

HB 717 Natural Resources - Public Lands - Acquisit

Uploaded by: Cait Kerr

Position: FAV

Tuesday, March 25, 2025

TO: Brian Feldman, Chair of the Senate Education, Energy, and the Environment Committee; and Committee Members

FROM: Michelle Dietz, The Nature Conservancy, Director of Government Relations; Cait Kerr, The Nature Conservancy, State Policy Manager

POSITION: Support HB 717 Natural Resources - Public Lands - Acquisition, Staffing, Operations, and Funding

The Nature Conservancy (TNC) supports HB 717 requested by the Maryland Department of Natural Resources (DNR). TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In Maryland, our work focuses on delivering science-based, on-the-ground solutions that secure clean water and healthy living environments for our communities, reducing greenhouse gas emissions and increasing resilience in the face of a changing climate. We are dedicated to a future where people and nature thrive together.

TNC is part of a global effort to preserve the world's remaining wild and near-natural habitats, with the goal of protecting 30 percent of the planet by 2030. We recognize that investing in land management is a key piece of realizing our desired impact from meeting that goal. Here in Maryland, the lands and waters that surround us are irreplaceable resources. They are an invaluable part of our heritage, our economy, and our identity. Economists have estimated that nature contributes trillions of dollars to the global economy each year, in the form of ecosystem services such as pollination and water filtration and storage. Maryland's outdoor recreation economy generates 109,000 direct jobs, \$14 billion in consumer spending, \$4.4 billion in wages and salaries, and \$951 million in state and local tax revenue. Investing in management staff and resources allows our state to optimize land use for the greatest environmental and economic benefits. Improving access to our state's lands brings Marylanders closer to our cultural heritage, fosters land stewardship, and offers health benefits from recreation. HB 717 aims to dedicate funding, staff, and resources to strengthen Maryland's investment in managing and maintaining our lands.

Maryland's protected lands are an heirloom that we all have the opportunity to experience and the responsibility to steward for future generations. Our intent in supporting HB 717 is to continue elevating collaborative approaches to meet our protected areas' needs. TNC appreciates DNR's work and responsiveness to our prior amendments on this bill and we value the agency's willingness to work with us through the administrative process to achieve this bill's intent. We look forward to working with the agency on implementing this legislation and the resulting programs in the near future.

Therefore, we urge a favorable report on HB 717.

HB0717 PresMD FAV_Senate Testimony.pdf

Uploaded by: Dana Cohen

Position: FAV



PRESERVATION MARYLAND

March 25, 2025

Hon. Brian J. Feldman
Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland

RE: HB0717 FAVORABLE

Chairperson Feldman,

On behalf of the staff and Board of Preservation Maryland and our thousands of statewide supporters, I thank you for the opportunity to provide written testimony in **SUPPORT of HB0717**.

In an uncertain budget climate, we feel this bill is critical and will allow the state to build on investments first made during the Great Maryland Outdoors Act that make our public lands more accessible and resilient. It accomplishes this by enabling partnerships and providing for innovative redeployment of acquisition funds toward immediate public lands' needs.

First, this bill addresses the ongoing need to activate and care for our public lands by allowing stateside Program Open Space funding (exceeding \$80M in any FY) to be deployed to support stewardship, maintenance, and operation of state lands and parks. The legislation will also increase private support by enabling the department to enter into agreements with foundations for the various public land units with a focus on increasing private philanthropic support. Just like the state, counties and municipalities need to make local parks accessible which this bill will support via flexibility with local park dollars. Once a county hits its land protection goals, this legislation allows for local side Program Open Space to be used on park improvements, care, and maintenance.

This bill also focuses on the plan for future workforce needs, instead of buying land and determining how to staff it later, this bill will require the department and DBM to identify necessary staffing levels at the outset – so Marylanders enjoy the benefit of a well-maintained and appropriately staffed park – from rangers to lifeguards. We support this legislation as we believe its passage would enhance the Department of Natural Resources' efforts to maintain historic resources under the agency's care and also address challenges the agency and its partners face in making public lands more accessible.

HB0717 is an important piece of legislation, and we urge a favorable report.

