

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AF03

Endangered and Threatened Wildlife and Plants; Notice of 6-month Extension on the Proposed Rule to List the Contiguous United States Distinct Population Segment of the Canada Lynx as Threatened**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Proposed rule; notice of extension of deadline.

SUMMARY: We (the U.S. Fish and Wildlife Service) extend for not more than 6 months the time to make a decision on the proposal to list the contiguous United States distinct population segment of the Canada lynx (*Lynx canadensis*) as a threatened species. The new deadline for final action on the proposed rule to list the contiguous United States population segment of the Canada lynx is extended from July 8, 1999, to January 8, 2000. We will use the 6-month extension to obtain and review new information anticipated to be forthcoming in a scientific report on the Canada lynx from the U.S. Forest Service's Rocky Mountain Research Station.

DATES: We intend to reopen the public comment period to accept comment on the science report when it becomes available and will soon announce the dates of the new public comment period in the **Federal Register**.

ADDRESSES: The complete file for this notice is available for inspection, by appointment, during normal business hours at the Montana Field Office, U.S. Fish and Wildlife Service, 100 N. Park Avenue, Suite 320, Helena, Montana 59601.

FOR FURTHER INFORMATION CONTACT: Kemper McMaster, Field Supervisor at the above address, or telephone 406/449-5225; facsimile 406/449-5339.

SUPPLEMENTARY INFORMATION:**Background**

Within the timeframes established under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), a final determination of whether or not to list the contiguous United States distinct population segment of the Canada lynx is due by July 8, 1999. The proposed listing of the Canada lynx was a result of a settlement agreement between the U.S. Fish and Wildlife Service and the plaintiffs, Defenders of

Wildlife *et al.*, on February 12, 1998. This agreement required the publication of a proposed rule to list the Canada lynx in the contiguous United States. The proposed rule to list this population segment as threatened was published in the **Federal Register** on July 8, 1998 (63 FR 36994).

If there is substantial disagreement regarding the sufficiency or accuracy of the available data, the Act allows for a 6-month extension of a final listing determination for the purpose of soliciting additional data. We are extending for 6 months the deadline for the final determination to list the lynx. The new deadline for a final listing determination is extended from July 8, 1999, to January 8, 2000.

The scientific basis for our findings and conclusions in the proposed rule have been questioned by many of the 14 affected State wildlife agencies that responded during the public comment period. These State wildlife agencies have expertise and historical knowledge of lynx biology within their respective jurisdictions and dispute the accuracy of our assessment of the status and/or threats to the lynx. The information challenged by the State agencies included our assessment of the effects on lynx populations of forestry practices, past overharvesting, and competition with other species. They also disputed our assessment of the lynx population's status within the individual states. Additionally, we received comments from professional societies similarly disputing the assessment of status and threats.

Subsequent to the 1998 settlement agreement, the U.S. Forest Service's Rocky Mountain Research Station assembled a team of scientists to prepare a scientific report on the Canada lynx. This "science report" will be a comprehensive compilation and assessment of historic and current lynx occurrence records and distribution, scientific literature, lynx and prey ecology, habitat correlations, and threats to the continued existence of lynx in the contiguous United States. The science report will be the only comprehensive assessment of lynx in the contiguous United States, besides the Service's proposed rule. The science report will undergo scientific peer review prior to release. The science report is anticipated to be finalized by late July 1999.

Given the serious concerns expressed by the States and scientists with expertise in the field of lynx biology questioning our assessment of the status and threats to the lynx in the proposed rule, and our assessment of preliminary information from the Science Team that

may cause us to reconsider some of the conclusions on status and threats in the proposed rule, we conclude that there is substantial scientific disagreement regarding the sufficiency and accuracy of the available data relevant to a final determination of whether or not to list the lynx. The additional time we need to adequately address these issues is not anticipated to appreciably impact the lynx.

We have reason to believe the forthcoming science report will represent significant new and important information critical to helping resolve ongoing substantial scientific disagreement regarding the status of lynx and the presence and magnitude of threats facing its continued existence in the contiguous United States. Therefore, we are using the provision in section 4(b)(6)(B)(i) of the Act to extend for a period of 6 months the deadline for a final listing determination for the lynx.

The 6-month extension will enable us to receive and evaluate the new information in the science report, allow time for public comment on the science report, assess the public comments received, and integrate this information into the final listing decision. The extension will enable us to make a sound final determination using the best available scientific and commercial data, within the legal mandates of the Act and the Administrative Procedure Act.

This report is expected to be an important contribution to the best scientific and commercial data available and may strengthen the biological basis for making a final listing determination for the Canada lynx. The public comment period will be reopened to receive both the science report and accept public comments on the report. The opening of the public comment period will be announced in the **Federal Register** when the availability of the science report is known. At that time, instructions for obtaining a copy of the science report also will be announced.

Author. The author of this document is Lori H. Nordstrom (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

Dated: June 30, 1999.

John G. Rogers,

*Acting Director, U.S. Fish and Wildlife
Service.*

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