From:	Debbie Schreiner
To:	Noreen Walsh
Cc:	Matt Hogan
Subject:	RE: DTS assignments
Date:	Thursday, May 02, 2013 4:00:11 PM
Attachments:	Memo_Lynx Recovery Strategy.pdf Response to Bishop_NOI3_26_13.pdf

I've attached ES response to the lynx recovery plan assignment.

From: Noreen Walsh [mailto:noreen_walsh@fws.gov]
Sent: Monday, March 18, 2013 12:19 PM
To: Debbie Schreiner
Subject: DTS assignments

Debbie,

Will you make the following 3 separate assignments in DTS please:

1. ES please provide to RD office by Friday March 22 a FWS contact name for USFS Regional Forester Dan Jiron on two issues:
    a. Developing sage-grouse MOU with Governor Mead
    b. POC for their new NEPA planning on prairie dog management in Medicine Bow/Routt national forests

ES to draft a letter for my signature to Director Hagener thanking them for the state's leadership in convening the new sage-grouse board, laying out our listing timeline, discussing reg mechs vs. voluntary mechs, mentioning any other things we consider important in their planning, and pledging our help as needed. Please tailor it somewhat specifically to what they have in MT and where we would like to see them go with this plan. Due to RD March 27.

ES to make a recommendation on lynx recovery plan issues by May 1:

1. Should we /can we begin a recovery plan? Should it be range-wide or on a smaller Recovery Unit scale? Or is this one of the things we are "not going to do?" Do the involved ARDs agree?
2. Should we convene a smaller group with states to begin scoping climate change effects to better ascertain our concerns and the degree to which this threat will play into eventual recovery?

Noreen Walsh
Regional Director
Mountain-Prairie Region
U. S. Fish and Wildlife Service

303 236 7920

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Montana Ecological Services Office
585 Shepard Way, Suite 1
Helena, Montana 59601

May 1, 2013

Memorandum

To: Michael Thabault, Assistant Regional Director - Ecological Services, Region 6, Mountain Prairie Region, Denver, CO

From: Jodi Bush, Field Supervisor, Montana Ecological Services Office, Helena, Montana

Through: Bridget Fahey, Chief, Endangered Species, Region 6, Mountain Prairie Region, Denver, CO

Subject: Recommendation on Canada Lynx Recovery Strategy

The Montana Ecological Services Office (MTESO) was requested to provide a recommendation to the Regional Director on a recovery strategy and timeline for the Canada lynx (*Lynx canadensis*; lynx). This recommendation is in response to a notice of intent to sue (NOI) we received from Rocky Mountain Wild (and others) because we have not yet produced a recovery plan for lynx. Currently the MTESO is developing a revised proposed critical habitat designation for the lynx, including revised economic analysis and NEPA documents and coordination with our state and federal partners, as per new headquarters direction. We are also providing support to our Federal partners on completion of the revised Lynx Conservation Assessment and Strategy (LCAs) report and section 7 consultation for Forest Planning.

In the Service's response to the NOI (attached), we indicated that we continue to work with our partners to conserve lynx and identified several ways we were doing this. We went on to say that recovery planning for the lynx is anticipated to be a significant undertaking given the number of States and partners involved. Lastly, we anticipated that we would initiate recovery planning for lynx after submitting the final critical habitat rule to the Federal Register by September 30, 2014 – unless we are prevented from doing so by further litigation.

The MTESO expects to begin recovery planning efforts as soon as possible after the final critical habitat rule is published. We will identify a lynx primary contact and have that person develop invitation letters for Regional Director signature, establish a workplan for the recovery strategy and a timeline for its completion.

We expect that the previously initiated 5-year review for the lynx will need to be completed prior to initiating recovery planning. We will complete the 5-year review by December 2014, as workload priorities including litigation allow. It is our intent to use the revised LCAs as a basis for completion of the 5-year review. If the review determines that the species still requires protection under the Endangered Species Act, we will initiate recovery planning at that time. If the review determines that a change of status is warranted, we will initiate a status review at that time.

If you have questions or require clarifications on the contents of this memo, please contact Jodi Bush at (406) 449-5225, ext. 205.

