Appendix IX – Task Force on Fish Management Letter

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Senator John C. Astle
Maryland General Assembly
James Senate Office Building, Room 123
11 Bladen St.
Annapolis, MD 21401

Dear Chairman Astle & Members of the Task Force to Study the Boating Industry in Maryland:

I am writing on behalf of the Task Force on Fishery Management to respectfully request your Boating Task Force review and support our recommendations for increases in certain boating-related fees. These fees are found in Title 8, Subtitle 7 of the Natural Resources Article. In its report to the General Assembly, the Task Force on Fishery Management will recommend increasing these fees in order to strengthen the capabilities of the Natural Resources Police (NRP) and support their efforts to ensure boating safety and appropriate conservation law enforcement in Maryland.

Recognizing that there have been five past failed attempts to increase these boating fees, the Task Force recommendations are for a conservative and incremental approach to achieving a reasonable level of funding. The NRP has broad responsibilities for seafood harvesting enforcement, maritime homeland security, recreational boating safety, and search and rescue. Failure to replace critical equipment affects the ability of NRP to reach natural resource violators and respond to boating emergencies.

During consideration for boating legislation this season, I urge the Boating Task Force to review the enclosed recommendations and seek to increase these long-overdue boating-related fees. Thank you for your consideration in this matter.

Yours very truly,

Thomas B. Lewis

Thomas B. Lewis
Chairman
Taskforce on Fisheries Management

Enclosure

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Fisheries Management Taskforce
Enforcement Equipment Recommendation

Objective of the Workgroup
The objective of the Enforcement Workgroup was to assess NRP's current enforcement strategies and resources; to identify needs and opportunities for enhancement of current departmental resources with objective of attaining a sufficient number of officers to appropriately meet current enforcement needs, and improve the effectiveness of the NRP.

Background
The foundation of the Maryland Natural Resources Police (NRP) was set in 1868 when the General Assembly created the State Oyster Police to enforce the oyster laws on the Chesapeake Bay. As the need for broader fisheries conservation developed, NRP evolved to become the State Fishery Force in 1874. The Fishery Force and Office of State Game Warden merged in 1916 to form the Conservation Commission.

The name of marine enforcement continued to change, but more significantly responsibilities and funding changed. In 1960, the State Boat Act significantly increased the responsibilities of NRP, and in 1968 officers gained the law enforcement authority equal to the Maryland State Police. Funding for marine enforcement has also changed from primary funding with fines raised from the violations of the game and fish laws to primary funding by state tax dollars. Funding sources for marine enforcement have also expanded to include funding from fees for licenses, permits, excise taxes on vessel purchases, vessel titling and numbering fees, etc. (special funds) and funding from grants or other agreements with federal partners (federal funds).
In addition to state conservation, marine enforcement has historically served secondary functions. During WWI the State Fishery Force was used to aid the Navy and in 1920, with the passage of the 18th Amendment regarding Prohibition, they were used to patrol the waterways for smugglers with contraband liquor. Today, conservation and boating law enforcement are the primary focus of NRP. However, the NRP also provides the primary law enforcement services for Maryland's state parks, state forests, and public lands owned and managed by the Department. Other services include search and rescue, education, and information and communication services on a round the clock basis. As a result of NRP's statewide responsibility for maritime law enforcement and authority, the Governor designated the NRP as the State's lead agency for homeland security on Maryland waters in 2005. Additionally, through an agreement with the U.S. Coast Guard, NRP officers have direct authority to make arrests for federally established safety or security zone violations.

Issue – Equipment

NRP vessels are used for law enforcement patrols related to resource conservation, boating and hunting safety, emergency operations, search and rescue, and maritime homeland security. Although their role is critical, there is no dedicated funding source available for NRP equipment. As of 2007, there were 146 vessels in the NRP fleet. As the condition of the fleet deteriorates, response time is negatively impacted. Approximately 97% (25 of 26) of the large vessel fleet are more than 15 years old,

the maximum recommended length of service for these vessels. The small vessel fleet is critical for their speed and/or ability to maneuver in shallow water. Approximately 60% of the small vessel fleet are more than 10 years old, the maximum recommended length of service for these vessels. These older vessels have high maintenance costs and are unavailable during the repairs. Catastrophic failures impact the budget with costs of more than $15,000 to purchase nearly obsolete parts, plus labor per occurrence. The fleet is unreliable and there are increased safety concerns regarding the operation of the older vessels.

Approximately 60 years ago, aerial conservation patrols were started by using a small Taylor craft tandem seat airplane in 1947. The agency's aircraft quickly became an essential tool for enforcement. Aircraft allow for patrol and response capabilities (including directing the mobilization of ground resources) on State lands and waterways at a level of speed and efficiency many times greater than that of officers on the ground or even in vessels.

