

Rural Area Flexibility Analysis (RAFA)  
For  
Hudson River – Black River Regulating District  
Permit System at Great Sacandaga Lake

Title 6, Park 606 of the Official Compilation of Codes, Rules and Regulations of  
the State of New York

October 11, 2007

Pursuant to SAPA §202-bb(2), in developing a rule, agencies must consider utilizing approaches to accomplish the objectives of a statute while minimizing any adverse impact on public and private sector interests in rural areas. For the purposes of this SAPA evaluation, a rural area is defined as a county having a population less than 200,000. The three counties with corporate boundaries within 1 mile from the reservoir boundary line of the Great Sacandaga Lake include Hamilton, Fulton and Saratoga Counties. Of these counties, Hamilton and Fulton each have a population of less than 200,000 persons, and therefore, the potential impacts on these counties must be considered.

Pursuant to SAPA §202-bb(4)(a)(ii), the Hudson River Black River Regulating District (the "District") is seeking an exemption from the preparation of the Rural Area Flexibility Analysis (RAFA) due to the fact that the Proposed Rules will not impose adverse impacts or recordkeeping compliance requirements on public or private entities in rural areas. Pursuant to the requirements of SAPA, the following represents the statement of findings and the

reasons upon which the finding was made that the rule would impose no adverse impacts or recordkeeping compliance requirements.

### Small Businesses

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.