HB 498

Department of Fiscal Services

Maryland General Assembly

FISCAL NOTE

House Bill 498 (The Speaker)
(Administration)
Environmental Matters

Wildland and Open Areas - Designation of New Wildlands

This Administration bill proposes the addition of six new wildland areas totaling approximately 4,000 acres throughout seven counties:

Frederick/Montgomery	Islands of the Potomac	670 acres
Caroline	Idlywild	570 acres
Baltimore	Mingo Branch/Bush Cabin Run	1272 acres
Prince George's	Belt Woods Addition	501 acres
Howard/Montgomery	Patuxent River Addition	755 acres
Calvert	Calvert Cliffs Addition	251 acres

The first three sites listed are new wildlands designations, and the last three sites are additions to existing wildlands.

Fiscal Summary

State Effect: Indeterminate effect on State revenues; potential increase in State expenditures.

Local Effect: Potential minimal increase in expenditures; revenues would not be affected.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small businesses (attached). Fiscal Services concurs with this assessment as discussed below.

Fiscal Analysis

Bill Summary: Wildland designations limit the types of activities that may occur on State lands to those activities that do not leave a lasting imprint of human activity. Prohibited activities include use of motorized vehicles and mechanical equipment (including bicycles), harvesting of timber, and construction of new roads, buildings, and structures.

The following recreational activities would be allowed in these areas: hiking, hunting/trapping, rafting, fishing, and horse-back riding.

In addition, various areas have been exempted from specific restrictions. For instance, a number of sites currently held as leased agricultural land will continue to be used for this purpose for one or two more years. Utility rights of way and gas lines are exempt from a number of the wildlands restrictions. Motorized boat access may be used within the Islands of the Potomac wildland. In regards to Belt Woods, existing agricultural fields may be reforested and existing structures may be allowed to remain. The Department of Natural Resources (DNR) may remove nonnative or domesticated plant or animal species, and erect fencing, gates, and signs which may be used for protection and interpretation. Existing tenancies with the property may continue until December 31, 1997.

Background: The Maryland wildlands preservation system was established with the passage of the Maryland Wildlands Act in 1971. The first wildland, Big Savage Mountain, was officially designated by the General Assembly in 1973. As of October 1996, 24 separate wildlands have been designated on over 35,400 acres of land in 14 counties throughout Maryland.

Wildlands designated in legislation enacted during the 1996 session (SB 517/Chapter 350) comprise over 21,000 of the acres currently in the system. Provisions of that bill require that an additional 1,800 acres of other wildland sites be designated east of Allegany County in either 1997 or 1998; failure to do so means that the Big Savage/Little Savage site originally designated in that bill will become a wildland. High Rock, which was used to partially substitute for Big Savage/Little Savage, will have its wildlands designation rescinded if Big Savage/Little Savage were to become a wildland.

State Effect: Chapter 350 of 1996 allows a mineral rights owner access to the minerals and compensation in the event of takings. To the extent that the designation of these additional wildlands would lead to any such takings, expenditures due to compensation would increase. However, DNR is likely to pursue all feasible options before doing so.
DNR reports that none of the five facilities currently managed as State lands are being used for timber production. Therefore, State revenues due to timber sales should not be affected.

The designation of a large sector of wildlands could spur growth in ecotourism opportunities. Any additional growth in this area could potentially lead to more people paying admission and camping fees at various State park and forest areas. However, any such growth cannot be predicted at this time. Its effect on State revenues is not expected to be significant in the short term.

The sites listed in the bill as agricultural lands with lease extensions of one to two years are properties that the State leases out for approximately $35 per acre. The total revenue loss from the reversion of these sites to wildlands would be less than $3,000 annually.

Belt Woods Wildland

The Belt Woods property designated as wildlands in this bill is in the process of being purchased for use as State lands. The total land acquisition cost of $4.7 million has been approved by the Board of Public Works (BPW); the closing date for the purchase is currently scheduled for February 7, 1997. The equitable title for the property is already held by the State due to the contracts signed prior to closing.

According to documents submitted by DNR to BPW, the following funding sources are being used for the purchase:

State Program Open Space (POS) funds:	$2,830,000
Prince George's County (City of Bowie) POS:	$400,000
Maryland Bond Legislation (Chapter 90 of 1996):	$500,000
City of Bowie:	$100,000
Prince George's County:	$500,000
Private Funding:	$320,000
Total	$4,650,000

An additional $120,000 in administrative fees are being incurred payable through POS funds. This money is to reimburse the Trust for Public Land for its expenses for such items as appraisal fees.

Regardless of this legislation, this purchase is expected to occur. Therefore, the costs attributable to the purchase of the property are not a result of the bill. In addition, the deeds attached to the land purchase already incorporate many of the same protections, and in fact, have the wildlands regulations attached as being applicable to the property.
The only potential impact of the bill is the direct mention of reforestation; it is not clear who would be responsible for funding this activity. However, the groups involved in the purchase of the land are forming a management council to decide how the property will be managed,

and by whom. These groups include DNR, Prince George's County, the City of Bowie, the Nature Conservancy, the Trust for Public Lands, and the Western Shore Conservancy. It is assumed that volunteers would comprise a large part of effort; some minimal State funds could be involved in providing materials.

Local Effect: As discussed above, Prince George's County and the City of Bowie are involved in the purchase of this property and the management plan being developed for the Belt Woods Wildland. The City of Bowie has expressed interest in being directly involved in day-to-day management activities, however, no plan has yet been formalized. While the bill would not directly impact the purchase plans or the allocation of management responsibilities, the city or the county could incur minimal costs associated with reforestation.

Small Business Effect: Those farmers currently holding leases on State-owned properties to be designated as wildlands will be affected by the bill. While these individuals will be given lease extensions of one to two years, they will nevertheless need to relocate their operations at the end of this time period.

Costs incurred by these farmers cannot be estimated at this time, but will likely hinge on the availability and price of comparable acreage in the surrounding region.

Belt Woods Wildland

There are tenant farmers currently located on the property; existing tenancies may continue until December 31, 1997. After this point, agricultural activities would not be allowed on the Belt Woods property being converted to wildland. In addition, other activities prohibited under the wildlands statute such as timber harvests would not occur. However, under the terms of the Program Open Space purchase of the property described above, the deed restrictions would have imposed the same conditions regardless of the official wildlands designation. Therefore, this provision of the bill would not directly affect any small businesses.

Information Source(s): Department of Natural Resources, City of Bowie, Prince George's County, Nature Conservancy, Department of Fiscal Services

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