

Advocacy Comments on the Revisions to the Regulations for Impact Analyses of Critical Habitat

On January 31, 2013, the Office of Advocacy (Advocacy) filed public comments with the National Oceanic and Atmospheric Administration (NOAA) and the Fish and Wildlife Service (FWS) in response to the Regulations for Impact Analyses of Critical Habitat. A copy of Advocacy's comments may be viewed at www.sba.gov/advocacy.

- On February 28, 2012, President Obama issued a memorandum entitled, *Proposed Revised Habitat for the Spotted Owl: Minimizing Regulatory Burdens*¹ (the Memorandum), directing FWS to make its economic analysis available for public comment when the agency publishes a proposed rule to designate critical habitat.
- On August 24, 2012, FWS and NOAA published the proposed rule announcing that it would be publishing economic analyses simultaneously with critical habitat designations. The proposed rule would also make changes to the way FWS conducts its economic analyses for critical habitat designations.
- Small businesses are concerned that the changes do not adequately reflect the costs of critical habitat designations to small businesses.
- Small businesses have also called upon FWS and NOAA to propose a regulatory definition for the term "adverse modification and destruction of critical habitat" in order to clarify the boundaries of the economic analysis.

For more information, visit Advocacy's website at <http://www.sba.gov/advocacy> or contact Kia Dennis at 202-205-6936.

¹Presidential Memorandum, *supra* note 3.