

SMALL BUSINESS IMPACT STATEMENT (For Review of Existing Regulations)

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: RI Department of Environmental Management (RIDEM) – Division of Fish and Wildlife, Marine Fisheries section

Subject Matter of Regulation: RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS – PART IV - SHELLFISH, the subject regulations propose various amendments to modify the regulations that govern commercial and recreational fishers in the time and manner of taking conch.

ERLID Number: 7672 (Supersedes #7598)

Statutory Authority: Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

Other Agencies Affected: None

Other Regulations That May Duplicate or Conflict with the Regulation: None

Describe the Scope and Objectives of the Regulation: The purpose of the proposed amendment to RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS – PART IV - SHELLFISH, is to suggest various amendments to modify the regulations that govern commercial and recreational fishers in the time and manner of taking conch.

What was the rationale for establishing this regulation? To protect and more efficiently manage the marine conch fishery and the conch resources of Rhode Island

Does the rationale still exist? YES

Is the rationale still relevant? YES

Business Industry(ies) Affected by the Regulation:

Shell Fishers NAICS Code #114112

Types of Businesses Included in the Industry(ies): Commercial shellfishers and seafood dealers.

Total Number of Small Businesses Included in the Regulated Industry(ies) *Please see the attached guidance documents for assistance determining the total number of small businesses:*

See above.

Number of Small Businesses Potentially Subject to the Proposed Regulation: Same as above.

How often do small businesses contact your agency for assistance with clarification of the regulation and/or receive assistance with compliance issues? Not very often since this is a specialized industry with only a handful of commercial fishermen participating and they are very familiar with these regulations.

What is the cost to your agency of establishing and enforcing this regulation? The FY 2013 Budget for the Marine Fisheries Unit at RIDEM is \$2,273,000.

What would the consequences be if the regulation did not exist? Without these amendments to the governing regulations, there would be an adverse impact on the RI shellfish fishery, the resource, as well as RI's struggling commercial fishing industry.

Effective Date Used In Cost Estimate: Compared with data for Summer of 2012.

	Yes	No	<i>*Note: For each question, 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.</i>
1.	Yes	No X	Do small businesses have to create, file, or issue additional reports? No. These are regulations that govern the taking of conch including the setting of daily catch limits and methods of harvest.
2.	Yes	No X	Do small businesses have to implement additional recordkeeping procedures? No. These are regulations that govern the taking of conch including the setting of daily catch limits and methods of harvest.
3.	Yes	No X	Do small businesses have to provide additional administrative oversight? No. These are regulations that govern the taking of conch including the setting of daily catch limits and methods of harvest.
4.	Yes	No X	Do small businesses have to hire additional employees in order to comply with the proposed regulation? No. These are regulations that govern the taking of conch including the setting of daily catch limits and methods of harvest.
5.	Yes	No X	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No. These are regulations that govern the taking of conch including the setting of daily catch limits and methods of harvest.
6.	Yes	No X	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? No. These are regulations that govern the taking of conch including the setting of daily catch limits and methods of harvest.
7.	Yes	No X	Are performance standards more appropriate than design standards? No. This question is not applicable to this type of regulation.

8.	Yes	No X	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities? No. These are regulations that govern the taking of conch including the setting of daily catch limits and methods of harvest.
9.	Yes	No X	Does the regulation have the effect of creating additional taxes and/or fees for small businesses? No. These are regulations that govern the taking of conch including the setting of daily catch limits and methods of harvest.
10.	Yes	No X	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No. These are regulations that govern the taking of conch including the setting of daily catch limits and methods of harvest.
11.	Yes	No X	Is the regulation likely to <i>deter</i> the formation of small businesses in Rhode Island? No. These are regulations that govern the taking of conch including the setting of daily catch limits and methods of harvest.
12.	Yes X	No	Is the regulation likely to <i>encourage</i> the formation of small businesses in Rhode Island? The reasonable and responsible implementation of commercial fishing regulations such as these is beneficial and expected by existing commercial fishermen in Rhode Island.
13.	Yes	No X	Can the regulation provide for less stringent compliance or reporting requirements for small businesses? No. These are regulations that govern the taking of conch including the setting of daily catch limits and methods of harvest.
14.	Yes	No X	Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No. These are regulations that govern the taking of conch including the setting of daily catch limits and methods of harvest.
15.	Yes	No X	Can the compliance or reporting requirements be consolidated or simplified for small businesses? No. These are regulations that govern the taking of conch including the setting of daily catch limits and methods of harvest.
16.	Yes	No	Can performance standards for small businesses replace design or operational

		X	<p>standards?</p> <p>No. This question is not applicable to this type of regulation.</p>
17.	Yes	No X	<p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p> <p>RIDEM is not aware of any other way to successfully manage state marine resources. Failing to have these regulations would have a substantial negative impact upon RI's commercial fishing community and the conch fishery.</p>
18.	Yes X	No	<p>Were any small businesses or small business organizations contacted during the preparation of this document? If so, please describe.</p> <p>Although various organizations participated in the preparation of these regulations, the entire fishing community is actively involved in establishing and /or making any modifications to these regulations through a public hearing process, participation with the RI Marine Fisheries Council (RIMFC) and the Council's various Advisory Panels.</p>