



December 13, 2021

The Honorable Deborah Haaland
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dr. Jane Lubchenco
Deputy Director for Climate and Environment
Office of Science and Technology Policy
1600 Pennsylvania Ave NW
Washington, DC 20500

The Honorable Mark Lee Greenblatt
Inspector General
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Martha Williams
Principal Deputy Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

Re: Climate Denial and Rejection of Scientific Integrity in the U.S. Fish and Wildlife Service's Regulatory Agenda

Dear Secretary Haaland, Principal Deputy Director Williams, Inspector General Greenblatt, Deputy Director Dr. Lubchenco,

On behalf of the Center for Biological Diversity, we are writing to express our dismay and alarm regarding multiple regulatory items found in the U.S. Fish and Wildlife Service's planned regulatory agenda that was released on December 10, 2021, in which the Service announced its intention to weaken or eliminate protections under the Endangered Species Act for several species that are directly threatened by climate change and sea-level rise including the Florida Key Deer, Whooping Crane and Canada Lynx. These actions represent profound violations of scientific integrity and violate President Biden's Executive Order 13990 *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, which requires that all federal agencies "be guided by the best science and be protected by processes that ensure the integrity of Federal decision-making."¹

The Service also appears to be moving forward on a Trump-era political effort to end protections for the Florida panther in violation of all scientific integrity principles to benefit special-interest developers in south Florida, even though the panther remains one of the most critically endangered species in the country. We request that you directly intervene by ordering the Service to cease these anti-conservation efforts and ensure the best climate-science is integrated into all decision-making. We also request that the Inspector General open an inquiry into the effort to delist the Florida panther and that the National Academy of Sciences review the taxonomy of panthers just as it did for the red wolf and Mexican wolf.

Nearly 90 percent of the Florida Keys are less than five feet above sea level, and are some of the most imperiled parts of the United States due to climate change and sea-level rise. According to the Nature Conservancy, most areas of Big Pine Key — the largest stronghold of the Florida Key

¹ Exec. Order No. 13990, 86 Fed. Reg. 7037 (Jan 20, 2021).

deer — will be under water in a matter of decades, even without considering more frequent, climate change-supercharged hurricanes impacting these habitats. No independent conservation scientist would ever conclude that an imperiled species restricted to low-lying islands should have its protections *reduced* in the face of the climate crisis, and we are at a loss to understand how any such efforts could be warranted. The recovery plan for the Key deer (part of the 2000+ page South Florida multi-species recovery plan) does not mention “climate change,” barely discusses sea-level rise as a threat to the key deer, and does not include a single recovery action to address habitat loss from sea-level rise.² The most recent five-year review for the Key deer, completed in 2010, recommended no change to protections for the deer and at least superficially recognized the threat of climate change.³ Why would the Service reduce protections now?

Aransas National Wildlife Refuge is the wintering grounds of the only wild, self-sustaining population of Whooping Cranes in the world. This coastal refuge is a crown jewel of the national wildlife refuge system, but it too is imperiled by sea-level rise, a fact that the Fish and Wildlife Service recognized a decade ago.⁴ As sea-level rises and more frequent hurricanes occur, the delicate balance of salt and freshwater is put at greater risk, threatening the blue crab, the primary food for whooping cranes. Global climate change also threatens the primary breeding grounds of the crane in Wood Buffalo National Park as climate change results in drier and warmer conditions either on the summer grounds and could have “severe impacts on whooping crane reproduction.”⁵ The recovery plan for the Whooping Crane states that downlisting to threatened status is not warranted until a second migratory population reaches over 120 individuals for a decade, otherwise, the Texas population must reach over 1000 individuals.⁶ Neither of these criteria have been reached, and the Whooping Crane still remains one of the rarest birds in the world. Why would the Service reduce protections now?

As snow-dependent species, Canada Lynx are a sentinel of the impacts of climate change in the lower 48 states. Lynx are also found almost exclusively in areas that receive at least four months of continuous snow cover, but as temperatures warm, they lose their advantage over other carnivores like bobcats to hunt their prey. The Fish and Wildlife Service never completed a recovery plan for the Canada Lynx, never fully assessed the impacts of climate change on this species, yet claims that the “latest 5-year review for the species recommends delisting the species due to recovery.”⁷ Despite agreeing in a legal settlement to complete a recovery plan and complete a new review of the Canada Lynx, the Service continues to push delisting. We have received documents via the Freedom of Information Act that illustrate that the Service *knows* the lynx is threatened by climate change under warming projections to the year 2100, yet these discussions were omitted from the final five-year review for the lynx. Again, one must ask, why would the Service eliminate protections now?

These three species demonstrate that the Fish and Wildlife Service is utterly disregarding climate change when it comes to the conservation and recovery of *controversial* threatened and

² See, South Florida Multi-species recovery plan, available at: https://ecos.fws.gov/docs/recovery_plan/140903.pdf

³ See, Key Deer 5-year Review, available at: https://ecos.fws.gov/docs/tess/species_nonpublish/1586.pdf

⁴ See, USFWS 2011. *Texas: In Face of Climate Change, Coast Is Not Clear for Whooping Cranes* <https://www.fws.gov/news/blog/index.cfm/2011/5/20/Texas-In-Face-of-Climate-Change-Coast-Is-Not-Clear-for-Whooping-Cranes>

⁵ Recovery Plan for the Whooping Crane, available at: https://ecos.fws.gov/docs/recovery_plan/070604_v4.pdf

⁶ *Id.*

⁷ See <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202110&RIN=1018-BD69>

endangered species. But we must also raise our absolute incredulity with the Service's announcement that it intends to reduce protections for the Florida panther, a gross example of scientific misconduct. There are only 200 wild Florida panthers in the world, making it one of the rarest big cats in the world, with a population a twentieth in size compared to the highly endangered Bengal tiger.

