



NYS GOVERNOR'S OFFICE OF REGULATORY REFORM

REGULATORY FLEXIBILITY REPORT

Submitting Agency (three-letter designation assigned by the Department of State):

The rule is a

Proposed rule Revised rule Emergency rule

Proposed action (include the NYCRR volume number, and Part(s) and Section(s) affected, as identified in your *State Register Notice of Rule Making* form):

Repeal of Part 606 and addition of new Part 606 to Title 6 NYCRR.

Subject of the rule (include the subject description as identified in your *State Register Notice of Rule Making* form):

The Great Sacandaga Lake Access Permit System

For revised rules: The original notice of proposed rule making was published in the *State Register* on State Register ID Number:

Regulatory Flexibility Report: Describe alternative approaches used by the agency to minimize any adverse economic impact of the rule on small businesses and local governments, including such approaches as:

- (a) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small businesses and local governments;
- (b) the use of performance rather than design standards; and
- (c) an exemption from coverage by the rule, or by any part thereof, for small businesses and local government.

The affected parties will include both commercial and non-commercial parties. The majority of the affected parties will include non-commercial parties. The commercial parties will primarily include marinas and restaurants located on and benefiting from the Great Sacandaga Lake. These commercial parties obtain Access Permits to allow for legal access to the Great Sacandaga Lake by their customers and for the operation of marinas and other water-dependent commercial operations.

No additional paperwork beyond what is already generally required will be necessary for compliance with the Proposed Rules. The Proposed Rules are not expected to result in an increased need for small businesses to hire professional consultants for compliance.

As stated in the RIS, one reason for the Proposed Rules was to develop a cost methodology to ensure the Permit System will pay for itself. The regulated parties do not pay the costs of reservoir operations such as erosion control, shoreline stabilization; and dam operations, maintenance, and repairs. Therefore, as part of the analysis of the existing Rules, the cost of administering the Permit System and enforcing the Rules is being recorded and will continue until 2009. This cost analysis is critical to determine the "true" costs of the Permit System so that current and future access permit holders will be charged fees that will cover the costs of administering the Permit System and enforcing the Rules. The analysis of the Permit System costs will not be fully completed until 2009.

The Proposed Rules will not require small businesses to purchase or lease new computer equipment, hardware or software. The Proposed Rules will not require small business to prepare any additional reports or keep additional records. The Proposed Rules will set new and renewal Access Permit fees

which will be based upon the type of permit and the width of the access permit area in question.

Local Government Mandates

There will be no costs to local governments for the implementation and continuation of the Proposed Rules due to the fact that local governments will continue to be exempt from the need to pay fees for the utilization of access permit areas. In addition, the District will be solely responsible for administering and enforcing the Rules, with the municipalities having no responsibility for administration or enforcement. It is important to note that the District pays approximately \$2.3 million in property taxes to the municipalities and other taxing jurisdictions around Great Sacandaga Lake.

This rule making will not impose any program, service, duty or responsibility upon counties, cities, towns, villages, school districts, fire districts or other special districts.

Submit this form to **regs@gorr.state.ny.us**. If you are submitting a proposed or revised rulemaking for EO 20 review, you should include this form with your NOI and rule submittal.