Favorable

Sincerely,

Nicholas A. Redding, President & CEO

HB0717_DNR_SUP_EEE_3-25-25.pdf

Uploaded by: Josh Kurtz

Position: FAV



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

March 25, 2025

BILL NUMBER: House Bill 717 – Third Reader

SHORT TITLE: Natural Resources - Public Lands - Acquisition, Staffing, Operations, and Funding

DEPARTMENT'S POSITION: SUPPORT

EXPLANATION OF DEPARTMENT'S POSITION

The Department supports the third reader version of HB 717 because it will improve the Department's ability to operate, manage, and acquire state parks, forests, and wildlife management areas for all citizens by making several key fiscal and operational changes. The changes include setting a formula for the Department requesting additional positions as acres are acquired, and increasing funding opportunities for operations including authorizing the Department to create affiliated foundations and utilize limited funding from the Program Open Space (POS) Stateside land acquisition fund balance in certain circumstances. These provisions will increase the long-term sustainability of the Department to manage existing lands and continue acquiring lands to meet state land conservation goals and the continued demand for public access from citizens. The bill also provides local jurisdictions with increased flexibility to spend their POS Local funds on either acquisition or development projects if they have met their land acquisition goals which ensures protected lands provide meaningful access to Marylanders

BACKGROUND INFORMATION

STAFFING

The Department currently owns over 504,000 acres statewide that are managed as part of state parks, state forests, wildlife management areas, and fisheries management areas. As the Department has acquired an additional 135,000 acres of land over the past 20 years, the number of authorized positions within the land management units actually decreased through FY 2023. The Great Maryland Outdoors Act of 2022 (CH39) provided additional positions for the Maryland Park Service in FY 2024 which brought total DNR land management unit positions back to the FY 2003 staffing levels (see charts below). This impacts the Department's ability to effectively manage existing lands and to acquire new lands for public open space and recreation to meet the high demand for these spaces across the state since staff are already stretched thinly.

FUNDING

Transfer tax revenues fund the Department's land conservation and recreation programs and operations. When transfer tax revenues are low, the Forest and Park Reserve Fund, a special fund which helps fund the Maryland Park Service as well as the Maryland Forest Service, does not receive sufficient funding from the transfer tax to maintain level funding for operations and maintenance. When transfer tax revenues are high, POS Stateside receives more funding than program activity in a given fiscal year based on staff capacity and project schedules

Contact: Emily Wilson, Director, Legislative and Constituent Services (Acting)
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resulting in program balances that can carry over from year to year. Over the past three years, the POS Stateside project pipeline - projects in various stages of negotiation - has averaged \$90 million. While maintaining a POS Stateside fund balance is critical to allow us to continue acquisitions and active negotiations in years with low funding, the language in HB 717 ensures that DNR has funds available to continue POS Stateside acquisitions needed to meet the legislatively required 40x40 land conservation goal and the high demand for public access while providing additional operating funds for safe, clean, user-friendly, and operable Maryland public lands.

EASEMENT VALUATIONS

HB 717 codifies the Department's authority to use an easement valuation system (EVS). The Board of Public Works has approved DNR using an EVS for POS Stateside and Conservation Reserve Enhancement Program permanent conservation easements. This section would update the statute to reflect current practice based on those BPW approvals. Additionally, the Department has been using an EVS, per statute, for the Rural Legacy Program since its inception in 1997. This will provide for operational consistency and parity among the easement programs in the Department's Land Acquisition and Planning Unit.

POS LOCAL PROVISIONS

POS Local allocations are provided to all 23 counties and Baltimore City based on a long-standing formula. The locals are required to prepare a Land Preservation, Parks, and Recreation Plan (LPPRP) every five years in order to continue to be eligible for POS Local allocations. These LPPRPs map out a county's land conservation and recreation plans and strategies for each of the next five years, taking into consideration any gaps in these services and planning to address any deficiencies in open space and recreational development for the counties' citizens. Setting an acquisition goal for open space is a part of the LPPRP, and if a county has met their acquisition goal then they can use a larger percentage (currently 75% for most counties, except in Garrett and Allegany Counties where it is 100%) of their POS Local allocation for recreation development.