According to records obtained via the Freedom of Information Act from 2018, high-level officials in the Service's regional office developed a plan to end protections for the Florida panther.⁸ In this email which summarizes a meeting, the Service officials state that there are two paths to ending protections for the panther. In the first pathway, complete a Status Assessment, and then "*reach a conclusion of taxonomic error*" for the panther to allow delisting. In the second pathway, complete a five-year review, conclude taxonomic error and evaluate as a Distinct Population Segment ("DPS"), where the Service concludes that the species is threatened, not endangered. Simply put, Service officials have decided the outcome in advance — to reduce or eliminate protection for the panther — and have given marching orders to staff to reach the predetermined outcome that this administration is now facilitating. This is not how the scientific process works. Science is an independent process with no predetermined outcome or preordained conclusion, conducted via a transparent process with independent peer review. The only conclusion from the Service's action here is that it is bowing to developers in southern Florida who want to destroy habitat, build more panther-killing roads, and continue developing fossil fuel resources without the headache of protecting Florida's natural heritage.

Finally, we can only protest and observe that these are not innocent mistakes by the Service and cannot be panned off as ministerial actions without consequence. They are signs of a deep rot within the agency. Under normal processes, which the Service uses for most species, decisions to downlist or delist species are made after gathering and analyzing the best available science. Here the decision to reduce protections has already occurred, and the science and facts are manipulated to achieve a political, predetermined outcome.

Under normal circumstances, the Service completes a five-year review for a particular threatened or endangered species and posts it publicly, and then at a later time, considers moving forward with actions as warranted by the recommendations of the five-year review. The Key deer announcement illustrates the ludicrousness perfectly. The Service states: "this proposed rule would reassess the listing status of the Key deer...the FWS's proposed determination will be based on the best available information as of the time of publication. Based on the assessment, FWS may propose to downlist or delist the species, unless FWS determines no change in its status is warranted."⁹ But of course, no proposed rule merely assesses the status of a species, the Service must propose a *change* in status, as the Endangered Species Act provides a separate mechanism to review the status of a listed species. By lumping the species assessment into the proposed rule, the Service inevitably places a thumb on the scale to further its proposed, political choice and to undermine scientific integrity.

We have seen this sorry state of affairs before. When the Service wants to limit public scrutiny, muzzle science, and ram through an indefensible delisting, it never releases the five year review, until it has already released a rule to weaken protections, in the hopes of tipping the scales in its

⁸ See attachment included below.

⁹ See <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202110&RIN=1018-BD64>

favor. This very tactic has been used in an attempt to delist wolves multiple times and and was also used to end protections for grizzly bears. Now the Service is using the very same tactics to ignore climate change and end protections for other charismatic species it views as inconvenient.

Finally, we can only note that we have interacted with few federal agencies that complain as bitterly about the lack of resources than the U.S. Fish and Wildlife Service. Yet at the same time, it routinely misuses and wastes resources on indefensible proposals to weaken protections for threatened and endangered species that are inconvenient for special interests and industry rather than focusing its efforts on the most critically endangered species around this nation, or for that matter investing resources to update its recovery plans to address the global threat of climate change. Just last month, the Service announced the delisting of 23 species due to extinction, and yet it continues to allocate its resources in ways that will only result in more extinctions.

Accordingly, we ask that you immediately intervene, and order the U.S. Fish and Wildlife Service to rescind the following regulatory agenda items from the Office of Information and Regulatory Affairs unified agenda and cease wasting precious staff time pursuing them:

- RIN#: 1018-BD64 – Reclassification of Key Deer
- RIN#: 1018-BD69 – Reclassification of the Canada Lynx
- RIN#: 1018-BG51 – Reclassification of Whooping Crane
- RIN#: 1018-BF50 – Taxonomic Revision of Florida Panther

Decades ago, the Supreme Court stated the Endangered Species Act requires the saving of endangered species, “whatever the cost.”¹⁰ As the United States and world continue to face an unprecedented extinction crisis, the Department of Interior must take every measure in its power to halt extinctions, and not bow to the richest special interests demands. Without immediate intervention right now regarding these unjustified and indefensible proposals, this administration will make clear where its priorities lie.

Sincerely,



Brett Hartl
Government Affairs Director
Center for Biological Diversity

Cc:

William H. Werkheiser
Science Advisor to the Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Sharon Block
Acting Administrator
Office of Information and Regulatory Affairs
725 7th Street, NW
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¹⁰ *Tenn. Valley Authority v. Hill*, 437 U.S. 153, 184 (1978).

ATTACHMENT ONE – PREDETERMINED OUTCOME FOR PANTHER

From: [Valenta, Aaron](#)
To: [Williams, Larry O](#); [Hinzman, Roxanna](#); [Shindle, David B](#); [Gonzalez, Rafael](#)
Cc: [Miranda, Leopoldo](#); [Arnold, Jack](#); [Dekar, Matthew P](#)
Subject: FL panther paths options
Date: Monday, March 5, 2018 3:24:58 PM
Importance: High

All,

Here's how I captured the two options. Please add your notes and edit/revise as appropriate.

Complete SSA on FI panther.

Complete 5-year review of FL panther.

Reach recommendation of delisting due to taxonomic error.

Then do SSA for North American Puma. (may not be necessary since there is no question of the viability of this sub-species. It's status as not T or E is self-evident.

If its stable, then delist FL Panther.

Complete 5-year review.

Reach recommendation of delisting due to taxonomic error.

Then, need to do SSA for DPS determination.

1.

Discreteness:

a.

Physical separation

b.

Genetic separation- doesn't support sub-species designation, but there is genetic distinctness to the sub-species.

1.

Significance

a.

It differs markedly from other pumas.

2.

Is it threatened or endangered with extinction?

a.

Not endangered, but is threatened.

Canada Lynx
(*Lynx canadensis*)

**5-Year Review:
Summary and Evaluation**

Comment [JB1]: Justin. I think this is good but maybe needs a little bit more discussion in threats – summary? So it answers more completely the why we think lynx no longer warrant protections under the act. I wonder too if we need to remind folks what a 5 year review is in the beginning of the document:

Like: *The purpose of a 5-year review is to assess each threatened and endangered species to determine whether its status has changed since the time of its listing or its last status review and whether it should be classified differently or delisted.*

Comment [JB2]: Also a little concerned about how we talk about the future of lynx. *we expect lynx populations in each geographic unit to become smaller and more patchily-distributed.* Is there a way to talk about that after we talk about how lynx are doing NOW...

**U.S. Fish and Wildlife Service
Mountain-Prairie Region
Lakewood, Colorado**

5-YEAR REVIEW
Canada lynx (*Lynx canadensis*) –
Contiguous U.S. Distinct Population Segment (DPS)

Comment [SJ3]: This is a first rough draft. Still needs addition of SSA report citations. And input from management on the level of detail provided, is it enough, too much.

Comment [ZJ4]: If not essential, I would delete this here and define/present it in 1st paragraph below

GENERAL INFORMATION

Methodology used to complete the review:

~~Analysis of the~~The U.S. Fish and Wildlife Service (Service) evaluated Canada lynx DPS ~~the~~ biology and status ~~was conducted of the contiguous United States distinct population segment (DPS) of the Canada lynx~~ as part of a Species Status Assessment (SSA) to inform this 5-yr review and, if needed, recovery planning. The SSA Report was written by the Canada Lynx Species Status Assessment Team (Lynx SSA Team), which consists of a Core Team of ~~U.S. Fish and Wildlife Service (Service)~~ biologists who work on lynx issues across the DPS range and an SSA Framework Implementation Team of Service and U.S. Geological Survey staff who have developed and advanced the SSA framework. The SSA Report represents ~~the~~ Service’s evaluation of the best available scientific information, including the formally ~~elicited~~ professional judgments and opinions of recognized lynx experts. The SSA Report ~~went through~~underwent independent peer and partner review before being used as the scientific basis to support a decision making process involving Service Regions 1, 3, 5, and 6 ~~of the Service~~ ~~regarding the recommendation presented in~~ this 5-yr review.

Comment [ZJ5]: Spell out?

Comment [ZJ6]: Is it standard to abbreviate thus?

Region 6 is the lead region for this action in coordination with Regions 1, 3, and 5. The lead field office (FO) is the Montana Ecological Services FO, with support from the Maine, Minnesota, Washington, and Western Colorado Ecological Services FOs.

Comment [ZJ7]: R2, at their discretion, was not involved in decision-making/recommendation team, but we have coordinated with them, and they have had dispersing lynx in northern New Mexico as a result of the Colorado releases. They should probably be included here (but not above).

Background:

Listing history

The Service listed the lynx DPS as threatened under the ESA in 2000 because of the inadequacy, at that time, of existing regulatory mechanisms on some Federal lands to provide for the conservation of lynx habitats and populations (65 FR 16052-16086). On May 8, 2014, the United States District Court for the District of Montana ordered the Service to complete recovery planning for the lynx DPS (U.S. District Court MT 2014a, p. 8). On June 25, 2014, the same court ordered the Service to complete a recovery plan by January 15, 2018 “...unless the Service finds that such a plan will not promote the conservation of the [lynx]” (i.e., the DPS is recovered or no longer warrants ESA protections; U.S. District Court MT 2014b, p. 2). We completed the SSA Report to summarize the best available scientific information on the current status and likely future viability of the DPS. The SSA provides the scientific basis for this 5-yr review. We noticed the initiation of the 5-yr review in the Federal Register on April, 18, 2007 (72 FR 19549), and additionally published a news release announcing initiation of a 5-yr review on January, 13, 2015.

Comment [ZJ8]: So not a “reinitiation”? – just reopening the 5-yr originally initiated in 2007? I’ve always been fuzzy on this, procedurally.

Comment [SJ9R8]: ?

REVIEW ANALYSIS

Application of the 1996 Distinct Population Segment (DPS) policy

The Service designated lynx in the contiguous United States as a DPS because of differences in the management of lynx and lynx habitats across the international boundary with Canada (meeting discreteness criteria in the DPS policy) and because of the climatic, vegetative, and ecological differences in lynx habitat compared to the northern parts of the species' range in Canada and Alaska (meeting significance criteria) (65 FR 16052; 68 FR 40076; 72 FR 1186).

