152nd GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**SENATE BILL NO. 290**
SPONSOR:	**Senator Hansen**
DESCRIPTION:	**AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE PROTECTION OF WETLANDS.**

Assumptions:

1. This Act becomes effective upon signature of the Governor.

2. This Act creates a State nontidal (freshwater) wetlands program in addition to the existing State tidal wetlands program.

3. This Act requires the Department of Natural Resources and Environmental Control (DNREC) to adopt regulations on or before January 1, 2026, except with respect to regulations to effectuate the provisions of § 6604(b)(7) of Title 7, regulations that protect threatened or endangered species located within wetland areas. Regulations regarding § 6604(b)(7) of Title 7 must be adopted by January 1, 2027.

4. Upon the adoption of regulations by DNREC, nontidal wetlands will be regulated in the same manner as the State tidal wetlands program.

5. This Act expands upon DNREC's duties and powers and creates a State nontidal wetlands program. To implement the provisions of this Act, DNREC anticipates the need for 13 FTE positions to DNREC, Division of Water, and 2 FTE positions to DNREC, Division of Community Affairs (Environmental Crimes Unit) dedicated to the nontidal wetlands program. It is assumed that full staffing will be reached over a three-year period.
    a. Year One (Fiscal Year 2025)
        i. Recurring Costs
            1. $613,139 for 9 months of funding including Other Employment Costs (OECs) at a rate of 32.94% for 1.0 FTE Environmental Program Administrator; 1.0 FTE Environmental Specialist Manager; 1.0 FTE Principal Planner; 1.0 FTE Environmental Specialist Supervisor; 1.0 FTE Administrative Specialist III; 2.0 FTE Natural Resource Police LT.
            2. $942,154 for ongoing operating costs including fleet, supplies, capital outlay and contractual services.
        ii. One-Time Costs
            1. $46,500 for general start-up costs for new positions including furniture, and equipment.
    b. Year Two (Fiscal Year 2026)
        i. Recurring Costs
            1. $1,124,025 to fully annualize personnel and OECs for positions added in year one and the addition of 2.0 FTE Environmental Specialist IV; 1.0 Hydrologist III; 4.0 FTE Environmental Specialist III.
            2. $1,239,991 for ongoing operating costs for new and existing positions including fleet, supplies, capital outlay and contractual services.

ii. One-Time Costs
    1. $12,500 for general start-up costs for new positions including furniture, and equipment.

c. Year Three (Fiscal Year 2027)
    i. Recurring Costs
        1. $1,381,495 to fully annualize personnel costs and OECs for positions added in year two and the addition of 1.0 FTE Environmental Specialist II.
        2. $1,595,245 for ongoing operating costs for new and existing positions including fleet, supplies, capital outlay and contractual services.
    ii. One-Time Costs
        1. $7,500 for general start-up costs for new position including furniture, and equipment.

6. This Act may expand upon the Department of Justice's duties; however, it is currently unknown if additional Deputy Attorney General staffing will be necessary.

7. A 2% inflation cost has been included for projected increases in personnel costs.

8. Revenues generated from permit fees associated with this Act will be used to reduce the General Fund costs listed. The maximum fee revenue is estimated at $175,000.

Cost:

	One-Time	**General Fund**
Fiscal Year 2025:	$46,500	$1,555,293
Fiscal Year 2026:	$12,500	$2,364,016
Fiscal Year 2027:	$7,500	$2,976,740

Prepared by Julie Fedele
Office of the Controller General