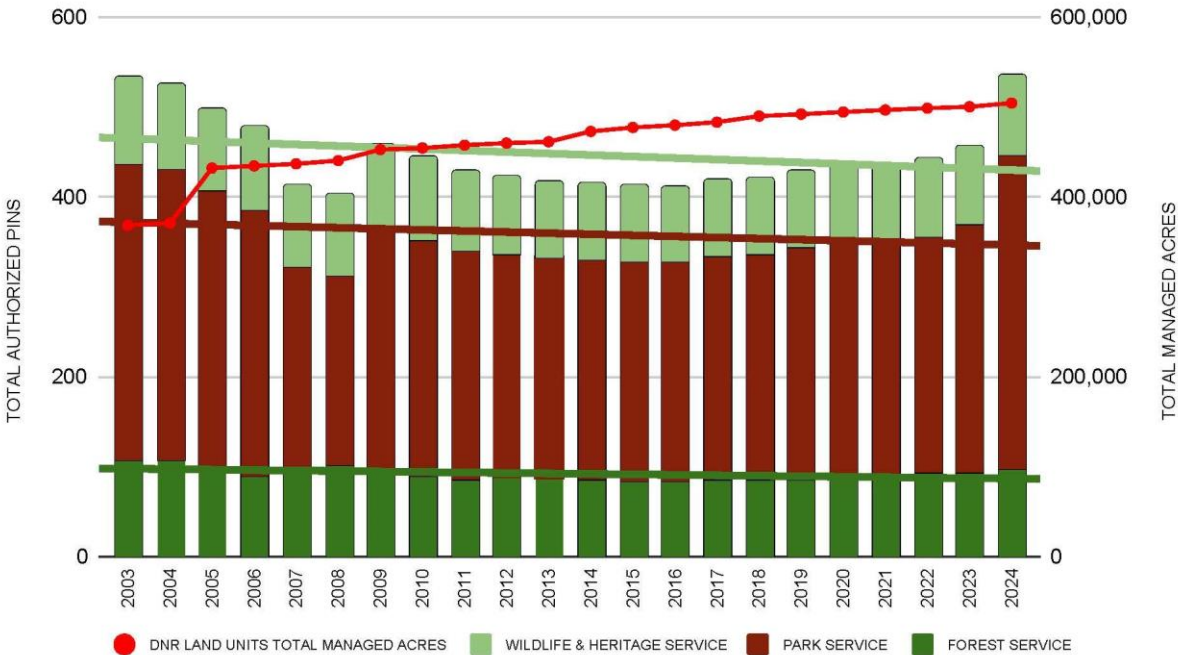
BILL EXPLANATION

HB 717:

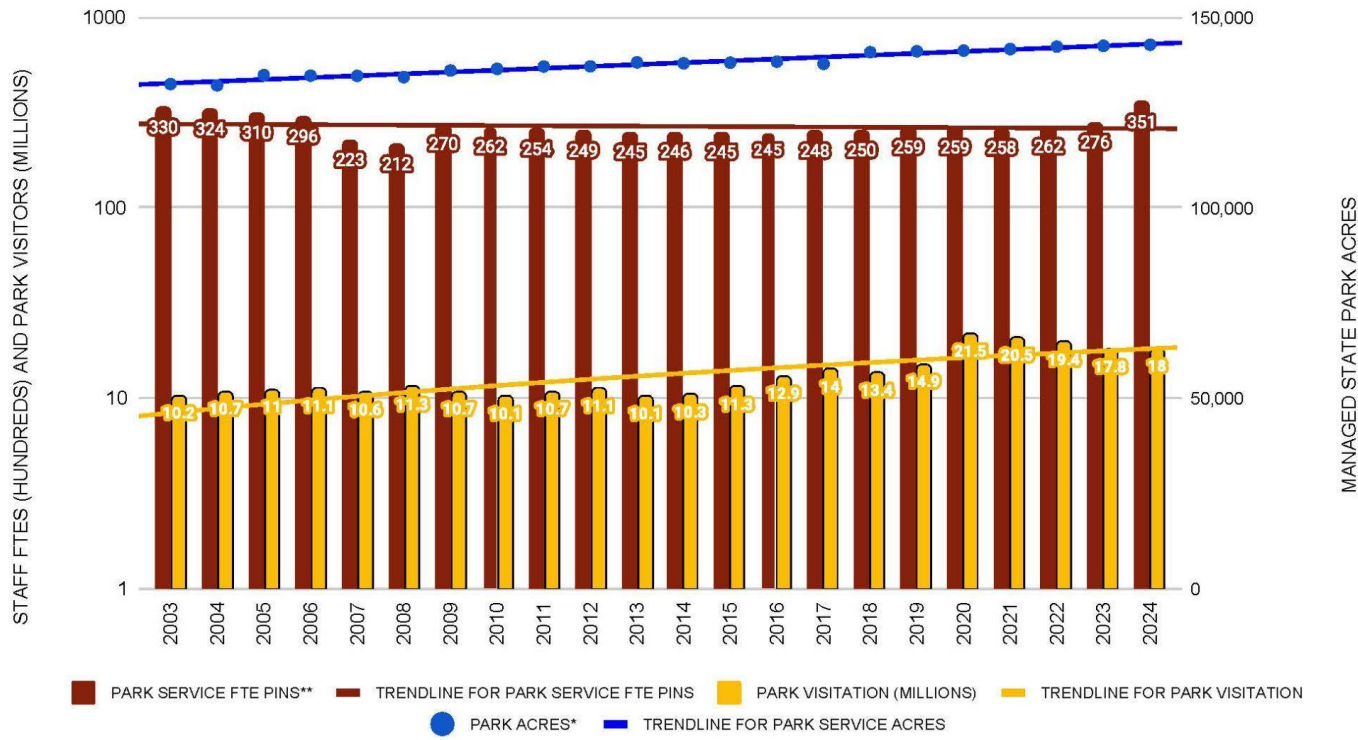
1. Authorizes the Department to create affiliated foundations in support of our public lands and operations, and the Natural Resources Police.
2. Requires the Department to *request*, through the regular budget process with the Department of Budget and Management, new positions to manage newly acquired lands based on a specific formula (at least one new position per 400 acres of new land acquired in fee-simple). This ratio was recommended from a Department of Legislative Services study completed as part of the Great Maryland Outdoors Act. The legislation *does not require* the positions be approved or created.
3. Authorizes the Governor to transfer a portion of the Program Open Space Stateside fund balance for operational needs when it has *at least* \$80 million in unencumbered funds *and* existing fund sources are insufficient to cover current staffing and operational needs.
4. Codifies the Land and Property Management Program established in the Department to process real property transactions that involve property owned by the Department including housing leases in accordance with the Department's Residential Housing Policy.
5. Increases the amount of POS Local allocation counties may use for recreational development projects from 75% to 100% if they have met their land acquisition goals in the most recent Local Land Preservation, Parks, and Recreation Plans (LPPRP), and removes the limitation on how much POS Local funding a local government may spend on eligible capital renewal projects. This will provide for more efficient expenditures of county POS Local allocations.
6. Changes the matching fund requirement from the total project cost to the POS Local grant amount when other state or federal grants are provided for a project.

7. Allows local governments to request up to \$125,000 for each LPPRP update instead of up to \$25,000 each fiscal year.
8. Makes technical updates to the Natural Resources Article as it relates to the definition of “real property interest”.
9. Codifies the Department’s authority to use an easement valuation system.

DNR LAND UNIT ACRES MANAGED AND AUTHORIZED FTE PINS 2003 to 2024



PARK SERVICE FTE PINS AND PARK ACRES COMPARED WITH VISITATION - 2003 TO 2024



HB0717-EEE_MACo_SUP.pdf

Uploaded by: Karrington Anderson

Position: FAV



House Bill 717

Natural Resources - Public Lands - Acquisition, Staffing, Operations, and Funding

MACo Position: **SUPPORT**

To: Education, Energy, and the Environment
Committee

Date: March 25, 2025

From: Karrington Anderson

The Maryland Association of Counties (MACo) **SUPPORTS** HB 717 to ensure greater flexibility in the use of Program Open Space (POS) Local allocations. This bill allows flexibility for future allocations for POS funds if the Department of Natural Resources and Department of Planning certify that the acquisition goals have been met. Department-sought amendments clarify the intended beneficial effects on local jurisdictions who have met State-set land preservation goals.