Updated Information and Current Species Status

Summary of SSA Results:

In the SSA, we describe the current and future viability of the lynx DPS in terms of resiliency, redundancy, and representation. Resident lynx populations persisted historically and continue to persist in 4 of the 6 geographic units (Units 1 (Northern Maine), 2 (Northeastern Minnesota), 3 (Northwestern Montana/Northeastern Idaho), and 4 (North-central Washington)) evaluated in the SSA. Available evidence suggests that Colorado (Unit 6) (~~Colorado~~) did not historically support persistent lynx presence; however, a resident population has persisted there for more than a decade since the 1999-2006 release of 218 Canadian and Alaskan lynx in the San Juan Mountains. Based on verified records, it is uncertain if the Greater Yellowstone Area (Unit 5) historically supported a persistent resident lynx population or and it currently appears not to support a resident lynx population. Considering the available information, we found no reliable evidence that the current distribution and relative abundance of resident lynx in the contiguous United States are substantially reduced from historical conditions. This suggests historical and current resiliency among lynx populations in the DPS. The current broad distribution of resident lynx in large, geographically discrete areas (redundancy) makes the DPS invulnerable to extirpation caused by a single catastrophic event. Because we lack evidence that formerly persistent lynx populations have been lost from any large areas, it also seems that redundancy in the DPS has not been meaningfully diminished from historical levels. In fact, as a result of the current population in Colorado, redundancy in the DPS is likely greater, at least temporarily, now than it was historically. Similarly, resident lynx remain broadly distributed across the range of habitats that has supported them historically, suggesting maintenance of the breadth and diversity of ecological settings occupied within the DPS range (representation). Additionally, observed high rates of dispersal and gene flow and, therefore, generally low levels of genetic differentiation across most of the lynx's range, including the DPS, suggest the past and recent genetic health of lynx populations in the DPS (representation; but see section 2.1). Because there are no indications of significant loss of, or current stressors to, the genetic health or adaptive capacity of lynx populations in the DPS, we find that the current level of representation within the DPS does not appear to indicate a decrease from historical conditions.

Lynx conservation measures and habitat management guidance adopted by the U. S. Forest Service (USFS) and the Bureau of Land Management (BLM) via formally amended or revised management plans or conservation agreements with the Service have substantially addressed the

Comment [ZJ10]: I would move this (Unit 5) above Unit 6.

Comment [ZJ11]: Do we want to add something to the effect that, in fact, given the Colorado introduction and the anthropogenically-influenced lynx abundance in Maine, there may be more resident lynx currently in the contig US than likely occurred historically?

singular threat for which the DPS was listed (the inadequacy of regulatory mechanisms). ~~We conclude that resident lynx populations are very likely to persist in all 5 units that currently support them (Units 1-4 and 6) in the near-term (2025) and likely to persist in Units 1-4 at mid-century (2050). We and the experts we consulted have low confidence in predicting the likely conditions of DPS populations beyond 2050.~~ ~~After that, in the future~~ ~~Nonetheless,~~ we expect lynx populations in each geographic unit to become smaller and more patchily-distributed ~~in the future~~ due largely to projected climate-driven losses in habitat quality and quantity and related factors. However, the timing, rate, and extent of habitat decline due to projected climate warming and corresponding effects to lynx populations is highly uncertain. ~~We conclude that resident lynx populations are very likely to persist in all 5 units that currently support them (Units 1-4 and 6) in the near term (2025). We and the experts we consulted have low confidence in predicting the likely conditions of DPS populations beyond 2050.~~ That said, smaller, more isolated populations would be less resilient and more vulnerable to demographic and environmental stochasticity and genetic drift and, therefore, at higher risk of extirpation. Despite some reduced resiliency, we conclude that resident lynx populations are ~~very~~ likely to persist through mid-century in the geographic units that supported them historically (units 1-4), with corresponding maintenance of redundancy and representation in the DPS over that time span. Although predictions out to 2100 are highly uncertain, it is possible that some units could be functionally extirpated by the end of the century. Should future extirpations occur, this would indicate a loss of resiliency, reduced redundancy and representation, and an increased risk of extirpation of the DPS.

Threats Analysis:

Through our SSA analysis, we have fully evaluated the effects of all factors considered in a traditional 5-Factor analysis. In the SSA we focused on the factor for which the DPS was listed under the ESA (the inadequacy of regulatory mechanisms in Federal land management plans at the time of listing (Factor D)) and on the anthropogenic influences identified as having the potential to exert population-level impacts on lynx and lynx habitats (SSA Report, chapter 3). Those anthropogenic influences include climate change (Factor E), vegetation management (Factor A), wildland fire management (Factor A), and habitat loss and fragmentation (Factor A). We also considered other potential stressors such as trapping (Factor B), disease and predation (Factor C).

