

## FINDING OF NO SIGNIFICANT IMPACT

### Designation of Revised Critical Habitat for the Canada lynx

The U.S. Fish and Wildlife Service (Service) is revising the designation of critical habitat for the contiguous United States distinct population segment (DPS) of Canada lynx• (*Lynx canadensis*) pursuant to section 4 of the Endangered Species Act of 1973, as amended (Act). In total, the designation, which we will publish as a Final Rule in the **Federal Register** in September, 2014, encompasses approximately 38,954 square miles (100,891 square kilometers) in five separate units in the States of Maine, Minnesota, Montana, Wyoming, Idaho, and Washington. The designated critical habitat is located on private as well as local, State, and Federal government lands. This critical habitat designation has been coordinated with all interested and/or affected parties, and we have evaluated its potential environmental and economic impacts.

In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), we have completed a Final Environmental Assessment of the critical habitat designation for lynx which analyzes two alternatives: (1) No Action; (2) Designation as identified in the Final Rule. We also have completed a Final Economic Analysis in which we evaluated the potential economic impacts of the critical habitat designation. The Service published a Notice of Availability and provided written notice to interested individuals including Native American Tribes, private landowners, county commissioners, Congressional and State representatives, State and Federal agencies, and other potentially interested parties, of the Draft Environmental Assessment and Draft Economic Analysis, on June 20, 2017 (79 FR 35303) and provided 30 days for public review and comment. All comments received were analyzed and, where appropriate, were incorporated into the Final Environmental Assessment, Final Economic Analysis, and/or the Final Rule.

Section 7 of the Act requires Federal agencies to ensure, through consultation with the Service, that actions they fund, authorize, or carry out, are not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction of adverse modification of designated critical habitat. Our Environmental Assessment and Economic Analysis recognize the difference between section 7 consultations that result from the listing of the species (i.e., those that evaluate jeopardy) and would occur regardless of critical habitat designation, and consultations that result from the presence of critical habitat (i.e., those that evaluate adverse modification of designated critical habitat). Separating the future section 7 impacts into those that are attributable to the listing of the species and those that are attributable to critical habitat designation yields a more accurate estimation of the actual costs of designating critical habitat, and also provides an estimate of the total cost of a species' conservation.

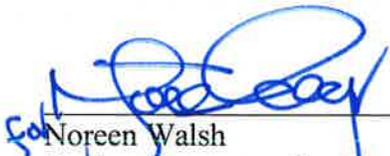
Based on our final analysis of the potential costs resulting from the designation as described in the Final Rule, the economic costs of this designation are likely to be minor and mostly administrative, associated with the additional cost of addressing adverse modification during section 7 consultations. These incremental costs are expected to be minor because: (1) All areas proposed as critical habitat lands are considered to be currently occupied by lynx, providing baseline protection under the Act; (2) project modifications that may be requested during section

7 consultations to avoid adverse modification are likely to be the same as those needed to avoid jeopardy; (3) lynx on Federally-managed lands receive additional baseline protection from existing conservation efforts and management plans; and (4) critical habitat has been designated since 2009 on 89 percent of the area we are currently designating. Based on the recent lynx consultation history, these administrative costs are expected to cost approximately \$320,000 per year. Additionally, it should be noted that Council on Environmental Quality National Environmental Policy Act (NEPA) regulations (40 CFR 1508.14), indicate that "economic and social effects are not intended by themselves to require preparation of an Environmental Impact Statement."

Aside from the added protection that may be provided under section 7, the Act does not provide other forms of protection to lands designated as critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Because consultation under section 7 of the Act does not apply to activities on private or other non-Federal lands that do not involve a Federal nexus, critical habitat designation would not result in any regulatory requirement for these activities.

After taking into consideration public comment on the proposed critical habitat designation, the Draft Environmental Assessment, and the Draft Economic Analysis, we evaluated the benefits of conservation programs, plans, and partnerships relative to the regulatory benefits of critical habitat pursuant to section 4(b)(2) of the Act. As a result, the final rule excludes Tribal lands as well as State and private lands managed in accordance with the Natural Resources Conservation Service's Maine Healthy Forest Reserve program, the Montana Department of Natural Resources and Conservation's Forested State Trust Lands Habitat Conservation Plan, and the Washington Department of Natural Resources' Lynx Habitat Management Plan.

We have prepared a Final Environmental Assessment, which is available on the Service's website: <http://www.fws.gov/mountain-prairie/species/mammals/lynx/index.htm>. Based on a review and evaluation of the information contained in that assessment, it is my determination that the designation of critical habitat for the Canada lynx DPS does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102(2)(c) of the NEPA. As such, an Environmental Impact Statement is not required.

  
Noreen Walsh  
Regional Director, Region 6

8.21.14  
Date