

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 703

(Senator Middleton)

Education, Health, and Environmental Affairs

Environment and Transportation

**Maryland Agricultural Land Preservation Foundation - Participation in the
Readiness and Environmental Protection Integration Program**

This bill requires an agricultural land preservation easement purchased under statutory provisions governing the Maryland Agricultural Land Preservation Foundation (MALPF) to be included as a part of a partnership under the Readiness and Environmental Protection Integration Program (REPI) established under specified federal law if (1) the land subject to an easement is in the vicinity of, or ecologically related to, the Atlantic Test Range; (2) the landowner agrees to any restrictions imposed on the easement under REPI; and (3) funding is available to MALPF to enter into an agreement under REPI.

The bill takes effect June 1, 2017.

Fiscal Summary

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

Local Effect: Local government federal fund revenues and expenditures may increase to the extent the bill results in MALPF's participation in REPI. Any resulting REPI funding is expected to pass through the applicable local government as local matching funding for a MALPF easement purchase.

Small Business Effect: Potential meaningful.

Analysis

Current Law/Background:

Readiness and Environmental Protection Integration Program

Under federal law governing REPI, the Secretary of Defense or the Secretary of a military department may enter into an agreement with an eligible entity or entities (including a state or political subdivision of a state) to address the use or development of real property in the vicinity of, or ecologically related to, a military installation or military airspace for specified purposes, including limiting any development or use of the property that would be incompatible with the mission of the installation.

In its 2016 annual report to Congress on REPI, the U.S. Department of Defense (DoD) describes that pursuant to statutory authority, the department funds cost-sharing agreements with state and local governments and conservation organizations to promote compatible land uses and preserve habitats near military installations. Protecting lands in the vicinity of military installations and ranges both maintains the usefulness of those facilities for the military (and protects against their relocation) and benefits the partnering agencies or organizations and surrounding communities by preserving those land resources.

MALPF indicates that it has explored participation in REPI, but has run into administrative differences between the programs that have prevented any partnerships to date. Other land preservation programs in the State have participated in REPI, including the Rural Legacy Program and Program Open Space administered by the Department of Natural Resources. The DoD 2016 annual report lists, through 2015, 296 acres protected at Aberdeen Proving Ground, through the Army, and 3,880 total acres protected at Atlantic Test Ranges (3,430), NAS Patuxent River (269), and NSF Indian Head (181), through the Navy.

Local Fiscal Effect: Local government federal fund revenues and expenditures may increase to the extent the bill results in MALPF's participation in REPI, reflecting the receipt and spending of REPI funding as matching funding in MALPF easement purchases. MALPF advises that any REPI funding is expected to pass through the applicable local government as local matching funding for the purchase of a MALPF easement and is not expected to go directly to MALPF.

Small Business Effect: Small business farms in the vicinity of, or ecologically related to, the Atlantic Test Range may meaningfully benefit to the extent the bill results in MALPF's participation in REPI. Additional funding increases the likelihood of a farm being able to sell an easement to MALPF.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture; Department of Natural Resources; U.S. Department of Defense; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2017
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