

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 890

(Delegate Kach, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Land Preservation - Land Draining to a Reservoir

This bill requires that consideration be given to conserving land that drains into a reservoir in the State when local governments prioritize applications for Maryland Agricultural Land Preservation Foundation (MALPF) easements and the Secretary of Natural Resources allocates State Program Open Space (POS) funds.

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: The bill does not materially affect local finances.

Small Business Effect: Minimal.

Analysis

Current Law/Background: POS, established in 1969 and administered by the Department of Natural Resources (DNR), provides funds for State and local conservation acquisitions and development of public outdoor recreational sites, facilities, and open space. The State share focuses on the acquisition of land for natural resource conservation with the inclusion of low-impact recreational activities where appropriate. The local jurisdiction share is used primarily for the acquisition and development of high-impact recreational sites and facilities. As of January 6, 2011, the State share had preserved 309,234 acres and the local share had preserved 44,454 acres. While bond funds were provided most recently, POS is principally funded through special funds derived from the State's transfer tax, which imposes a 0.5% tax on all real property recorded in the State.

DNR utilizes “GreenPrint” and “Green Infrastructure” evaluation tools to target the most desirable lands for conservation under State POS; priority is not specifically given to conserving land that drains into a reservoir. GreenPrint identifies “targeted ecological areas” statewide and Green Infrastructure evaluates properties in relationship to connected hubs and corridors, ecologically significant areas, and restoration opportunities. These two land conservation prioritizing tools were created to (1) provide a framework for protecting the most ecologically significant lands given limited resources; and (2) inform local jurisdictions about strategic lands for protection to facilitate supportive planning and zoning policies.

MALPF, established in 1977 and administered by the Maryland Department of Agriculture, purchases agricultural preservation easements that restrict development on prime farmland and woodland in perpetuity. In addition to funding from the State transfer tax, MALPF is funded with agricultural land transfer taxes, local matching funds, and the U.S. Department of Agriculture’s Federal Farmland Protection Program. MALPF settled on its first purchased easement in October 1980. As of January 2011, MALPF had cumulatively purchased or had a pending contract to purchase conservation easements on 2,080 farms covering 283,523 acres.

Currently, MALPF easements must meet minimum size and soil productivity criteria and are prioritized by county ranking systems (subject to MALPF approval). Also, preference must be given to properties within priority preservation areas if a county has identified such areas.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore, Charles, Frederick, and Montgomery counties; Maryland Association of Counties; Maryland Department of Agriculture; Department of Natural Resources; Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2011
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