

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 728

(Delegate Beitzel, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

State Parks and Forests - Hunting - Use of Off-Road Vehicles

This bill authorizes, beginning July 1, 2020, a person who possesses a valid hunting license to use an off-road vehicle to retrieve white-tailed deer and black bear that has been reduced to personal possession during a hunting season on roads or trails in any State park or forest where hunting is allowed, other than in a State wildland. The off-road vehicle must be registered and operated in accordance with regulations adopted by the Department of Natural Resources (DNR). **The bill takes effect July 1, 2019, and terminates June 30, 2022.**

Fiscal Summary

State Effect: Potential significant increase in general fund expenditures in FY 2021 and 2022 to repair or mitigate damage caused by off-road vehicles in State parks and State forests. Potential decrease in special fund revenues in FY 2021 and 2022 to the extent that the bill results in a decrease in timber sales in those years.

Local Effect: The bill does not directly affect local operations or finances; however, to the extent special fund revenues to the Forest or Park Reserve Fund decrease, county payments from that fund decrease.

Small Business Effect: Minimal.

Analysis

Current Law/Background: Generally, a person is prohibited from pursuing wildlife with an “off-road vehicle,” which means a motorized vehicle designed for or capable of cross-country travel on land, water, snow, ice, marsh, swampland, or other natural terrain.

It includes four-wheel drive or low-pressure tire vehicles, automobiles, trucks, motorcycles, amphibious machines, ground-effect or air-cushion vehicles, snowmobiles, boats, farm-type tractors, earth-moving or construction equipment, lawn mowers, snow blowers, garden or lawn tractors, or golf carts.

However, DNR authorizes hunters with mobility impairments who obtain a Universal Disability Pass to hunt from vehicles. Applications for a Universal Disability Pass must be certified by a physician. A number of public hunting lands in the State are designated as lands where individuals can hunt from a vehicle with such a permit. DNR also advises that the department makes every effort to assist any hunter who is experiencing difficulty retrieving large game (such as deer) from designated hunting areas.

The Secretary of Natural Resources is also authorized, on property controlled by the department, to designate and identify areas used by the general public for operation of motorcycles, snowmobiles, and other off-road vehicles on that property to the extent such use is compatible with the character and established uses of the property. This authorization does not extend to wildlife management areas or State fisheries management areas. An off-road vehicle may not be used (1) where its operation will damage the wildland character of the property or (2) where the noise from its operation will be audible at, or interfere with, the use of a public picnic or camping area.

Maryland wildlands are areas of State-owned land or water that have retained their wilderness character or contain rare or vanishing species of plant or animal life or similar features worthy of preservation. Designated by the General Assembly, they may include unique ecological, geological, scenic, and contemplative recreational areas. These sites are Maryland's equivalent to the federal Wilderness Preservation System.

State Fiscal Effect: General fund expenditures increase, potentially significantly, in fiscal 2021 and 2022 for DNR to repair and mitigate damage caused by off-road vehicles in State parks and State forests and to survey and post signage around State wildlands to prevent unauthorized use in those areas. However, the extent of any such damage cannot be reliably estimated because it depends on many factors, including (1) the number of hunters who register off-road vehicles and take advantage of the bill's authorization to retrieve white-tailed deer and black bear that have been reduced to personal possession on property owned or controlled by DNR; (2) the types of vehicles used; (3) hunting locations, which may include areas of rare, threatened, or endangered plant or animals species as well as areas with sensitive cultural and historical features; (4) the number of hunting days; and (5) environmental conditions. DNR further advises that there is the potential for significant damage to sensitive areas.

As discussed above, specified areas are already open to hunting and retrieving game from a motorized vehicle for hunters with mobility impairments. DNR designates these areas as

open to hunting from vehicles (with certain restrictions) only after determining that the use of motorized vehicles does not present an undue risk to public safety or compromise resource protection objectives. Thus, using an off-road vehicle in areas that are not designated as open to hunting from vehicles may pose a risk to public safety or compromise environmental resources.

Since 2011, all of the major State forests in Maryland have been certified by the Sustainable Forestry Initiative (SCI) and the Forest Stewardship Council (FSC) standards. SCI and FSC are nationwide sustainability standards. DNR advises that the bill's provision may jeopardize these certifications. These certifications provide DNR's Forest Service with increased credibility and visibility regarding its sustainable forest management practices. Further, the FSC label increases marketability of FSC-certified timber products. Thus, special fund revenues for the Forest or Park Reserve Fund may decrease in fiscal 2021 and 2022 to the extent that expanded use of off-road vehicles in State forests jeopardizes FSC or SCI certification and impacts timber sales from State forests.

Local Revenues: Because counties receive a percentage of the revenues derived from State forests located in their jurisdictions from the Forest or Park Reserve Fund, county payments from the fund decrease if revenues from timber sales decrease.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources; Department of Legislative Services

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