

June 5, 2014

Daniel Ashe  
Director, U.S. Fish and Wildlife Service  
1849 C Street, NW  
Washington, DC 20240

The Honorable Kathryn Sullivan  
Administrator  
National Oceanic and Atmospheric Administration  
1401 Constitution Avenue, NW  
Washington, DC 20230

**Re: Definition of Destruction or Adverse Modification of Critical Habitat<sup>1</sup>**

The Office of Advocacy of the U.S. Small Business Administration respectfully requests that the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service (FWS) extend the public comment period for its proposed rule *Definition of Destruction or Adverse Modification of Critical Habitat*.

**The Office of Advocacy**

Congress established Advocacy under Pub. L. 94-305 to represent the views of small entities before Federal agencies and Congress. Advocacy is an independent office within the U.S. Small Business Administration (SBA); as such the views expressed by Advocacy do not necessarily reflect the views of the SBA or the Administration. The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), gives small entities a voice in the Federal rulemaking process. For all rules that are expected to have a significant economic impact on a substantial number of small entities, Federal agencies are required by the RFA to assess the impact of the proposed rule on small business and to consider less burdensome alternatives.

The Small Business Jobs Act of 2010 requires agencies to give every appropriate consideration to comments provided by Advocacy. The agency must include, in any

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<sup>1</sup> *Definition of Destruction or Adverse Modification of Critical Habitat*, 79 Fed. Reg. 27060 (May 12, 2014).

explanation or discussion accompanying the final rule's publication in the Federal Register, the agency's response to these written comments submitted by Advocacy on the proposed rule, unless the agency certifies that the public interest is not served by doing so.

**Request for an Extension of the Comment Period**

Advocacy has heard from several small businesses concerned with the potential effects of this rule. Many have indicated a desire for more time to thoroughly review the impact that the proposed revisions will have on the various industries affected. For some farmers, in particular, May and June are the planting season and they will not have the time to thoroughly review this proposed rule prior to the close of the comment period.

Given these issues and the significant public interest in the outcome of this proceeding Advocacy respectfully requests that FWS and NOAA extend the public comment period for another ninety days.

For additional information or assistance please contact me or Kia Dennis at (202) 205-6936 or [Kia.Dennis@sba.gov](mailto:Kia.Dennis@sba.gov).

Sincerely,

/s/Winslow Sargeant, Ph.D.

Chief Counsel

/s/Kia Dennis

Assistant Chief Counsel