



OFFICE OF ADVOCACY *FACTSHEET*

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Advocacy Urges FWS to Address Economic Impacts of Critical Habitat Designations Earlier

On October 12, 2004, the Office of Advocacy (Advocacy) filed a comment letter with the U.S. Fish and Wildlife Service (FWS), in response to its *Notice of Availability of the Draft Economic Analysis on the Proposed Critical Habitat for the Santa Ana Sucker* (69 Fed. Reg. 58,876, Oct. 1, 2004).

Advocacy urged FWS to analyze and consider economic impacts of critical habitat designations at the proposed rule stage, before conditions on construction and other activities are imposed by FWS on small businesses under the Endangered Species Act (ESA). A complete copy of Advocacy's letter to the Commission may be accessed at <http://www.sba.gov/advo/laws/comments/>.

- The ESA requires FWS to designate critical habitat for endangered and threatened species to provide those species extra protection. In designating land as critical habitat, FWS is required to balance species benefits against the costs of including the land. Advocacy believes that FWS did not provide an adequate period of time to solicit public comments on the regulatory burdens FWS was imposing on small businesses with a critical habitat designation.
- The FWS elicited comments for 90 days on scientific findings and other areas of the critical habitat designation, but FWS provided only 6 business days (11 calendar days) for comment on the potential economic impacts of the critical habitat designation.
- Advocacy believes it is vital that FWS weigh the potential economic impacts of its regulatory actions against the species benefits FWS hopes to attain, and that FWS should make these decisions with the full benefit of public input. Advocacy urges FWS to avoid rushing through rulemaking without considering the comments of small businesses or properly incorporating economic analysis into final critical habitat decisions.

For more information, visit Advocacy's Web page at <http://www.sba.gov/advo> or contact Michael See at (202) 619-0312.