

(24)

FRPP - IFR - MIDMARY LAND

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Received 9/25/06  
RJB

**Glennon, Robert - Washington, DC**

**From:** peter vorac [pvorac@adelphia.net]  
**Sent:** Monday, September 25, 2006 8:56 AM  
**To:** Glennon, Robert - Washington, DC  
**Cc:** Rose, Mark - Annapolis, MD  
**Subject:** Review of FRPP Interim Final Rules

Dear Mr Glennon,

The Mid Maryland Land Trust has reviewed the FRPP Interim Final Rules and did not find an issue with any of the sections. Our major concern is the need for a timely review of the title search by the OGC. If this can be accomplished in a 2-4 week period, then there are no issues. If it's going to take 6 months to get a review statement from the OGC, then we have a concern.

Attached is the e-mail I sent to the other Maryland FRPP Grant recipients.

Note - General Provisions: In past easements held by the Mid Maryland Land Trust, we have not allowed the property owner to hold out a portion of their property from the easement in order to increase value. If there are any negotiated, reserved subdivision rights, we require these to be at the county minimum (usually 1 acre), but no more than 2 acres, with site approval by the grantees. In other words, we do not allow any 20 to 40 acre farmette subdivisions.

There are two major issues that the land trust community would like to discuss with you and the appropriate Senate sponsoring committee in the near future.

**1. Reimbursement to the land trusts for our administrative costs (usual and customary is 3%), and for our out-of-pocket expenses for:** title search costs, appraisal cost, title opinion letter and title insurance costs, and settlement costs. County governments have the resources to pay for these costs, but local land trusts need to be reimbursed for these required costs

**2. Increase in Future FRPP Funding Levels.**

How would you suggest we begin the process to address these two issues?

Peter Vorac  
Mid Maryland Land Trust

301-371-4111  
[pvorac@adelphia.net](mailto:pvorac@adelphia.net)

9/25/2006

## Glennon, Robert - Washington, DC

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**From:** peter vorac [pvorac@adelphia.net]  
**Sent:** Monday, September 25, 2006 8:30 AM  
**To:** Rob Etgen; mlathbury@eslc.org; Rose, Mark - Annapolis, MD; Jim Conrad  
**Cc:** Jack Moran  
**Subject:** Fw: FRPP Interim Final Rule Commenters

Jim, Rob, and Meredith,

I have reviewed these FRPP Interim Final Rules, and have not found any issues to disagree with. However, I could well have missed some point. Below are my comments, based on each relevant section of the 6 page Fed. Regulation, Vol. 71, no. 144, dated Thursday, July 27, 2006.

This was e-mailed to each of us by Mark Rose on 8-22-2006, with the attached Fed. Regs.

I will be at the MET seminar today, Monday, Sept. 25th, 12:30 to 4:30 pm, at Tawes State Office Building. Rob is a speaker at this event.

My comments on the FRPP Interim Final Rules

1. Discussion of Changes. I agree to the change in the definition of fair market value and the process.
  2. Eligibility of Forest Lands. I agree with the revision to be able to enroll lands containing more than 50% forest land under certain circumstances.
  3. Real Property Interest of the United States. Agree with the clarification and the U.S. will be a grantee. On those easements that the Mid-Maryland Land Trust holds -- there will be three (3) grantees: MMLT, MET and the United States of America.
- Rob: don't know your policy. Would suggest you also have MET as a grantee, in order for the level of protection from the Attorney General's office.
4. Title Review. This additional level of title review by the OGC will add time to the overall process. We have a title review done and the settlement attorney will provide a title opinion letter and title insurance, based on a clear title. If title review by the OGC can be done in a very timely manner; and as stated in these Regs, the USDA will work closely with its partners, then I have no issues.
  5. Exercising the U.S. Rights. I see no issues. These rights are about the same as those in the Rural Legacy Program.
  6. Appraisal. Agree.
  7. Impervious Surface Limitations. Agree on those properties over 50 acres. Those easements that are less than 50 acres, agree to the one acre provision. The question is what about a possible 10 to 20 acre in-fill easement? Does the one acre provision still apply to 10 to 20 acres?
  8. Indemnification. Agree.

FUTURE ISSUE THAT NEEDS TO BE ADDRESSED

We believe that the FRPP Program should at least reimburse its land trust partners for our 3.0% in admin. costs, and our out-of-pocket costs for: title search, appraisals, and settlement costs. This is the standard

practice in the industry. I don't feel that the land trusts, which have limited operating capital, should be responsible for these unfunded mandates. I understand that title insurance costs are now covered by the agreement.

County governments have more resources and are able to cover these types of costs.

Peter Vorac  
Executive Director  
Mid-Maryland Land Trust

301-371-4111  
pvorac@adelphia.net

----- Original Message -----

From: "Rose, Mark - Annapolis, MD" <Mark.Rose@md.usda.gov>  
To: "Jim Conrad" <ConradJA@mda.state.md.us>; "Meredith Lathbury" <mlathbury@eslc.org>; "peter vorac" <pvorac@adelphia.net>  
Sent: Monday, September 25, 2006 7:15 AM  
Subject: FW: FRPP Interim Final Rule Commenters

Jim, Meredith and Peter:  
Please see the note below regarding the FRPP Rules comments. Today is the last day for submission. If you sent any comments via regular mail, you may want to resend the comments via email to Bob Glennon at Robert.glennon@wdc.usda.gov.

Mark Rose, ASTC, Programs  
USDA NRCS Maryland  
443-482-2910  
mark.rose@md.usda.gov

-----Original Message-----

From: Glennon, Robert - Washington, DC  
Sent:  
Subject: FW: FRPP Interim Final Rule Commenters

Hello,

I hope everyone realizes this, but all of our surface 'regular' mail is sent to Ohio to be irradiated for bio-hazard decontamination. This process can add days to weeks to mail delivery. Email, faxed, or some form of mail is the best way to get anything to NHQ.

Of course, since Monday is the last day for comments, fax, email, or same-day delivery are the only options left now.

I'll ask our NRCS NEPA specialist how to deal with late comments sent by ground mail. We meet with our contract NEPA consultant on Thursday to turn over the comments to him.

Bob Glennon  
Farm and Ranch Lands Protection Program Manager  
USDA, NRCS  
Room 6813, South Building  
Washington, DC 20013  
202-720-9476