

Advocacy Recommends that FWS Reevaluate Small Business Impacts of Critical Habitat Designation of Northern Spotted Owl

On July 5, 2012, the Office of Advocacy (Advocacy) filed a comment letter with the U.S. Fish and Wildlife Service (FWS) regarding its Revised Critical Habitat and Economic Analysis for the Northern Spotted Owl. A complete copy of Advocacy's letter to DOL may be accessed at: <http://www.sba.gov/advocacy/816>.

- In 1992, FWS designated critical habitat for the Northern Spotted Owl (NSO) on over 6 million acres of Federal lands in California, Oregon, and Washington. In 1994, the Northwest Forest Plan (NWFP) was adopted to guide Federal forest management and endangered species protection in the region. In 2008, FWS finalized a revised critical habitat designation of over 5 million acres of federal lands. This 2008 critical habitat designation was challenged in court and FWS was ordered to submit a new critical habitat for public comment.
- On February 2012, FWS proposed a revised critical habitat designation for the NSO. In conjunction with this release, the Administration issued a Presidential Memorandum encouraging FWS to conduct a more timely and robust economic analysis of the impacts of this critical habitat designation and to minimize the regulatory burdens by adopting potential exclusions. On June 1, 2012, FWS released an economic analysis on the NSO critical habitat designation.
- FWS has certified that the proposed critical habitat designation will not have a significant economic impact on a substantial number of small entities. Advocacy believes that FWS' certification undercounts the number of small businesses affected by the rule and underestimates the economic impact of this rule on small business.
- Advocacy encourages FWS to reevaluate the economic impacts of its critical habitat designation on small businesses, so that the agency can better analyze regulatory alternatives that minimize the impact of this rulemaking. For example, FWS has outlined the alternative of excluding private lands from the critical habitat designation. Advocacy supports the exclusion of these and other areas.

For more information, visit Advocacy's Web page at <http://www.sba.gov/advocacy>, or contact Assistant Chief Counsel Janis Reyes by email at Janis.Reyes@sba.gov or by phone at 202-205-6533.