



# Worcester County Agricultural Land Preservation News

Newsletter for Landowners

Volume 8

## \$73.2 Million Available Statewide for MALPF for FY23

The FY23 MALPF (Maryland Agricultural Land Preservation Foundation) capital budget for statewide purchase of conservation easements is \$73.2 million. Worcester County’s share for “first round” funding is anticipated to be at least \$1.2 million. Additional funding is dependent on county match from retained agricultural transfer tax revenue and the general fund. How much funding comes to Worcester County landowners also depends on the easement sale offers made by applicants, as additional state funds (“second round”) are

used to purchase the best bargains offered statewide.

The FY23 budget is a \$19 million increase over the FY22 budget; the increase is mainly due to the rise in real estate activity in Maryland.

MALPF is funded primarily from the state real estate and agricultural transfer tax revenue. These revenue sources were established by the state to fund land conservation. Many counties, including Worcester, provide a general fund cash match annually as well.

Eight (8) applications for FY23 easement sale were accepted in spring of 2022 in Worcester County, the applicants owning a total of 1,346 acres.

Offers from MALPF will be made by letter to highest ranking FY23 applicants in spring 2023.

FY24 applications will be accepted February to May 2023.

Six (6) landowners in Worcester County received offers in the FY22 application cycle. These are anticipated to settle within the next year.

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### As of September 2022:

- **There are 63 properties, owned by 45 landowners, in the MALPF program in Worcester County.**
- **9,664.07 acres in Worcester County are protected by MALPF easements.**
- **Over 33,000 acres of privately owned land is under permanent conservation easement in Worcester County, or 10% of Worcester’s land area.**
- **There are over 110,000 acres of cropland in Worcester County.**



*Farm protected by MALPF easement in Worcester County; June 23, 2022*

# Common MALPF Easement Violations Can be Avoided

In many cases, violations are due to mistakes or misunderstandings on the part of the landowner. Correcting violations can be costly, so it is important for participating landowners to be aware of all provisions in their deed of easement. If in doubt, please seek legal counsel, and/or contact the county program administrator, or the MALPF office, before making a decision about a land use change.

**SCWQP/FSPs** All landowners are required to have a Soil Conservation and Water Quality Plan that is not more than ten (10) years old. In addition, many landowners are required to have a Forest Stewardship Plan. Landowners that remain out of compliance may lose access to MACS funding or additional MALPF funding.

**Agricultural Subdivision** There are no circumstances in which a landowner is allowed to transfer a portion of a farm under MALPF easement without board review and approval. Whether the land is made up of two or more parcels of land, is divided by a road, or the subdivision

*If you have a question about a specific law, or provision of the option contract, deed of easement, or any legal document, please seek legal counsel.*

would be allowed by zoning, permission must first be obtained.

**Junk/Debris.** The deed of easement disallows “dumping”. While very old dump sites are not uncommon on farms and generally exempt from this provision, new dumping of any sort is not allowed on a MALPF easement.

**Right-of-Ways:** Granting a new ROW may conflict with a MALPF deed of easement. Prior to granting a new ROW, please contact the program administrator.

**Subdivision for Residential Use:** While some deeds of easement permit subdivision for creation of a new lot (or lots), there is an application and review process. Please contact the program administrator for assistance.

**Alternative Energy:** MALPF policy allows for the installation and use of these systems, provided that the energy generated does not exceed 125% of the energy used on an annual basis, for residential and agricultural uses. Landowners are allowed to be reimbursed by the energy utility/provider for excess power generated, which exceeds 100% of the energy used on an annual basis, up to the cap of 125%.

**Commercial Use:** Most commercial uses are disallowed. Commercial uses that are associated directly with production on the farm and that are limited in scope, *could be* allowed. There is an application and review process depending on the proposed use and how it relates to the individual farm. Please contact the program administrator if planning any commercial use.

Landowners planning a land use change should communicate to ensure violations are avoided. Please contact the program administrator or the MALPF office, to discuss any questions, prior to starting and during any land use change. Contact information is on the last page of this newsletter.

## Landowner Spotlight



Christian Martin with his grandfather Wayne Holland

**Christian Martin** (Glad Mar Grain) is a third-generation grain / fresh vegetable farmer in Pocomoke City.

He says: “From a young age I knew I would be a farmer, almost all summers and weekends throughout school I could be found right next to my Pop-Pop, whether it was maintaining equipment in the shop or working in the field, I was there.”

Glad Mar Grain has enrolled properties in MALPF and the Rural Legacy Program starting in 2013. Mr. Martin says he and his family company have participated in MALPF mainly to ensure that the land they own will be permanently in agricultural use. MALPF payments have also allowed the company to purchase farms that would otherwise not have been possible.

“MALPF is an amazing asset to Maryland’s “ag” community, not only does it ensure the continuation of agriculture in the state, it also helps farmers to combat the ever-rising land prices due to housing, tourism, and the expansion of the towns and cities the farms surround,” he says. “MALPF ensures that at least some farms will never be gone.”

## How Do I Apply to Sell an Easement to MALPF?

Applications to sell an easement to MALPF are generally accepted annually, and are due in mid-May each year.

The property must meet minimum soils requirements set by the Worcester County agricultural land preservation board, and the property must have residential subdivision rights available to extinguish.

Applications are ranked according to a system prepared by the Worcester County agricultural land preservation advisory board and approved by the county commissioners. The same ranking system has been in place since 2013. Ranking criteria include soil index, and other factors including farm size, adjacency to protected farms, proximity to developed land, development rights available, and location within the county's Priority Preservation Area (see map on page 4).

As part of the application, applicants submit a bid—this is the payment per acre they are willing to accept to sell the easement. Applicants offering an amount lower than the appraised value of the easement receive additional ranking points. Funding is generally available to make offers to the highest ranking applications. It's important for applicants to be aware that the state program uses a portion of the state funding available each year for so-called "second round offers". These offers are made, after the top-ranking applicants have accepted offers, to the remaining applicants who offered the greatest discounts, statewide. Applicants should consider their bid carefully because it can determine if they will receive an offer.

Average payment per acre in Worcester County in recent application cycles:

FY18: \$2,400/acre

FY19: \$2,000/acre

FY20: \$2,325/acre

FY21: \$2,680/acre

FY22: \$2,333/acre

For more information regarding the application process please contact the county program administrator.

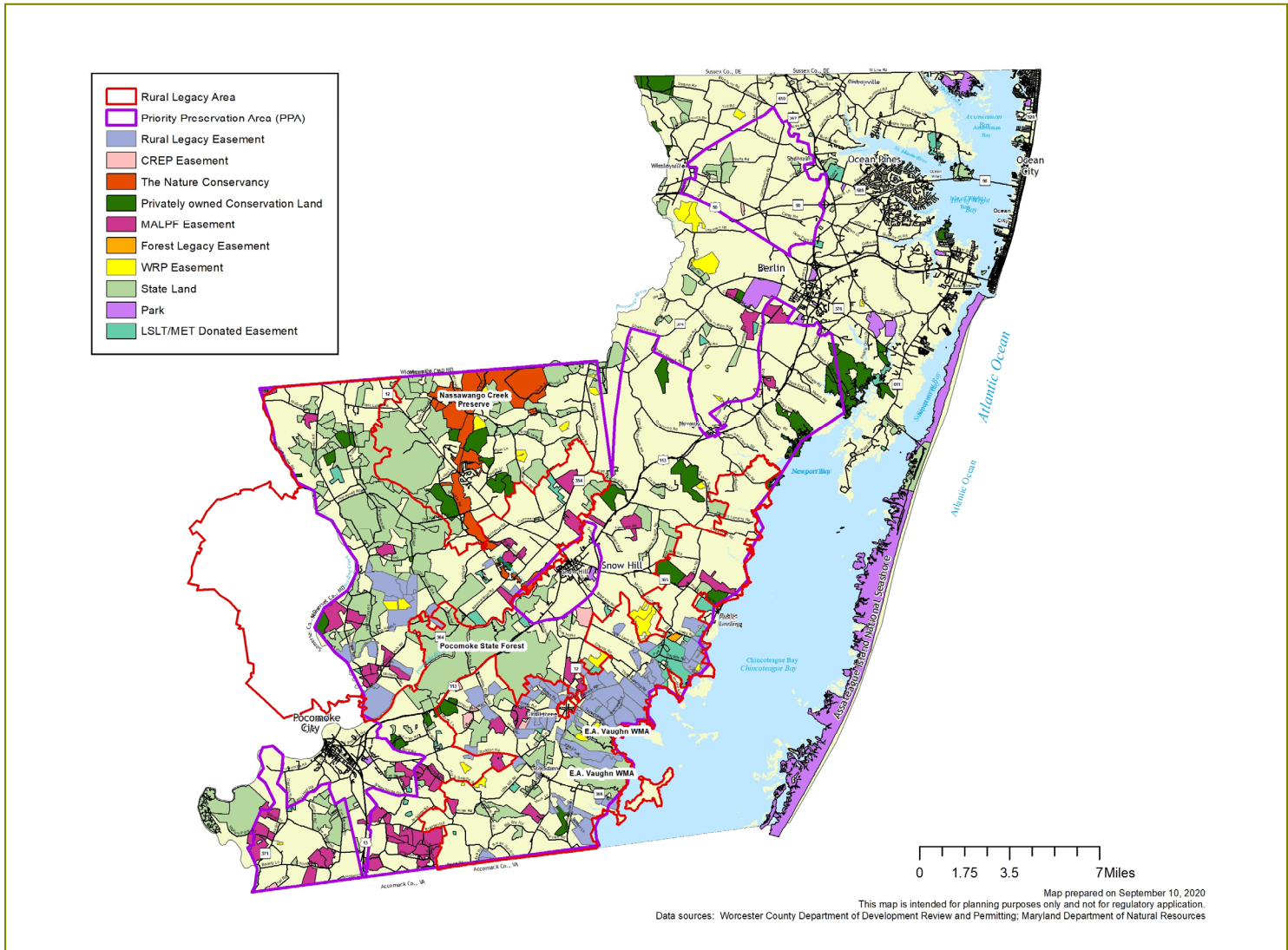


*Farm protected by MALPF easement in Worcester County, June 28, 2022*

## MALPF Easements (Eastern Shore, as of June 2021)

<i>County</i>	<i>Total Easements</i>	<i>Acreage</i>	<i>Percent of State Total</i>
Caroline	234	33,922	10.06%
Dorchester	99	15,610	4.63%
Kent	119	22,196	6.58%
Queen Anne's	192	32,527	9.64%
Somerset	57	6,349	1.88%
Talbot	83	12,853	3.81%
Wicomico	63	7,634	2.26%
<b>Worcester</b>	<b>58</b>	<b>9,259</b>	<b>2.74%</b>
<b>TOTAL</b>		<b>140,350</b>	<b>42%</b>

# Protected Lands in Worcester County, Maryland, September 2022



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## Members of the Worcester County Agricultural Land Preservation Advisory Board:

- Kathy Drew, Bishopville
- Kelley Gravenor, Snow Hill
- Glenn Holland, Pocomoke City
- Alan Hudson, Berlin
- Curt Lambertson, Stockton
- Ed Phillips, Whaleyville
- Vacant, Berlin

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