Since its inception in 1969, POS has enabled the State of Maryland and its counties to expand public access to recreational spaces and natural areas, delivering immense health and economic benefits to communities across the state. Over time, counties' ability to reach lofty land acquisition goals has been a variable, but those who have done so now require more resources for park maintenance and facility improvements. The current rigid allocation structure does not adequately address evolving needs, resulting in inefficiencies in fund utilization, especially given recent reductions in state funding due to declining transfer tax revenues.

HB 717 presents a valuable opportunity to modernize POS local allocations by allowing counties to direct resources toward vital park enhancements – including upgrades to playgrounds, recreation centers, and other facilities – while maintaining appropriate oversight through the Department of Natural Resources and acreage-per-capita considerations.

Given the fiscal constraints facing local governments, county Recreation and Parks departments are striving to maximize the effects of limited resources through innovative and efficient solutions. Granting counties increased discretion in the use of POS local funds will allow them to better meet the diverse recreational needs of their residents while ensuring responsible stewardship of public resources.

For these reasons, MACo urges a **FAVORABLE** report on HB 717.

HB717 MACPRA Position 3-21-25.pdf

Uploaded by: Steve Miller

Position: FAV



MARYLAND ASSOCIATION OF COUNTY PARK & RECREATION ADMINISTRATORS (MACPRA)

HB717 Natural Resources – Public Lands – Acquisition, Staffing, Operations and Funding

March 21, 2025

MACPRA Position: SUPPORT

The Maryland Association of County Park and Recreation Administrators (MACPRA) supports HB717 altering provisions of law regarding the Department of Natural Resources acquisition of real property and establishing a Land and Property Management Program in the Department. In addition to the benefits provided to the State Park system, the bill, as written, provides additional flexibility to Counties for how Program Open Space funds can be utilized, which is a high priority of County recreation and park professionals. This flexibility better equips Counties to address local needs for acquisition and/or development projects that enhance quality of life in the communities that we serve.

During the bill's introduction in the House, MACPRA proposed two amendments which have been incorporated into the bill language. These amendments provide additional efficiency and flexibility to the Counties when utilizing Program Open Space funds, which enhances an already strong bill.

MACPRA strongly supports the passing of HB 717 and urges the Senate Committee to give a favorable recommendation. Thank you for your consideration.

The Maryland Association of County Park & Recreation Administrators (MACPRA) is an affiliate of the Maryland Association of Counties and represents the Parks and Recreation departments of all 23 counties and Baltimore City – the professionals engaged in the delivery of Parks and Recreation services throughout Maryland.

Senate EEE_HB 717 FM testimony_final.pdf

Uploaded by: Kristin Kirkwood

Position: FWA



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", with a stylized, flowing script.

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

Partners for Open Space_HB 717 Senate Testimony_3.

Uploaded by: Owen Bailey

Position: FWA



PARTNERS *for* OPEN SPACE

HB 717 – Natural Resources – Public Lands – Acquisition, Staffing, Operations and Funding Hearing House Environment and Transportation Committee – March 25, 2025

POSITION: Support with Amendments

Dear Chair Guzzone, Vice-Chair Rosapepe and Distinguished Committee Members:

Partners for Open Space support many of the provisions of HB 717. We are encouraged by the efforts to make the acquisition process more efficient by allowing state side POS to use an Easement Valuation System (EVS). The proposed foundation supporting DNRs parks will no doubt be successful as many residents recognize the tremendous value of and support for the outdoor recreational economy.

