

Economic Impact Statement for Existing Regulations

SMALL BUSINESS IMPACT STATEMENT

In order to accurately predict the impact the adoption, amendment, or repeal of a regulation will have on small businesses, the promulgating authority must conduct a thorough analysis that not only considers the potential effects of the action but also quantifies the costs, if any, associated with each. The questions below are designed to aid promulgating authorities in conducting their analysis.

Agency submitting regulation:

Coastal Resources Management Council (CRMC)

Subject matter of regulation:

Coastal Resources Management Program (CRMP) – Section 110 Applications for Category A and Category B Council Assents

ERLID No:

7607

Statutory authority:

R.I.G.L. § 46-23 et seq.

Other agencies affected:

None

Other regulations that may duplicate or conflict with the regulation:

None

Describe the scope and objectives of the regulation:

Establishes the specific criteria for determining whether an application can be processed administratively (Category A) or must be heard and considered by the full Council (Category B).

What was the rationale for establishing this regulation?

The rule specifies criteria and thresholds for proposed activities to determine eligibility for administrative (Category A) assents (i.e., either requires no variance to the established standards or minimal variances for which the Executive Director has authority to issue). Over 90% of all applications are processed and approved administratively. The pending amendment would provide additional eligible activities for administrative review and approval

Does the rationale still exist?

Yes

Is the rationale still relevant?

Yes

Business industry (s) affected by the regulation:

None known

Types of businesses included in the industry (s):

None

Total number of small businesses included in the regulated industry (s) (Please see the attached guidance documents for assistance determining the total number of small businesses)

Not applicable

Number of small businesses potentially subject to the proposed regulation:

Not applicable

How often do small businesses contact your agency for assistance with clarification of the regulation and/or receive assistance with compliance issues?

Rarely, as the relevant section is specific as to the categories of administrative activities.

What is the cost to your agency of establishing and enforcing this regulation?

As of June 2013, the CRMC has 29.0 FTEs to implement the coastal program for the state, which includes administrative, policy, permitting and enforcement staff.

What would the consequences be if the regulation did not exist?

The CRMC would not be able to process applications administratively, which significantly reduces the application processing time and the overall project expense to applicants.

Effective date used in cost estimate:

Not applicable

For each question below, please answer “yes” or “no” and offer a brief explanation. Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.

1.	Yes	No	Do small businesses have to create, file, or issue additional reports? Not applicable
2.	Yes	No	Do small businesses have to implement additional recordkeeping procedures? Not applicable

3.	Yes	No	<p>Do small businesses have to provide additional administrative oversight?</p> <p>Not applicable</p>
4.	Yes	No	<p>Do small businesses have to hire additional employees in order to comply with the proposed regulation?</p> <p>Not applicable</p>
5.	Yes	No	<p>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</p> <p>When an application for a CRMC Assent is required applicants typically hire a professional consultant to prepare surveyed or engineering site plans and submit application materials to the CRMC.</p>
6.	Yes	No	<p>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</p> <p>The rule does not require small businesses to purchase a product or make capital investments to comply with the rule.</p>
7.	Yes	No	<p>Are performance standards more appropriate than design standards?</p> <p>The coastal program contains both performance and design standards depending on the type of activity and the applicable rule(s) within the CRMP.</p>
8.	Yes	No	<p>Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?</p> <p>There are no audits or inspections required by the rule. Enforcement action is only taken when there is a violation of the coastal program or a CRMC Permittee is in serious non-compliance with permit stipulations.</p>
9.	Yes	No	<p>Does the regulation have the effect of creating additional taxes and/or fees for small businesses?</p> <p>When an activity triggers jurisdiction and a permit is required there is a one-time CRMC application fee at the time of application filing. Otherwise, there are no other fees or taxes.</p>

10.	Yes	No	<p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</p> <p>Not applicable</p>
11.	Yes	No	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in RI?</p>
12.	Yes	No	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in RI?</p>
13.	Yes	No	<p>Can the regulation provide for less stringent compliance or reporting requirements for small businesses?</p> <p>Not applicable, as there are no compliance or reporting requirements.</p>
14.	Yes	No	<p>Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p>Not applicable, as there are no compliance or reporting requirements.</p>
15.	Yes	No	<p>Can the compliance or reporting requirements be consolidated or simplified for small businesses?</p> <p>Not applicable, as there are no compliance or reporting requirements.</p>
16.	Yes	No	<p>Can performance standards for small businesses replace design or operational standards?</p> <p>The coastal program contains both performance and design standards depending on the type of activity and the applicable rule(s) within the CRMP.</p>
17.	Yes	No	<p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p> <p>None that we're aware of.</p>
18.	Yes	No	<p>Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe.</p>