



# Worcester County Agricultural Land Preservation News

Newsletter for Landowners

Volume 7

## \$42 Million Available Statewide for MALPF for FY21

The approved FY21 MALPF (Maryland Agricultural Land Preservation Foundation) budget, statewide, is \$42,105,178. Worcester County's share for "first round" funding is anticipated to be up to \$730,000, dependent upon the county match from retained agricultural transfer tax revenue and the general fund. How much funding that comes to Worcester County landowners also depends on

the easement sale offers made by applicants, as half of the state funds ("second round") go to the purchase of the best bargains offered state-wide.

MALPF is funded entirely 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 gen-

eral fund cash match as well.

Six (6) applications for FY21 easement sale were accepted in spring of 2020 in Worcester, the applicants owning a total of 566 acres.

Offers from MALPF will be made by letter to highest ranking FY21 applicants in spring 2021.

FY22 applications will be accepted Feb-May 2021.

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## Landowner Spotlight

Brooks Aydelotte, and his sons, Ryan and Tyler, grow soybeans and wheat as well as raise chickens for Mountaire, on multiple properties in southern Worcester County. Brooks, who was raised on a farm, and has been farming his entire life, purchased a property protected by a MALPF easement in 2013. Subsequently, he sold two easements to MALPF on nearly 300 acres, purchased another farm protected by a MALPF easement, and has another easement sale pending on 121 acres. His son, Tyler, also recently sold an easement to MALPF.

He says participating in the MALPF program allowed him to purchase additional farmland he would otherwise have been unable to acquire. Despite the challenges posed by weather, and price variations, and the pressure of recent hyper expansion of new poultry housing, the family enjoys and is passionate



Ryan, Brooks and Tyler Aydelotte, 3rd and 4th generation farmers, continue their family legacy of farming in Worcester County.

about the essential work they do. Mr. Aydelotte also notes the importance of availability of land for the agricultural sector— keeping farmland in farm use and not fragmented by conflicting commercial and residential development is essential to the continued health of the agricultural sector.

He says one thing he would like non-farmers to understand is that "Farmers can't farm without land and people can't eat without food."

### As of September 2020:

- There are 57 properties, owned by 43 landowners, in the MALPF program in Worcester County.
- 9,078 acres in Worcester County are protected by MALPF easements.
- Over 31,000 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 farmland in Worcester County.

# Common MALPF Easement Violations Can be Avoided

More than 2,300 farms (nearly 320,000 acres) statewide participate in the MALPF easement purchase program. One of the biggest challenges as the program has aged and grown, and properties have transferred to new owners is the prevention of easement violations. 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 less than ten (10) years old. In addition, many landowners are required to have a Forest Stewardship Plan not less than ten (10) years old. 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

*If you have a question about a specific law, regulation, policy, or provision of the district agreement, option contract, deed of easement, or any forms, please consult legal counsel.*

landowner is allowed to sell off 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 would be allowed by zoning, is irrelevant.

**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, or a new collection of disused junk, 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.

**Overlay Easement:** No additional easements of any sort may be granted, typically. Please contact the program administrator for more information.

**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.

Each MALPF easement is unique, depending upon settlement date, size of the property, lot options chosen, and sometimes other conditions. 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.



Property protected by MALPF easement in Worcester County, 2019

## Monitoring: What to Expect

MALPF easements are required to be monitored from time to time to ensure that easement provisions are being met. (If Federal Farmland Protection Program funds were used to purchase an easement, annual monitoring is required. The county monitors 10-15% of all other easements annually.) Prior to a monitoring visit, you will receive a letter and an e-mail or phone call to schedule the inspection, and the opportunity to accompany the monitors on their visit.

During the visit to your property, the following will be reviewed: general land use, including any recent or planned changes; implementation of your forest stewardship plan and/or soil and water quality plan; evidence of dumping. Most monitoring visits last less than one hour.

## 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.

In order to be eligible for the program, a property must be at least 50 acres in size, or, adjacent to an existing MALPF easement (or application). The property must meet minimum soils requirements set by the local 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 local 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 1-3 highest ranking applications. It's important for applicants to be aware that the state program uses half 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. For these reasons, applicants should consider their bid carefully because it can determine if they will receive an offer.

