

RURAL LEGACY APPLICATION REVIEW AND SCORING PROCEDURE

In order to better quantify the process of reviewing and selecting grant applications for award of Rural Legacy Program (“Program”) grants, the Maryland Department of Natural Resources (DNR), in consultation with the Maryland Department of Agriculture and the Maryland Department of Planning, has implemented an analytical matrix to evaluate grant applications. This evaluation is shared with the Rural Legacy Advisory Committee and the Rural Legacy Board to consider when recommending grant allocations.

The Program’s goals and intent have been enumerated as follows:

Program Goals

1. to establish greenbelts of forests and farms around rural communities in order to preserve their cultural heritage and sense of place;
2. to preserve critical habitat for native plant and wildlife species;
3. to support natural resource economies such as farming, forestry, tourism, and outdoor recreation; and
4. to protect riparian forests, wetlands, and greenways to buffer the Chesapeake Bay and its tributaries from pollution run-off.

Intent of the Statute

1. The significance of the agricultural, forestry, and natural resources proposed for protection;
2. The degree of threat to the resources and character of the area proposed for preservation, as reflected by patterns and trends of development and landscape modifications in and surrounding the Rural Legacy Area (RLA);
3. The significance and extent of the cultural resources proposed for protection through fee-simple purchases, including the importance of historic sites and significant archaeological areas;
4. The economic value of the resource-based industries or services proposed for protection through land conservation, such as agriculture, forestry, recreation, and tourism;
5. Overall quality and completeness of the Sponsor’s Rural Legacy Plan for their RLA; and
6. The strength and quality of partnerships created for land conservation.

Therefore, the following scoring matrix has been developed to evaluate applications consistent with the goals and intent of the Program as well as addressing the performance history of Sponsors in carrying out the Program. The matrix examines:

- natural and working resources
- planning and land use
- leveraging of available funds
- the ability of the Sponsors to administer the Program
- local jurisdiction priorities
- consideration of unique and unusual circumstances.

RESOURCES: Within the measure for Resources, two independent categories are analyzed: Natural Resources and Working Resources, with a total of 30 points possible.

1) Natural Resources [Ecological]

This section is completed by the Maryland Department of Natural Resources Chesapeake & Coastal Service. This analysis captures:

- Green Infrastructure: measures the value of ecologically important lands (ie. forests, wetlands) within the State.
- Rare Species Habitat database: additional habitats that support rare, threatened and endangered species.
- Aquatic Life Hotspots: watershed land and streams that support areas of high aquatic biodiversity.
- Water Quality Protection: watershed lands, such as forests, wetlands and steep slopes that are most important for improving water quality services.

Natural Resources comprise up to 15 points of the total available in the Resources category.

Five additional points available if all Rural Legacy Conservation Easements acquired in the prior year include 100 foot Riparian Buffers.

2) Working Resources [Timber, Agricultural]

This value is determined by examining the prevalence of agricultural and forestry industry contained within a Rural Legacy Area and County. The first item examined are timber resources, which is done by the Department of Natural Resources. The percentage of land within the designated RLA that is forested is measured and each active RL grant application for the upcoming fiscal year is ranked. Zero to 5 points are available in this category and distributed in tiers as follows:

Top one-third of RL applications – 5 points
Middle one-third of RL applications – 2.5 points
Bottom one-third of RL applications – 0 points

For each County the Maryland Agricultural Land Preservation Foundation (MALPF) staff at the Maryland Department of Agriculture analyzes the number of easements, the number of applications, the sponsor's ability to perform, and the jurisdiction's ability to provide matching finds, as well as the existence of Right-to-Farm legislation. Up to 5 points are available based on the analysis.

PLANNING/LAND USE: There are five measures to examine the degree to which Maryland's goals for conservation are being achieved or compromised in each Rural Legacy Area (RLA), and to develop a prognosis for likely long-term outcomes in the RLAs. The measures, which are analyzed and scored by the Maryland Department of Planning (MDP), are: (i) Fragmentation; (ii) Vulnerability; (iii) Threat; (iv) Percentage of RLA Already Preserved; and Finishing Costs.

