

Economic Impact Analysis

Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California

The Department of Fish and Game (Department) does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California. The proposed regulation only allows anchoring in a portion of the Blue Cavern State Marine Conservation Area (SMCA) that was unintentionally closed. All existing regulations would remain in effect in this SMCA.

Benefits of the Regulation:

The proposed regulatory action will benefit the public health, safety, and general welfare while preserving the intended purpose of the Blue Cavern SMCA.

Health and Welfare of California Residents:

The Department's Law Enforcement Division, based on extensive experience in the Blue Cavern SMCA, anticipates benefits to the health, safety, and general welfare of the public by minimizing risk for divers. Absent approval of the proposed regulation, live-boating operations would be the only type allowed in the Blue Cavern SMCA. This technique involves deploying divers from a vessel into the water while keeping the motor running to remain within sight and easy access of the divers. Because the vessel may need to move constantly, the location of deployed divers can be very difficult for other vessel operators on site to determine, especially with multiple vessels in the same area. In contrast, an anchored vessel displaying a dive flag signals to everyone in the vicinity to expect divers in the immediate area. Although live-boating operations also must display a dive flag, the reference point does not remain stationary, so diver safety could be compromised when several vessels with turning propellers are in a relatively small area. Live-boat diving is difficult and could create a significant safety issue for both experienced and inexperienced divers.

Benefits to the Environment:

Existing regulation benefits the environment by protecting habitat and biodiversity in the Blue Cavern SMCA. The proposed regulation may result in minor benefits to air quality because vessels deploying divers will not be required to keep their motors running; however, the Commission does not anticipate any significant benefits to the environment in the implementation of the proposed regulation.