

News Release



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Fish and Wildlife Service and NOAA Fisheries Issue Final Rule to Improve the 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), submitted for publication today a final rule that improves the process governing critical habitat designations for endangered and threatened species.

Today's rule 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.

"These common-sense changes to the regulations implementing Endangered Species Act critical habitat designations will improve the process by making our economic analysis available to the public sooner, while continuing our commitment to provide the best protections for our nation's threatened and endangered species," said Fish and Wildlife Service Director Dan Ashe.

Under the Endangered Species Act, the Services designate "critical habitat" for each listed species; these are areas that are important for the species' conservation and recovery. In making these designations, the Services must consider their economic impacts, the impacts on national security, and other relevant impacts, in addition to the benefits to the species.

NOAA's National Marine Fisheries Service already issues its economic analyses at the time it publishes proposed rules to designate critical habitat, and this regulation will codify this practice.

"These changes will also make the process of designating critical habitat for endangered species more transparent," said Samuel Rauch Acting Assistant Administrator for NOAA Fisheries. "All in all, critical habitat designation will be easier for the public to understand."

Under the new regulations, a summary of each economic analysis will be published in the Federal Register along with the proposed critical habitat designation, while the analysis itself will be made available on the Web (www.regulations.gov and other appropriate venues).

The final rule also codifies standard Services' practices for assessing the likely impacts of proposed critical habitat designations.

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

The Service issued the draft proposal on August 24, 2012, which was open for public comment for a total of 150 days.

To view the final rule and additional information, visit www.fws.gov/angered/improving_ESA/CH_Econ.html.

The final rule will be available at www.regulations.gov, and goes into effect on October 30, 2013.

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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 www.youtube.com/usfws and download photos from our Flickr page at www.flickr.com/photos/usfwshq.

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