Fragmentation, Vulnerability (Capacity for new Development), and Threat (% of Unprotected Rural Resource Land in RLA Developed Between 2009 and 2018)” measure, respectively, residential subdivision and development that has already occurred, could occur in a maximum development scenario, and is more likely to occur based on recent subdivision and development trends. More specifically:

1. The **“Fragmentation”** of rural resource lands is a measure of the degree to which the land has already been subdivided into residential lots, expressed as improved and unimproved residentially assessed parcels less than 20 acres per 1,000 acres in the RLA (commercial/ industrial development does not count toward the developed acreage). The more residential parcels there are, the less possible it is to create large contiguous blocks of preserved resource land and the more likely it is that residents will compromise nearby farming operations.
2. The **“Vulnerability”** of rural resource land is a measure of the degree to which the land can be further subdivided and developed as residential lots under existing local zoning and land use management tools, and in light of the existing public land ownership or conservation easements. It shows the potential number of future lots at build out (which can be estimated) but not future easement or land acquisition (which is unknown). Vulnerability is expressed as Capacity for New Development (lots) per 1,000 acres of Unprotected Rural Resource Land¹ in the RLA.
3. The **“Threat”** to rural resource land is a measure of the percentage of the uncommitted resource land in the RLA developed in the 2012-2021 decade. The larger the rate of past development, the less likely it is that local and state preservation programs, policies, ordinances, regulations, and procedures can stabilize the agricultural and forest land base, support working farms and normal farming activities, and provide time to achieve local and state preservation goals before resource land is excessively compromised by development. Without changes in land use policies, market demand for residential lots is assumed to have similar potential effects on the area in the future as in the recent past.
4. The data for the fourth measure, **“Percentage of Rural Legacy Area Already Preserved,”** comes from GIS data maintained by DNR and MDP, as well as GIS data submitted by Rural Legacy sponsors. This measure stands alone as an important piece of information while also complementing the others, as it answers the question: Is 80% protection of the RLA possible given the percentage already preserved, the rate of development, and the pace of preservation?²
5. The fifth measure, **“Finishing Cost,”** is the amount of funding needed to preserve 80% of the RLA, based on current easement prices in the Rural Legacy application and the acreage currently preserved in the RLA.

¹ Unprotected rural resource land refers to undeveloped land remaining in the RLA, typically parcels of land greater than 20 acres that are not assessed for commercial, or industrial use.

² This is consistent with Maryland Department of Planning's Certification of Local Agricultural Preservation Program (CLAPP) regulations, which envision that local Priority Preservation Areas will be able to achieve 80 percent of protection of the undeveloped land within the RLA - see <https://dsd.maryland.gov/regulations/Pages/34.03.03.05.aspx>

The points for Planning/Land Use are distributed to achieve a relatively even distribution of RL applications among four quartiles (6, 4, 2 and 0 points) for each of the measure as follows:

A. Status (Degree of Fragmentation)

[6 points possible – 6 would be virtually no fragmentation]

15 or fewer small parcels per 1,000 acres	6 points
15-50 small parcels per 1,000 acres	4 points
50-60 small parcels per 1,000 acres	2 points
More than 60 small parcels per 1,000 acres	0 points

B. Vulnerability under Zoning (Development Capacity)

[6 points possible – 6 would be most protective]

38 or fewer houses possible per 1,000 acres	6 points
39 to 59 houses possible per 1,000 acres	4 points
60 to 78 houses possible per 1,000 acres	2 points
Greater than 78 houses possible per 1,000 acres	0 points

C. Degree of Threat - Recent Development (in the past decade)

[6 points possible – 6 = lowest threat]

Less than 0.5%:	6 points
0.5% to 1.4%:	4 points
1.5% to 2.9%:	2 points
3% or Greater:	0 points

D. Percentage of Rural Legacy Area Already Preserved

[6 points possible – 6 = highest percentage]

Greater than 48%	6 points
42.2% to 48%	4 points
34% to 42%	2 points
Less than 34%	0 points

E. Finishing Cost

[6 points possible – 6 = lowest cost to finish cost]

Less than \$ 36 million	6 points
\$ 36 million to \$ 72 million	4 points
\$ 73 million to \$ 90 million	2 points
Greater than \$ 90 million	0 points

LEVERAGING: This is a measure of how effectively a Sponsor utilizes other fund sources to enhance the Program. Use of a Sponsor's own funds as well as the use of other land protection programs are examined. A total of 15 points are available and is scored by DNR.

- 1) A maximum of seven and one-half points are available for the extent to which a Sponsor uses its own funds to match Rural Legacy easement costs and/or pay for related costs such as not utilizing the available grant funds for administrative expenses, stewardship expenses or incidental costs. The level of Sponsor funding is examined and the active applications are ranked. The 7.5 points available in this category are distributed as follows:

1 = 2.5 points	3+ = 7.5 points
2 = 5 points	0 = 0 points

Rural Legacy Areas		Used Matching Funds for easement acquisition in Prior Year *	Sponsor does not request program compliance costs (stewardship)	Sponsor does not seek administrative costs	Sponsor does not seek incidental costs	TOTALS
1	Agricultural Security Corridor – Eastern Shore Heartland					
2	Agricultural Security Corridor – Harvest Crescent					
3	Agricultural Security Corridor – Tuckahoe					
4	Anne Arundel South					
5	Baltimore Coastal					
6	Bear Creek					
7	Bishopville-Showell					
8	Calvert Creeks					
9	Carrollton Manor					
10	Coastal Bays					
11	Deer Creek					
12	Dividing Creek					
13	Fair Hill					
14	Foreman Branch					
15	Gunpowder					
16	Harriet Tubman					
17	Huntersville					
18	Lands End					
19	Little Pipe Creek					
20	Long Green Valley					
21	Manor					
22	Mattapany					
23	Mid-Maryland Frederick					
24	Mid-Maryland Montgomery					
25	Mid-Maryland Washington					
26	Mountain Ridge					
27	Nanjemoy - Mattawoman Forest					
28	Nanticoke					
29	North Calvert					
30	Patuxent-Prince Georges					
31	Piney Run					
32	Quantico Creek					
33	Upper Patapsco					
34	Upper Patuxent - Montgomery					
35	Upper Patuxent - Howard					
36	Zekiah Watershed					

* If a grant was not awarded in the prior year, then the most recent year for which a grant was awarded will be considered for the use of matching funds.

2) The use of other funding programs in the Rural Legacy Area such as MALPF, Maryland Environmental Trust (MET), Program Open Space (POS), Readiness and Environmental Protection Integration/Army Compatible Use Buffer (REPI/ACUB), and Installment Purchase Programs (IPP) are also considered. Again, the level of leveraging with other programs is assessed and the active applications are ranked, with a total of 7.5 points available in this category:

1-2 = 0 points
3 = 2.5 points

4 = 5 points
5+ = 7.5 points

Rural Legacy Areas		MALPF	MET	POS	REPI/ACUB	IPP / Other	TOTALS
1	Agricultural Security Corridor – Eastern Shore Heartland						
2	Agricultural Security Corridor – Harvest Crescent						
3	Agricultural Security Corridor – Tuckahoe						
4	Anne Arundel South						
5	Baltimore Coastal						
6	Bear Creek						
7	Bishopville-Showell						
8	Calvert Creeks						
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17	Huntersville						
18	Lands End						
19	Little Pipe Creek						
20	Long Green Valley						
21	Manor						
22	Mattapany						
23	Mid-Maryland Frederick						
24	Mid-Maryland Montgomery						
25	Mid-Maryland Washington						
26	Mountain Ridge						
27	Nanjemoy - Mattawoman Forest						
28	Nanticoke						
29	North Calvert						
30	Patuxent-Prince Georges						
31	Piney Run						
32	Quantico Creek						
33	Upper Patapsco						
34	Upper Patuxent - Montgomery						
35	Upper Patuxent-Howard						
36	Zekiah Watershed						

ABILITY TO ADMINISTER: There are three measures in this category that are examined.

1) “Old Funds” - Expenditure of funds in a timely manner. Does the Sponsor expend the grant funding within the time limits of the grant? An objective measure of the expenditure record. Points are awarded as follows:

- Still has grant money older than 3 years = 0 points
- Currently using last period’s grant money = 5 points
- Using current grant = 10 points

2) “Partnership” - The ability to handle projects, work with Program Administrators, and to move projects to settlement. The ability to follow Program guidance and policies, as well as to seek advice from Program Administrators when questions arise prior to project submission is assessed. The Partnership score is based on timely completion of the annual report, complete and accurate project submission pursuant to the Project Agreement and Grant Agreement requirements, confirmation that the final title policy conforms with DNR requirements and providing final documents within 60 days of recordation of the Rural Legacy deed of conservation easement or property deed for a fee simple acquisition.

- Did Sponsor submit their Annual Report by the due date (2nd Tuesday in February)?
- Was each project submission complete? Did it include all the items required in the Grant Agreement and individual Project Agreement checklist:
 - Draft Deed for fee simple acquisition (per Section 4.2.1 of the Grant Agreement)
 - Draft Deed of Conservation Easement (in MS Word) with Baseline Documentation Report cover page and all Exhibits (per Section 4.2.2).
 - Title Binder (per Section 4.2.7). Including current property deed and title abstract, as well as copies of all items (deeds and plats) recorded in the land records that are listed as exceptions and/or requirements.
 - Settlement Sheet/HUD-1 (per Section 6.6)
 - LLC/Corporate Documents; Operating Agreement; Good Standing Certificate; etc. (if applicable) (per Section 4.2.8)
 - Property Description – Survey (accompanied by GIS shape files from surveyor if new survey); or surveyor’s certification that existing metes and bounds close per industry standards (per Section 4.2.4).
 - Appraisals or Easement Valuation System (EVS) Worksheet (per Section 3.2).
 - Contract of Sale/Agreement of Sale (per Section 4.2.5).
 - Proposed Subordination Agreement(s) (per Section 4.2.6) and per Section 16 of this Project Agreement. (if applicable)
 - Environmental Site Assessment (per Section 4.2.9) accompanied by all photos (color digital images) labeled to match Exhibit D, and color aerial image identifying photo points with direction of photos labeled.