NRP requires funding to replace two of its helicopters, a Bell 206B-2 (1976) and a Bell OH-58A (1970) with a combined age of 70 years. The Agency's airplane, a 1961 Rockwell Twin Commander, has been down for three years due to major structural repairs. This airplane is 46 years old and replacement parts are becoming obsolete. There has never been a replacement schedule for NRP aircraft, and unfortunately, all 3 units are in need of replacement. These aircraft are used for boating enforcement, search and rescue, homeland security surveillance and incident response, Maryland Law Enforcement Information Network (MLEIN) support, maritime drug interdiction, mission related evidence search, crime scene photos/reconstruction/event planning, transport of specialty units (K-9, Tactical Response Team), natural resources conservation enforcement, and natural disaster aerial surveys. They provide local, State, and federal law enforcement support and internal DNR support for Wildlife, Fisheries and Forestry personnel for agency specific surveys and scientific research.

In March of 2007, a study was conducted to provide a cost benefit analysis of Maryland's helicopter fleet. This study provided Maryland with an independent recommendation on future helicopter needs within the State. Among the conclusions was the following:

> "Historically, the State of Maryland has been provided with aviation services through twelve helicopters operated by Maryland State Police (MSP) and two operated by NRP. MSP and NRP have provided a <u>high level of service</u> that is important to the people of Maryland. Unless there is a major change to the State's needs, it is assumed that there should be 14 helicopters purchased through the new helicopter replacement program." (SMART Report, Cost Benefit Analysis, Final Draft, May 29, 2007, pg. 13)

Currently, NRP is operating its emergency radio system on technology that will be shut down by the Federal Communications Commission (FCC) in 2013. It will take at least four years to upgrade to FCC compliant technology. The replacement will cost

1.6 million dollars, and is necessary for continued marine operations. A response to this need is urgently required to meet federal mandates for Departmental radio systems.

Failure to maintain a replacement schedule for basic equipment affects the ability of the NRP to reach violators and respond to emergencies. The result is a reduction in service to the public and protection of the resources.

Recommended Improvements-

NRP needs a dedicated funding source to keep up with equipment replacement. The goal is to provide a funding source that has the broadest public support. To that end, the workgroup reviewed past attempts to establish funding for NRP equipment. The State Boat Act was enacted in 1960. However, fees have not been changed in 25-35 years and have failed to keep up with program costs. In recent years, bills have been proposed, but not passed, to update the fees. The opposition is generally over the size of the increase and the use of the funds in the long term.

The last bill, introduced in the 2007 session, was designed to fund the following: a new information technology system for license and title transactions, vessel replacements, radio replacements and relief from the special fund deficit established due to expenditures outpacing stagnant or decreasing special fund revenues. The anticipated additional revenue was 7 million dollars annually. Though the other funding needs do still exist, the Taskforce recommends taking smaller bites at the funding apple. The current fiscal need for NRP equipment replacement is over 5 million dollars. But again, the Taskforce suggests a staggered approach to full funding. The Taskforce recommends:

- A baseline boat registration fee increase in 2009 to provide 2 million dollars to NRP equipment replacement;
- Secondary baseline fee increase to provide another 2 million dollars to NRP equipment replacement (total 4 million) in 2011;
- Provide for boat registration fees to increase beginning July 1, 2013, and not more frequently than every 4 years thereafter, based on a percentage equal to the increase in the Consumer Price Index calculated from the time the fee was last set or adjusted or at $5, whichever is greater. This provision will prevent the fee from becoming stagnant again and allow fees to increase in proportion to the rate of inflation.
- Currently, all boaters pay the same registration fee regardless of the size of the vessel. The Taskforce recommends that this continues. As one member said, "you don't charge someone more to register his Porsche than you do to register a Cavalier." A modest increase to everyone is more palatable than slight increase to small boat owners and a large increase to large vessel owners. There are more small boat owners and the economic benefits from this group can be capitalized with a reasonable increase. The neighbor states of Maryland have tiered boat registrations fees based on the size of the vessel. If a tiered system is necessary, it is recommended that the fees resemble the fees applied in Virginia or Pennsylvania, whichever is greater. Again, a

provision will be needed to raise fees in the future proportional to the rate of inflation.

Barriers to enhancement-

Legislation to increase certain types of boat fees failed in 2007, 2004, 2002, 1999, and 1996. There is clear and formidable opposition. Ironically, the longer the expenses out pace the revenues, the more significant the increase will need to be. As the need for the revenue increases, so does the difficulty in passing a fee increase bill.