



Enhancing and Advancing Land Conservation

Committee: Senate Education, Energy, and the Environment Committee

Testimony on: HB0717 - "Public Lands – Acquisition, Staffing, Operations, and Funding"

Position: Favorable with Amendments

Hearing Date: Tuesday, March 25, 2025

Dear Chair Feldman and Committee Members:

I am writing on behalf of Forever Maryland and our affiliated land trusts, to express our favorable position, *pending the inclusion of a key amendment*, for House Bill 717.

We must emphasize that Program Open Space has been consistently and repeatedly targeted for diversions and reductions for well over 20 years during trying financial times, including this legislative session.

At present, the budget proposes to transfer \$25.0 million annually between fiscal 2026 through 2029 from Program Open Space State land acquisition, Rural Legacy Program, and Maryland Agricultural Land Preservation Foundation. Transferring any Program Open Space State Land Acquisition Balance above \$80 million coupled with the fiscal 2026 through fiscal 2029 diversion of funds will render the balance at near zero by fiscal 2029.

As such, Forever Maryland respectfully requests the committee's consideration for the following amendment:

Remove the section authorizing, "The Governor may transfer to the Department funds from the Program Open Space State Land Acquisition balance if: (I) the balance is more than \$80,000,000 and the end of a given fiscal year, and (II) the Department's existing special fund sources are insufficient to cover existing salaries for permanent, classified positions responsible for operating and maintaining lands administered and managed by the Department," and the associated section that follows authorizing uses for the transferred funds.

If the above requested amendment is not deemed viable, alternatively, Forever Maryland respectfully requests the committee's consideration for the following amendment:

Increase the threshold to \$100 million and include a reasonable inflation index to escalate the amount over time.

Maryland's land trusts are longstanding partners with the Department of Natural Resources (DNR) in both the acquisition and stewardship of land protected with Program Open Space funds.

Program Open Space is a nationally respected, and truly visionary, land conservation program. It is the funding stream most responsible for Maryland's achievement of permanent protection of 30% of the state by the year 2030 (30x30) ahead of schedule and sets the table for achieving 40x40. Both conservation goals were passed by the Maryland legislature, in view of the critical importance of land conservation to human health, biodiversity, water quality, and climate adaptation.

This bill would authorize DNR to divert all Program Open Space State Land Acquisition Balance (also known as "Stateside") over and above \$80 million to various other DNR accounts, with an emphasis on making up shortfalls in funding DNR's staff capacity for land management.

Nothing in this testimony is meant to be a value judgement between DNR's operating needs and Program Open Space Stateside. Both are mission-critical and essential in a state that prioritizes environmental health, open space, and conservation.

The very nature and intention of special funds, derived from the real estate Transfer Tax, are meant to reflect market forces, causing the fund to be larger during productive real estate markets, when the cost of conservation project acquisitions also increases. Diversions prevent Program Open Space from operating as intended and risk a lack of funds for critical land and easement purchases.

Forever Maryland also notes our favorable position toward the following elements of the bill:

- Establishment of affiliated foundations
- Easement valuation systems for conservation easement purchases

The people of Maryland deserve a Department of Natural Resources funded for excellence across all of its important agencies; in our view, that includes robust funding for staff *and* for Program Open Space Stateside. Each of Maryland's land trusts stand ready and willing to work with the Department, the legislature, and other natural resources stakeholders over the coming months to ensure a bright future for conservation in Maryland.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "K Kirkwood". The signature is fluid and cursive, with the first letter of the first name being a large, stylized capital 'K'.

Kristin Kirkwood
Board Chair, Forever Maryland
Executive Director, Harford Land Trust