

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE
Revised

House Bill 536 (Delegate McClenahan, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

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.

The bill takes effect July 1, 2002.

Fiscal Summary

State Effect: Special fund expenditures would increase by \$12,100 in FY 2004 to purchase buoys to mark the newly delineated SAV protection zones. Because DNR would not purchase buoys until FY 2004, expenditures would not be affected in FY 2003. Future year estimates reflect buoy maintenance and are adjusted for inflation.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	0	12,100	8,600	8,700	8,800
Net Effect	\$0	(\$12,100)	(\$8,600)	(\$8,700)	(\$8,800)

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 2004 and every three years thereafter, DNR must update the delineation of SAV protection zones that were completed in 2001. 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 must use buoys or other visible landmarks as appropriate 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. This gear is also not allowed to be used in specified areas that are closed to hydraulic clam dredging pursuant to the 1999 delineation.

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: Special fund expenditures will increase by an estimated \$12,075 in fiscal 2004 to purchase buoys to mark the newly delineated SAV protection zones. This estimate assumes that DNR will purchase 115 buoys at \$105 each to mark a few high-priority areas. Future year estimates reflect buoy maintenance and are adjusted for inflation. Because DNR would likely not purchase buoys until fiscal 2004, expenditures would not be affected in fiscal 2003.

Additional Comments: Under current law, SAV zones must follow the natural lines of the vegetation, making the process difficult for DNR to delineate. DNR has not purchased many buoys to mark the existing zones. In order to more easily enforce the existing law and to mark the existing delineations for a few high priority areas, DNR

would need to purchase approximately 175 buoys at an estimated total cost of \$18,400, which is not budgeted. By allowing DNR to delineate SAV zones with straighter lines, as provided in the bill, fewer buoys will be needed.

Additional Information

Prior Introductions: Legislation relating to the use of gear and the delineation of SAV beds was introduced during the 2001 session as SB 172/HB 100 and during the 2000 session as SB 807. SB 172 of 2001 passed the Senate and SB 807 of 2000 passed the Senate with amendments. The House Environmental Matters Committee held hearings on all three bills. No further action was taken.

Cross File: SB 195 (Senators Frosh and Stoltzfus) – Education, Health, and Environmental Affairs.

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

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Analysis by: Lesley Frymier

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510