

**FINDING OF NO SIGNIFICANT IMPACT**  
**Designation of Critical Habitat for the Canada lynx (*Lynx canadensis*)**

The U.S. Fish and Wildlife Service (Service) is designating critical habitat for the Canada lynx (*Lynx canadensis*) pursuant to section 4 of the Endangered Species Act of 1973, as amended (Act). In total, the designation encompasses approximately 101,010 square kilometers (39,000 square miles) 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. The final rule excludes tribal lands as well as lands managed under lynx conservation plans and agreements by the Washington Department of Natural Resources and the Maine Healthy Forest Reserve program.

We have analyzed two alternatives, including—No Action; Designation as identified in the Final Rule. The Service has developed an Environmental Assessment for the designation of critical habitat for the Canada lynx which analyzes each of these alternatives. Additionally, the potential economic impacts of critical habitat designation were evaluated in the draft and final economic analyses.

Section 7 of the Act requires Federal agencies to ensure, through consultation with the Service, that action they fund, authorize, or carry out, will not likely jeopardize the continued existence of any endangered or threatened species or result in the destruction of adverse modification of critical habitat.

Our Environmental Assessment recognizes the difference between section 7 consultations that result from the listing of the species (i.e., jeopardy) that would occur regardless of critical habitat designation and consultations that result from the presence of critical habitat (i.e., adverse modification). 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 cost of designating critical habitat, and also provides an estimate of the total cost of species conservation.

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 actions.

This designation has been coordinated with all interested and/or affected parties. The Service published 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 October 21, 2008 (73 FR 62450) 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.

As discussed in the October 21, 2008, notice announcing the availability of the draft Economic Analysis (73 FR 62450), the draft analysis estimated for the proposed potential future costs of designating critical habitat, were estimated to be \$1.49 million over 20 years using a 7 percent discount rate.

Based on our final analysis of the potential economic cost resulting from the Final Rule, all of the economic costs would be due to administrative costs associated with section 7 consultations. 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."

After taking into consideration public comment on the proposal, the draft Economic Analysis and the draft NEPA document, 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, we are finalizing critical habitat designated for lynx in lands Maine, Minnesota, Montana, Wyoming, Idaho, and Washington and have prepared a final Environmental Assessment available on the Service's website:

<http://www.fws.gov/mountain-prairie/species/mammals/lynx/criticalhabitat.htm>.

Based on a review and evaluation of the information contained in the Environmental Assessment, it is my determination that the designation of critical habitat for the Canada lynx 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 of 1969 (as amended). As such, an Environmental Impact Statement is not required.



Stephen D. Guertin  
Regional Director, Region 6

2/23/2009

Date