

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 442 (Senator Young, *et al.*)
Education, Health, and Environmental Affairs

Maryland Environmental Trust - Easements - Local Approval

This bill prohibits Maryland Environmental Trust (MET) perpetual conservation easement acquisitions on land that is planned or zoned for development unless approval is given by the appropriate governing body in which the land is located.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances.

Local Effect: Local jurisdictions must develop a MET easement review and approval process and may benefit to the extent the bill results in land remaining available for development and taxation.

Small Business Effect: Potential meaningful.

Analysis

Current Law: When a perpetual conservation easement donation is offered to MET, MET must mail notification to the appropriate governing body in which the land is located. An “appropriate governing body” is (1) the board of county commissioners in a commission county; (2) the county executive and county council in a charter home rule county; (3) the county commissioners in a Code home rule county; and (4) the Mayor and City Council in Baltimore City.

Background: MET, a unit of the Department of Natural Resources, seeks to protect the natural resource, environmental, cultural, rural, agricultural, woodland, wetland, and scenic characteristics of the State, primarily through donated conservation easements.

MET easement offers are evaluated on a case-by-case basis, and MET's Board of Trustees makes final decisions about easement acquisitions. MET staff members visit potential easement sites and meet with interested landowners. MET seeks easements on land whose conservation is in the public interest and has a policy of not accepting easements located inside town boundaries, in areas targeted for growth in local comprehensive plans, or in priority funding areas. More than 1,000 individual easements covering over 125,000 acres are protected and managed by MET. MET accepts roughly 90% of conservation easements donated in the State, consisting of about 35 to 40 easements per year at an average size of about 115 acres.

Local jurisdictions have opposed proposed MET easement donations in the past. Over the past 10 years, MET has declined an easement in Frederick County in response to county concerns and accepted an easement in the Town of Indian Head in spite of the mayor's concerns. Also, MET advises that, after providing notification of, approving, and recording an easement in Talbot County, the county objected to the easement.

Small Business Effect: The bill affects small businesses to the extent they are prevented from donating property to MET or they acquire and successfully develop land that otherwise would have been protected by MET.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Carroll, Cecil, Harford, Montgomery, and Queen Anne's counties; Department of Natural Resources; Department of Legislative Services

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mlm/lgc

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