

Subject to normal permit procedures, an owner of mineral rights located in a wildland area must have the right to access the minerals. Provisions are made for compensation in the event of takings. An exemption from the wildlands provisions is made for easement agreements associated with improvements to Indian Bridge Road in St. Mary's County.

Fiscal Summary

State Effect: Potential indeterminate effect on revenues. Potential indeterminate increase in expenditures.

Local Effect: Potential indeterminate effect on revenues. Expenditures would not be affected.

Small Business Effect: The Department of Natural Resources has determined that this bill has minimal or no impact on small business (attached). Fiscal Services disagrees with this assessment, as discussed below. (The attached assessment does not reflect amendments to the bill.)

Fiscal Analysis

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 1995, 11 separate wildlands have been designated on over 14,000 acres of State park and State forest land in nine counties throughout Maryland.

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, prohibiting the use of motorized vehicles and mechanical equipment (including bicycles); the harvesting of timber; the construction of new roads, buildings, and structures.

The following recreational activities would continue in these areas:

- Hiking
- Hunting/Trapping
- Rafting
- Fishing
- Horse-back riding

In addition, various areas have been exempted from specific restrictions. For instance, both the Mattawoman and Cedar Island areas will have continued motor-boat access (to allow

continued fishing opportunities.) Motorized equipment for the maintenance of equestrian trails is allowed at Morgan Run. Baltimore Gas and Electric will continue to have access to its transmission lines in Baltimore County. In certain instances, the Governor can authorize the development of reservoirs, transmission lines, and other such facilities that are deemed in the public interest.

State Effect: To the extent that mineral rights owners would be more likely to be subject to takings in a wildlands area, expenditures due to compensation would increase. The Department of Natural Resources (DNR) advises, however, that it would pursue all other feasible options to allow access before initiating a takings procedure.

The Department of Natural Resources reports that this bill will result in the removal of 4,260 acres of land available for timber production, and that only 640 of the 4,260 acres would have any serious potential for timber harvest. DNR reports that it plans to maintain the overall volume of harvest rates at current levels despite a total reduction in available harvest acreage. Harvesting would increase in other areas to offset the lack of harvesting in wildlands. Under such a scenario, State revenues would not decrease. However, it is feasible that more than 640 acres of those designated as wildlands would actually be harvestable for timber in the near or distant future, making it more difficult to make up the acreage elsewhere. In addition, while overall levels of timber harvest may stay stable, the quality of the wood harvested may decrease. In either instance, State revenues due to timber sales would decrease by an indeterminate amount.

In addition, as discussed in DNR's economic impact analysis, the designation of additional 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.

Local Revenues: Because local governments receive a portion of revenues from the State parks and forests in their areas, local revenues could be affected as discussed above.

Small Business Effect: If timber harvests are kept constant in each county, this bill would have a minimal effect on small businesses as discussed in DNR's analysis. However, timber harvests could be decreased either through overall levels or wood quality. In this instance, small businesses would be negatively impacted.

In addition, any growth in the ecotourism business as discussed in DNR's analysis could potentially have a long-term significant positive impact on small businesses.

Information Source(s): Department of Natural Resources; Garrett and Allegany counties;
Department of Fiscal Services

Fiscal Note History: First Reader - February 16, 1996
ncs Revised - Senate Third Reader - March 26, 1996
Revised - Enrolled Bill - May 20, 1996

Analysis by: Kim E. Wells
Reviewed by: John Rixey

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 841-3710
(301) 858-3710