
By: **Senator Stoltzfus**

Introduced and read first time: January 30, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Chesapeake Forest Lands - Public Access and Private Hunting Clubs - Lease**
3 **Agreements**

4 FOR the purpose of requiring a certain portion of the Chesapeake Forest Lands to be
5 open to the public during a certain time period; repealing a certain provision of
6 law setting forth the intent of the General Assembly that the Department of
7 Natural Resources use certain funds to open a certain portion of the Chesapeake
8 Forest Lands to public hunting by a certain date; repealing a requirement that
9 the Department include certain information in the Department's annual report;
10 authorizing the Department to lease parcels of land in the Chesapeake Forest
11 Lands to private hunting clubs; providing that certain leases are only in effect
12 during a certain time period; requiring a certain lease agreement to contain an
13 exclusive right-of-entry provision for the time period of the lease; requiring the
14 contract amount for a certain lease agreement to be fair market value taking
15 certain factors into consideration; requiring a certain lease agreement to be for a
16 certain term; requiring a private hunting club that enters into a certain lease
17 agreement to be responsible for certain maintenance; requiring a private
18 hunting club that enters into a certain lease agreement to notify the
19 Department of an opening in the club's membership; requiring the Department
20 to post a certain notice on the official Internet website of the Department;
21 defining a certain term; and generally relating to the Chesapeake Forest Lands.

22 BY repealing

23 Chapter 177 of the Acts of the General Assembly of 2002
24 Section 3

25 BY adding to

26 Article - Natural Resources
27 Section 5-1901 through 5-1905, inclusive, to be under the new subtitle "Subtitle
28 19. Chesapeake Forest Lands"
29 Annotated Code of Maryland
30 (2000 Replacement Volume and 2003 Supplement)

1 Preamble

2 WHEREAS, Chesapeake Forest Lands consist of 58,172 acres in 238 parcels;
3 and

4 WHEREAS, The public has a significant interest in entry and use of State
5 owned land including hiking, fishing, bird watching, canoe and kayak access,
6 primitive camping, utilization for environmental education, and nature and wildlife
7 watching; and

8 WHEREAS, Ninety-six percent of the Chesapeake Forest Lands are currently
9 subject to right-of-entry agreements with private hunting clubs; and

10 WHEREAS, Hunting clubs are a beneficial use of public land because they
11 generate significant revenue to the State, control rising deer populations, and
12 maintain roads, signs, and gates on the properties; now, therefore,

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Chapter 177 of the Acts of 2002**

16 [SECTION 3. AND BE IT FURTHER ENACTED, That:

17 (1) it is the intent of the General Assembly that, in accordance with §§ 10-209
18 and 10-308.1 of the Natural Resources Article, the Department of Natural Resources
19 utilize special fund revenue generated as a result of the licensing fee increases under
20 this Act, as appropriate, in order to open to public hunting at least half the total
21 acreage that is leased for hunting to private individuals on the properties known as
22 the Chesapeake Forest Lands by the 2005-2006 hunting season; and

23 (2) the Department shall include in its annual report to the General Assembly
24 a progress report on the public hunting opportunities provided under paragraph (1) of
25 this section.]

26 **Article - Natural Resources**

27 **SUBTITLE 19. CHESAPEAKE FOREST LANDS.**

28 5-1901.

29 IN THIS SUBTITLE, "CHESAPEAKE FOREST LANDS" MEANS THE TRACTS OF LAND
30 ON THE EASTERN SHORE PURCHASED BY THE DEPARTMENT AND THE
31 CONSERVATION FUND THAT WERE THE FORMER HOLDINGS OF THE CHESAPEAKE
32 FOREST PRODUCT CORPORATION.

1 5-1902.

2 EACH PARCEL OF CHESAPEAKE FOREST LANDS SUBJECT TO A LEASE
3 AGREEMENT UNDER THIS SUBTITLE SHALL BE OPEN TO THE PUBLIC FROM
4 FEBRUARY 1 THROUGH AUGUST 31 OF EACH YEAR.

5 5-1903.

6 (A) THE DEPARTMENT MAY LEASE PARCELS OF LAND IN THE CHESAPEAKE
7 FOREST LANDS TO PRIVATE HUNTING CLUBS.

8 (B) A LEASE ENTERED INTO UNDER THIS SECTION SHALL BE IN EFFECT ONLY
9 FROM SEPTEMBER 1 THROUGH JANUARY 31 OF EACH YEAR.

10 (C) A LEASE AGREEMENT BETWEEN A PRIVATE HUNTING CLUB AND THE
11 DEPARTMENT SHALL CONTAIN AN EXCLUSIVE RIGHT-OF-ENTRY PROVISION FOR
12 THE TIME PERIOD OF THE LEASE.

13 (D) THE CONTRACT AMOUNT FOR A LEASE AGREEMENT BETWEEN A PRIVATE
14 HUNTING CLUB AND THE DEPARTMENT MUST BE THE FAIR MARKET VALUE, TAKING
15 INTO CONSIDERATION THE SIZE AND LOCATION OF THE PARCEL OF LAND COVERED
16 BY THE AGREEMENT.

17 (E) A LEASE AGREEMENT BETWEEN A PRIVATE HUNTING CLUB AND THE
18 DEPARTMENT SHALL BE FOR A TERM OF 5 YEARS.

19 5-1904.

20 A PRIVATE HUNTING CLUB THAT LEASES A PARCEL OF LAND IN THE
21 CHESAPEAKE FOREST LANDS IS RESPONSIBLE FOR MAINTAINING ROADS, SIGNS,
22 AND GATES WITHIN THE PARCEL OF LAND COVERED IN THE AGREEMENT.

23 5-1905.

24 (A) IF A PRIVATE HUNTING CLUB THAT HAS A LEASE AGREEMENT UNDER
25 THIS SUBTITLE HAS AN OPENING IN THE MEMBERSHIP OF THE CLUB, THE CLUB
26 SHALL NOTIFY THE DEPARTMENT OF THE OPENING.

27 (B) THE DEPARTMENT SHALL POST NOTICE OF THE OPENING IN THE
28 MEMBERSHIP ON THE OFFICIAL INTERNET WEBSITE OF THE DEPARTMENT.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2004.