

Maryland Agricultural Land Preservation Program

FORESTRY IN THE MALPF PROGRAM

This Fact Sheet describes the importance of productive forested land to the Maryland Agricultural Land Preservation Foundation (MALPF) Program, and how forestry is addressed within the Program.

As of January 1, 2009, MALPF has preserved 275,000 acres of land through easements in all 23 counties of Maryland. Of the total, approximately 77,000 acres, or 28% of the total, are forested — a rate of forested land preservation generally consistent with the overall land use in Maryland.

For purposes of the Program, agricultural land includes both farm and forest. Most of Maryland's farms include some forested areas. MALPF has also preserved many 100% forested properties. Forest management and timber harvesting are considered accepted, indeed encouraged, agricultural uses of property in the Program. Timber harvesting cannot be legally restricted on a MALPF property except to the extent that it is part of the implementation of an approved soil erosion and water quality plan.

Eligibility of Forested Land for Participation in the Maryland Agricultural Land Preservation Program

If you own forested land in Maryland that retains development potential, you may be eligible to participate in the MALPF program by applying to sell a preservation easement on your land. The forested land can be a part or all of your property.

In brief, the eligibility requirements are as follows:

- **Size.** The minimum property size is 50 contiguous acres. If your property is less than 50 acres, but contiguous to existing preserved acreage, you may still be eligible to apply to sell an easement.
- **Productivity.** Highly productive forested land managed for sustainability, including harvesting, is eligible and encouraged to enter the Program. The key measure of productivity for ALL land considered for the Program is the quality of the soil, as measured by the USDA's Soil Conservation Service Land Classification System. For a property to qualify for participation:
 - At least 50 per cent of the land shall classify as prime farmland Class I, II or III soils; or, more applicable,
 - If the land is forested, 50 per cent of the land is classified as Woodland Group 1 or 2 soils; or

- If there is an insufficient percentage of Class I, II, and/or III soils alone and there is an insufficient percentage of Woodland Groups 1 and 2 soils alone, the land will qualify if the combination of the prime farmland AND prime woodland soils together exceed 60 per cent of the land.
- Other special conditions may apply to your land's soil eligibility status; please consult your county program administrator and/or <http://www.malpf.info/facts/fact1.html> for more information.
- Because of changes currently being implemented in the USDA classifications of productive forested land in the soil survey underway in Maryland, the productivity qualification criteria for forested land will soon be reevaluated and updated in the regulations (COMAR). These changes will be posted at <http://www.malpf.info> when completed.
- **Location.** Land within the boundaries of a 10-year water and sewer service area plan is generally not eligible for the program.
- **Conservation and Management Plans.** You must have a current soil erosion and water quality plan for your property and, if you have more than 25 acres of contiguous forested land, you must have secured a current forest stewardship plan demonstrating proper forest management techniques on the forested acreage before closing on an easement sale. Occasionally, a local soil conservation district office will not draw up a soil erosion and water quality plan on a 100% forested property; in such cases, a letter from the district office confirming this can be submitted at application with proof of a current forest stewardship plan.

The Forest Stewardship Plan Requirement

MALPF is the only State land preservation program to require forest management on preserved properties. Since FY 2005, all properties with 25 acres or more of contiguous forested land are required to have a forest stewardship plan (FSP) in place by time of settlement on the easement.

Managing your forested land has the potential to generate greater income, improve air and water quality, enhance wildlife habitat, increase future economic value, and provide pleasure for you, your family, and friends. A Forest Stewardship Plan is a management plan based on your goals for the property and can help you realize the full potential of your forested land.

Acquisition of a Forest Stewardship Plan will take some time and depends on the availability of the services of licensed foresters in your area. The time from the initial contact with a forester and the completion of an FSP varies by locality, but can be months. If you intend to apply to sell an easement, you should start the process to acquire an FSP as soon as possible to avoid delay at the time of settlement.

Forest Stewardship Plans can be prepared by private consulting foresters and by Department of Natural Resources (DNR) foresters. DNR foresters operate under fees set by DNR, whereas private consulting foresters set their own fees. The landowner pays for the preparation of the FSP. FSPs can cost several hundred

dollars, but the economic benefits associated with your forested land will likely more than offset the cost of preparation of the plan. Although private consulting foresters' fees generally are higher than DNR foresters' fees, cost sharing up to 75% of the costs may be available for plans prepared by private consulting foresters. Application for cost sharing must be made before the plan is written.

- For information on the MALPF program, please contact the MALPF program administrator in your county: <http://www.malpf.info/PAcontact.html>
- For information on Forest Stewardship Plans, foresters qualified to prepare Forest Stewardship Plans, and available cost sharing, please contact your local Department of Natural Resources, Forest Service office: http://www.dnr.state.md.us/forests/art/county_map.html

Forest Conservation Easements and MALPF

Properties with existing Forest Conservation Easements may apply to sell an easement to MALPF, if they otherwise meet the eligibility criteria. You should be aware, however, that existing easements reduce the appraised value of a property and, therefore, may affect the amount of the offer.

Once a property is encumbered by a MALPF easement, the Foundation permits Forest Conservation Easement overlays subject to several limitations. The primary consideration is that a forest mitigation easement should be over soils other than Class I, II, and/or III. Or if the soils are Class I, II, and/or II, the forest mitigation easement must serve a resource conservation purpose incorporated into the soil erosion and water quality plan on the property and be approved the MALPF Board of Trustees. Mitigation proposals are considered on a case-by-case basis upon the review and recommendation of the county agricultural land preservation advisory board and the review and approval of the MALPF Board of Trustees. Other conditions for approval may apply.

This fact sheet is a public document and is provided for general information only. If you have a question about a specific law, regulation, or provision related to the MALPF program, its option contract or deed of easement, please consult legal counsel.

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<http://www.malpf.info/facts/fact16.pdf>