

Fish and Wildlife Service Proposes 25 million acres of Critical Habitat for the Canada Lynx

On November 20, the Office of Advocacy (Advocacy) filed comments with the U.S. Fish and Wildlife Service (FWS) regarding its proposal to designate 25 million acres of Critical Habitat for the Canada lynx. A complete copy of Advocacy's comments may be accessed at: www.sba.gov/advo.

- On February 28, 2008, FWS published a proposal to revise its critical habitat designation (CHD) for the Canada lynx. The proposed designation would increase the total area of lynx critical habitat by 40,913 square miles (26,184,320 acres). Section 7 of the Endangered Species Act (ESA) requires small businesses that operate within a CHD area to consult with FWS and modify projects in order to avoid destruction of critical habitat for all activities funded, permitted, or authorized by any federal agency.
- On October 21, 2008, FWS published a revised proposed critical habitat designation, reopening the comment period and announcing the availability of a new draft economic analysis, including an updated regulatory analysis examining the impacts of the proposed CHD on small entities.
- In the most recent proposal, FWS discusses possible areas for exclusion from the final critical habitat under section 4(b)(2) of the ESA, which allows the Secretary of the Interior to exclude an area from critical habitat if the benefits of excluding an area outweigh the benefits of including them. The areas FWS is considering for exclusion consist mostly of privately owned timber lands in Maine and Montana, as well as tribal lands across the entire designation.
- Advocacy urges FWS to exclude private timber lands in Maine and Montana from a final CHD under Section 4(b)(2) of the Endangered Species Act, and instead adopt private conservation agreements with stakeholder groups in Maine and Montana, which would provide greater conservation benefits to the lynx.

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