Synthesis (Application of SSA Results to ESA Classification)

~~Under As defined by the Endangered Species Act (Act),~~ an endangered species is any species that is “in danger of extinction throughout all or a significant portion of its range.” In the SSA Report, we evaluated the best available scientific information ~~about regarding the DPS’~~ current and predicted future condition ~~of the lynx DPS~~ to describe ~~the-its~~ viability ~~of the lynx DPS~~, and how it may change over time (2025, 2050, and 2100). We assess the viability of the lynx DPS by ~~evaluating the-its ability of the DPS~~ to maintain a sufficient number and distribution of healthy populations to withstand environmental stochasticity (resiliency), catastrophes (redundancy), and changes in its environment (representation) into the future. Ultimately, we compare our evaluation of the DPS’ risk of extinction against the definitions of an endangered ~~and threatened~~ species ~~as statutorily-defined by the Act.~~

Comment [JB12]: I’m thinking that leading with this says this piece better

Comment [ZJ13]: Tricky. We don’t expect them to remain static and then only start declining after 2050. We expect a gradual decline (which may have already begun – e.g., fire-induced losses in WA, perhaps loss of small peripheral pops in northeast WA (outside the unit) and the Garnets, GYA (?); also the return to more natural numbers in Maine?) over time, but not to the point that the DPS would be at risk of extirpation throughout all/significant portion of its range by 2050. That is, even by 2050, we could (probably will) have smaller pops and reduced distribution but not, according to experts and our assessment, to the point that the DPS will be teetering on the edge of extirpation by then. Over the much longer term (beyond the reasonably foreseeable future), it is entirely possible, perhaps even likely, that resident lynx will no longer occur in the Lower 48 (we also said this in the recovery outline, p. 14). We do not present this or discuss it in the SSA because of the great uncertainty inherent in climate models and other potential stressors that far into the (not reasonably foreseeable) future.

Comment [SJ14R13]: ?

Comment [JB15]: Shouldn’t we be specific here about what future? WHEN, even just generally...mid to late century? ALSO SEE JB2 Comment

Comment [JB16]: I’m thinking that leading with this says this piece better

Comment [ZJ17]: At 2025, the 5 units had EE probabilities of 80-98%, which we (I) called “very likely to persist”. At 2050, Units 1-4 had 70-90% probabilities – so not sure about whether this still constitutes “very high” or perhaps only “high”. I said the latter in the report.

Comment [ZJ18]: I’m not as sure about this, and I suspect 1 or more members of the Core Team would disagree that we “fully evaluated” all of these. In particular, we did not delve deeply into trapping or disease/predation, although each were mentioned/discussed. “Trapping” occurs 133 times in the doc., so maybe that one is covered. “Disease” 36 times, though most are related to forest health (disease in trees). “Predation” has 23 matches – most associated with discussion of hares; “predator” has 64 hits, and we do mention that several animals kill lynx but that the effects of predation on lynx populations is uncertain – if not currently in SSA. ...

Comment [SJ19R18]: I disagree. We have sufficiently covered the 5 factors in our SSA. If something wasn’t discussed as much, its only because it wasn’t as much of a concern to lynx ...

Comment [ZJ20]: NEW COMMENT. This is the first mention of the Act and should probably include full title of the Statute?

Comment [ZJ21]: NEW EDITS

Comment [ZJ22]: NEW EDITS

Comment [ZJ23]: NEW COMMENT. “viable”? Again, we expect populations to get less “healthy” gradually over time but to remain viable (to persist) ...

Comment [ZJ24]: NEW SUGGESTION.

The apparent long-term (historical and current) persistence of resident lynx populations in at least 4 of the 6 geographic units (Units 1-4), the current persistence of lynx in one of the units (Unit 6), and the absence of reliable information indicating that the current distribution and relative abundance of resident lynx are substantially reduced from historical conditions suggest the historical and recent resiliency to stochastic events of lynx populations in the DPS (SSA Report, p. X). The large sizes and broad geographic distributions of the areas occupied by resident lynx populations likewise indicate historical and current redundancy in the DPS sufficient to preclude the possibility of extirpation from catastrophic events (SSA Report, p. X). There are no indications of current threats to the genetic health or adaptive capacity of lynx populations in the DPS, and the current level of representation does not appear to represent a decrease from historical conditions (SSA Report, p. X). Therefore, we conclude that the risk of extinction (in this case, extirpation of all resident lynx populations in the DPS) is low, such that the Canada lynx DPS currently is not in danger of extinction throughout all of its range.

Comment [ZJ25]: NEW EDIT

Comment [ZJ26]: "suggest"?

Comment [ZJ27]: NEW SUGGESTIONS

Comment [ZJ28]: Add "or a significant portion"

Comment [JB29]: This seems pretty vague...

Comment [SJ30R29]: ?

Under the Act, a threatened species is any species that is "likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." The foreseeable future refers to the extent to which the Secretary can reasonably rely on predictions about the future in making determinations about the future conservation status of the species (U.S. Department of Interior, Solicitor's Memorandum, M-37021, and January 16, 2009). The key statutory difference between a threatened species and an endangered species is the timing of when a species may be in danger of extinction, either now (endangered species) or in the foreseeable future (threatened species). In the SSA, we considered the future condition of the lynx DPS out to 2025, 2050, and 2100. It became apparent through discussions with lynx experts, in peer and partner reviews of the draft SSA Report, and among Service biologists and management that any future projections of lynx condition out to 2100 were complicated by a very high degree of uncertainty concerning the timing and extent of various stressors that will may affect lynx and hare habitat and snow regimes, especially those related to projected future climate change. Therefore, in this evaluation, we focused on mid-century (2050) as the foreseeable future because this time horizon gives us a higher degree of certainty in reasonably projecting the future condition of the lynx DPS.

