

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2008)

See SAM Section 6601 - 6616 for Instructions and Code Citations

DEPARTMENT NAME Department of Fish and Game	CONTACT PERSON Chuck Valle, Senior Environmental Scientist	TELEPHONE NUMBER (562) 342-7183
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Section 28.30 and 27.65, re: basses (kelp bass, barred sand bass, and spotted sand bass)		NOTICE FILE NUMBER Z

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS (Include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:

- a. Impacts businesses and/or employees
- b. Impacts small businesses
- c. Impacts jobs or occupations
- d. Impacts California competitiveness
- e. Imposes reporting requirements
- f. Imposes prescriptive instead of performance
- g. Impacts individuals
- h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.)

h. (cont.) _____

(If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: Unknown Describe the types of businesses (Include nonprofits.): Fishing and related supporting businesses

Enter the number or percentage of total businesses impacted that are small businesses: 100%

3. Enter the number of businesses that will be created: Unknown eliminated: Unknown
Explain: See Addendum

4. Indicate the geographic extent of impacts: Statewide Local or regional (List areas.): Southern California

5. Enter the number of jobs created: Unk. or eliminated: Unk. Describe the types of jobs or occupations impacted: Landings owners and operators associated with marine fishing businesses; vessel operators and crew

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?
 Yes No If yes, explain briefly: _____

B. ESTIMATED COSTS (Include calculations and assumptions in the rulemaking record.)

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 0

- a. Initial costs for a small business: \$ 0 Annual ongoing costs: \$ 0 Years: _____
- b. Initial costs for a typical business: \$ 0 Annual ongoing costs: \$ 0 Years: _____
- c. Initial costs for an individual: \$ 0 Annual ongoing costs: \$ 0 Years: _____

d. Describe other economic costs that may occur: Unknown

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2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. (Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.): \$ _____

4. Will this regulation directly impact housing costs? Yes No If yes, enter the annual dollar cost per housing unit: _____ and the number of units: _____

5. Are there comparable Federal regulations? Yes No Explain the need for State regulation given the existence or absence of Federal regulations: Kelp bass, barred sand bass, and spotted sand bass occur almost exclusively in State waters and are important sport fish

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS (Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. Briefly summarize the benefits that may result from this regulation and who will benefit: The benefits will be increased resource protection and continued sustainability of the bass fisheries (kelp bass, barred sand bass, and spotted sand bass). Recreational fishermen and the sport fishing industry will be the primary beneficiaries.

2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?
Explain: See Addendum

3. What are the total statewide benefits from this regulation over its lifetime? \$ Unknown

D. ALTERNATIVES TO THE REGULATION (Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: See Addendum

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:	Benefit: \$ <u>Unknown</u>	Cost: \$ <u>Unknown</u>
Alternative 1:	Benefit: \$ <u>Unknown</u>	Cost: \$ <u>Unknown</u>
Alternative 2:	Benefit: \$ <u>Unknown</u>	Cost: \$ <u>Unknown</u>

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: See Addendum

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? Yes No

Explain: _____

E. MAJOR REGULATIONS (Include calculations and assumptions in the rulemaking record.) Cal/EPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.

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1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million ? Yes No (If No, skip the rest of this section.)

2. Briefly describe each equally as an effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation:	\$ _____	Cost-effectiveness ratio: \$ _____
Alternative 1:	\$ _____	Cost-effectiveness ratio: \$ _____
Alternative 2:	\$ _____	Cost-effectiveness ratio: \$ _____

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:
- a. is provided in _____, Budget Act of _____ or Chapter _____, Statutes of _____
 - b. will be requested in the _____ Governor's Budget for appropriation in Budget Act of _____
(FISCAL YEAR)
2. Additional expenditures of approximately \$ _____ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:
- a. implements the Federal mandate contained in _____
 - b. implements the court mandate set forth by the _____
court in the case of _____ vs. _____
 - c. implements a mandate of the people of this State expressed in their approval of Proposition No. _____ at the _____
election; (DATE)
 - d. is issued only in response to a specific request from the _____
_____, which is/are the only local entity(s) affected;
 - e. will be fully financed from the _____ authorized by Section _____
(FEES, REVENUE, ETC.)
_____ of the _____ Code;
 - f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;
 - g. creates, eliminates, or changes the penalty for a new crime or infraction contained in _____
3. Savings of approximately \$ _____ annually.
4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law regulations.

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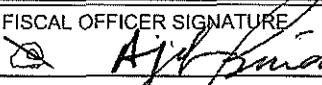
- 5. No fiscal impact exists because this regulation does not affect any local entity or program.
- 6. Other.

B. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year. It is anticipated that State agencies will:
 - a. be able to absorb these additional costs within their existing budgets and resources.
 - b. request an increase in the currently authorized budget level for the _____ fiscal year.
- 2. Savings of approximately \$ _____ in the current State Fiscal Year.
- 3. No fiscal impact exists because this regulation does not affect any State agency or program.
- 4. Other.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year.
- 2. Savings of of approximately \$ _____ in the current State Fiscal Year.
- 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.
- 4. Other.

FISCAL OFFICER SIGNATURE  <i>Aylmer Acting Budget Chief</i>	DATE 4/10/12
AGENCY SECRETARY ¹ APPROVAL/CONCURRENCE  <i>Soule</i>	DATE 5/30/12
DEPARTMENT OF FINANCE ² APPROVAL/CONCURRENCE, 	PROGRAM BUDGET MANAGER DATE

1. The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

2. Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD.399.

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS

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3. Enter the number of businesses that will be created: Unknown eliminated: Unknown
Explain:

Depending upon the alternative(s) and option(s) chosen, a few businesses could be diminished or eliminated. If take for basses was severely restricted and seasonal closures were long, fewer anglers may fish for bass and not go out on Commercial Passenger Fishing Vessels (CPFVs) or rental boats. Fewer anglers could result in canceled trips and lost revenue.

C. ESTIMATED BENEFITS

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2. Are the benefits of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?

Explain: It is the policy of the state to ensure the conservation, sustainable use, and, where feasible, restoration of California's marine living resources for the benefit of all the citizens of the state. The California Legislature requires that where a species is the object of sport fishing, a sufficient resource shall be maintained to support a reasonable sport use, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantify that is sufficient to provide a satisfying sport.

D. ALTERNATIVES TO THE REGULATION

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1. Slot limits were dismissed due to enforcement concerns and a lack of specific biological knowledge. Area closures were dismissed due to the extremely large areas needed to protect spawning grounds and the likelihood of high bycatch mortality. Catch and release only for spotted sand bass was dismissed since most spotted sand bass caught (94%) are released.
3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives:

Because it is impossible to determine how fishing businesses and recreational anglers will react in terms of fishing behavior to the regulation, it is impossible to determine the true direct and immediate impact. Additionally, the regulation's purpose is to promote long-term resource sustainability, which benefits the long-term viability of these same businesses and anglers. Thus, in the long-term, benefits should outweigh any immediate costs.