153rd GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**SENATE BILL NO. 9**
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 the signature of the Governor.

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

3. This Act establishes the Wetlands Regulatory Advisory Committee (RAC). The RAC will assist the Department of Natural Resources and Environmental Control (DNREC) in developing regulations, evaluate permitting processes, and provide a report with recommendations for legislative or regulatory improvements to the program. DNREC is required to provide staff to administer and support the RAC regarding both regulatory and technical matters.

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 10.0 FTE positions to DNREC, Division of Water, 3.0 FTE positions to DNREC, Division of Watershed Stewardship, and 3.0 FTE positions to DNREC, Division of Fish and Wildlife. It is assumed that full staffing will be reached over two years.
    a. Year One (Fiscal Year 2027)
        i. Recurring Costs
            1. $644,459 for 6 months of funding, including Other Employment Costs (OECs) at a rate of 33.41% for 12.0 FTEs as follows: 1.0 FTE Environmental Program Administrator; 1.0 FTE Environmental Specialist Manager; 2.0 FTE Environmental Specialist Supervisor; 3.0 FTE Environmental Specialist; 2.0 FTE Environmental Specialist V; 1.0 FTE Enforcement Coordinator; 2.0 FTE Environmental Scientist.
            2. $120,960 for ongoing operating costs, including fleet, supplies, capital outlay, and contractual services, including ongoing maintenance for the online screening tool.
        ii. One-Time Costs
            1. $967,600 for general start-up costs for new positions, including furniture and equipment, RAC facilitation, general permit development, and development of the online screening tool.

b. Year Two (Fiscal Year 2028)
    i. Recurring Costs
        1. $1,624,136 to fully annualize personnel and OECs for positions added in year one and the addition of 4.0 FTE (9 months of funding) as follows: 2.0 FTE Environmental Specialists; 1.0 FTE Planner III; 1.0 FTE Environmental Scientist.
        2. $151,280 for ongoing operating costs for new and existing positions, including fleet, supplies, capital outlay, and contractual services.
    ii. One-Time Costs
        1. $44,200 to support the online screening tool, and general start-up costs for new positions, including furniture, and equipment.
c. Year Three (Fiscal Year 2029)
    i. Recurring Costs
        1. $1,761,829 to fully annualize personnel costs and OECs for all FTEs.
        2. $151,280 for ongoing operating costs for new and existing positions, including fleet, supplies, capital outlay, and contractual services.

6. It is anticipated that beginning in Fiscal Year 2028, program revenues will offset a portion of the General Fund appropriation. Revenues generated from permit fees associated with this Act have been used to reduce the General Fund costs listed. The maximum fee revenue is estimated at $247,500.

7. A 2% inflation cost has been included for projected increases in personnel costs in Fiscal Years 2028 and 2029.

Cost:

	Operating/Recurring	**One-Time**
Fiscal Year 2027:	$765,419	$967,600
Fiscal Year 2028:	$1,527,916	$44,200
Fiscal Year 2029:	$1,665,609	

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