

Questions and Answers Regarding the Revised Critical Habitat Designation for the Canada Lynx

1. What action is the Fish and Wildlife Service taking?

The Service is revising the critical habitat designation for the Canada lynx, a threatened species protected under the Endangered Species Act (ESA).

In total, approximately 39,000 square miles of habitat fall within the boundaries of the revised critical habitat designation in portions of northern Maine, northeastern Minnesota, the Northern Rocky Mountains (northwestern Montana and northeastern Idaho), the Northern Cascades (north-central Washington), and the Greater Yellowstone Area (southwestern Montana and northwestern Wyoming).

2. Where is the Canada lynx protected under the ESA?

The Canada lynx is protected as a threatened species throughout its range which includes Colorado, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, Oregon, Utah, Vermont, Washington, Wisconsin, and Wyoming.

3. What is critical habitat?

Critical habitat is a term defined in the ESA. It identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and may require special management or protection or considerations.

Critical habitat is determined after taking into consideration the economic impact it could cause, as well as any other relevant impacts. The Secretary of the Interior may exclude any area from critical habitat if the benefits of exclusion outweigh the benefits of inclusion, as long as the exclusion would not result in the extinction of the species.

4. How did the Service determine what lands should be designated as critical habitat for the Canada lynx?

When considering which lands should be designated as critical habitat, the Service used the best scientific data available as well as information from State, Federal and Tribal agencies and from academic and private organizations. Based on this information, we first determined which lands were essential to the conservation of the Canada lynx by defining the physical and biological features essential to the conservation of the species and delineating the specific areas that contain those features as well as recent verified records of lynx presence and reproduction. Next, we limited the designation to lands that may require special management.

All areas designated as critical habitat for the Canada lynx include boreal forest landscapes that provide one or more of the following beneficial habitat elements for the Canada lynx including snowshoe hares for prey, abundant large, woody debris piles that are used as dens, and winter snow conditions that are generally deep and fluffy for extended periods of time. All designated areas have recent verified records of lynx occurrence and reproduction and are considered occupied.

5. What areas have been designated as critical habitat for the Canada lynx?

Critical habitat has been designated in the following areas:

Maine: Approximately 9,497 square miles of habitat in portions of Aroostook, Franklin, Penobscot, Piscataquis, and Somerset Counties. Timber harvest and management is the dominant land use within this area. Special management includes timber management practices that provide for a dense understory that would be beneficial for lynx and snowshoe hares.

Minnesota: Approximately 8,065 square miles of habitat in portions of Cook, Koochiching, Lake, and St. Louis Counties and Superior National Forest. Timber harvest and management is the dominant land use. In this area, other habitat-related impacts to lynx include the lack of an international conservation strategy, highway traffic, and residential and commercial development. Special management includes timber management practices that provide for a dense understory that would be beneficial for lynx and snowshoe hares.

Northern Rocky Mountains – (Northwestern Montana and a small portion of northeastern Idaho): Approximately 10,102 square miles in portions of Boundary County in Idaho; and Flathead, Glacier, Granite, Lake, Lewis and Clark, Lincoln, Missoula, Pondera, Powell and Teton Counties in Montana. The designation also includes National Forest lands and lands managed by the Bureau of Land Management in the Garnet Resource Area. Timber harvest and management is the dominant land use. In this area, other habitat-related impacts to lynx include fire suppression or fuels treatment, the lack of an international conservation strategy, traffic and development. Special management includes timber management practices that provide for a dense understory that would be beneficial for lynx and snowshoe hares.

North Cascades – (north-central Washington): Approximately 1,836 square miles in portions of Chelan and Okanogan Counties and lands managed by the Bureau of Land Management in the Spokane District. Timber harvest and management is the dominant land use. Special management includes timber management practices that provide for a dense understory that would be beneficial for lynx and snowshoe hares.

Greater Yellowstone Area – (Yellowstone National Park and surrounding lands in southwestern Montana and northwestern Wyoming): Approximately 9,500 square miles in portions of Gallatin, Park, Sweetgrass, Stillwater, and Carbon Counties in Montana; and Park, Teton, Fremont, Sublette, and Lincoln Counties in Wyoming. Impacts to lynx in this area include fire suppression or fuels treatment, the lack of an international conservation strategy for lynx, traffic, and development. Special management is required depending on the fire suppression and fuels treatment practices conducted and the design of highway development projects.

6. What areas of lynx habitat were excluded from the designation?

Based on peer review and public comments and biological information received during the comment period, the Service excluded, under section 4(b)(2) of the Act, approximately 1,725 square miles of habitat from this revised critical habitat designation, based on analyses indicating that the benefits of exclusion outweighed the benefits of inclusion. The areas identified for exclusion have management practices that have certainty of being implemented and effective in conserving lynx and their habitat. Areas excluded include:

- Tribal lands,
- Private lands enrolled in the Maine Healthy Forest Reserve Program that employ active lynx habitat conservation, and
- State lands in Washington that are managed under a lynx habitat management plan.

