

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: SB1145

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☒ Substitute ☐ Enrolled

2. Patron: DeSteph

3. Committee: Agriculture, Conservation and Natural Resources

4. Title: Riparian planting grounds lease; eligibility.

5. Summary: Reduces from 205 feet to 105 feet the minimum low-water shore front that makes the land owner eligible to apply for riparian planting grounds assignment by the Commissioner of the Marine Resources Commission. The bill also provides that in the Lynnhaven River and its tributaries, the Commissioner will only assign to an owner of land a riparian planting ground that the Commissioner, in his discretion, deems appropriate to encompass as much as one-half acre of ground. The Commissioner may consider assigning any area that the owner designates within his riparian waters. Upon the transfer of a lease, a ground will be assigned only within an area deemed appropriate by the Commissioner to encompass as much as one-half acre of ground within the land owner's riparian waters.

6. Budget Amendment Necessary: Yes, Item 379 (HB1500/SB900). See Item 8 below.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2017	\$0	0	N/A
2018	\$138,000	1	GF
2019	\$98,000	1	GF
2020	\$98,000	1	GF
2021	\$98,000	1	GF
2022	\$98,000	1	GF
2023	\$98,000	1	GF

8. Fiscal Implications: The Marine Resources Commission (MRC) anticipates at least a 50 percent increase in riparian applications and associated work load from this bill. The increase is based on individual waterfront property owners who own less than the 205 feet of frontage currently necessary to make them eligible for a riparian oyster ground lease. MRC's Engineering and Surveying Department is responsible for surveying and mapping subaqueous ground for public and private shellfish cultivation, leasing private shellfish grounds, and maintaining oyster ground lease records. The Engineering and Surveying Department does not have the resources to absorb the additional workload resulting from this bill with existing staff levels and will need an additional full-time surveyor. Without another

agency surveyor, the processing of all riparian and oyster ground leases would be delayed by many months.

MRC considered the use of private surveyors for this bill. Surveying on the water and near the water is different from land surveying. Private surveyors would require time and instruction from MRC surveying staff. There are two or three private survey firms in the Commonwealth that may do surveys of riparian leases, oyster ground leases, etc. If private surveyors take on some of the work resulting from this bill, MRC surveying staff must review the private survey work before leases can be assigned.

Annual costs for the surveyor position are estimated at \$98,000 including \$60,000 in annual salary, \$25,000 in fringe benefits, \$8,000 for a vehicle from the State's Fleet Management, and \$5,000 a year for phone, rent, supplies, etc. There is a one-time cost of \$40,000 in the first year for GPS surveying equipment (\$15,000); boat, motor and trailer (\$20,000); and, computer, desk, chair, etc. (\$5,000).

The budget amendments proposed by the Senate Finance Committee include \$50,000 from the general fund in FY 2018 to support workload increases that may result from legislation approved by the 2017 Session to expand a landowner's eligibility to apply for riparian planting ground permits.

9. Specific Agency or Political Subdivisions Affected: Marine Resources Commission.

10. Technical Amendment Necessary: No.

11. Other Comments: None.