

Department of Legislative Services
 Maryland General Assembly
 2001 Session

FISCAL NOTE

Senate Bill 172 (Senators Frosh and Stoltzfus)

Economic and Environmental Affairs

Environmental Matters

Natural Resources - Submerged Aquatic Vegetation

This bill repeals provisions of current law relating to the delineation of submerged aquatic vegetation (SAV) beds by the Department of Natural Resources (DNR) and the use of a hydraulic clam dredge in those areas. The bill establishes new requirements relating to the delineation of SAV protection zones and updates of the delineations, and prohibits a person from using specified gear in the delineated areas and in specified areas that, under current law, are closed only to the use of hydraulic clam dredges. DNR must review and comment on applications for permits for the construction of piers, stormwater outfall pipes, and sewage treatment outfall pipes to the Department of the Environment or the local permit review and approval agency as appropriate. DNR must also assess the impact of nutrient pollution, sedimentation, mute swans, rays, nutria, phragmites, and jet skis on SAV and submit a report to the General Assembly by December 31, 2001.

The bill takes effect July 1, 2001.

Fiscal Summary

State Effect: General fund expenditure increase of \$213,800 in FY 2002 to mark the newly delineated SAV protection zones with buoys. Future year estimates reflect buoy maintenance and are adjusted for inflation.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
GF Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	213,800	75,000	75,800	76,500	77,300
Net Effect	(\$213,800)	(\$75,000)	(\$75,800)	(\$76,500)	(\$77,300)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Minimal. The area closed to harvesting clams is not expected to increase or decrease significantly. The gear prohibited by the bill is not currently used.

Analysis

Bill Summary: In 2003 and every three years thereafter, DNR must update the delineation of SAV protection zones that were completed in 2000. The updated delineations must include areas where SAV has been mapped by aerial surveys during at least one of the previous three years. The bill provides for the use of specified gear in a previously delineated zone if aerial surveys have not shown any such vegetation in the area during the past three years or if they have shown the density of such vegetation to be less than 10% during each of the past six years. To the extent possible, DNR must adjust SAV protection zones so that delineations are geographically manageable as specified in the bill. DNR may use buoys to mark the zones and may make revisions to the delineations at any time. DNR must publish by public notice delineations of the zones and any revisions. A person may not use a hydraulic clam dredge, a traditional bottom dredge, or a shinnecock rake in a SAV zone. These gear are also not allowed to be used in specified areas that are closed to hydraulic clam dredging pursuant to the 1999 delineation. The report required by the bill must include an estimate of the funding enhancements required to design and implement additional SAV management plans and the time frames for completing and implementing those plans.

Current Law: A person may not use a hydraulic clam dredge in any SAV bed. DNR must delineate existing SAV beds in the waters of the State that are not currently protected under specified provisions of current law by using the most recent aerial surveys as guidance. DNR must update the delineation as necessary.

Background: SAV beds are ecologically significant habitats that are essential for maintaining healthy fish and shellfish populations in the State. One of DNR's primary goals is the restoration and protection of SAV beds. Chapter 385 of 1998 prohibited the use of hydraulic clam dredges in SAV beds because it was evident that those dredges, used for the commercial harvest of several clam species, were causing significant damage to the SAV beds. DNR currently reviews aerial surveys of the SAV beds annually to determine if revisions to delineations need to be made.

State Fiscal Effect: General fund expenditures will increase by an estimated \$213,800 in fiscal 2002 for the purchase of 1,000 buoys to mark the newly delineated SAV zones. This estimate assumes that DNR will purchase 750 large buoys at \$250 each and 250 small buoys at \$105 each. Future year estimates reflect buoy maintenance and are

adjusted for inflation. Under current law, the SAV zones must follow the natural lines of the vegetation, making the process difficult for DNR to delineate. DNR has not purchased buoys to mark the existing zones. In order to more easily enforce the existing law and to mark the existing delineations, DNR would need to purchase approximately 2,500 buoys at an estimated total cost of \$534,400, which is not budgeted. By allowing DNR to delineate the SAV zones with straighter lines, as provided in the bill, fewer buoys will be needed. Because DNR already reviews and comments on construction permit applications that could affect SAV beds, no fiscal impact is anticipated from the bill's provision requiring DNR to review and comment on specified permit applications. DNR could perform the assessment required by the bill and submit the required report using existing resources.

Additional Information

Prior Introductions: Similar legislation was introduced during the 2000 session as SB 807. The bill was reported out of the Senate Economic and Environmental Affairs Committee with amendments. The House Environmental Matters Committee held a hearing on the bill. No further action was taken.

Cross File: HB 100 (Delegate Wood, *et al.*) – Environmental Matters.

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

Fiscal Note History: First Reader – January 24, 2001
ncs/jr

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