

HOUSE BILL 779

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7lr1806
CF 7lr3378

By: **Delegates Mautz, Adams, Lafferty, McComas, Robinson, and Stein**

Introduced and read first time: February 3, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Conserving Working Waterfront Farms Act of 2017**

3 FOR the purpose of altering the contents of certain criteria developed by the Maryland
4 Agricultural Land Preservation Foundation for counties to consider when
5 determining whether a property qualifies for the Critical Farms Program; requiring
6 the State Department of Agriculture to report to certain committees of the General
7 Assembly on or before a certain date on certain efforts; and generally relating to
8 encouraging easement purchases on working waterfront farms under the Critical
9 Farms Program.

10 BY repealing and reenacting, without amendments,
11 Article – Agriculture
12 Section 2–517(a)
13 Annotated Code of Maryland
14 (2016 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article – Agriculture
17 Section 2–517(b)
18 Annotated Code of Maryland
19 (2016 Replacement Volume)

20 Preamble

21 WHEREAS, Maryland’s moral obligation to restore the health of the Chesapeake
22 Bay is not only evident by its steadfast commitment to invest billions of taxpayer dollars
23 through existing Chesapeake Bay related policies and programs, but also by a continued
24 vigilance of looking forward to other creative strategies intended to enhance these efforts;
25 and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Maryland's land conservation programs are especially helpful in
2 protecting sensitive environmental areas deemed requisite to a healthier Chesapeake Bay
3 because they perpetually prevent open space conversion to development, which is
4 consistent with the intent, among other programs, of Maryland's nationally acclaimed
5 Chesapeake and Atlantic Coastal Bays Critical Area Protection Program; and

6 WHEREAS, Every working waterfront farm in the State is subject to Maryland's
7 Critical Areas law, and property owners often find it increasingly difficult to resist lucrative
8 financial offers advanced by the development community to purchase these coveted areas
9 for nonagricultural purposes because of the intrinsic value associated with living on the
10 water; and

11 WHEREAS, Under Maryland's Program Open Space, the Secretary of Natural
12 Resources must consider prioritizing the conservation of working landscapes in accordance
13 with § 5-903 of the Natural Resources Article; and

14 WHEREAS, It is the intent of this Act that the Maryland Agricultural Land
15 Preservation Foundation complement Program Open Space by giving priority consideration
16 to the purchase of easements on working waterfront farms under its Critical Farms
17 Program because the General Assembly declares the conversion to development of farms
18 located in the Critical Area as contrary to Maryland's Chesapeake Bay restoration goals;
19 now, therefore,

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 Article – Agriculture

23 2-517.

24 (a) (1) The Maryland Agricultural Land Preservation Foundation shall
25 establish a Critical Farms Program that is separate and independent from the
26 requirements of the Maryland Agricultural Land Preservation Program established under
27 this subtitle.

28 (2) The purpose of the Program is to provide interim or emergency
29 financing for the acquisition of agricultural preservation easements on critical farms that
30 would otherwise be sold for nonagricultural uses.

31 (b) (1) The Foundation, with county approval, shall determine if a property
32 qualifies for the Critical Farms Program in accordance with the criteria developed under
33 paragraph (2) of this subsection.

34 (2) (i) The Foundation, in consultation with the Department of
35 Planning, shall develop criteria for counties to consider when determining whether a
36 property qualifies for the Program.

1 (ii) The criteria shall include:

2 1. The qualifying strategic characteristics of the property,
3 including location [and], productivity, **AND OTHER BENEFITS ATTRIBUTABLE TO**
4 **WILDLIFE HABITAT ENHANCEMENT, SHORELINE PROTECTION, AND WATER QUALITY**
5 **PROTECTION;**

6 2. The circumstances creating the risk of the property being
7 sold for nonagricultural purposes;

8 3. When applicable, the characteristics of the purchaser of
9 strategic farmland seeking assistance from the Program;

10 4. The consistency of the proposed acquisition with county
11 goals and priorities and, if applicable, the county's priority preservation area; and

12 5. Evaluation of the property as a priority easement
13 acquisition, **WITH PRIORITY STATUS AFFORDED TO WORKING WATERFRONT FARMS**
14 **LOCATED IN THE CRITICAL AREA AS DEFINED IN § 8-1802 OF THE NATURAL**
15 **RESOURCES ARTICLE.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1,
17 2017, the State Department of Agriculture shall report to the Senate Education, Health,
18 and Environmental Affairs Committee and the House Environment and Transportation
19 Committee, in accordance with § 2-1246 of the State Government Article, on its efforts to
20 encourage easement purchases on working waterfront farms in accordance with this Act.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
22 1, 2017.