

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE**Revised**

Senate Bill 471

(Senator Edwards)

Judicial Proceedings

Environmental Matters

Washington County - Off-Road Vehicle Trails - Prohibition of Establishment on Sideling Hill

This bill prohibits the Department of Natural Resources (DNR) from establishing an off-road vehicle trail on State-owned property located in Sideling Hill in Washington County, including (1) the Sideling Hill Wildlife Management Area (WMA) and (2) the areas of Sideling Hill that are located to the north and south of Interstate 68. DNR must review and evaluate these areas as to their suitability for preservation as State wildlands under specified provisions of the Natural Resources Article.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations. DNR can conduct the bill's required review and evaluation of the Sideling Hill WMA and associated areas with existing budgeted resources.

Local Effect: The bill does not materially affect local government finances or operations.

Small Business Effect: Minimal.

Analysis**Current Law:***Off-road Vehicles*

“Off-road vehicle” means a motorized vehicle designed for or capable of cross-country travel on land, water, snow, ice, marsh, swampland, or other natural terrain. It includes four-wheel drive or low-pressure tire vehicles, automobiles, trucks, motorcycles, and

related two-wheel vehicles, farm-type tractors, earth-moving or construction equipment, lawn mowers, snow blowers, garden or lawn tractors, or golf carts.

The Secretary of Natural Resources must designate and identify areas for use by the general public for operation of off-road vehicles by type, on property owned or controlled by DNR. The Secretary must also designate and identify areas for use by the general public for the operation of motorcycles, snowmobiles, and other off-road vehicles on property exclusive of WMAs or State fisheries management areas to the extent such use is compatible with the character and established uses of property controlled by DNR.

Every off-road vehicle to be used on land owned by DNR must be registered and provided suitable identification by the department, which must charge an annual uniform fee for all registrants, revenue derived from which must be used to acquire and maintain areas for off-road vehicle use by the general public.

An off-road vehicle may not be used where its operation will damage the wildland character of the property or where the noise from its operation will be audible at or interfere with the use of a picnic or camping area open to public use.

Current DNR regulations prohibit a person from operating a “vehicle” (any motorized vehicle or vessel that is capable of traveling on land, water, snow, or ice) on any lands or waters controlled by DNR’s Wildlife and Heritage Service without written permission from the service. A person may operate an automobile, truck, licensed motorcycle, or boat on those roads, lanes, or waterways (1) open to automobile or general boat traffic or (2) specifically marked by the service. Further, a person may not operate an unlicensed vehicle on any lands or waters controlled by the service without written permission from the service unless those areas are specifically marked.

State Wildlands

There is a State wildlands preservation system established in statute for the purpose of securing for the people of present and future generations the benefits of an enduring resource of State wildlands. “Wildlands” are defined as limited areas of land or water which have retained their wilderness character, although not necessarily completely natural and undisturbed, or have rare or vanishing species of plant or animal life or similar features of interest worthy of preservation for use of present and future residents of the State.

There are currently 29 separate wildlands designated in statute, consisting of approximately 44,000 acres. Generally, the wildland areas must be devoted to public purposes for recreational, scenic, scientific, educational, conservation, and historical use.

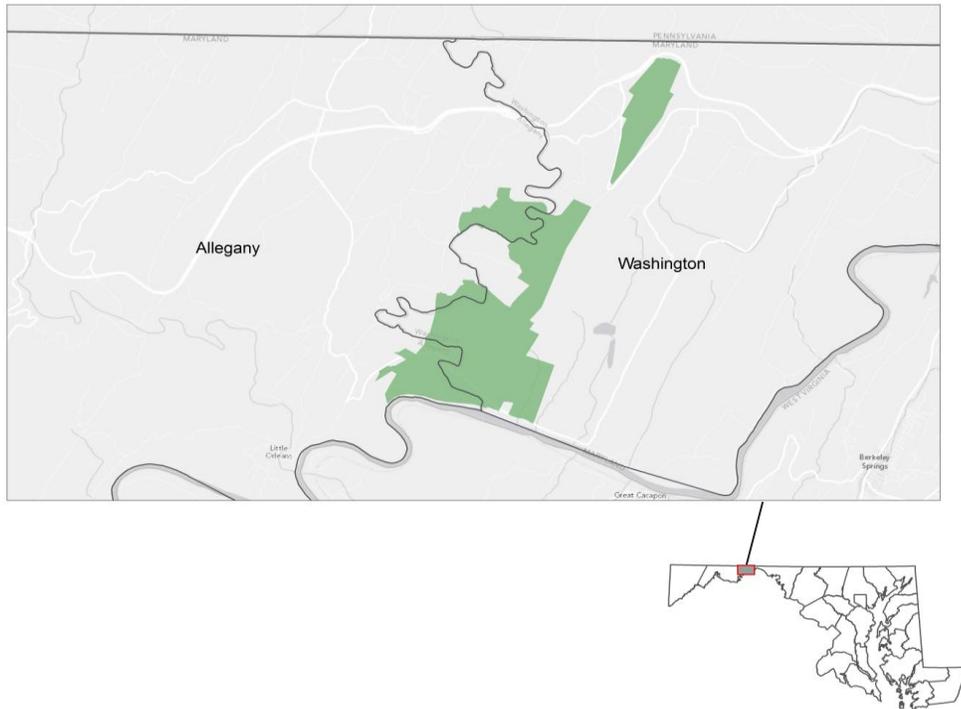
Commercial enterprises and permanent roads (subject to existing private rights), temporary roads, use of motorized equipment/vehicles/boats, and structures or installations are not allowed in the wildland areas.

The Secretary of Natural Resources may review areas under the Secretary's jurisdiction as to their suitability for preservation as State wildlands and report findings to the Governor. The Governor, in turn, makes recommendations to the General Assembly with respect to the designation or reclassification of wildland areas or alteration of boundaries. Such additions or changes can only be made by the General Assembly. The Secretary must provide specified notice to the public and relevant State and local officials and hold a public hearing at a location convenient to the area affected prior to submitting recommendations to the Governor.

Background: The 3,100-acre Sideling Hill WMA is located in eastern Allegany and western Washington counties, as shown in **Exhibit 1**. DNR advises that off-road vehicles are only allowed on designated trails on department-owned land. The use of these vehicles is generally prohibited at all WMAs in the State, including the Sideling Hill WMA. Their use is also prohibited on State-owned property located in Sideling Hill in Washington County. DNR further advises that if the department is considering opening or closing off-road vehicle trails to the public, a process is utilized where feedback is obtained in the local community from affected stakeholders, followed by the promulgation of regulations.

The Sideling Hill WMA is managed by DNR's Wildlife and Heritage Service, which oversees the management of 47 WMAs, ranging in size from under 20 acres to over 29,000 acres. The WMA system encompasses a total of 111,000 acres, with WMAs located in 18 counties. WMAs are primarily managed for hunting, trapping, and other wildlife-dependent recreational uses.

Exhibit 1
Sideling Hill Wildlife Management Area
January 2014



Source: Maryland DNR Forest Service; Department of Legislative Services

State Wildlands

The Maryland wildlands preservation system, which is similar to the National Wilderness 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. The most recent areas added were Savage Ravines Wildland and South Savage Wildland in Garrett County, pursuant to Chapter 174 of 2002.

Additional Information

Prior Introductions: None.

Cross File: HB 420 (Delegate Myers) - Environmental Matters.

Information Source(s): Department of Natural Resources, Washington County,
Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2014
mm/lgc Revised - Senate Third Reader - March 6, 2014

Analysis by: Stephen M. Ross

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