



Office of Advocacy Fact Sheet

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Florida Dock Construction Restrictions **Advocacy's Letter to the U.S. Department of the Interior**

On January 27, 2003, the Office of Advocacy of the U.S. Small Business Administration (Advocacy) filed a letter commenting on a rule proposed by the Fish and Wildlife Service of the U.S. Department of the Interior. The rule would require dock construction firms in Florida to obtain letters of authorization from the Fish and Wildlife Service before building. In addition, the proposed rule would entirely prohibit construction of docks in 12 counties of Florida. The rule is intended to reduce boating, and thus reduce accidental deaths of Florida manatees. Advocacy is concerned that the Fish and Wildlife Service has not fully considered the burden the rule imposes on small construction and marine recreation firms. The full letter may be accessed at <http://www.sba.gov/advo/laws/comments/>. A summary of Advocacy's concerns follows.

Advocacy enforces a law which requires more thorough analysis

- The Regulatory Flexibility Act requires Federal agencies to explain the costs of their proposed rules to small businesses. Agencies must also look at alternatives which would minimize small business costs. These requirements can be avoided in part if an agency "certifies" that the rule would have no significant economic impact on a substantial number of small businesses and provides the public with the reasons the agency has done so. The Fish and Wildlife Service chose to "certify" the proposed rule limiting dock construction.
- The Office of Advocacy believes that the Fish and Wildlife Service is incorrectly measuring the impacts of the rule on small businesses. The Office of Advocacy's letter recommends that the Fish and Wildlife Service analyze the proposed rule's impact on specific sectors of Florida's economy.
- The proposed rule will require businesses building new docks to obtain letters of authorization. To get Fish and Wildlife Service permission to build, dock builders must absorb application costs (including project delay), project modification and mitigation costs, and ongoing monitoring responsibilities. The Office of Advocacy recommends that the Fish and Wildlife Service include these costs in its small business cost analysis of the proposed rule.

For more information on the Office of Advocacy

- Visit Advocacy's Web page at <http://www.sba.gov/advo> or contact Michael See at (202) 205-6533.