

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 54 (Chair, Environment and Transportation Committee)(By
Request - Departmental - Natural Resources)

Environment and Transportation

**Natural Resources - Lands Formed by Excavation Materials - Transfer of
Authority**

This departmental bill transfers the use, management, and ownership of specified islands in the Sinepuxent, Isle of Wight, or Chincoteague bays created from excavation materials from the Maryland Department of the Environment (MDE) to the Department of Natural Resources (DNR).

Fiscal Summary

State Effect: The bill's changes do not materially affect State finances or operations.

Local Effect: None.

Small Business Effect: DNR has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: The bill transfers the use, management, and subject to Board of Public Works (BPW) approval, ownership, of any island created or formed within the confines of Sinepuxent, Isle of Wight, or Chincoteague bays by the dumping or depositing of excavated materials from dredging (or any other artificial means) during the construction or maintenance of the Ocean City inlet and the channel in the bays, together with any accretion to any of those islands, from MDE to DNR.

Current Law/Background: Any island created or formed within the confines of Sinepuxent, Isle of Wight, or Chincoteague bays by the dumping or depositing of excavated materials from dredging (or any other artificial means) during the construction or maintenance of the Ocean City inlet and the channel in the bays, together with any accretion to any of those islands, in the past or future, are natural resources of the State and title to them is retained for use by MDE. Subject to BPW approval, MDE may use these lands for conservation purposes in the manner and under MDE regulations that MDE deems to be in the best interest of the State. However, any person is able to lawfully hunt or fish in Worcester County may hunt or fish on these lands during the open season for hunting or fishing.

According to DNR, in the 1930s, 29 islands from Coffin's Point to Tingle's Island were created by dredge spoils from the establishment of the navigation channel in Sinepuxent Bay. By 1964, only 13 of the original islands remained. At that point, the General Assembly designated the collection of islands for wildlife protection, effectively creating the Sinepuxent Bay Wildlife Management Area (WMA). The WMA has expanded since then, and currently consists of 10 islands, totaling approximately 20 acres. The islands are a mixture of sand, marsh, and tidal mud flats located in eastern Worcester County. Birdwatching is the primary attraction.

DNR advises that statutory management and ownership responsibilities for these islands was transferred from DNR to MDE in 1992. This bill transfers it back to DNR. DNR advises that it owns and manages the islands currently in the coastal bays that form the Sinepuxent Bay WMA.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment; Department of Natural Resources; Board of Public Works; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2019
an/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: LANDS FORMED FROM EXCAVATION

BILL NUMBER: HB54

PREPARED BY: Allison Cordell, Legislative Director

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS