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### **FISCAL AND ECONOMIC IMPACT:**

The proposed rules are expected to provide clearer wetland determination procedures, ensure that submitted information is sufficient and complete, and create more efficient processes for property owners, consultants, and Department staff. The proposed rules requesting GIS data is predicted to have some fiscal impact for smaller natural resource consulting firms without GIS services. These firms may need to hire staff and purchase equipment or enlist services from subcontractors to meet the GIS data requirements. The Department, based on input from the Rules Advisory Committee, phased in the GIS data requirement over a two year period to address this impact. GIS data for the study area boundary will be required one year after the rule becomes effective and for all required GIS data two years after that date.

The reason the Department is requesting GIS information is statutory; ORS 196.674 states that the Department shall compile and maintain a comprehensive Statewide Wetlands Inventory (SWI) and make that inventory accessible to the public. The goal is to have an SWI that is revised as new or more complete information becomes available and to have wetland information easily shared with city and county planning offices and the public.

The new requirements to characterize wetlands are already standard practice for many consultants because the same information is needed for preparing a removal fill permit application. In addition, GPS or professional land survey data are routinely collected when mapping wetlands in the field by firms with those capabilities. Therefore, firms already characterizing wetlands for permit applications or firms already using GPS or professional land surveyors to map wetlands would not experience higher costs.

The fiscal impact to the Department due to the new rules is expected to be minimal. The Department will provide training and assistance to customers to implement the new rules. Rule changes clarifying what information is needed will ensure information received is consistent and in a modern format and will provide better customer service by allowing Department staff to review and share information with applicants more efficiently.

### **COST OF COMPLIANCE:**

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).*

Other state agencies, the most frequent being the Oregon Department of Transportation (ODOT), prepare delineation reports for the Department to review. The economic effect for these agencies is expected to be minimal because the additional requirements to characterize wetlands and provide GIS files are steps that are already completed by these agencies for a

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complete removal fill permit application.

### *(2) Effect on Small Businesses:*

#### *(2)(a) Estimate the number and type of small businesses subject to the rule(s).*

The primary businesses that will be affected by the proposed rule changes are natural resource consulting firms. The additional requirements to characterize wetlands and provide GIS files for Department review are minimal. Classifying wetlands is already a step needed if applying for a state removal fill permit, and most firms utilize GIS or professional surveyors to create the mapping needed for delineation reports. It would be an additional step to include this information with a delineation report, but since the information is already available for these firms the additional effort should be minimal. The exception is if the small business does not already have GIS capabilities, as explained in the fiscal and economic impact section.

#### *(2)(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s).*

The proposed rules are for reporting, recordkeeping and administrative activities associated with submitting a delineation to the Department for review and approval. There are no additional activities and costs that have not been captured in other sections.

#### *(2)(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

Smaller firms may need to hire staff and purchase equipment or enlist services from subcontractors or professional land surveyors to meet the GIS data requirements. There are a variety of programs that may be used to produce the information and export files in the format required by the Department. Software suitable for generating the GIS data, such as ArcGIS Pro, can be accessed through an annual subscription beginning at \$100/year for an individual and \$765/year for a business. Subscribers will also have access to GIS training including seminars, web courses, instructor-led training, and tutorials. Additionally, other low or no costs GIS software is available including free and open source software that could eliminate the need to purchase more expensive products like ArcGIS Pro. The website for one free and open sourced software product, QGIS, explains that it can be used for data-viewing needs, for data capture, for advanced GIS analysis, and for presentations of maps, atlases, and reports.

Equipment costs for collecting GPS field data will vary depending on the equipment chosen. The Department uses the Eos Arrow unit, and they can range in price from \$3000 to \$4000 per unit depending on the options selected. Other suitable GPS equipment options used by the

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Department include the Trimble R1 that range in price from \$2000 to \$2500. To research different GPS receivers, the USDA Forest Service provides horizontal accuracy reports for different units that can be reviewed at

<https://www.fs.usda.gov/database/gps/mtdcrept/accuracy/index.htm>.

### **DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**

Six small business representatives participated on the rulemaking advisory committee. These included businesses representing natural resource and wetland delineation report preparation consultants. Additionally, the Oregon Home Builders Association, The League of Oregon Cities, Association of Oregon Counties, and the Oregon Farm Bureau participated, represent development, local planning, and farming communities that may include small businesses. Other businesses are welcome to comment during the public comment period.