

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 573 (Delegate Cane, *et al.*)
Environmental Matters

Environment - Floating Vessel Platforms

This bill authorizes a person to construct, install, operate, and maintain a floating vessel platform without obtaining a license from the Board of Public Works or a permit from the Maryland Department of the Environment (MDE), if the platform: (1) does not exceed 500 square feet; (2) floats at all times for the sole purpose of supporting a vessel out of the water and is not used for mooring a vessel in the water; (3) is attached to a dock, pier, bulkhead, or land; (4) does not substantially impede the flow of water, create a navigational hazard, or unreasonably infringe on the riparian rights of adjacent property owners; and (5) is constructed, installed, operated, and maintained in a manner that minimizes adverse impacts to submerged lands, wetlands, shellfish areas, aquatic plant and animal species, and other biological communities.

Fiscal Summary

State Effect: Special fund revenues decrease minimally beginning in FY 2010 due to the collection of fewer license and permit fees associated with construction in tidal wetlands. Expenditures are not affected.

Local Effect: Local governments are not subject to the license or permit fee charged for projects in tidal wetlands; however, local governments may realize operational efficiencies as they are no longer required to obtain licenses and permits for certain projects under the bill.

Small Business Effect: Minimal beneficial impact to some marinas and other small businesses in the boating industry due to the permitting exemption for constructing floating vessel platforms under a certain size.

Analysis

Current Law/Background: In order to preserve tidal wetlands, the State requires an applicant for a tidal wetlands project license or permit to design the project to first avoid and then minimize the loss of tidal wetlands. To this end, the Board of Public Works has delegated to MDE the authority to reject, authorize, modify, condition, or deny applications for construction or replacement of pilings, fixed or floating piers, decks, walkways, boathouses, and related structures on piers. However, a private, noncommercial pier that satisfies certain criteria and conditions specified in regulation is exempt from the requirement to obtain a license or permit. Among the criteria necessary to obtain this exemption is the maximum size limit of 200 square feet for a fixed or floating platform.

State Fiscal Effect: License and permit fees paid by applicants for projects in tidal wetlands go to the Wetlands and Waterways Program Fund administered by MDE. MDE does not track the number of projects of the type covered by the bill, but advises that the fees for tidal wetland project permits generally range from \$750 for minor projects above the 200 square foot threshold to \$7,500 per acre for larger projects. Because the bill only exempts projects less than 500 square feet in area, permit fees generated for each project under the bill are at the low end of this estimate. Overall revenue loss is expected to be minimal.

Additional Information

Prior Introductions: None.

Cross File: SB 465 (Senator Stone) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Legislative Services

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