

## **Economic Impact Assessment**

### **Amend Division 1, Subdivision 3, Chapter 6 and Add Article 2.5 and Section 786.9 Title 14, California Code of Regulations Re: Take of Rare Plants**

The proposed regulatory action will allow the Department of Fish and Wildlife (Department) to authorize the take, possession, propagation, transportation, exportation, importation or sale of plants designated as “rare” under the Native Plant Protection Act (NPPA). The NPPA provides exemptions for many activities, such as agricultural operations, fire control measures, timber operations, and utilities with obligations to provide service to the public (Fish & G. Code §§ 1907(b) and (c), § 1912, and § 1913.). The proposed regulation will not require a permit or other authorization for the take of rare plants where the activity is allowed by the NPPA exemptions. The regulation will have no economic effect on such exempted activities.

The ability to permit the take, possession, propagation, transportation, exportation, importation or sale of rare plants where no option was previously available will be beneficial to business because it will fix a longstanding gap in the Department’s permitting authority that could have prevented certain projects from moving forward. Permits that are issued for rare plants using the same procedures and subject to the same conditions as for incidental take permits pursuant to Fish and Game Code section 2081 subdivision (b) will require that take is minimized, fully mitigated, and that adequate funding is ensured to implement the minimization and mitigation measures.

Although these conditions will require some project applicants to incur costs, in the long run, these costs will likely be balanced by the ability of project applicants to realize the highest value use of their land, which would have previously been prohibited by the NPPA. Similarly, any costs associated with obtaining and complying with authorization to take, possess, propagate, transport, export, import or sell rare plants (1) through voluntary local programs pursuant to Title 14, section 786.0 *et seq.* of the California Code of Regulations; (2) Natural Community Conservation Plans pursuant to Fish and Game Code section 2800 *et seq.*; (3) as set forth in Fish and Game Code section 2089.2 *et seq.* regarding Safe Harbor Agreements; or (4) pursuant to Fish and Game Code section 2081(a) or Fish and Game Code section 1002 *et seq.* and Title 14, Subdivision 3, Chapter 1, section 650 *et seq.* for scientific, educational or management purposes, will also be balanced by the ability of project applicants to undertake these activities, which would otherwise be prohibited by the NPPA.

#### **Effects of the regulation on the creation or elimination of jobs within the State**

The Commission does not anticipate any significant impacts on the creation or elimination of jobs, because the proposed regulatory action will not have a significant net effect on the volume of economic activity. In situations where take of rare plants was otherwise not allowed by law, the proposed regulation will provide a mechanism for

take that was otherwise unavailable, thereby increasing certainty and flexibility for businesses in California to pursue projects that would have previously been prohibited due to the presence of rare plants. The proposed regulation will not require a permit or other authorization for rare plants where the take is otherwise allowed by the NPPA, and therefore will not place an additional burden on business in those situations. The net economic impact is expected to be negligible.

**Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State**

The Commission does not anticipate any significant impacts on the creation of new businesses or the elimination of existing businesses in California because the proposed regulatory action will not have a significant net effect on the volume of economic activity. In some situations where rare plants are present the proposed regulation will enable the pursuit of higher value uses of land.

**Effects of the regulation on the expansion of businesses currently doing business within the State**

The Commission does not anticipate any significant impacts on the expansion of businesses currently doing business in California because the proposed regulatory action will not have a significant net effect on the volume of economic activity.

**Benefits of the regulation to the health and welfare of California residents**

The Commission anticipates benefits to the health and welfare of California residents from better protection of the State's natural resources.

**Benefits of the regulation to worker safety**

The Commission does not anticipate any benefits to worker safety because this regulatory action will not impact working conditions or worker safety.

**Benefits of the regulation to the State's environment:**

The Commission anticipates benefits to the environment through improved regulation of the take of rare plants by the Department, and the ability of the Department to permit important research, conservation, and management actions benefitting rare plants.