

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 grants, the Department of Natural Resources, in consultation with the Maryland Department of Agriculture and Maryland Department of Planning has implemented an analytical matrix to evaluate grant applications.

The program's goals and the intent of the program 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.
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 Rural Legacy Plan.
6. The strength and quality of partnerships created for land conservation.

Therefore, the following scoring matrix has been developed to measure applications based upon how well they meet 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
- allowances for unique and unusual circumstances.

Up to five bonus points available for each:

- *enhanced best management practices*
- *public access*
- *public benefit*

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 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 bonus points available or Riparian Buffers on Rural Legacy Conservation Easements that include 100 foot buffers where appropriate.

2) Working Resources [Agricultural, Timber]

This value is arrived at by examining the prevalence of agricultural and forestry industry contained within a Rural Legacy Area and County. The first item examined is information from the Farm Service Agency (FSA) a unit of the United States Department of Agriculture which provides data at the County level. The percentage of County land in farms is measured and each jurisdiction with an active application is ranked. Zero to 5 points available in this category and distributed in tiers as follows:

- Top 1/3 – 5 points
- Middle 1/3 – 2.5 points
- Bottom 1/3 – 0 points

MALPF Staff analyzes the number of MALPF easements (by County), working farms, managed properly, in each County number of easements, number of applications, ability to perform, certified, matching finds, cost per acre (MALPF chart) as well as the existence of Right- to-Farm legislation. Up to 5 points are available based on the analysis.

Five bonus points available: Social Benefits that resulted from RLA easements being preserved during the last grant year for each RLA (i.e., support for local food supply, farm-to-schools, benefits to underserved communities, innovative partnerships, linking children to nature).

PLANNING/LAND USE: There are four measures to examine the degree to which Maryland’s goals for conservation are being achieved or compromised thus far, and to develop a prognosis for likely long-term outcomes. The four measures are Status, Vulnerability, Threat, and Finishing Costs.

Status (Degree of Fragmentation), Vulnerability under Zoning (Development Capacity), and Degree of Threat (Recent Development in the past decade)” measure residential subdivision and development that has already occurred, could occur in a worst-case scenario, and is more likely to occur based on recent subdivision and development trends. More specifically:

1. The **“Status - Degree of Fragmentation”** of rural resource lands is a measure of the degree to which the land has already been subdivided into residential lots, expressed as number of small, improved parcels (less than 20 acres) per 1,000 acres of the Rural Legacy Area. The more small, improved parcels there are, the less possible it is to create large contiguous blocks of preserved resource land and the more likely it is that exurban residents will interfere with nearby farming operations. The small lots are represented on the Rural Legacy Area maps by black dots (development before 1997) and red dots (development since 1997).
2. The **“Vulnerability under Zoning - Development Capacity”** 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 is a worst-case scenario because it shows future build out (which can be calculated) but not future easement or land acquisition (which is unknown). Vulnerability is expressed as the number of possible future houses per 1,000 acres (in addition to what already exists).
3. The **“Degree of Threat - Recent Development in the past decade”** to rural resource land is a measure of the percentage of the Rural Legacy Area developed in the 1997-2006 decade. The larger the rate of development, the less likely it is that local 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 State preservation goals before resource land is excessively compromised by development. Without changes in land use policies (or a prolonged real estate downturn such as we are experiencing now), market demand for residential lots can reasonably be assumed to have similar effects on the area in the future. Recent development is represented on the Rural Legacy Area maps by the red dots.
4. The fourth measure, **“Finishing Cost,”** is the amount needed to preserve 80% of the Rural Legacy Area, based on current easement prices and the acreage currently preserved in the RLA.

The points for Planning/Land Use are distributed as follows:

A. Status (Degree of Fragmentation)

[7.5 points possible—7.5 = virtually no fragmentation]

20 or fewer small parcels per 1,000 acres	7.5 points
21-50 small parcels per 1,000 acres	5.0 points
51-80 small parcels per 1,000 acres	2.5 points
More than 80 small parcels per 1,000 acres	0 points

B. Vulnerability under Zoning (Development Capacity)

[7.5 points possible—7.5 = most protective]

30 or fewer houses possible per 1,000 acres	7.5 points
31 to 50 houses possible per 1,000 acres	5.0 points
51 to 99 houses possible per 1,000 acres	2.5 points
100 or more houses possible per 1,000 acres	0 points

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

[7.5 points possible—7.5 = least recent development]

Less than 2%:	7.5 points
2%-3%:	5.0 points
3% to 4%:	2.5 points
Greater than 4%:	0 points

D. Finishing Cost

[7.5 points possible—7.5 = lowest cost to finish]

Less than \$40 million	7.5 points
\$40 million to \$50 million	5.0 points
\$50 million to \$100 million	2.5 points
Greater than \$100 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 is examined. A total of 15 points are available.

