

## **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:** Rhode Island Department of Environmental Management, Division of Fish and Wildlife

**Subject matter of regulation:** Commercial Fishing prohibition in experimental artificial reef locations in the Narragansett Bay Marine Life Management Area

**ERLID No:** 7674

**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 regulation would prohibit commercial fishing activity in experimental reef locations in the Narragansett Bay Marine Life Management Area. The experimental artificial reefs will be constructed and monitored using funds from the federal Sportfish Restoration Program to investigate the benefit of artificial reefs in Narragansett Bay. In order to conduct the required research, which will allow us to better understand the role of artificial reefs as a fisheries enhancement or conservation tool, prohibiting commercial fishing during the project period is necessary.

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

**Does the rationale still exist?** Yes

**Is the rationale still relevant?** Yes

**Business industry (s) affected by the regulation:** Fishing (1141)

**Types of businesses included in the industry (s):** Finfish Fishing US (114111), Shellfish Fishing US (114112)

**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)*

10 small businesses were identified by searching on the “Dynamic Small Business Search” page.

**Number of small businesses potentially subject to the proposed regulation:**

10 small businesses were identified by searching on the “Dynamic Small Business Search” page.

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

Since these would be newly adopted regulations, the Department can anticipate certain inquiries by small businesses for assistance with clarification of the regulation or to receive assistance with compliance issues.

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

Unknown at this time. Costs incurred by the Division of Fish and Wildlife would be for administration of these proposed regulations. It is also unknown at this time what the cost of enforcing this regulation would be.

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

Without this regulation in place, potential would exist for commercial fishing to occur in experimental artificial reef locations and would not allow researchers to investigate the benefits of artificial reefs in Narragansett Bay.

**Effective date used in cost estimate:** February 2014.

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**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>
		X	
2.	Yes	No	<b>Do small businesses have to implement additional recordkeeping procedures?</b>
		X	
3.	Yes	No	<b>Do small businesses have to provide additional administrative oversight?</b>
		X	
4.	Yes	No	<b>Do small businesses have to hire additional employees in order to comply with the proposed regulation?</b>
		X	
5.	Yes	No	<b>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</b>
		X	

6.	Yes	No <b>X</b>	<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>X</b>	<b>Are performance standards more appropriate than design standards?</b>
8.	Yes	No <b>X</b>	<b>Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?</b>  <b>No, these proposed regulations would not require the regulated community to cooperate in inspections more than they are statutorily already obligated to do at this time.</b>
9.	Yes	No <b>X</b>	<b>Does the regulation have the effect of creating additional taxes and/or fees for small businesses?</b>
10.	Yes	No <b>X</b>	<b>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</b>
11.	Yes	No <b>X</b>	<b>Is the regulation likely to <i>deter</i> the formation of small businesses in RI?</b>
12.	Yes <b>X</b>	No	<b>Is the regulation likely to <i>encourage</i> the formation of small businesses in RI?</b>  <b>While the regulation will prohibit commercial fishing, experimental artificial reefs may help to promote recreational fishing in the state and contribute to the overall health of RI's fisheries, thus promoting business.</b>
13.	Yes	No <b>X</b>	<b>Can the regulation provide for less stringent compliance or reporting requirements for small businesses?</b>  <b>Not applicable</b>
14.	Yes	No <b>X</b>	<b>Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</b>

			<b>Not applicable</b>
15.	Yes	No <b>X</b>	<b>Can the compliance or reporting requirements be consolidated or simplified for small businesses?</b>  <b>Not applicable</b>
16.	Yes	No <b>X</b>	<b>Can performance standards for small businesses replace design or operational standards?</b>  <b>Not applicable</b>
17.	Yes	No <b>X</b>	<b>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</b>
18.	Yes <b>X</b>	No	<b>Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe.</b>  <b>The public will have two opportunities to offer comment on this proposed regulation when it goes o public hearing as well as when it is before the RI marine Fisheries Council.</b>