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Fish and Wildlife Service and NOAA Fisheries Propose to Simplify Review Process for Critical Habitat Proposals under the Endangered Species Act

The U.S. Fish and Wildlife Service (Service) and the National Oceanic Atmospheric Administration's (NOAA) Fisheries Service (the Services), the two Federal agencies responsible for administering the Endangered Species Act (ESA), are jointly proposing to simplify and clarify the process through which impact analyses are conducted for designations of critical habitat under the ESA.

The proposed regulation changes would require the draft economic analysis of the proposed designation of critical habitat to be made available for public comment concurrent with the publication of the proposed designation of critical habitat. Today's proposal was first outlined in a Presidential Memorandum seeking to improve transparency and public comment by providing the public access to both the scientific analysis and the draft economic analysis of a proposed critical habitat designation at the same time.

The proposed rule is also consistent with Executive Order 13563, which calls for a retrospective analysis of existing rules to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.

"The Fish and Wildlife Service makes sound, science-driven decisions promoting successful conservation and recovery efforts for threatened and endangered species under the Endangered Species Act," said FWS Director Dan Ashe. "By improving the clarity and consistency of our regulations, we can continue to increase the effectiveness and efficiency of the ESA."

“We are very supportive of the Fish and Wildlife Service as we work together to improve our implementation of the Endangered Species Act,” said Sam Rauch, NOAA Fisheries Deputy Assistant Administrator for Regulatory Programs. NOAA already issues draft economic analyses concurrent with a proposed designation of critical habitat, so the proposed rule will codify an existing practice for the agency.

The proposed rule will now be available for public comment for 60 days. For more background about the proposal, visit online at: http://www.fws.gov/angered/improving_ESA/CH_Econ.html. If the proposed rule is finalized, the Services will implement the changes after the effective date. Proposed critical habitat designations that are published prior to the effective date of any final regulation will continue to follow current practices.

Written comments and information concerning this proposal must be submitted by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. [FWS-R9-ES-2010-0073]; or
- U.S. mail or hand delivery: Public Comments Processing, Attn: [FWS-R9-ES-2011-0073]; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

Comments must be received within 60 days, on or before October 23, 2012. The Services will post all comments on <http://www.regulations.gov>. This generally means any personal information provided through the process will be posted.

America’s fish, wildlife and plant resources belong to all of us, and ensuring the health of imperiled species is a shared responsibility. To learn more about the Service’s Endangered Species program, go to <http://www.fws.gov/angered/>.

NOAA's mission is to understand and predict changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and to conserve and manage our coastal and marine resources. Visit us at <http://www.noaa.gov> or on Facebook at <http://www.facebook.com/usnoaagov>.

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals, and commitment to public service. For more information on our work and the people who make it happen, visit www.fws.gov. Connect with our Facebook page at www.facebook.com/usfws, follow our tweets at www.twitter.com/usfwshq, watch our YouTube Channel at <http://www.youtube.com/usfws> and download photos from our Flickr page at <http://www.flickr.com/photos/usfwshq>.

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