

## MARYLAND EASEMENT PROGRAM

The Maryland CREP benefits from working with the land trusts because of their experience with easement programs in the state and landowner acceptance of the land trusts. The Maryland Department of Natural Resources manages the easement program, and the Soil Conservation Districts and the land trust implement it. Jeff Horan, who has real estate experience and worked for a SCD, oversees the easement program. The state likes working with the land trusts because they have the transactional experience and can process easements faster than the SCDs. The following tables summarize the key components of the Maryland CREP easement program.

<i>Terms of Easement</i>	
<b>Boilerplate easement</b>	Yes (electronic and hard copy available)
<b>Eligibility</b>	Forested and vegetative riparian buffers, restored wetlands and retired HEL areas.
<b>Public access</b>	No
<b>Economic uses</b>	Selective harvesting or removal of mature trees outside a 50 foot no-take zone is allowed in the riparian buffer and must be in accordance with Forest Stewardship Plan and state soil and sediment erosion control standards. Mowing or haying twice a year, except from April 15- August 15, is allowed. Mowing and haying must be done in accordance with an Operation and Maintenance Plan prepared by the local Soil Conservation District. Emergency grazing is allowed.
<b>Restrictions</b>	No development, construction, mining, dumping, or cropping
<b>Payment</b>	The State of Maryland has an Agricultural Land Preservation Program, which has estimates of agricultural land values. The cost of purchasing the easements is based upon the agricultural land values minus the net present value of the 15-year federal CRP payments (i.e., rental rate plus the bonus payment) <b>CHECK THIS FACT.</b>

<i>Administration</i>	
<b>Easement holder</b>	The Soil Conservation Districts or the land trusts. The easements have a reversionary clause, which gives the State of Maryland the right to cancel the easement for any reason within 30 days notice. The State can also enforce as a third party beneficiary.
<b>Role of land trusts</b>	Land trusts can hold easements. The state qualifies the land trusts before they can hold CREP easements.
<b>Outreach</b>	Both the land trusts and the Soil Conservation Districts assist with CREP delivery and outreach. The land trusts are required to actively promote

<b><i>Administration</i></b>	
	CREP in order to hold easements. The state pays the land trusts and the Districts 3% of the state lump sum payment to cover administrative expenses. The state also pays incidental expenses (e.g., title search, survey, recording of the deed, and settlement expenses). The state will not pay extra for monitoring expenses. The State is also re-designing its Farmer-to-Farmer outreach program that hires farmers to help with outreach by talking to other farmers about CREP.
<b>Relationship to other state easement programs</b>	There is an Agricultural Land Preservation program in the state of Maryland that purchases the development rights on farmlands. The Maryland CREP is trying to work with this program so that they can come in and purchase an additional easement for the agricultural production rights on lands enrolled in CREP.

<b><i>Processing</i></b>	
<b>Survey</b>	Yes. If the CREP targeted water body changes course, either party to the easement can request to re-survey, relocate and re-describe the easement area.
<b>Title search</b>	Title insurance is required and costs between \$200-\$300 per easement agreement. Title searches are performed if necessitated by title insurance policy.
<b>Appraisal</b>	None
<b>Processing time</b>	3-6 months with the land trusts and often 6-8 months with the Soil Conservation Districts

<b><i>Monitoring &amp; Enforcement</i></b>	
<b>Monitoring</b>	SCDs and land trusts monitor. The land trusts or the Soil Conservation Districts hold monitoring documentation including aerial photos and GIS coordinates.
<b>How often</b>	Random inspections are performed by state. For example, if a land trusts holds 25 easements, the state will randomly inspect 5 of them in a year.
<b>Who initiates referral</b>	Land Trusts and SCDs initiates enforcement referral
<b>Who enforces</b>	The Attorney General's office carries out enforcement measures.

## Contacts

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