

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 779 (Delegate Mautz, *et al.*)
Environment and Transportation

Conserving Working Waterfront Farms Act of 2017

This bill modifies criteria used to determine whether a property qualifies for interim or emergency financing under the Critical Farms Program. The criteria of “qualifying strategic characteristics of the property” is further defined to include, in addition to location and productivity, “other benefits attributable to wildlife habitat enhancement, shoreline protection, and water quality protection.” The criteria of “evaluation of the property as a priority easement acquisition” is supplemented with a requirement that priority status be afforded to working waterfront farms located in the Critical Area, as defined under the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program. The Maryland Department of Agriculture (MDA) must report to specified legislative committees by December 1, 2017, on its efforts to encourage easement purchases on working waterfront farms in accordance with the bill.

This bill takes effect June 1, 2017.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: Minimal or none.

Analysis

Current Law/Background:

Critical Farms Program

Chapter 155 of 2005 (as modified and added to by Chapter 581 of 2011) requires the Maryland Agricultural Land Preservation Foundation (MALPF) to establish a Critical Farms Program that is separate and independent from the requirements of the Maryland Agricultural Land Preservation Program and has the purpose of providing interim or emergency financing for the acquisition of agricultural preservation easements on critical farms that would otherwise be sold for nonagricultural uses. Chapter 581 establishes a Critical Farms Fund within MDA to finance the acquisition of agricultural land preservation easements on critical farms by (1) the purchase of easement options and (2) the purchase of a fee simple interest in land and resale with an agricultural land preservation easement in place.

MALPF, with county approval, must determine if a property qualifies for the program. The criteria that must be considered by MALPF and the counties in making a determination include:

- the qualifying strategic characteristics of the property, including location and productivity;
- the circumstances creating the risk of the property being sold for nonagricultural purposes;
- when applicable, the characteristics of the purchaser of strategic farmland seeking assistance from the program;
- the consistency of the proposed acquisition with county goals and priorities and, if applicable, the county's priority preservation area; and
- evaluation of the property as a priority easement acquisition.

Chapter 581 authorized the Governor to include in the budget each year an appropriation to the Critical Farms Fund consistent with section 5 of the Agricultural Stewardship Act of 2006 (Chapter 289). Section 5 of Chapter 289 expressed the General Assembly's intent that, to the extent funds are available, the Governor provide \$20 million annually in general funds for MALPF over and above any other funding the foundation receives from other sources, and that MALPF be permitted to use the additional funding for, among MALPF's existing easement acquisition program and other things, the Critical Farms Program.

To date, however, the Critical Farms Program has not been developed or funded.

Chesapeake and Atlantic Coastal Bays Critical Area

Chapter 794 of 1984 established the Chesapeake Bay Critical Area Protection Program in order to minimize damage to water quality and wildlife habitat by fostering more sensitive development activity along the shoreline areas of the Chesapeake Bay and its tributaries. The goals of the program include the protection of water quality, the conservation of habitat, and the accommodation of future growth and development without adverse environmental impacts.

Chapter 794 identified the Critical Area as all land within 1,000 feet of the mean high water line of tidal waters or the landward edge of tidal wetlands and all waters of and lands under the Chesapeake Bay and its tributaries. In 2002, the affected area was expanded to include the State's coastal bays.

Additional Information

Prior Introductions: None.

Cross File: SB 719 (Senator Eckardt) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Department of Agriculture; Department of Natural Resources; Department of Legislative Services

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md/lgc

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