Attachment

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO
FWS/R6

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

MAR 06 2013

Mr. Matthew Bishop
Western Environmental Law Center
103 Reeder's Alley
Helena, Montana 59601

Dear Mr. Bishop:

On January 7, 2013, the U.S. Fish and Wildlife Service (Service) received your December 20, 2012, notice of intent to sue (NOI), written on behalf of your organization, Rocky Mountain Wild, Wilderness Workshop, Defenders of Wildlife, Biodiversity Conservation Alliance, Friends of the Wild Swan, and San Juan Citizens Alliance. A second NOI, dated January 2, 2013 and received January 8, 2013, appears identical to the first except it did not include Defenders of Wildlife as a party to the NOI. This letter responds to both NOIs.

The NOI's allege violation of Section 4(f) of the Endangered Species Act (Act) because the Service has not yet produced a recovery plan for the Contiguous United States Distinct Population Segment (DPS) of the Canada lynx (*Lynx canadensis*), which is listed as threatened under the Act. As noted in the NOIs, section 4(f)(1) of the Act instructs the Service to develop plans for the conservation and survival of threatened and endangered species. The Act does not specify a time line for completion of recovery plans; however, the Service endeavors to produce them in a timely manner.

Our 1983 Recovery Priority Guidance (enclosed) is our primary mechanism for prioritizing recovery plan development (48 FR 43098, September 21, 1983 as corrected in 48 FR 51985, November 15, 1983). Consistent with the Act's direction that priority is given to those species most likely to benefit from such plans, we created this system to ensure species facing the highest degree of threat have the highest priority for recovery planning. In short, this system ranks species on a 1C to 18 scale with 1C being the highest priority and 18 being the lowest. The Canada lynx DPS, has a recovery priority number (RPN) of 15, indicating it has high recovery potential, faces a low degree of threat, and has minimal conflict with economic and other development pressures. We review RPNs annually and update them as necessary. In Region 6, 20 other listed species (including 5 listed as endangered) lack final recovery plans and have a higher RPN than lynx (e.g., the endangered Salt Creek tiger beetle and the endangered Pagosa skyrocket have RPNs of 3C and 8C, respectively). In Montana (our lead office for lynx), one other species lacks a final recovery plan and has a higher RPN. Nevertheless, it has been and remains our intention to prepare a recovery plan for the lynx DPS as soon as resources allow.

As you noted in your letter, our 2005 recovery outline for the Canada lynx DPS indicated we would initiate recovery planning in early 2007, and provide a draft recovery plan for public review by January 2008. That time line was predicated upon completing a final rule designating critical habitat for the DPS. While the Service published a final critical habitat rule on November 9, 2006, that rule was withdrawn in 2007. We subsequently published revised proposed and final critical habitat rules on February 28, 2008, and February 25, 2009, respectively. In 2010, as a result of two lawsuits, the courts remanded the final rule to the Service. We are currently working to address the issues raised by those lawsuits, and we intend to submit a revised proposed rule by September 2013, and a final rule designating critical habitat for the DPS by September 2014.

Recovery planning for lynx is anticipated to be a significant undertaking given the number of States and partners involved. Currently, the factors described above prevent us from initiating the recovery planning process. We anticipate initiating recovery planning for lynx after submitting the final critical habitat rule to the Federal Register by September 30, 2014, unless we are prevented from doing so by additional litigation.

In the meantime, the Service continues to work with partners to conserve Canada lynx. Specifically, we (1) participate on the interagency Lynx Steering Committee and Bio Team, (2) assist in updating the 2000 Lynx Conservation Assessment and Strategy (LCAS), (3) consult in accordance with section 7 of the Act on activities that may affect lynx or its habitats, (4) work with other agencies to implement a variety of lynx conservation agreements, (5) work with the U.S. Forest Service to develop and implement lynx conservation measures adopted in revised Forest Plans, and (6) work with States and private landowners to insure that incidental take of lynx is avoided or minimized to the maximum extent practicable.

We appreciate your continued interest in Canada lynx conservation. If you have any further concerns or comments, please contact Seth Willey, Region 6 Recovery Coordinator, at (303) 236-4257.

Sincerely,

Deputy Regional Director