

Advocacy Comments on Proposed Bull Trout Critical Habitat

On March 11 2010, the Office of Advocacy (Advocacy) filed comments with the U.S. Fish and Wildlife Service (FWS) regarding its proposal to revise its critical habitat designation for Bull Trout.¹ A copy of Advocacy's comments may be viewed at www.sba.gov/advo/laws/comments.

- The FWS proposal would designate 22,679 miles of streams and marine shoreline in the Olympic Peninsula and the Puget Sound area, as well as 533,426 acres of lakes and reservoirs as Bull Trout critical habitat. The proposed CHD would include 929 miles of streams that are outside of the geographical area occupied by the species at the time it was listed under the Endangered Species Act.
- FWS has concluded that the incremental economic impact of the proposed Bull Trout CHD will be small. The most significant economic impact will occur within the areas of proposed critical habitat that are not currently occupied by Bull Trout, but are necessary for the conservation of the species.
- FWS estimates that 97 percent of the potentially affected entities operating within the proposed CHD are small entities.² The Initial Regulatory Flexibility Analysis also concludes that the proposed CHD will have annual impacts between \$4.97 million and \$7.13 million.³ Small entities are also expected to bear between 93 and 100 percent of the estimated impacts.⁴ It is unknown whether the economic impacts will be evenly distributed among affected entities or whether only a small proportion of affected entities will bear the majority of the costs of the proposed CHD.
- Advocacy commended FWS for the timely manner in which it has asked for small entity input on its proposed Bull Trout CHD. Advocacy strongly encouraged FWS to conduct further outreach with small entities to discuss the economic impacts of the rule and possible alternatives for reducing burdens on small entities before it produces a final rule.

For more information, contact Jamie Belcore Saloom by email at Jamie.Belcore@sba.gov, or by phone at 202/205-6533.

¹ 75 Fed. Reg. 2270 (January 14, 2010); RIN 1018-AW88

² *Id.*

³ *Id.*

⁴ *Id.*