

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 800

(Delegate Clark)

Environment and Transportation

Education, Health, and Environmental Affairs

Natural Resources - Waters of the State - Mobile Locator Application

This bill requires the Department of Natural Resources (DNR) to develop a mobile application for use by an individual while on the waters of the State. The purpose of the mobile application is to use interactive maps to aid an individual in determining the individual's location, in real time, relative to (1) aquaculture leases; (2) demonstration leases; (3) registered pound net sites; (4) natural oyster bars; (5) oyster sanctuaries; (6) public shellfish fishery areas; (7) SAV (submerged aquatic vegetation) Protection Zones; (8) Yates bars; or (9) any other areas DNR deems relevant. The bill authorizes the department to contract with a third party to develop the mobile application.

Fiscal Summary

State Effect: General fund expenditures increase by \$74,400 to \$134,400 in FY 2022, with ongoing, but reduced, costs in future years (\$27,700 in FY 2023, reaching \$29,600 by FY 2026). Revenues are not affected.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law:

Marking of Aquaculture Leases and Registered Pound Net Sites

Pursuant to statute and DNR regulations, an aquaculture leaseholder must (1) place a minimum of four poles at the corners of the lease perimeter; (2) mark each pole with an 8-inch by 12-inch marker displaying only the initials or name of the leaseholder and the lease number; and (3) maintain and meet any standards for corner marker structures required by the department.

Statute and DNR regulations also require registration of pound nets and establish marking requirements for pound net stakes, including retro-reflective tape placed on the stakes in a specified manner and a light, on the stake at the head of a pound net, which is functional between sunset and sunrise.

Establishment and Marking of Natural Resource Areas

DNR establishes boundaries for various natural resource areas on the waters of the State, pursuant to statute and in regulations, including oyster sanctuaries, public shellfish fishery areas, and SAV protection zones. The department's Hydrographic Operations places regulatory markers and navigation aids in support of natural resource areas and the boating public.

State Expenditures: General fund expenditures increase by \$74,353 to \$134,353 in fiscal 2022, which accounts for the bill's October 1, 2021 effective date. This estimate reflects (1) a range of costs to develop the mobile application (app) and (2) the cost of hiring a part-time contractual employee to create, update, and/or maintain maps for the app. The estimated range of costs to develop the app is based on information provided by (1) the Virginia Marine Resources Commission, which has developed an app that is similar to what the bill requires and (2) DNR. The costs of developing the app likely vary depending on how it is designed and the resulting features and functionality of the app. DNR advises that management of the app, once developed, can be handled by existing information technology staff, but an additional part-time contractual position is needed to manage mapping needed for the app (a 0.5 contractual position in the first year, decreasing to a 0.25 contractual position in future years). The estimate includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

