

Court required us to complete a new determination in 180 days. The Court did not address the plaintiffs' issues concerning the threats and the DPSs. The Court also ordered the Service to "undertake prompt rulemaking" in order to designate critical habitat for lynx and ordered injunctive relief directed at section 7 consultation.

This notice addresses the issues we will consider on remand. This notice does not address critical habitat for the lynx. We will request public comment on a proposed rule for critical habitat when it is published.

#### Significant Portion of Its Range

The Act defines the term "threatened species" as "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." The Act generally defines the term "endangered species" as a species which is in danger of extinction throughout all or a significant portion of its range. In the final rule, we found that "[c]ollectively, the Northeast, Great Lakes and Southern Rockies do not constitute a significant portion of the range of the DPS" and listed the species as threatened in 14 States. As directed by the Court, we are re-evaluating that determination.

Therefore, our re-evaluation will include an analysis of—(1) The quantity of lynx habitat and (2) the quality of lynx habitat in its range. In assessing habitat quality for lynx, we examine a variety of elements, such as primary prey (snowshoe hare) abundance, forest type, forest structure, snow conditions, denning habitat, inherent habitat patchiness, and connectivity with larger lynx populations and habitat in Canada. Lynx reproduction and recruitment into the population are indicators of habitat quality. Some qualitative information addressing some of these elements is contained in the administrative record for the final rule listing the lynx. In the brief time available to us, we will also re-examine available data on habitat quantity and any other factors relevant to the new determinations required by the court.

Listing decisions under the Act must be based on the best scientific information available. Additional information has become available since the lynx was listed in March 2000 that will be helpful to our analysis of what constitutes the "significant portion" of the lynx's range.

#### Public Comments Solicited

We are reopening the comment period on our determination concerning the significant portion of the range of the

lynx. In particular, we are seeking comment on—(1) The quantity of lynx habitat and (2) the quality of lynx habitat. We also invite comments on other elements relevant to our determination concerning the significant portion of the range of the lynx. Our re-assessment will not be limited solely to the information identified in this notice or available on our website.

We intend to examine the following information that has become available since the listing of the lynx in March 2000 and may be pertinent to our analysis of a significant portion of the range for lynx—(1) Research on the historical occurrence and habitat ecology of lynx in eastern North America, (2) research on lynx movements, survival, habitat use, reproduction, and interspecific competition in Maine, (3) evidence of recent lynx occurrence and reproduction in Minnesota, (4) a report on historic lynx occurrence in Michigan, (5) research on the ecology of lynx in western Montana, (6) information from lynx reintroductions into Colorado, (7) information from the National Lynx Survey, (8) any available estimates of amount of lynx habitat on Federal lands, and (9) any additional information that may be applicable to our determination concerning the significant portion of the range issue that States, Tribes, or others have not already submitted to us prior to the listing in March 2000. This information will be included in the administrative record for this remanded determination.

The information identified above can be retrieved from the Internet at <http://mountain-prairie.fws.gov/endspp/lynx>. The Internet is the best method for making this information rapidly available. If you cannot access this information through the Internet, please call the Montana Field Office (*see ADDRESSES* section). Your written comments on the information identified above, or any additional information to help us assess the significant portion of the range for lynx, must be postmarked or emailed by the date specified above under **DATES** to the Service's Montana Field Office (*see ADDRESSES* section). The comment period is necessarily short because of the time given by the Court (180 days from the decision) to complete our remanded decision.

#### Author

The author of this notice is Lori Nordstrom, U.S. Fish and Wildlife Service, Montana Field Office (*see ADDRESSES* section).

**Authority:** The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 10, 2003.

**Steve Williams,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 000407096-0096-01; I.D. 031003B]

#### Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Commercial Haddock Harvest

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of removal of haddock trip limit.

**SUMMARY:** NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator) is suspending the haddock trip limit for the groundfish fishery for the remainder of the 2002 fishing year. The Regional Administrator has projected that less than 75 percent of the haddock target total allowable catch (TAC) will be harvested for the 2002 fishing year under the restrictive trip limits. This action is intended to allow fishermen to catch more of the haddock TAC, without exceeding it. Therefore, this action removes the haddock trip limit for the remainder of the 2002 fishing year.

**DATES:** Effective March 17, 2003 through April 30, 2003.

**FOR FURTHER INFORMATION CONTACT:** Susan Chinn, Fishery Management Specialist, 978-281-9218.

**SUPPLEMENTARY INFORMATION:** Framework Adjustment 33 to the NE Multispecies Fishery Management Plan, which became effective May 1, 2000, implemented the current haddock trip limit regulations (65 FR 21658, April 24, 2000). To ensure that haddock landings do not exceed the appropriate target TAC, Framework 33 established a haddock trip limit of 3,000 lb (1,360.8 kg) per NE Multispecies day-at-sea (DAS) fished and a maximum trip limit of 30,000 lb (13,608 kg) of haddock for the period May 1 through September 30; and 5,000 lb (2,268 kg) of haddock per DAS and 50,000 lb (22,680 kg) per trip

from October 1 through April 30. Framework 33 also provided a mechanism to adjust the haddock trip limit based upon the percentage of TAC that is projected to be harvested. Section 648.86(a)(1)(iii)(B) specifies that, if the Regional Administrator projects that less than 75 percent of the haddock target TAC will be harvested in the fishing year, the trip limit may be adjusted. Further, this section stipulates that NMFS will publish notification in the **Federal Register** informing the public of the date of any changes to the trip limit.

The Regional Administrator has projected that, for fishing year 2002, Georges Bank haddock landings are estimated to be about 16,209,000 lb

(7,352 mt), accounting for about 63 percent of the assumed target TAC (11,680 mt). Based on the March 2002 "Final Report of the Working Group on Re-Evaluation of Biological Reference Points for New England Groundfish," the projected Georges Bank haddock target TAC for the 2002 fishing year is 17,337 mt (based on an average of the target TAC for the 2002 and 2003 calendar years). The projected 2002 landings for Georges Bank haddock with the trip limits in effect would use only about 42 percent of the target TAC (17,337 mt). Given that under current management measures less than 75 percent of the 2002 fishing year haddock target TAC is projected to be harvested by April 30, 2003, the

Regional Administrator has determined that suspending the haddock trip possession limits will provide the industry with the opportunity to harvest at least 75 percent of the TAC for the 2002 fishing year.

#### **Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: March 12, 2003

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 03-6304 Filed 3-12-03; 3:06 pm]

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