

[Federal Register: July 26, 1999 (Volume 64, Number 142)]

[Proposed Rules]

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[DOCID:fr26jy99-27]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AF03

Endangered and Threatened Wildlife and Plants; Canada Lynx;
Special Rule Record of Compliance

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: On July 8, 1998, we published a proposed rule to list the United States (lower 48 States) population segment of the Canada lynx as threatened under the Endangered Species Act of 1973, as amended (Act). The listing included a special rule regulation issued under

section 4(d) of the Act that would allow the export under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) of live captive-bred Canada lynx, and skins derived from the captive-bred population of Canada lynx. This notice announces the availability of the Record of Compliance with the various statutory, Executive Order, and Departmental requirements applicable to the special rule regulation and invites comments on the Record of Compliance.

ADDRESSES: To request a copy of the Record of Compliance, contact the U.S. Fish and Wildlife Service, Montana

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Field Office, 100 N. Park Ave., Suite 320, Helena, Montana 59601. Send your comments on the Record of Compliance to this same address.

FOR FURTHER INFORMATION CONTACT: Kemper McMaster, Field Supervisor, U.S. Fish and Wildlife Service, Montana Field Office, at the address above.

SUPPLEMENTARY INFORMATION:

On July 8, 1998, we published a proposed rule to list the United States population (lower 48 States) segment of the Canada lynx (*Lynx canadensis*) as threatened, and the captive-bred population of Canada lynx within the lower 48 States as threatened due to similarity of appearance.

The proposed listing rule included a special rule regulation under section 4(d) of the Act that would allow the export under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (50 CFR part 23) of live captive-bred Canada lynx, and

skins derived from the United States captive-bred population (lower 48 States) of Canada lynx, accompanied by a valid CITES export tag and permit. CITES is an international treaty for the regulation of international trade in certain animal and plant species. We would authorize such export in accordance with the permit requirements at 50 CFR 17.32.

The range of the United States population (lower 48 States) segment of the Canada lynx includes the States of Washington, Oregon, Idaho, Montana, Utah, Wyoming, Colorado, Minnesota, Wisconsin, Michigan, Maine, New Hampshire, Vermont, New York, Pennsylvania, and Massachusetts. Currently within the lower 48 States there are facilities in Idaho, Minnesota, Montana, North Dakota, and Utah that raise captive-bred Canada lynx for commercial purposes.

The Department of the Interior Manual Part 318 DM, Federal Register Documents, guides the Federal Register rulemaking process. A key component of 318 DM is the preparation of a Record of Compliance (ROC). The ROC certifies that a rulemaking action complies with the various statutory, Executive Order, and Departmental Manual requirements applicable to rulemaking. The contents of the ROC include certification of compliance with the requirements of: Executive Order 12866-Regulatory Planning and Review; the Regulatory Flexibility Act, (5 U.S.C. 601 et seq.); the Small Business Regulatory Enforcement Fairness Act, (5 U.S.C. 804(2)); the Unfunded Mandates Reform Act, (2 U.S.C. 1501 et seq.); Executive Order 12630-Government Actions and Interference With Constitutionally Protected Property Rights; Executive Order 12612-Federalism; Executive Order 12988-Civil Justice Reform; the Paperwork Reduction Act of 1995 (44 U.S.C. 350); the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.); the President's memorandum of April 29, 1994, ``Government-to-Government Relations with the Native American Tribal Governments'' (59 FR 22951); and the Department of Interior Manual, Departmental Responsibilities

for Indian Trust Resources (512 DM 2). In accordance with the restrictions of section 4(b)(1)(A) of the Act regarding the basis for listing determinations, the economic determinations contained in the ROC are not applicable to the listing decision for the Canada lynx and pertain only to the operation of the special rule regulation under section 4(d) of the Act if the species is listed. You can obtain a copy of this ROC by request (see ADDRESSES section).

Dated: May 6, 1999.

Jamie Rappaport Clark,
Director, U.S. Fish and Wildlife Service.

[FR Doc. **99-18962 Filed** 7-23-99; 8:45 am]

BILLING CODE 4310-55-P