- Maps (1 color pdf 8.5” X 11” indicating property within the RLA and previously protected land)
 - Approval from State agency (if other than DNR) to co-hold easements (if applicable)
 - SDAT page
 - County Planning & Zoning Letter (when the Sponsor is not County P & Z office) identifying the number of development rights extinguished; consistency with County Comprehensive Plan; availability of public water & sewer (is it within a planned service area); is the property within an area targeted for preservation; is the property within the Critical Area; and adjacency of other protected lands.
 - Request for Payment form (signed by Sponsor) and copies of invoices for incidental expenses (per Section 6.6)
 - Copy of Tax Map (Exhibit F).
- Was each project completed correctly?
 - Did the recorded Conservation Easement reflect edits required by DNR staff and the Office of the Attorney General (OAG)?
 - Did the title insurance policy reflect edits required by the OAG?
 - Were the final documents (title insurance policy and copy of recorded conservation easement) forwarded to DNR within 60 days of the recordation of the easement?

An objective measure of project management. Points are awarded as follows:

- If the majority of submitted projects are incomplete or final documents are late/title policy non-conforming = 0 points
- If a small minority of submitted projects are incomplete or final documents are late/title policy non-conforming = +5 points
- If all projects are submitted complete and accurately and final documents are on time/title policy conformed to OAG requirements = +10 points

3) “Monitoring and Stewardship” of easements. Are reports timely, detailed, and complete on the required three-year monitoring cycle? A Sponsor fulfilling 100% of its responsibility will receive 10 points. Point values (to be added up) for the factors are:

- Timely = +2.5 points
- Detailed = + 2.5 points
- Complete = + 2.5 points
- Sponsor has established procedures to manage easement violations and requested amendments = + 2.5

ADDITIONAL ASPECTS & OTHER FACTORS: Up to 10 points may be awarded to account for other factors not included in the scoring matrix. Full written justification is to be provided for adjustments in this category. These factors may include but are not limited to:

- The need for administrative start-up funding for the creation of a new RLA (up to 5 points may be awarded).
- A specific acquisition of extraordinary character or features requiring additional funding (up to 5 points may be awarded).
- Unique and unusual circumstances (up to 5 points may be awarded).
- A project that required public access in an easement that settled or was submitted within the last twelve (12) months (up to 2 points may awarded). Leased hunting/fishing is not considered “public access” for the purpose of this score.
- A project that includes an extraordinary social benefit above and beyond the goals of the program in an easement that settled or was submitted within the last twelve (12) months (*i.e., support for local food supply, farm-to-schools, benefits to underserved communities, innovative partnerships, linking children to nature* (up to 2 points may be awarded).
- Enhanced best management practices in an easement(s) that settled or was submitted within the last twelve (12) months (these would be in addition to the standard practices that already address impervious surface limitation of 2%; CAFO restriction; 100-foot stream buffers; Soil Conservation and Water Quality Plan; and Forest Stewardship Plan/compliance with the *Soil Erosion and Sediment Control Guidelines for Forest Harvest Operations in Maryland*) (up to 2 points may be awarded).
- County Priorities: If there is more than one Rural Legacy Area in the same County, then 2.5 points will be awarded to that County’s “first priority” Rural Legacy Area’s score. In the case of Baltimore County, which has five Rural Legacy Areas, the top two priority Areas will be awarded 2.5 points. No additional points will be added to the scores for the third, fourth and fifth Areas.

RLAC & RLB REVIEW:

The Rural Legacy Program will use the final scores for all current year grant applications to create options for consideration by the Rural Legacy Advisory Committee (RLAC) and the Rural Legacy Board (RLB). The RLAC and RLB consider a number of factors when recommending grant allocations including funding needed by a Sponsor to successfully complete easement projects during the grant period, the regional distribution of state grant funds, and other factors as determined by either body. The recommendations of the RLB are subject to approval by the Board of Public Works.

****Note: In accordance with the Rural Legacy Advisory Committee recommendation, as adopted by the Rural Legacy Board, if there are two or more Rural Legacy Areas in the same County all of which have the same Sponsor, then the awarded grant funds may be freely exchanged between the two/multiple Rural Legacy Areas without further approval from the Rural Legacy Program.***