agricultural and natural resource conservation.

These changes required considerable additional staff, time, and resources at both State and local levels. The next round of planning will be designed to maintain continuity of the process and minimize any additional workload for participants. Using this plan as a point of departure, the State will work with local governments to:

- Undertake inquiries and studies needed to answer unresolved questions identified in this and the local plans;
- Re-assess and reconsider findings and recommendations where their accuracy, utility, or effectiveness is in doubt;
- Pursue implementation of the recommendations in this and the local plans and monitor progress;
- Limit the focus of the next round of plans to update findings, conclusions, and recommendations and address other important issues identified by State or local governments or through public input; and
- Compare the potential local side POS share to the total estimated need for the planning period until 2020.

The process will be designed to advise elected officials and citizens of the findings and recommendations of the plan; seek input on findings, conclusions, and implementation of recommendations; and seek input on other issues and objectives to be addressed through the next round of planning. This will occur through local and regional meetings and workshops and dissemination of information via the Internet and local and regional organizations identified by participating State and local agencies, beginning with distribution of the plan.

State Comprehensive Outdoor Recreation Plan

DNR's *State Comprehensive Outdoor Recreation Plan for DNR Lands* (SCORP) is intended to improve DNR's effectiveness in its role as land steward and fulfill the requirements of both Program Open Space law and the federal government's Land and Water Conservation Fund.

The four purposes of the *State Comprehensive Outdoor Recreation Plan for DNR Lands* are:

- to provide for natural and cultural resource stewardship and interpretation opportunities and, where appropriate, complementary recreational uses;
- to ensure that DNR develops a balanced system of State natural resource and recreation lands in which individual properties are viewed from the system-wide perspective;
- to guide land conservation and recreational development priorities and enhance inter-agency coordination; and
- to improve public understanding of DNR's mission and land use activities, and public involvement in the decision-making which affects DNR's land holdings.

Specific goals of the SCORP focus on:

- Land conservation. These goals address protection of recreational open space and natural resource lands; protecting and expanding access to water resources; new opportunities to enhance biological diversity; connecting communities to natural areas; and preserving and enhancing important historical and cultural properties;
- Recreational development. These goals include maintaining and enhancing natural-resource-based recreation experience in parks, State forests, and wildlife management areas, as well as near urban areas;
- Preventing adverse recreational impacts to natural resources by preventing overcrowding and adverse user impacts on existing resource-based units; and
- Locating major user-oriented facilities in areas with few development constraints.

Findings and Recommendations:

This decade has been a time of significant fiscal constraints and uncertainty. At the same time, demands on DNR lands for a variety of public purposes continue. In response, DNR has examined the State's entire land management system (Volume 2 of this plan) and identified the following recommendations to guide future priorities for an array of programs and actions, including land acquisition, planning, development, public use, and resource protection.

Education and Interpretation

- Work with the Forest Service and the Maryland Park Service (MPS) and other appropriate units of DNR to publish educational materials describing each land unit's important natural and cultural features (geology, landscape types, flora and fauna both rare and common, historic structures or archaeological sites), why they are important, and how they can be viewed by visitors;
- Identify opportunities to connect schools and communities to natural areas using trails as part of the Children in Nature Partnership;
- In cooperation with the Maryland Conservation Corps, Justice Corps, and MPS, implement a program for high school volunteers to construct and maintain projects on DNR properties as a means for students to fulfill community service requirements; and
- Expand partnerships with local school systems, colleges, and universities to use DNR properties as laboratories for conservation education initiatives as part of the Children in Nature Partnership.

Funding

- Develop and implement a market-based fee structure for non-DNR related uses of DNR lands;
- Adjust budget procedures as necessary to insure that all revenue enhancements are allocated to operation and maintenance of Forests, Parks, and Wildlife Areas;
- Develop and implement policy with respect to private development and/or operation of particular types of recreational facilities or services on DNR properties;
- Develop a marketing approach for increasing park visitation in off-peak periods; and
- Review leases or other use arrangements and make adjustments as necessary to reflect market value of the property rights utilized while maintaining compatibility with wildlife habitat and recreation requirements.

Technical Assistance and Other Partnerships

- Provide technical assistance to local governments in developing local parks or greenways where DNR does not have an ownership presence;
- Expand its partnership arrangements with the Maryland Environmental Trust, private land trusts, counties and municipalities, and other State agencies;
- Identify and promote joint DNR-local construction and operation of recreational facilities serving a local need while helping to forward DNR purposes;
- Provide technical and financial assistance to local sponsors of regional rail trails; and
- Provide technical and financial assistance to counties in the Mid-Shore region, where an extensive network of inactive and abandoned railroad lines exist.

Research and Planning

- Cooperate with MDP to conduct a new statewide survey of outdoor recreation participation and preferences. This survey should be updated at no greater than 10-year intervals;
- Initiate regular and consistent monitoring of State Parks visitors in order to be able to profile who uses the facilities, where they come from and why, and what they do when they visit;
- Identify natural plant communities throughout the state that are rare or threatened and identify highest quality examples of common communities. Highest priority should be given to identifying these communities on DNR properties;

- Study opportunities to consolidate existing office and shop facilities to support operations statewide; and
- Survey, verify, and mark existing State land boundaries in order to avoid encroachments and optimize use of existing lands. Resolve existing intrusions onto DNR land.

Program Open Space

- Targeting and Ranking—Land Conservation: To ensure efficient use of limited land acquisition funding, DNR has set several objectives:
 - ♣ Be more strategic since conservation opportunities exceed available funding;
 - ♣ Target land conservation based first on ecological priorities; and
 - ♣ Create a more transparent process supported by science.

Being more strategic, stateside POS will pursue ecological protection as its primary focus while still allowing for other land purchases of merit. The ecological targeting procedure that POS will follow is described in detail in the SCORP, Volume 2 of this plan. Rural Legacy will follow a similar strategic approach.

Historical and Cultural Sites

- Develop cooperative working relationships with historic preservation groups;
- Highlight African-American history and the experience of enslaved people, and protect the landscapes and open spaces around important African-American sites;
- Obtain additional resources so that DNR is better able to manage and protect its historic and cultural resources. Develop a stable funding source for the care and long-term maintenance of historic properties, along with a long-range plan to address deferred maintenance;
- Continue funding and staffing the Resident-Curatorship Program; and
- Complete an updated inventory of existing historic structures. In cooperation with the Maryland Historical Trust, the sites should be evaluated for eligibility on the National Register of Historic Places.

Many other recommendations dealing with conservation practices, regional opportunities, and specific types of recreation are available in the full *State Comprehensive Outdoor Recreation Plan*, published as Volume 2 of this 2009 *Maryland Land Preservation, Parks, and Recreation Plan*.









Smart, Green & Growing

MARTIN O'MALLEY
GOVERNOR

ANTHONY G. BROWN
LT. GOVERNOR



Maryland Department of Planning

RICHARD EBERHART HALL, AICP
SECRETARY

MATTHEW J. POWER
DEPUTY SECRETARY