

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 Fish and Game Commission	CONTACT PERSON Julie Horenstein	TELEPHONE NUMBER 916-324-3772
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Public Use of Lands Owned or Managed by the Department		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: <1% Describe the types of businesses (Include nonprofits.): for-profit and non-profit recreation organizations, film companies (movies, TV, advertising)

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

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

Explain: _____

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

5. Enter the number of jobs created: unk. or eliminated: unk. Describe the types of jobs or occupations impacted: _____

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? \$ unknown

a. Initial costs for a small business: \$ <\$446 Annual ongoing costs: \$ unknown Years: _____

b. Initial costs for a typical business: \$ <\$446 Annual ongoing costs: \$ unknown Years: _____

c. Initial costs for an individual: \$ <\$446 Annual ongoing costs: \$ unknown Years: _____

d. Describe other economic costs that may occur: Type 1 special use: \$112.46 = \$58.71 filing fee + \$53.75 sp. permit fee;

Type 2 : \$370.46 = \$58.71 filing fee + \$311.75 sp. permit fee; Type 3: \$445.21 = \$58.71+\$386.50

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

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.): \$ no reporting

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: Implement Fish & Game Code Statutes 710.5, 710.7 and 1050

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: Recovering costs incurred by Fish and Game to administer special uses of lands will allow limited existing resources to be spent on fish, wildlife and habitat resources which benefit the public.

2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority? Explain: Fish & Game Code Sec. 710.5, 710.7 and 1050 address the need for fees to be established for use of Fish and Game lands.

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: Fish and Game Code 710.5: It is the intent of the Legislature to support the Department with user-based fees. No alternatives were considered.

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

Regulation:	Benefit: \$ _____	Cost: \$ _____
Alternative 1:	Benefit: \$ _____	Cost: \$ _____
Alternative 2:	Benefit: \$ _____	Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: The Department responds to a varying number of requests for special uses of Department-administered lands each year. The requests also vary in the size and types of activities or uses that are requested.

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 \$ 0 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 FY 13/14 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. DFG currently not recovering costs from issuing special use permits. This rule will allow DFG to recover costs.

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. Cost recovery will be tracked and reported consistent with federal program reporting requirements.

FISCAL OFFICER SIGNATURE		DATE
		5-4-2012
AGENCY SECRETARY ¹ APPROVAL/CONCURRENCE		DATE
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.

**Attachment to STD399:
PUBLIC USE OF LANDS OWNED OR MANAGED BY THE DEPARTMENT
CALCULATION NOTES FOR SPECIAL USE PERMIT FEES:**

Annual Amount Necessary to Recover Cost of Issuing Special Use Permits:

Assume Issued Annually:
100 Type 1 Permits @ \$112.46ea.
40 Type 2 Permits @ \$370.46 ea.
30 Type 3 Permits @ \$445.21ea.

Total = \$39,420.70

See calculation for cost of each type of permit below.

TASKS:

- Application Review
- Site visit, phone conversations, e-mails with Applicant
- Notify other DFG staff (law enforcement, other land management staff)
- Evaluate any policy issues and consult with DFG staff as needed
- Write any special conditions of permit.
- Prepare written notification to applicant
- Review and approval of permit by management staff
- Distribution and filing of paperwork
- Fee processing

Assume lead staff person for processing special use permit applications is a Habitat Supervisor II, Interpreter II, Associate Biologist, Environmental Scientist Range B, Environmental Scientist Range C, Senior Biologist or Staff Environmental Scientist.

Additional cleaning or repair deposit may be required. Additional charges to recover costs may be required if the Department determines that additional staff time is required because of the special use (e.g. posting and subsequently removing signs, monitoring the special use, cleaning up or conducting repairs afterwards). These possible additional charges are addressed in the draft regulation language.

On properties that require a per person day use fee, the permit and any additional charges are in addition to the per person day use fee.

As shown in the table below, \$57 of the permit cost is recovered by a non-refundable application fee, based on Title 14, Section 699. Because the application fee will be processed through the Department's Automated License

Data System, a 3% surcharge will be added to the application fee per Section 704, Title 14.

