STATE OF CALIFORNIA — DEPARTMENT OF FINANCE
ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)
STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME	CONTACT PERSON	EMAIL ADDRESS	TELEPHONE NUMBER
SF Bay Conserv & Develop Comm'n	Marc Zeppetello	marc.zeppetello@bcdc.ca.gov	415-352-3600

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400	NOTICE FILE NUMBER
Amend commission permitting regulations	Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

☒ a. Impacts business and/or employees
☒ b. Impacts small businesses
☐ c. Impacts jobs or occupations
☐ d. Impacts California competitiveness
☐ e. Imposes reporting requirements
☐ f. Imposes prescriptive instead of performance
☒ g. Impacts individuals
☐ h. None of the above (Explain below):

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The SF Bay Conserv & Develop Comm'n (Agency/Department) estimates that the economic impact of this regulation (which includes the fiscal impact) is:

☒ Below $10 million
☐ Between $10 and $25 million
☐ Between $25 and $50 million
☐ Over $50 million *[If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: 87

Describe the types of businesses (Include nonprofits): Any business that applies to the commission for a permit

Enter the number or percentage of total businesses impacted that are small businesses: Unknown

4. Enter the number of businesses that will be created: None eliminated: None

Explain: Amending the regulations will not have any bearing on creating or eliminating business

5. Indicate the geographic extent of impacts: ☐ Statewide
☒ Local or regional (List areas): SF Bay Area; Suisun Marsh

6. Enter the number of jobs created: None and eliminated: None

Describe the types of jobs or occupations impacted: Not applicable

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☒ NO

If YES, explain briefly:

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ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? $ 0

 a. Initial costs for a small business: $0 Annual ongoing costs: $ 0 Years:

 b. Initial costs for a typical business: $0 Annual ongoing costs: $ 0 Years:

 c. Initial costs for an individual: $0 Annual ongoing costs: $ 0 Years:

 d. Describe other economic costs that may occur: No increased direct or indirect costs. Eliminating permit requirement for about 15 small projects per year may result average cost savings of $467 per project.

2. If multiple industries are impacted, enter the share of total costs for each industry:

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* $Not applicable

4. Will this regulation directly impact housing costs? ☐ YES ☒ NO

 If YES, enter the annual dollar cost per housing unit: $

 Number of units:

5. Are there comparable Federal regulations? ☐ YES ☒ NO

 Explain the need for State regulation given the existence or absence of Federal regulations: BCDC is the state agency authorized to adopt regulations under the McAteer-Petris Act and the Suisun Marsh Preservation Act; no federal agency with jurisdiction.

 Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: $

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: Non-monetary benefits include streamlined and improved regionwide permit program, and increased clarity and transparency of the regulations. Eliminating permit requirement for some small projects will reduce permitting costs.

2. Are the benefits the result of: ☐ specific statutory requirements, or ☒ goals developed by the agency based on broad statutory authority?

 Explain: Streamline and clarify regionwide permit program; improve and update permitting regulations.

3. What are the total statewide benefits from this regulation over its lifetime? $ 0

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: None

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: Do not adopt the proposed amendments. Adopt some of the proposed amendments but not others. Adopt alternatives to certain proposed amendments as described in the Initial Statement of Reasons.

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2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:	Benefit: $ 0	Cost: $ 0
Alternative 1:	Benefit: $ 0	Cost: $ 0
Alternative 2:	Benefit: $	Cost: $

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: Because amendments impose no costs and because benefits are primarily non-monetary, it is not feasible to quantitatively compare estimated costs and benefits.

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☒ NO

   Explain:

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises **exceed $10 million**? ☐ YES ☒ NO

   If YES, complete E2. and E3
   If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

   Alternative 1:

   Alternative 2:

   (Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation:	Total Cost $	Cost-effectiveness ratio: $
Alternative 1:	Total Cost $	Cost-effectiveness ratio: $
Alternative 2:	Total Cost $	Cost-effectiveness ratio: $

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through12 months after the major regulation is estimated to be fully implemented?

   ☐ YES ☒ NO

   If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

   The increase or decrease of investment in the State: None

   The incentive for innovation in products, materials or processes: None

   The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: Benefits include streamlined and improved regionwide permit program, increased clarity and transparency of regulations, and reduced permit costs for some projects.

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FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☒ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ None

☐ a. Funding provided in ______

Budget Act of ______ or Chapter ______ , Statutes of ______

☐ b. Funding will be requested in the Governor's Budget Act of ______

Fiscal Year: ______

☒ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ None

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in ______

☐ b. Implements the court mandate set forth by the ______ Court.

Case of: ______ vs. ______

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. ______

Date of Election: ______

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: ______

☐ e. Will be fully financed from the fees, revenue, etc. from: ______

Authorized by Section: ______ of the ______ Code;

☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in ______

☒ 3. Annual Savings. (approximate)

$ None

☒ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

☐ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

☐ 6. Other. Explain ______

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FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☒ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ None

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the ______ Fiscal Year

☒ 2. Savings in the current State Fiscal Year. (Approximate)

$ 0

☐ 3. No fiscal impact exists. This regulation does not affect any State agency or program.

☐ 4. Other. Explain ______

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ ______

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ ______

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

☐ 4. Other. Explain ______

FISCAL OFFICER SIGNATURE	DATE
DocuSigned by: Larry Goldzband FD166E908010417...	9/11/2025

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY	DATE
Bryan Cash	9/9/2025

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER	DATE

SUPPLEMENT TO FORM 399

Proposed Amendments to

San Francisco Bay Conservation and Development Commission

Permitting Regulations

(Title 14, Division 5)

INTRODUCTION

The Commission's regulations establish procedures and standards for the Commission or its Executive Director to issue permits within areas of the Commission's jurisdiction: (1) under the McAteer-Petris Act, California Government Code sections 66600 through 66694; and (2) the Suisun Marsh Preservation Act, California Public Resources Code sections 29000 through 29612.

