

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 839 (Delegate Carter, *et al.*)
Environmental Matters

Program Open Space - Baltimore City - Authorized Use of Funds

This bill clarifies that Baltimore City may use funds provided in accordance with the Program Open Space (POS) provisions of the Natural Resources Article for the acquisition of undeveloped property in conjunction with a nonprofit organization.

Fiscal Summary

State Effect: None. The bill clarifies current law.

Local Effect: None. The bill clarifies current law.

Small Business Effect: None.

Analysis

Current Law/Background: POS, established in 1969 and administered by the Department of Natural Resources (DNR), provides funds for State and local acquisition and development of public outdoor recreational sites, facilities, and open space. The State share focuses on the acquisition of land for natural resource conservation with the inclusion of low-impact recreational activities where appropriate. The local share is used primarily for the acquisition and development of high-impact recreational sites and facilities. As of January 7, 2009, the State share had preserved 292,866 acres and the local share had preserved 43,310 acres.

Baltimore City receives an annual allocation from the local POS share as well as an annual \$1.5 million direct grant for projects which meet park purposes from the State POS share. The direct grant funds may be used for acquisition or development. DNR is

required to review projects or land to be acquired within Baltimore City, and upon DNR's recommendation, the Board of Public Works may approve projects and land including the cost. Title to the land must be in the name of the Mayor and City Council of Baltimore City. The State is not responsible for costs involved in the development or maintenance of the land.

DNR and local governments often work in collaboration with nonprofit organizations to implement land acquisitions in accordance with statutory and programmatic requirements. One example is the Chesapeake Forest Lands acquisition which involved former private forest lands totaling more than 58,000 acres in five lower Eastern Shore counties. In 1999, the State purchased 29,000 acres and The Conservation Fund, a nonprofit, purchased 29,000 acres. In December 2000, The Conservation Fund transferred its share of the land to the State with a sustainable forest management plan that the State agreed to implement as a condition of the gift.

Additional Information

Prior Introductions: None.

Cross File: SB 676 (Senator Gladden) - Education, Health, and Environmental Affairs.

Information Source(s): Baltimore City, Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2009
mcp/ljm

Analysis by: Amanda Mock

Direct Inquiries to:
(410) 946-5510
(301) 970-5510