Comment [ZJ31]: NEW SUGGESTION

Comment [ZJ32]: "beyond mid-century"?

Comment [ZJ33]: NEW RECOMMENDATIONS

As discussed in the SSA Report, resident lynx populations in all geographic units that currently support them are expected to be smaller and more fragmented and isolated in the future, and each geographic unit and the DPS as a whole will be less resilient in the future. However, all 5 geographic units that currently support resident lynx populations (all units except the GYA) are expected by lynx experts (with likelihoods of 70 to 90 percent) to continue to do so through mid-century (2050). Our analyses and expert input suggest that resiliency will likely be sufficient to foster persistence (i.e., preclude extirpation) of resident lynx through mid-century in all or most of the 5 geographic units that currently support them. At mid-century, we expect to-lynx to retain a wide geographical distribution of populations, maintaining redundancy within the DPS. Should lynx populations in each geographic unit to become smaller and more patchily-distributed, there could be potential for reduced genetic health and/or adaptive capacity would be expected; however, we have no evidence to suggest reduced representation would be a DPS-level concern in the future at mid-century. Therefore, we conclude that the risk of extinction (extirpation of the DPS) in the foreseeable future (by 2050) is low, such that the lynx DPS is not

likely to become endangered ~~species within the foreseeable future~~ throughout all ~~or a significant portion~~ of its range ~~within the foreseeable future and, therefore, does not meet the statutory definition of a threatened species.~~

Comment [SJ34]: ?
Comment [ZJ35]: NEW RECOMMENDATIONS

Recovery Criteria

Recovery Plan or Outline: There is no recovery plan for the Canada lynx DPS ~~and, therefore, recovery criteria have not been developed.~~ However, ~~we the Service~~ completed a Recovery Outline on September 14, 2005. ~~The Recovery Outline~~ which provided preliminary recovery objectives and actions based on our understanding, at that time, of current and historical lynx occurrence and lynx population dynamics in the contiguous United States DPS. ~~Even in the absence of a recovery plan, progress has been made on some components of~~ the preliminary recovery strategy described in the 2005 Recovery Outline (e.g., improved regulatory mechanisms on Federal and some State, Tribal, and private lands and related protections of important lynx and hare habitats; research, surveys, and monitoring leading to improved understanding of lynx ecology, distribution, habitat requirements, and the role of secondary areas in the DPS range) while other components have seen little or no progress (e.g., establishing long-term management agreements on most non-Federal lands in the DPS range and with Canadian wildlife authorities to assure habitat maintenance and continued lynx dispersal potential). Yet other components (e.g., ensuring lynx persistence in the DPS for the next 100 years) may no longer be appropriate given new information regarding potential impacts of climate change and the high level of uncertainty regarding the timing, rate, and magnitude of those impacts. Nonetheless, it is clear that since the DPS was listed, the singular threat for which it was listed, the inadequacy of ~~then-existing regulatory mechanisms on some Federal lands, has been substantially addressed by the formal revisions of and amendments to Federal land management plans to apply the best available scientific information to the conservation of lynx habitat and populations on those lands, is obsolete in light of our increased understanding of the viability of the lynx DPS since that time.~~

Comment [ZJ36]: NEW

Comment [JB37]: Can we say anything about what we did as a result of the outline? JIM?

RESULTS

Recommended Classification: After assessing the best available information, we conclude that the Canada lynx DPS is not in danger of extinction throughout all of its range nor is it likely to become so in the foreseeable future, i.e. not a threatened species throughout its range. We recommend removing the Canada lynx DPS, currently listed as threatened, from the list of threatened and endangered species.

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- Downlist to Threatened
- Uplist to Endangered
- Delist (Indicate reasons for delisting per 50 CFR 424.11):
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 - Original data for classification in error
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Comment [SJ42R41]: ?

New Recovery Priority Number (*indicate if no change; see Appendix E*):

Brief Rationale:

Listing and Reclassification Priority Number, if reclassification is recommended (*see Appendix E*)

Reclassification (from Threatened to Endangered) Priority Number: ____

Reclassification (from Endangered to Threatened) Priority Number: ____

Delisting (Removal from list regardless of current classification) Priority Number:

Brief Rationale:

RECOMMENDATIONS FOR FUTURE ACTIONS – Proceed with a proposed rule to remove the Canada lynx DPS from the list of threatened and endangered species.

REFERENCES – A large part of the lynx SSA involved seeking expert input on lynx biology, stressors, and current and future condition of the DPS. We describe the expert elicitation process and the experts involved in our Canada Lynx Expert Elicitation Workshop Final Report (Service 2016, entire). A draft SSA Report went through an extensive review process with peer reviewers, tribes, State agencies, and Federal agencies within the range of the lynx DPS. The final SSA Report has been revised in response to the reviews, comments, and suggestions of 5 independent peer reviewers, 11 State wildlife and natural resources management agencies, and 3 other Federal agencies.

U.S. FISH AND WILDLIFE SERVICE
5-YEAR REVIEW of species x

Current Classification:

Recommendation resulting from the 5-Year Review:

- Downlist to Threatened
- Uplist to Endangered
- Delist
- No change needed

Appropriate Listing/Reclassification Priority Number, if applicable:

Review Conducted By:

FIELD OFFICE APPROVAL:

Lead Field Supervisor, Fish and Wildlife Service

Approve _____ Date _____

The lead Field Office must ensure that other offices within the range of the species have been provided adequate opportunity to review and comment prior to the review's completion. The lead field office should document this coordination in the agency record.

