

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 458 (Delegate Guyton)
Environment and Transportation

Program Open Space - Local Projects - Visitor Behavior Policies

This bill requires a local governing body to submit, to the Department of Natural Resources (DNR), a policy of best practices of ethical behavior for visitors to parks and natural areas and a plan for sharing the policy with the public. Each Program Open Space (POS) local project application must certify that the local governing body has adopted and submitted a policy of best practices. The policy must include specified information on how visitors can (1) limit the damage of natural areas; (2) limit the pollution of natural areas and waterways; (3) limit the disturbance to wildlife; and (4) exercise trail courtesy. The policy may be submitted as a part of the required local Land Preservation and Recreation Plan (LPRP).

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources.

Local Effect: The bill is not expected to materially affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law: POS consists of a State and local component. Under the local component, DNR allocates funds among the counties for local conservation acquisitions and development of public outdoor recreational sites, facilities, and open space.

To participate in the grant process, a local government must prepare an LPRP every five years. Local governments must submit the local LPRP, consistent with criteria and goals established in the current State LPRP, to DNR and the Maryland Department of

Planning (MDP) for joint approval. Each local LPRP must also include acquisition goals based upon the most current population data available from MDP. Prior to approval, DNR must provide legislators from affected districts the opportunity to review and comment on the LPRP.

Each participating local government must also submit an annual program of proposed acquisition and development projects to DNR and MDP. The annual program is the basis for total allocations to each local government. Additionally, local governments must submit either a consolidated application for funding for the acquisition or development projects or individual applications for each project. The locality must certify on each project application that:

- the project conforms to the annual program of the local governing body;
- a governmental agency is charged to manage and administer an outdoor public recreation and open space program;
- funds are or will be available within 12 months of the date of submission of the application to pay the local share of the project cost;
- the value or interest in the land proposed for acquisition has been established by appraisers;
- the applicant has made specified efforts to determine whether federal funds are available for the project;
- rules and regulations have been complied with;
- land acquired or developed under a POS grant may not be converted, without specified written approval, from outdoor public recreation or open space use to any other use; and
- for any approved conversion of land acquired or developed under a POS grant, the appraised monetary value of the land proposed for acquisition to replace the converted land must be equal to or greater than the appraised monetary value of the land to be converted.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Carroll, Cecil, Harford, Montgomery, and St. Mary's counties; Maryland Association of Counties; City of Bowie; Maryland Municipal League; Department of Budget and Management; Department of Natural Resources; Maryland Department of Planning; Department of Legislative Services

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