

HOUSE BILL 458

M1, L6

1lr1975

By: **Delegate Guyton**

Introduced and read first time: January 15, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Program Open Space – Local Projects – Visitor Behavior Policies**

3 FOR the purpose of requiring an applicant to make a certain certification on an application
4 for a certain local projects grant under Program Open Space; requiring a certain local
5 governing body to submit a certain visitor behavior policy and plan to the
6 Department of Natural Resources; requiring the policy to include certain
7 information; authorizing certain information to be submitted as part of a certain land
8 preservation and recreation plan; making stylistic changes; and generally relating
9 to Program Open Space local projects.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 5–906
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2020 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Natural Resources**

18 5–906.

19 (a) Each local project shall conform to a comprehensive plan the local governing
20 body approves and have the approval of official planning agencies having jurisdiction,
21 including comprehensive planning agencies.

22 (b) **(1)** Every acquisition and development project funded by the State in whole
23 or in part shall meet needs identified in the Maryland Land Preservation and Recreation
24 Plan prepared and revised every 5 years by the Department in consultation with the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Department of Planning and local governments.

2 **(2) (I)** The document shall identify and recommend for State
3 acquisition efforts those resource areas facing the most intense or immediate development
4 pressure.

5 **(II)** These resource areas shall be designated as targeted areas.

6 **(3)** The document and any changes to it shall be distributed to every local
7 governing body.

8 (c) The Department shall administer the local projects portion of Program Open
9 Space and promulgate and adopt rules and regulations governing submission of
10 applications and allowable project costs.

11 (d) As provided in § 5–905(a) of this subtitle, beginning on December 1, 1973, local
12 projects shall not be considered or approved for a grant until the annual program of the
13 subdivision has been submitted.

14 (e) The applicant shall certify on each application that:

15 (1) The project conforms to the annual program of the local governing body
16 as provided for in § 5–905(a) of this subtitle;

17 (2) A governmental agency is charged to manage and administer an
18 outdoor public recreation and open space program;

19 (3) Funds are available or will be available within 12 months of the date of
20 submission of the application to pay the local share of the project cost;

21 (4) The value or interest in the land proposed for acquisition has been
22 established by qualified appraisers;

23 (5) The applicant has applied for federal funds and has received
24 notification of federal approval or disapproval, or the applicant has applied for federal funds
25 and has not received notification of a grant approval or disapproval within 120 days of
26 submission of an official federal grant application, or has verified that the project is not
27 eligible for federal funds;

28 (6) The Department's rules and regulations have been complied with;

29 (7) Land acquired or developed under a State grant from Program Open
30 Space may not be converted, without written approval of the Secretary, the Secretary of the
31 Department of Budget and Management, and the Secretary of the Department of Planning
32 from outdoor public recreation or open space use to any other use. Any conversion in land
33 use may be approved only after the local governing body replaces the land with land of at
34 least equivalent area and of equal recreation or open space value; [and]

1 (8) [(i) For] **SUBJECT TO SUBSECTION (F) OF THIS SECTION**, any
2 conversion of land acquired or developed under a State grant from Program Open Space as
3 provided in paragraph (7) of this subsection, the appraised monetary value of the land
4 proposed for acquisition shall be equal to or greater than the appraised monetary value of
5 the land to be converted, under the proposed new use of the converted land[.]; **AND**

6 **(9) THE LOCAL GOVERNING BODY HAS ADOPTED AND SUBMITTED TO**
7 **THE DEPARTMENT A POLICY OF BEST PRACTICES OF ETHICAL BEHAVIOR FOR**
8 **VISITORS TO PARKS AND NATURAL AREAS IN ACCORDANCE WITH SUBSECTION (G)**
9 **OF THIS SECTION.**

10 [(ii)] **(F)** The State shall consider [these] **THE funds DESCRIBED**
11 **IN SUBSECTION (E)(8) OF THIS SECTION** in excess of the encumbered Program Open
12 Space funds to the local jurisdiction.

13 **(G) (1) EACH LOCAL GOVERNING BODY SHALL SUBMIT TO THE**
14 **DEPARTMENT:**

15 **(I) A POLICY OF BEST PRACTICES OF ETHICAL BEHAVIOR FOR**
16 **VISITORS TO PARKS AND NATURAL AREAS; AND**

17 **(II) A PLAN FOR SHARING THE POLICY WITH THE PUBLIC.**

18 **(2) THE POLICY SHALL INCLUDE INFORMATION ON HOW VISITORS**
19 **CAN:**

20 **(I) LIMIT THE DAMAGE OF NATURAL AREAS, INCLUDING BY**
21 **STAYING ON EXISTING TRAILS, REFRAINING FROM THE CREATION OF NEW TRAILS,**
22 **AND REFRAINING FROM CARVING INTO TREE BARK;**

23 **(II) LIMIT THE POLLUTION OF NATURAL AREAS AND**
24 **WATERWAYS, INCLUDING BY PROPERLY DISPOSING OF TRASH AND PET WASTE;**

25 **(III) LIMIT THE DISTURBANCE OF WILDLIFE, INCLUDING BY**
26 **REFRAINING FROM FEEDING OR INTERACTING WITH WILD ANIMALS; AND**

27 **(IV) EXERCISE TRAIL COURTESY, INCLUDING BY ADOPTING**
28 **PROPER YIELDING PRACTICES.**

29 **(3) THE INFORMATION REQUIRED UNDER THIS SUBSECTION MAY BE**
30 **SUBMITTED AS PART OF THE LOCAL LAND PRESERVATION AND RECREATION PLAN**
31 **REQUIRED UNDER § 5-905 OF THIS SUBTITLE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2021.