Average payment per acre in recent application cycles:

FY18: \$2,400/acre

FY19 \$2,000/acre

FY20: \$2,325/acre

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

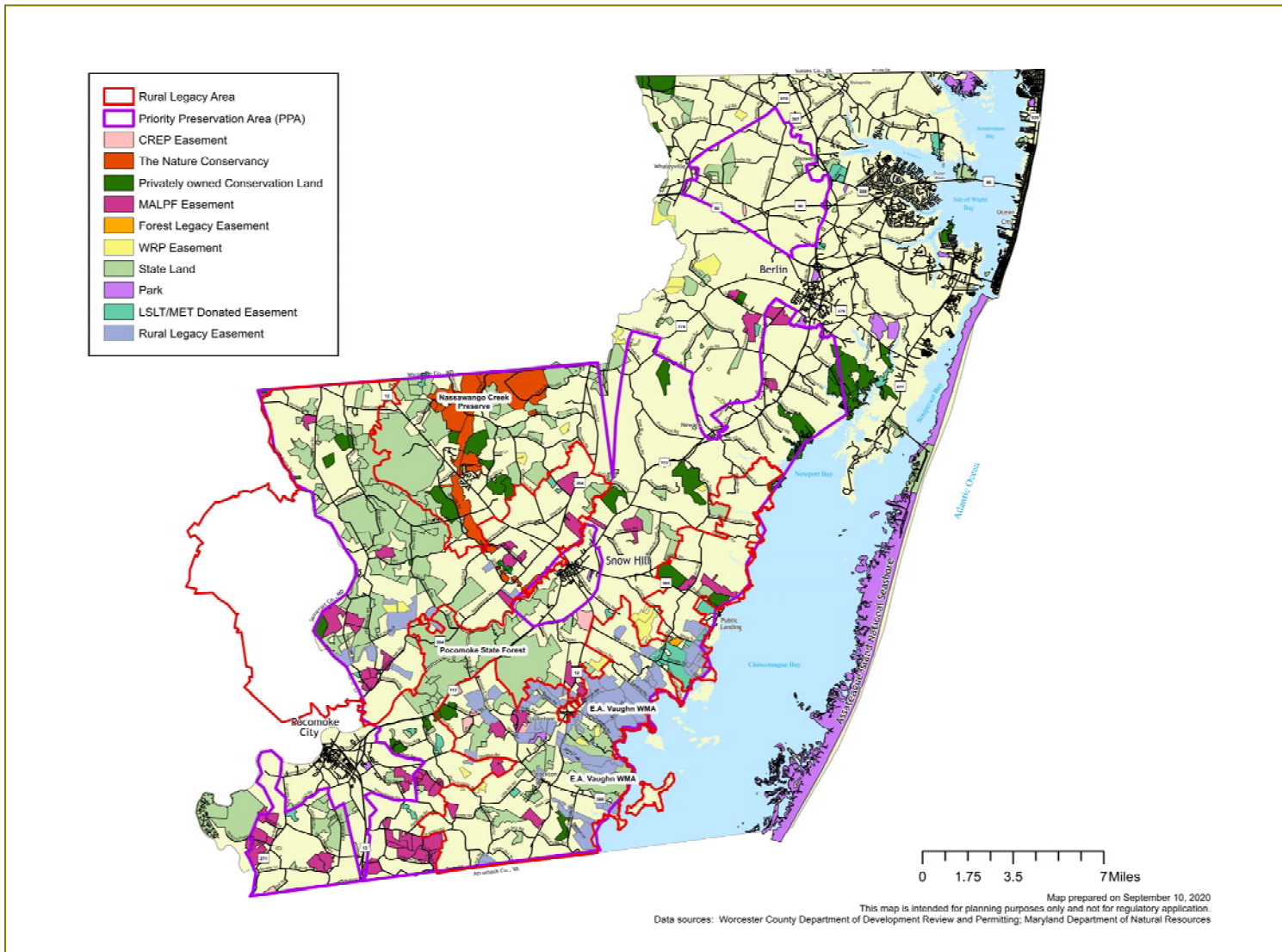


*Farm protected by MALPF easement in Worcester County, 2018*

## MALPF Easements on the Eastern Shore (as of June 2019)

<i>County</i>	<i>Total Easements</i>	<i>Acreage</i>	<i>Percent of State Total</i>
Caroline	226	33,063	10.4%
Dorchester	94	14,789	4.7%
Kent	107	20,333	6.4%
Queen Anne's	179	30,419	9.6%
Somerset	50	5,728	1.8%
Talbot	79	12,174	3.8%
Wicomico	60	7,426	2.3%
<b>Worcester</b>	<b>52</b>	<b>8,019</b>	<b>2.5%</b>
<b>TOTAL</b>		<b>131,951</b>	<b>41%</b>

# Protected Lands in Worcester County, Maryland, September 2020



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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
- Billy Thompson, Berlin

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