

Department of Legislative Services  
 Maryland General Assembly  
 2021 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 1267 (Delegate Henson)  
 Environment and Transportation

Workgroup on Public Water Access

This bill establishes the Workgroup on Public Water Access to (1) convene a working group of diverse stakeholders; (2) make recommendations to increase public water access; and (3) consider the benefits of public water access on public health and environmental justice. The Chesapeake Bay Trust (CBT) must provide staff for the workgroup. Members may not receive compensation but are entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget. By December 1, 2021, the workgroup must submit an interim report of its findings and recommendations to specified committees of the General Assembly. A final report is due by December 1, 2022. For fiscal 2023, the Governor must include in the annual budget bill an appropriation of \$60,000 to CBT to support the duties of the workgroup. **The bill takes effect July 1, 2021, and terminates June 30, 2023.**

Fiscal Summary

**State Effect:** No effect in FY 2022. General fund expenditures increase by \$60,000 in FY 2023 only due to the bill’s mandated appropriation. Revenues are not affected. **The bill establishes a mandated appropriation for FY 2023.**

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	60,000	0	0	0
Net Effect	\$0	(\$60,000)	\$0	\$0	\$0

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Local governments represented on the workgroup can participate using existing resources. Local revenues are not affected.

**Small Business Effect:** Minimal or none.

## Analysis

**Bill Summary:** The bill specifies the composition of the workgroup and requires, to the extent practicable, that the workgroup reflect the racial, ethnic, and gender diversity of the State. The workgroup must elect a chair by majority vote. Additionally, the workgroup is composed of subcommittees on (1) municipal and county opportunities; (2) activation; (3) financing; and (4) connectivity, as specified. The workgroup must meet at least two times each year and on a regular basis, as determined by the workgroup.

To accomplish its purpose, the workgroup must:

- examine current public water access opportunities, including the (1) quality of public water access; (2) activities for which public water access is used; (3) geographic diversity and affordability of public water access locations throughout the State; (4) activities available at and around public water access locations; and (5) equity of the distribution of and access to public water access locations throughout the State;
- study whether public water access opportunities can be increased through the conservation of land for public use, coordination with federal agencies, and opening more areas for public water access;
- study and recommend infrastructure upgrades that will increase the availability of public water access;
- explore new water access opportunities, with a focus on accessibility and transportation availability; and
- develop a list of policy tools that State and local governments may use to expand public water access opportunities, including land trusts, tax incentives, and options available through Program Open Space (POS).

The final report, that must be submitted by December 1, 2022, must include (1) the number of public water access sites owned by the State; (2) model plans that State and local governments may use to increase the availability of public water access; (3) a summary of actions taken by the General Assembly to expand public water access, including actions taken by the State in response to Chapter 140 of 2013; (4) recommendations for improving the effectiveness of easement incentives for waterfront properties; and (5) a detailed summary of expenditures from the Waterway Improvement Fund (WIF).

**Current Law:** Chapter 140 of 2013 requires local governments and the Maryland Department of Transportation, when developing a construction or improvement project involving a bridge or other transportation facility that is adjacent to or that crosses a waterway, to consider any reasonable and appropriate measures to provide or improve

water access for fishing, canoeing, kayaking, or any other nonmotorized water dependent recreational activity.

### *Chesapeake Bay Trust*

CBT is a nonprofit grant-making organization dedicated to improving the watersheds of the Chesapeake Bay, the Maryland Coastal Bays, and the Youghiogheny River. Created in 1985 by the General Assembly, CBT's goal is to increase stewardship through grant programs, special initiatives, and partnerships that support K-12 environmental education, on-the-ground watershed restoration, community engagement, and the underlying science of these three realms. Grantees include schools, local governments, community groups, faith-based groups, watershed organizations, and other not-for-profit entities.

### *Program Open Space*

POS acquires and improves outdoor recreation and open space areas for public use. The program also preserves unique natural areas that are home to rare and endangered species. The State's goal is to conserve these lands before unaffordable land prices or development makes the task impossible. POS consists of a State and local component. Under the State component, POS preserves natural areas through fee-simple purchases and easement acquisitions. Under the local component, the Department of Natural Resources (DNR) allocates funds among the counties for local conservation acquisitions and development of public outdoor recreational sites, facilities, and open space.

### *Waterway Improvement Fund*

WIF finances projects and activities that promote, develop, and maintain Maryland's waterways for the benefit of the boating public. With certain exceptions, a local government and WIF must jointly finance projects to construct marine facilities beneficial to the boating public. The contribution of WIF must be limited to no more than 50% of the cost of each project. WIF may, however, finance completely any construction project beneficial to the boating public, which costs \$250,000 or less, regardless of its location.

Other types of projects that may be financed solely by WIF include projects for dredging and marking channels and harbors, construction of jetties and breakwaters, and clearing debris, aquatic vegetation, and obstructions in navigable waters, as well as construction of marine facilities located within lands owned by DNR and construction of pump-out stations for use by the general boating public at public and private marinas.

### *Federal Great American Outdoors Act*

In August 2020, the federal Great American Outdoors Act was enacted to provide funding for the maintenance of critical facilities and infrastructure in national parks, forests, wildlife refuges, recreation areas, and American Indian schools. The Act also made funding for the Land and Water Conservation Fund (LWCF) permanent; among other things, LWCF provides grants to state and local governments for the acquisition and development of public parks and other outdoor recreation sites.

**State Expenditures:** General fund expenditures increase by \$60,000 in fiscal 2023 only due to the bill's mandated appropriation. State agencies represented on the workgroup can participate using existing budgeted resources.

**Additional Comments:** CBT advises that the bill's \$60,000 mandated appropriation is sufficient for it to staff the workgroup and complete the required reports. Although funds are not available until fiscal 2023 under the bill, CBT can use existing resources in fiscal 2022 until funds become available in fiscal 2023 pursuant to the bill's mandated appropriation.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** SB 925 (Senator Elfreth) - Education, Health, and Environmental Affairs.

**Information Source(s):** Department of Budget and Management; Department of Natural Resources; Chesapeake Bay Trust; U.S. Department of the Interior; Congressional Research Service; Department of Legislative Services

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