
TITLE 312 NATURAL RESOURCES COMMISSION

Economic Impact Statement

LSA Document #06-605

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Estimated Number of Small Businesses Subject to this Rule:

The Department of Natural Resources (the "Department") estimates very few small businesses would be directly affected by the proposed rule change. Under the proposed amendments, the only circumstance in which a responsibility is placed upon a person to take action in order to retain the claim to a lawful nonconforming use is for piers that exceed 150 feet long (or, on Bass Lake in Starke County, that exceed 300 feet long). The Department has estimated that fewer than 30 of these piers exist on public freshwater lakes, and, of these 30, perhaps five may be owned by small businesses.

Estimated Average Annual Reporting, Record Keeping, and Other Administrative Costs Small Businesses Will Incur for Compliance:

If a small business elects to assert the benefits of a lawful nonconforming use for a long pier, the proposed amendments provide an extensive listing of documents from which to choose in support of the assertion. The costs to request a determination of a lawful nonconforming use would vary considerably depending on how the small business wished to document its assertion. Based upon past experience, the estimate is that the average costs would be as follows for each assertion:

Time allotted to gather documents from various sources:

6 hours @ \$10 an hour	\$60
Mileage: 100 miles @ \$0.40	40
Copies, postage, and film	20
Record keeping	00
Annual reporting	00
Total:	\$120

There is no licensure fee.

If five small businesses asserted a lawful nonconforming use with respect to a long pier, the total cost would be $\$120 \times 5 = \600 .

Estimated Total Annual Economic Impact on Small Businesses to Comply:

The Department estimates that there will be no annual economic impact on a small business. Any cost incurred would be a one-time occurrence.

Regulatory Flexibility Analysis of Alternative Methods:

The Department does not propose an alternative regulatory method since the amendments have very little impact on small business. The Department did not rely on any studies in its decision not to employ alternatives to the proposed rule amendments.

Posted: 03/28/2007 by Legislative Services Agency

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