In summary, the proposed amendments will:

- Streamline and improve the regionwide permit program for straightforward projects that will not result in significant adverse environmental impacts;
- Add a new introductory Article to the permitting regulations including sections to define the different types of permits, describe how the type of permit required is determined based on the nature and scope of a project, identify de minimis activities within the Commission's shoreline band jurisdiction that do not require a permit, and state general provisions applicable to all types of permits; and
- Revise, clarify, or update certain regulations governing the Commission's permitting process and the determination of the Commission's jurisdiction.

The objectives of the proposed amendments are to improve and clarify the regionwide permit program by providing more detail as to how the Commission adopts, amends, or revokes a regionwide permit, how a permit applicant applies for coverage under a regionwide permit, and how the Executive Director reviews an application for coverage under a regionwide permit. The objectives also include clarifying and streamlining the information required to apply for coverage under a regionwide permit.

The objectives of the proposed amendments include increased clarity and transparency for permit applicants and the public by adding a new introductory Article to the permitting regulations with sections to define the different types of permits, describe how the type of permit required is determined depending on the nature and scope of a proposed project provide, and set forth general provisions applicable to all types of permits. Finally, the objectives include revisions to update and improve the clarity of selected regulations and to increase transparency by providing for notice of permitting actions taken by the Executive Director.

ECONOMIC IMPACT STATEMENT

Section A-3: The number of businesses impacted by the proposed amendments will depend on how many businesses apply to the Commission for a permit or permit amendment. The Commission staff conducted a survey of all permit applications (including permit amendments) filed during the five-year period 2020-2024, which allowed staff to determine the annual average number of applications filed by type of applicant. The survey results showed an annual average of approximately 87 private parties apply for a permit or permit amendment. It is not feasible to calculate the percentage of the annual average of approximately 87 private parties that are small businesses because the Commission's recordkeeping does not distinguish between or among the types of private parties that apply for permits.

Section B. Estimated Costs: The proposed amendments will not impose any direct or indirect costs on individuals, businesses, or other private parties that apply to the Commission for a permit, permit amendment, or amendment to a Commission plan document.

The proposed amendments will eliminate permit fees for certain de minimis activities in the Commission's shoreline band jurisdiction by clarifying that no permit is required for such activities. Thus, the proposed amendments will incrementally reduce the costs of the Commission's regulatory program by a modest amount (and will correspondingly reduce the amounts collected by the Commission in annual permit application fees).

It is difficult to estimate the reduction in permitting costs that will result from clarifying that no permit is required for certain de minimis activities conducted entirely in the shoreline band. However, the reduction in costs will not be substantial. This is because if a project consists of only de minimis activities in the shoreline band, under the existing regulations, the project generally would be authorized under a regionwide permit or an abbreviated regionwide permit for which the application fee is only $200. If an administrative permit were required for such a project and if the total project cost were under $600,000, under the existing regulations, the application fee would be between $300 and $2,100. If such a project were processed as a non-material permit amendment to an administrative permit, the application fee would be between $200 and $600 for projects with total costs under $600,000.

If the proposed amendments clarifying that no permit is required for certain de minimis activities in the shoreline band had been in place in 2024, they likely would have eliminated the need for the Commission to issue approximately 15 permits (primarily regionwide permits and non-material amendments to existing administrative permits) for which the total application fees were $4,750, or an average of $467 per application. In comparison, in 2024, the Commission collected over $1.2 million in total permit fees.

Section C-3: Total Statewide Benefits: The benefits of the proposed amendments are primarily non-monetary. The benefits include streamlining and improving the regionwide permit program, increasing the clarity and transparency of the regulations for permit applicants and the public by adding a new introductory Article to the permitting regulations with sections to define the different types of permits, describe how the type of permit required is determined depending on the nature and scope of a proposed project provide, and set forth general provisions applicable to all types of permits. Eliminating permit requirements for certain de minimis activities in the Commission's shoreline band jurisdiction will reduce permitting costs for some small projects. The benefits of the proposed amendments also include updating and improving the clarity of selected regulations and to increase transparency by providing for notice of permitting actions taken by the Executive Director.

Section D-2, Statewide Costs and Benefits to Regulation and Each Alternative Consideration: The proposed amendments will not impose any direct or indirect costs on individuals, businesses, state agencies, local government agencies, or school districts. As discussed above, the benefits of the proposed amendments are primarily non-monetary.

Because the proposed amendments would not impose any costs on regulated entities and because the benefits of the proposed amendments are primarily non-monetary, it is not feasible to quantitatively compare the estimated costs and benefits of the proposed amendments and alternatives.

FISCAL IMPACT STATEMENT

Section A, Fiscal Effect on Local Government, and

Section B, Fiscal Impact on State Government

The number local government agencies and state agencies impacted by the proposed amendments will depend on how many such agencies apply to the Commission for a permit, permit amendment, or amendment to a Commission plan document. The Commission staff recently conducted a survey of all permit applications (including permit amendments) filed during the five-year period 2020-2024, which allowed staff to determine the annual average number of applications filed by type of applicant. The survey results showed an annual average of approximately 41 local government agencies and approximately 10 state agencies apply for a permit or permit amendment.

The proposed amendments will not impose any direct or indirect costs on local government agencies or state agencies that apply to the Commission for a permit.