We appreciate DNR's efforts to find a long term, sustainable source of funding for park operations, maintenance and development. However, the proposal to redirect funding from the land acquisition balance to other state park functions is not a sustainable solution. The income that the state receives from the transfer tax varies greatly from year to year in response to the real estate market. Indeed, the current balance in the DNR acquisition fund is largely the result of an "over-attainment" of funds from the transfer tax several years ago. But this year the transfer tax revenue was reduced by \$85 million or roughly 38% of the total projected FY26 transfer tax revenue. It is precisely this volatility and response to the market that makes the transfer tax an excellent land acquisition tool, but a very poor tool to use for ongoing expenses and salaries.

If legislation must be passed to reduce some of the fund balance, it should be clearly designated a transfer from the Special Fund to the General Fund and re-paid over the subsequent 3 fiscal years. A permanent reallocation of the acquisition funds will significantly affect the likelihood we can meet the state goal of preserving 40% of the land in Maryland by the year 2040, in addition to making it more difficult to acquire the infill parcels that enhance access to the existing park system. We urge your continued support of the funding for these critical programs, while we work together to find creative solutions to fund the ongoing operation, maintenance and development needs of Maryland's state parks.

Thank you for your consideration.

Charlotte Davis, Co-chair
Partners for Open Space

Owen Bailey, Co-chair
Partners for Open Space

Partners for Open Space Steering Committee Members

Baltimore County Land Trust Coalition, Ann Jones; **Chesapeake Bay Commission**, Mark Hoffman; **Chesapeake Bay Foundation**, Matt Stegman, **Chesapeake Conservancy**, Mark Conway; **The Conservation Fund**, Bill Crouch; **The Eastern Shore Land Conservancy**, Owen Bailey; **Forever Maryland/Harford Land Trust** Kristen Kirkwood; **Maryland Association of County Parks and Recreation Administrators** Jessica Leys; **The Nature Conservancy**, Michelle Dietz; **League of Conservation Voters**, Kristen Harbeson; **Potomac Conservancy**, Anna Mudd; **Preservation Maryland**, Nick Redding; **Rural Maryland Council**, Charlotte Davis; **The Southern Maryland Heritage Area Consortium**, Lucille Walker; **The Trust for Public Land**, Kent Whitehead.

DO NOT SUPPORT OF BILL20250321_11240737.pdf

Uploaded by: Tom Wieland

Position: UNF

I DO NOT SUPPORT THIS BILL:BECAUSE

THIS BILL AS WRITTEN DOES NOT WARRANT IT'S EXPENSE

Tom Wieland

2464 Symphony Lane

Gambrills, Md. 21054

(HB 717) EEE Informational Testimony 3.21.25.pdf

Uploaded by: Kate Thompson

Position: INFO



COMMISSION MEMBERS:

CRAIG D. ROSWELL, *Chair*
KAREN D. MORGAN
MARIELA OLIVARES
JAMES N. ROBEY, JR.
GENEAU M. THAMES

STATE ETHICS COMMISSION

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ANA L. HENRY
Assistant General Counsel
PANSY S. WATSON
Assistant Counsel

March 21, 2025

House Bill 717 – Natural Resources – Public Lands – Acquisition, Staffing, Operations and Funding

Testimony Before the Education, Energy, and the Environment Committee

The State Ethics Commission provides this informational written testimony to explain the impact of this proposed legislation on the agency. This legislation provides for exemptions from certain conflict of interest provisions of the Public Ethics Law for agency employees serving in specific roles with the agency-affiliated foundation. The legislation, as amended, is consistent with prior legislation allowing similar exemptions for the employees of other State agencies who serve in various capacities with other agency-affiliated foundations with other State agencies such as the Maryland Stadium Authority, TEDCO, the Historic St. Mary's City Commission, and the University of Maryland Baltimore. In those instances, the exemption provisions for affiliated foundation activities are contained in the agency's specific enabling statute for the affiliated foundation rather than in the provisions of the Public Ethics Law.

As amended, HB 717 will not have a fiscal impact on the State Ethics Commission. The legislation would have a small operational impact that the agency can absorb with its current resources. The State Ethics Commission will be required to work with the Department of Natural Resources (DNR) to provide guidance and receive reports related to DNR officials or employees serving as an official or director of an agency affiliated foundation.