REGIONAL OFFICE APPROVAL:

The Regional Director or the Assistant Regional Director, if authority has been delegated to the Assistant Regional Director, must sign all 5-year reviews.

Lead Regional Director, Fish and Wildlife Service

Approve _____ Date _____

The Lead Region must ensure that other regions within the range of the species have been provided adequate opportunity to review and comment prior to the review's completion. Written concurrence from other regions is required.

Cooperating Regional Director, Fish and Wildlife Service

Concur Do Not Concur

Signature _____ Date _____

Canada Lynx
(*Lynx canadensis*)

**5-Year Review:
Summary and Evaluation**

Comment [JB1]: Justin. I think this is good but maybe needs a little bit more discussion in threats – summary? So it answers more completely the why we think lynx no longer warrant protections under the act. I wonder too if we need to remind folks what a 5 year review is in the beginning of the document:

Like: *The purpose of a 5-year review is to assess each threatened and endangered species to determine whether its status has changed since the time of its listing or its last status review and whether it should be classified differently or delisted.*

Comment [JB2]: Also a little concerned about how we talk about the future of lynx. *we expect lynx populations in each geographic unit to become smaller and more patchily-distributed.* Is there a way to talk about that after we talk about how lynx are doing NOW...

**U.S. Fish and Wildlife Service
Mountain-Prairie Region
Lakewood, Colorado**

5-YEAR REVIEW
Canada lynx (*Lynx canadensis*) –
Contiguous U.S. Distinct Population Segment (DPS)

Comment [SJ3]: This is a first rough draft. Still needs addition of SSA report citations. And input from management on the level of detail provided, is it enough, too much.

Comment [ZJ4]: If not essential, I would delete this here and define/present it in 1st paragraph below

GENERAL INFORMATION

Methodology used to complete the review:

~~Analysis of the~~ The U.S. Fish and Wildlife Service (Service) evaluated Canada lynx DPS ~~the~~ biology and status ~~was conducted of the contiguous United States distinct population segment (DPS) of the Canada lynx~~ as part of a Species Status Assessment (SSA) to inform this 5-yr review and, if needed, recovery planning. The SSA Report was written by the Canada Lynx Species Status Assessment Team (Lynx SSA Team), which consists of a Core Team of ~~U.S. Fish and Wildlife Service (Service)~~ biologists who work on lynx issues across the DPS range and an SSA Framework Implementation Team of Service and U.S. Geological Survey staff who have developed and advanced the SSA framework. The SSA Report represents ~~the~~ Service's evaluation of the best available scientific information, including the formally ~~elicited~~ professional judgments and opinions of recognized lynx experts. The SSA Report ~~went through~~ ~~underwent independent~~ peer and partner review before being used as the scientific basis to support a decision making process involving Service Regions 1, 3, 5, and 6 ~~of the Service~~ ~~regarding the recommendation presented in~~ this 5-yr review.

Comment [ZJ5]: Spell out?

Comment [ZJ6]: Is it standard to abbreviate thus?

Region 6 is the lead region for this action in coordination with Regions 1, 3, and 5. The lead field office (FO) is the Montana Ecological Services FO, with support from the Maine, Minnesota, Washington, and Western Colorado Ecological Services FOs.

Comment [ZJ7]: R2, at their discretion, was not involved in decision-making/recommendation team, but we have coordinated with them, and they have had dispersing lynx in northern New Mexico as a result of the Colorado releases. They should probably be included here (but not above).

Background:

Listing history

The Service listed the lynx DPS as threatened under the ESA in 2000 because of the inadequacy, at that time, of existing regulatory mechanisms on some Federal lands to provide for the conservation of lynx habitats and populations (65 FR 16052-16086). On May 8, 2014, the United States District Court for the District of Montana ordered the Service to complete recovery planning for the lynx DPS (U.S. District Court MT 2014a, p. 8). On June 25, 2014, the same court ordered the Service to complete a recovery plan by January 15, 2018 "...unless the Service finds that such a plan will not promote the conservation of the [lynx]" (i.e., the DPS is recovered or no longer warrants ESA protections; U.S. District Court MT 2014b, p. 2). We completed the SSA Report to summarize the best available scientific information on the current status and likely future viability of the DPS. The SSA provides the scientific basis for this 5-yr review. We noticed the initiation of the 5-yr review in the Federal Register on April, 18, 2007 (72 FR 19549), and additionally published a news release announcing ~~initiation~~ of a 5-yr review on January, 13, 2015.

Comment [ZJ8]: So not a "reinitiation"? – just reopening the 5-yr originally initiated in 2007? I've always been fuzzy on this, procedurally.

Comment [SJ9R8]: ?

REVIEW ANALYSIS

Application of the 1996 Distinct Population Segment (DPS) policy

The Service designated lynx in the contiguous United States as a DPS because of differences in the management of lynx and lynx habitats across the international boundary with Canada (meeting discreteness criteria in the DPS policy) and because of the climatic, vegetative, and ecological differences in lynx habitat compared to the northern parts of the species' range in Canada and Alaska (meeting significance criteria) (65 FR 16052; 68 FR 40076; 72 FR 1186).

