

## **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:** Department of Environmental Management, Division of Fish and Wildlife, Marine Fisheries section

**Subject matter of regulation:** Bristol Harbor Shellfish Management Area (SMA)

**ERLID No:** 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 known

**Other regulations that may duplicate or conflict with the regulation:** None known

**Describe the scope and objectives of the regulation:** The proposed rule is to increase the areal coverage of the Bristol Harbor Shellfish Management Area (SMA) such that its northern boundary aligns with the shellfish harvest closure boundary as established by the DEM Office of Water Resources (OWR). OWR changed their boundary and reduced the areal coverage of the closed area several years ago, resulting in an areal gap between this closed area and the SMA. The net effect of this change is that a small areal gap of non-SMA exists between these two areas, which has a higher, non-SMA possession limit. This small area is difficult to demarcate by fixed landmarks (has not been done due to this difficulty), is problematic for the Division of Law Enforcement to enforce due to its shape and size, and needs to be properly identified as a SMA for the proper management of shellfish resources in this area.

**What was the rationale for establishing this regulation?** See above paragraph

**Does the rationale still exist?** Yes, that's why we're proposing to amend the regulation

**Is the rationale still relevant?** Yes, that's why we're proposing to amend the regulation

**Business industry (s) affected by the regulation:** 114112

**Types of businesses included in the industry (s):** Commercial shellfishermen

**Total number of small businesses included in the regulated industry (s)** In 2012 there were 532 active commercial quahog fishers in the state and 22 shellfish dealers.

**Number of small businesses potentially subject to the proposed regulation:** In 2012, 19 fishers reported landings in the Bristol Harbor Management Area at 5 different dealers.

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

**What is the cost to your agency of establishing and enforcing this regulation?** No additional costs are associated with this proposed amendment

**What would the consequences be if the regulation did not exist?** Over-harvest of shellfish resources in the depicted area

**Effective date used in cost estimate:** N/A

**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 √	<b>Do small businesses have to create, file, or issue additional reports?</b>
2.	Yes	No √	<b>Do small businesses have to implement additional recordkeeping procedures?</b>
3.	Yes	No √	<b>Do small businesses have to provide additional administrative oversight?</b>
4.	Yes	No √	<b>Do small businesses have to hire additional employees in order to comply with the proposed regulation?</b>
5.	Yes	No √	<b>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</b>
6.	Yes	No √	<b>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</b>
7.	Yes	No √	<b>Are performance standards more appropriate than design standards?</b>
8.	Yes √	No	<b>Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?</b> No additional compliance measures are required
9.	Yes	No √	<b>Does the regulation have the effect of creating additional taxes and/or fees for small businesses?</b>
10.	Yes	No √	<b>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</b>
11.	Yes	No √	<b>Is the regulation likely to <i>deter</i> the formation of small businesses in RI?</b>

12.	Yes	No √	<b>Is the regulation likely to <i>encourage</i> the formation of small businesses in RI?</b>
13.	Yes	No √	<b>Can the regulation provide for less stringent compliance or reporting requirements for small businesses?</b>
14.	Yes	No √	<b>Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</b>
15.	Yes	No √	<b>Can the compliance or reporting requirements be consolidated or simplified for small businesses?</b>
16.	Yes	No √	<b>Can performance standards for small businesses replace design or operational standards? N/A</b>
17.	Yes	No √	<b>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</b>
18.	Yes √	No	<b>Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe.</b> The commercial shellfishing industry via the Shellfish Advisory Panel of the RI Marine Fisheries Council. All interested parties will be afforded opportunity to comment during the public hearing on March 25, 2014 and subsequent RI Marine Fisheries Council meeting on April 7 <sup>th</sup> .