



OFFICE OF ADVOCACY **FACTSHEET**

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Advocacy Urges FWS to Address Economic Impacts of Critical Habitat Designations

On November 18, 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 for the Proposed Designation of Critical Habitat for the Riverside Fairy Shrimp* (69 Fed. Reg. 61,461 Oct. 19, 2004). Advocacy urges FWS to consider economic impacts of its proposed rules concurrently with biological benefits and to provide the same amount of time for public comment on economic impacts as on scientific matters. A complete copy of Advocacy's letter to the FWS may be accessed at <http://www.sba.gov/advo/laws/comments/>.

- The Endangered Species Act (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 economic costs of including the land. Advocacy believes that FWS did not provide an adequate period of time for public comment on the regulatory burdens FWS was imposing on small businesses with its proposed critical habitat designation.
- The Regulatory Flexibility Act (RFA) requires FWS to consider the economic impact of its rulemakings to small businesses.
- The FWS gave 60 days for comment on the scientific basis and biological benefits of the proposed rule, but provided 30 days for the public to comment on FWS' assessment of the costs of the rule. FWS regulations require 60 days to comment on all proposed designations of critical habitat.

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