- 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 each jurisdiction with an

active application is ranked. 7.5 points available in this category and distributed in tiers as follows:

- Top quarter ¼ – 7.5 points
- Second quarter ¼ – 5 points
- Third quarter ¼ – 2.5 points
- Bottom quarter ¼ – 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				
2	Anne Arundel County				
3	Baltimore Coastal				
4	Bear Creek				
5	Calvert Creeks				
6	Carrollton Manor				
7	Coastal Bays				
8	Deer Creek				
9	Dividing Creek				
10	Fair Hill				
11	Foreman Branch				
12	Gunpowder				
13	Harriet Tubman (est. FY 19)				
14	Huntersville				
15	Lands End				
16	Little Pipe Creek				
17	Long Green Valley				
18	Manor				
19	Mattapany				
20	Mid-Maryland Frederick				
21	Mid-Maryland Montgomery				
22	Mid-Maryland Washington				
23	Mountain Ridge				
24	Nanticoke				
25	North Calvert				
26	Patuxent-Prince Georges				
27	Piney Run				
28	Quantico Creek				
29	Upper Patapsco				
30	Upper Patuxent - Montgomery				
31	Upper Patuxent - Howard				
32	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, Program Open Space, Readiness and Environmental Protection Integration/Army Compatible Use Buffer (REPI/ACUB), and Installment Purchase Programs are also considered. Again, the level of leveraging with other programs is ranked and the 7.5 points available in this category and distributed in tiers as follows:

- Top quarter ¼ – 7.5 points
- Second quarter ¼ - 5 points
- Third quarter ¼ –2.5 points
- Bottom quarter ¼ – 0 points

Rural Legacy Areas		MALPF	MET	POS	REPI/ACUB	IPP / Other	TOTALS
1	Agricultural Security						
2	Anne Arundel County						
3	Baltimore Coastal						
4	Bear Creek						
5	Calvert Creeks						
6	Carrollton Manor						
7	Coastal Bays						
8	Deer Creek						
9	Dividing Creek						
10	Fair Hill						
11	Foreman Branch						
12	Gunpowder						
13	Harriet Tubman (est. FY 2019)						
14	Huntersville						
15	Lands End						
16	Little Pipe Creek						
17	Long Green Valley						
18	Manor						
19	Mattapany						
20	Mid-Maryland Frederick						
21	Mid-Maryland Montgomery						
22	Mid-Maryland Washington						
23	Mountain Ridge						
24	Nanticoke						
25	North Calvert						
26	Patuxent-Prince Georges						
27	Piney Run						
28	Quantico Creek						
29	Upper Patuxent - Montgomery						
30	Upper Patuxent-Howard						
31	Upper Patuxent-Howard						
32	Zekiah Watershed						

ABILITY TO ADMINISTER: There are three measures in this category which 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 deducted as follows:

- Still has grant money older than 2 years = subtract 10 points
- Currently using last period’s grant money = subtract 5 points
- Using current grant = subtract 0 points

*For example:

1. As of April 2019 anything Older than 2017 money = 0 points
2. As of April 2019, using 2017 money = 5 points
3. As of April 2019, on 2018 - 2019 money = 10 points

2) “Partnership” - The ability to handle the projects, work with Program Administrators and to move projects to settlement. The ability to follow Program guidance and to seek advice when questions arise is considered. 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 conservation easement or deed.

- Did Sponsor submit Annual Report by the due date (2nd Tuesday in February)?
- Was each project submission complete? Did it include all of the items required in the Grant Agreement and individual Project Agreement:
 - Deed and Overlay Easement if applicable.
 - Draft Rural Legacy Conservation Easement.
 - Title Binder.
 - Property Description – Survey or certification that existing metes and bounds close.
 - Agreement of Sale.
 - Proposed Subordination Agreement.
 - Environmental Site Assessment.
 - Map indicating property within the RLA and showing lands protected by all programs
- Was each project completed correctly?
 - Did the recorded Conservation Easement reflect edits required by DNR staff and the Office of the Attorney General?
 - Did the title insurance policy reflect edits required by the Office of the Attorney General?
 - 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 deducted as follows:

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

3) “Monitoring and Stewardship” of easements. Are reports timely, detailed and complete on the required three year monitor 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

5) OTHER FACTORS: Up to 15 points may be awarded or subtracted 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.
- A specific acquisition requiring additional funding.
- Unique and unusual circumstances.

****Note: For current applications, the allowance of some form of public access on appropriate properties with willing landowners (ex: an access trail to get to a fishing hole or annual farm educational demonstrations, etc.) will be considered as bonus points.***

A subtotal will be calculated on the above data. Additional calculations are to be based on this subtotal.

6) EXISTENCE OF MULTIPLE RURAL LEGACY AREAS IN A COUNTY

If there is more than one Rural Legacy Area in the same County, then 10 points are subtracted from that County’s “second-ranked” Rural Legacy Area’s score. In the case of Baltimore County, which has five Rural Legacy Areas, the top two scoring Areas will not be reduced by 10 points. The third, fourth and fifth Areas will have 10 points subtracted.

The Rural Legacy Board will use the final scores for all grant applications to determine how to allocate the limited funds. The Board will need to consider a number of factors including what level of funding is adequate to allow a Sponsor to be successful and whether applications compete in the same region or the entire State.

****Note: In accordance with the Rural Legacy advisory 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.***