Critical habitat units designated for the lynx:

Critical Habitat Units	Area Proposed for Designation km² (mi²)	Excluded Area km² (mi²)	Land Ownership	Area Designated km² (mi²)
Unit 1: Maine	27,539.1 (10,632.9)	2,884.0 (1,113.5)	Private, State, Federal	24,597.5 (9,497.2)
Unit 2: Minnesota	21,305.4 (8,226.1)	202.6 (78.2)	Federal, Private, State	20,888.4 (8,065.1)
Unit 3: Northern Rocky Mountains (MT and ID)	29,276.5 (11,303.7)	956.6 (369.4)	Federal, Private, State	26,162.9 (10,101.6)
Unit 4: North Cascades	5,179.7 (1,999.9)	424.7 (164.0)	Federal, Private	4,755.0 (1,835.9)
Unit 5: Greater Yellowstone Area	27,427.4 (10,589.8)	0 (0)	Federal, State, Private	24,606.1 (9,500.5)
Total	110,728.1 (42,752.4)	4,467.9 (1,725.1)		101,009.9 (39,000.3)

Approximately 58 percent of the proposed critical habitat occurs on Federal lands and approximately 30 percent on private lands with the remaining areas under state or other ownership.

7. Were areas considered for exclusion, but not excluded?

Private timberlands were considered for exclusion, under section 4(b)(2) of the Act, in Maine and Montana based on conservation agreements that were drafted with the intent of conserving lynx and their habitat. We found that the benefits of inclusion outweighed the benefits of exclusion, because the agreements had not been finalized, the activities contained in them had not been implemented or firmly funded, and no activities for managing habitat were included.

8. Why did the Service revise the critical habitat designation for the Canada lynx?

The revised critical habitat designation for Canada lynx is the result of the Service's review of certain Endangered Species Act actions that were alleged to have been inappropriately influenced by a former Department of the Interior Deputy Assistant Secretary.

9. Is the Canada lynx only protected in critical habitat areas?

No. All other protections afforded by the ESA apply to all populations of lynx within the range where listed, regardless of whether they inhabit designated critical habitat or not. Listed species, both inside and outside critical habitat, are protected from 'take,' which includes harming (e.g., shooting, killing, trapping, collecting) and harassing individual animals.

10. What are the benefits of a critical habitat designation?

Critical habitat provides non-regulatory benefits to the species by informing the public and private sectors of areas that are important for species recovery and where conservation actions would be most effective. Designation of critical habitat can help focus conservation activities for a listed species by identifying areas that contain the physical and biological features essential for the conservation of that species, and can alert the public and land-managing agencies to the importance of those areas. Critical habitat also identifies areas that may require special management considerations or protection, and may help provide protection to areas where significant threats to the species have been identified by helping people to avoid causing accidental damage to such areas.

11. Who could be affected by this critical habitat designation?

Federal agencies are required to consult with the Service on actions they carry out, fund, or authorize that might affect critical habitat. In most cases, consultation already occurs under the section 7 interagency consultation requirements of the ESA in the areas designated as critical habitat, as these areas are known to be occupied by lynx. Non-federal entities, including private landowners that may also be affected could include, for example, those seeking a U.S. Army Corps of Engineers 404 permit under the Clean

Water Act or those seeking federal funding to implement private property improvements, where such actions affect lands designated as critical habitat. But again, in most cases this is already occurring under the section 7 interagency consultation requirements of the Endangered Species Act.

12. How does a critical habitat designation affect private lands?

Requirements for consultation on critical habitat do not apply to entirely private actions on private lands. Critical habitat designations only apply to federal lands or federally funded or permitted activities on private lands. Activities on private or State lands that are funded, permitted or carried out by a Federal agency, such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act, or a section 402 permit under the Clean Water Act from the Environmental Protection Agency, will be subject to the section 7 consultation process with the Service if those actions may affect critical habitat or a listed species.

Through this consultation, the Service would advise agencies whether the proposed actions would likely jeopardize the continued existence of the species or adversely modify critical habitat. Federal actions not affecting critical habitat, Canada lynx or its habitat (e.g., suitable habitat outside of critical habitat), and actions on non-Federal lands that are not federally funded, permitted or carried out, will not require section 7 consultation.

13. How will timber harvest and forestry management practices be affected by this critical habitat designation?

Timber harvest and associated forestry management can be beneficial or detrimental to lynx depending on harvest methods and specifications.

Forestry practices can be beneficial for lynx when the resulting understory densities meet the forage and cover needs of snowshoe hares. Although areas that are cut may not be initially used by snowshoe hares and lynx, after regeneration those areas can provide high quality hare habitat and sustain lynx populations.

Thinning activities (e.g. mechanized pre-commercial thinning or herbicide treatments) to promote vigorous growth of fewer trees removes the understory cover preferred by snowshoe hares. As a result, thinned stands tend to have lower snowshoe hare densities needed to support lynx populations.

For actions that are entirely private or with no Federal involvement, consultation is not necessary.

14. How long does a critical habitat designation remain in effect?

A critical habitat designation remains in effect until the species is considered to be recovered, and is delisted or the critical habitat is revised.