

About the Document:

Title: Revised Designation of Critical Habitat for the Contiguous U.S. Distinct Population Segment of the Canada Lynx and Revised Distinct Population Segment Boundary

Timeline of the Peer review:

Draft document disseminated: September 26, 2013.

Peer review initiated: October 5, 2013.

Peer review to be completed by: December 26, 2013.

Final determination regarding proposed rule expected: September 2014.

About the Peer Review Process:

In accordance with our July 1, 1994 peer review policy (59 FR 34270) and the Office of Management and Budget's December 16, 2004 Final Information Quality Bulletin for Peer Review, the U.S. Fish and Wildlife Service intends to subject this proposal to peer review. The Service will nominate potential peer reviewers. We will consider the following criteria for any potential nomination:

- **Expertise:** The reviewer should be an expert in one or more of the following: Lynx and/or snowshoe hare or similar species biology and habitat associations; conservation biology; small population dynamics and extinction risk analysis; land development and use and other environmental pressures within the range of the distinct population segment (DPS); land planning and management; modeling; and/or evaluation of biological plausibility.
- **Independence:** The reviewer should not be employed by the U.S. Fish and Wildlife Service, or any State fish and game agency in states within the range of the DPS (i.e.,

Colorado, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New Mexico, New York, Oregon, Utah, Vermont, Washington, Wisconsin, and Wyoming). Academic, consulting or government scientists should have sufficient independence from the Service and State fish and game agencies if government supports their work.

- Objectivity: The reviewer should be recognized by his or her peers as being objective, open-minded, and thoughtful. In addition, the reviewer should be comfortable sharing his or her knowledge and perspectives and openly identifying his or her knowledge gaps.
- Conflict of Interest: The reviewer should not have any financial or other interest that conflicts with or that could impair his or her objectivity or create an unfair competitive advantage. If an otherwise qualified reviewer has an unavoidable conflict of interest, the Service may publicly disclose the conflict.

While expertise is the primary consideration, the Service will select peer reviewers that add to a diversity of scientific perspectives relevant to the proposed revised designation of critical habitat for the contiguous United States lynx DPS. Responses will be requested by the close of the comment period. We will not be providing financial compensation to peer reviewers. We will solicit reviews from at least three qualified experts.

The Service will provide each peer reviewer with information explaining their role and instructions for fulfilling that role, the proposed rule for designation of critical habitat and revised DPS boundary, and a list of citations. The purpose of seeking independent peer review is to ensure use of the best scientific and commercial information available and to ensure and to maximize the quality, objectivity, utility, and integrity of the information upon which the

proposed action is based, as well as to ensure that reviews by recognized experts are incorporated into the rulemaking process. Peer reviewers will be advised that they are not to provide advice on policy. Rather, they will be asked to focus their review on identifying and characterizing scientific uncertainties. Peer reviewers will be asked to answer questions pertaining to the logic of our assumptions, arguments, and conclusions, and to provide any other relevant comments, criticisms, or thoughts with regard to the proposed revised designation of critical habitat for the lynx DPS. We will not seek reviewer input on our proposal to revise the DPS boundary because that is a policy decision. Specific questions the reviewers will be asked include the following:

1. Are our descriptions and analyses of the biology, habitat requirements, and historic and current distributions of the lynx in the contiguous U.S. accurate as they relate to our proposal to revise the critical habitat designation for the DPS?
2. Are you aware of any additional information concerning the historical and current status, range, distribution, and population size of this DPS, including the locations of any additional populations of lynx in the contiguous United States as it relates to our proposal to revise the critical habitat designation for the DPS?
3. Are you aware of any additional information on the biological or ecological requirements of the species as it relates to our proposal to revise the critical habitat designation for the DPS?
4. Are you aware of any additional specific information on the amount, distribution, and quality of lynx habitat in the contiguous United States as it relates to our proposal to revise the critical habitat designation for the DPS?
5. Are you aware of any other information on the projected and reasonably likely impacts of climate change on the lynx and its habitat and, if so, whether and how these impacts may alter the quantity and distribution of landscapes capable of supporting lynx populations in the contiguous U.S.?

6. Are our assumptions and definitions of critical habitat logical and adequate?
7. Are our conclusions logical and supported by the evidence we provide?
8. Did we include all necessary and pertinent literature to support our assumptions and conclusions?
9. Are there any significant oversights, omissions, or inconsistencies in the proposed rule?

Peer reviewers will provide individual, written responses to the Service. Peer reviewers will be advised that their reviews, including their names and affiliations, will (1) be included in the administrative record of our final determination regarding this proposal (i.e., a final rule or a withdrawal); and, (2) be available to the public upon request once all reviews are completed. We will summarize and respond to the issues raised by the peer reviewers in the record supporting our final rulemaking determination. Because this peer review process is running concurrently with public review of the proposed action, peer reviewers will not be provided public comments (although comments may be viewed through <http://www.regulations.gov>). A final determination regarding this proposed action is expected by September, 2014.

About Public Participation

The peer review process will be initiated shortly. We strongly encourage that public comments on the approach of this peer review be submitted by November 15, 2013, in order to allow enough time for processing and consideration. However, we will accept comments on the peer review plan through the normal comment process associated with the proposed rule. Public comments on the proposed rule are scheduled to be accepted until December 26, 2013. You may submit comments by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS-R6-ES-2013-0101; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

We will not accept e-mail or faxes. We will post all comments on <http://www.regulations.gov>.

This generally means that we will post any personal information you provide us.

Contact

For more information, contact Jim Zelenak, U.S. Fish and Wildlife Service, Montana Ecological Services Field Office, 585 Shepard Way, Suite 1, Helena, MT 59601, telephone 406-449-5225.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.