

From: Ralph Thompson
Sent: Sunday, March 08, 2009 1:13 PM
To: FN-OMB-OIRA-Submission
Subject: Request for comments - Federal Regulatory Review

Encouraging public participation in agency regulatory processes: The U.S. Fish and Wildlife Service (FWS) requires that public comments on proposed rules be submitted through the www.regulations.gov website, or mailed directly to the FWS Washington Office. Each proposed rule advises the public that comments submitted by other means (e.g., e-mail, fax, or correspondence to an alternate FWS address) will not be accepted. Some citizens find the www.regulations.gov site difficult to navigate, not intuitive, and not helpful to individuals with limited computer skills or those with slow-speed dial-up capabilities. Prior to this requirement, citizens were able to submit comments directly to the FWS field office managing a particular action. It would be very helpful if citizens were given the option of either using either the www.regulations.gov site, or standard e-mail, snail mail, or fax to the lead FWS field office, whichever option best meets their needs and capabilities. This approach may encourage wider participation in the FWS rulemaking process.

Role of cost-benefit analysis: The FWS routinely contracts the preparation of complex and expensive economic analyses for proposed rules to designate critical habitat for endangered or threatened species, although there are no express provisions in the ESA that require independent economic studies. These studies are costly (typically \$150,000 but some are much more expensive). There is routinely disagreement from both the environmental and development community with regard to their underlying assumptions and conclusions, and these studies have exposed the agency to expensive litigation on several occasions. Another shortcoming of these contracted economic analyses is their failure to identify costs and benefits of critical habitat designation in equivalent currencies, which contributes significantly to public and media misunderstanding. In my opinion, the role of formal cost-benefit analysis for FWS critical habitat designations is questionable for the above reasons.

Thanks you for the opportunity to comment
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