Special Use Type 1 Permit Fee – \$53.75

A “Type 1” special use involves 30 or fewer visitors on-site, ten or fewer (0 -10) animals or bicycles (or other pedaled vehicles) in total, does not require the use of animals, bicycles, vehicles, or large equipment outside of designated parking areas, roads, trails, or areas authorized for visitor use, and does not require use of the site for more than one day during regular operating hours for the subject property. Visitor is defined in Section 550(b), Title 14. A Type 1 Special Use is not a dog trial as defined in Section 550(b)(14).

Special Use Permit Cost - Type 1 Special Use Permit Fee		
Interpreter II, Associate Biologist, Sr. Biologist, Environmental Scientist, Staff E.S., or Habitat Supervisor II	1 hour @ \$40/hr. ¹	\$40.00
Environmental Program Manager	½ hour @ \$53/hr	\$26.50
Regional Manager	¼ hour @ \$57/hr	\$14.25
Office Technician	½ hour @ 23/hr	\$11.50
Subtotal		\$92.25
Overhead	20% ²	\$18.50
Application Fee Surcharge ³	3% of \$57.00	\$1.71
Total Cost		\$112.46
Application Fee + Surcharge ³	\$57.00 + \$1.71	(\$58.71)
Permit Fee		\$53.75

Special Use Type 2 Permit Fee - \$311.75

A Type 2 Special Use is a hunting dog trial or test as defined in Section 550(b)(14).

Special Use Permit Cost - Type 2 Special Use Permit Fee		
Interpreter II, Associate Biologist, Sr. Biologist, Environmental Scientist, Staff E.S., or Habitat Supervisor II	6 hours @ \$40.00/hr. ¹	\$240.00
Environmental Program Manager	½ hour @ \$53/hr	\$26.50
Regional Manager	¼ hour @ \$57/hr	\$14.25
Office Technician	½ hour @ 23/hr	\$11.50
Vehicle expenses	30 miles @ \$0.50/mile	\$15.00
Subtotal		\$307.25
Overhead	20% ²	\$61.50
Application Fee Surcharge ³	3% of \$57.00	\$1.71
Total Cost		\$370.46
Application Fee + Surcharge ³	\$57.00 + \$1.71	(\$58.71)
Permit Fee		\$311.75

Special Use Type 3 Permit Fee - \$386.50

“Type 3” special uses involve any of the following: over 30 visitors on-site, more than 10 animals or bicycles in total, require the use of animals, bicycles, vehicles, or large equipment outside of designated parking areas, roads, trails, or areas authorized for visitor use, or use of the site for over one day. A Type 3 Special Use is not a hunting dog trial or test as defined in Section 550(b)(14).

Special Use Permit Cost - Type 3 Special Use Permit Fee		
Interpreter II, Associate Biologist, Sr. Biologist, Environmental Scientist, Staff E.S., or Habitat Supervisor II	6 hours @ \$40.00/hr. ¹	\$240.00
Environmental Program Manager	1 hour @ \$53/hr	\$53.00
Regional Manager	½ hour @ \$57/hr	\$28.50
Office Technician	1 hour @ 23/hr	\$23.00
Vehicle expenses	50 miles @ \$0.50/mile	\$25.00
Subtotal		\$369.50
Overhead	20% ²	\$74.00
Application Fee Surcharge ³	3% of \$57.00	\$1.71
Total Cost		\$445.21
Application Fee + Surcharge ³	\$57.00 + \$1.71	(\$58.71)
Permit Fee:		\$386.50

¹Hourly rate = Monthly salary ÷ 174 hours/month x 1.33% (benefits)

\$30/hr = median salary for listed classifications

\$40/hr = median salary for Environmental Program Mgr.1

\$43/hr = median salary for Regional Managers (Classification = CEA)

\$17/hr = median salary for Office Technician

Salaries for civil service classifications accessed at www.spb.ca.gov on April 29, 2011

2009 salaries for current Regional Managers: www.sacbee.com on April 29, 2011

²Estimated Department overhead rate = 20%

³\$57 of the permit cost is recovered by a non-refundable application fee, based on Section 699, Title 14, CCR. This fee will be processed through the Department’s Automated License Data System and a \$1.71 surcharge will be added to the application fee per Section 704, Title 14.