Updated Information and Current Species Status

Summary of SSA Results:

In the SSA, we describe the current and future viability of the lynx DPS in terms of resiliency, redundancy, and representation. Resident lynx populations persisted historically and continue to persist in 4 of the 6 geographic units (Units 1 (Northern Maine), 2 (Northeastern Minnesota), 3 (Northwestern Montana/Northeastern Idaho), and 4 (North-central Washington)) evaluated in the SSA. Available evidence suggests that Colorado (Unit 6) (~~Colorado~~) did not historically support persistent lynx presence; however, a resident population has persisted there for more than a decade since the 1999-2006 release of 218 Canadian and Alaskan lynx in the San Juan Mountains. Based on verified records, it is uncertain if the Greater Yellowstone Area (Unit 5) historically supported a persistent resident lynx population or and it currently appears not to support a resident lynx population. Considering the available information, we found no reliable evidence that the current distribution and relative abundance of resident lynx in the contiguous United States are substantially reduced from historical conditions. This suggests historical and current resiliency among lynx populations in the DPS. The current broad distribution of resident lynx in large, geographically discrete areas (redundancy) makes the DPS invulnerable to extirpation caused by a single catastrophic event. Because we lack evidence that formerly persistent lynx populations have been lost from any large areas, it also seems that redundancy in the DPS has not been meaningfully diminished from historical levels. In fact, as a result of the current population in Colorado, redundancy in the DPS is likely greater, at least temporarily, now than it was historically. Similarly, resident lynx remain broadly distributed across the range of habitats that has supported them historically, suggesting maintenance of the breadth and diversity of ecological settings occupied within the DPS range (representation). Additionally, observed high rates of dispersal and gene flow and, therefore, generally low levels of genetic differentiation across most of the lynx's range, including the DPS, suggest the past and recent genetic health of lynx populations in the DPS (representation; but see section 2.1). Because there are no indications of significant loss of, or current stressors to, the genetic health or adaptive capacity of lynx populations in the DPS, we find that the current level of representation within the DPS does not appear to indicate a decrease from historical conditions.

Lynx conservation measures and habitat management guidance adopted by the U. S. Forest Service (USFS) and the Bureau of Land Management (BLM) via formally amended or revised management plans or conservation agreements with the Service have substantially addressed the

Comment [ZJ10]: I would move this (Unit 5) above Unit 6.

Comment [ZJ11]: Do we want to add something to the effect that, in fact, given the Colorado introduction and the anthropogenically-influenced lynx abundance in Maine, there may be more resident lynx currently in the contig US than likely occurred historically?

singular threat for which the DPS was listed (the inadequacy of regulatory mechanisms). We conclude that resident lynx populations are very likely to persist in all 5 units that currently support them (Units 1-4 and 6) in the near-term (2025) and likely to persist in Units 1-4 at mid-century (2050). We and the experts we consulted have low confidence in predicting the likely conditions of DPS populations beyond 2050. ~~After that, in the future~~ Nonetheless, we expect lynx populations in each geographic unit to become smaller and more patchily-distributed in the future due largely to projected climate-driven losses in habitat quality and quantity and related factors. However, the timing, rate, and extent of habitat decline due to projected climate warming and corresponding effects to lynx populations is highly uncertain. We conclude that resident lynx populations are very likely to persist in all 5 units that currently support them (Units 1-4 and 6) in the near term (2025). We and the experts we consulted have low confidence in predicting the likely conditions of DPS populations beyond 2050. That said, smaller, more isolated populations would be less resilient and more vulnerable to demographic and environmental stochasticity and genetic drift and, therefore, at higher risk of extirpation. Despite some reduced resiliency, we conclude that resident lynx populations are very likely to persist through mid-century in the geographic units that supported them historically (units 1-4), with corresponding maintenance of redundancy and representation in the DPS over that time span. Although predictions out to 2100 are highly uncertain, it is possible that some units could be functionally extirpated by the end of the century. Should future extirpations occur, this would indicate a loss of resiliency, reduced redundancy and representation, and an increased risk of extirpation of the DPS.

Threats Analysis:

Through our SSA analysis, we have fully evaluated the effects of all factors considered in a traditional 5-Factor analysis. In the SSA we focused on the factor for which the DPS was listed under the ESA (the inadequacy of regulatory mechanisms in Federal land management plans at the time of listing (Factor D)) and on the anthropogenic influences identified as having the potential to exert population-level impacts on lynx and lynx habitats (SSA Report, chapter 3). Those anthropogenic influences include climate change (Factor E), vegetation management (Factor A), wildland fire management (Factor A), and habitat loss and fragmentation (Factor A). We also considered other potential stressors such as trapping (Factor B), disease and predation (Factor C).

Synthesis (Application of SSA Results to ESA Classification)

Under As defined by the Endangered Species Act (Act), an endangered species is any species that is “in danger of extinction throughout all or a significant portion of its range.” In the SSA Report, we evaluated the best available scientific information about regarding the DPS’ current and predicted future condition of the lynx DPS to describe the-its viability-of-the-lynx-DPS, and how it may change over time (2025, 2050, and 2100). We assess the viability of the lynx DPS by evaluating the-its ability of the DPS to maintain a sufficient number and distribution of healthy populations to withstand environmental stochasticity (resiliency), catastrophes (redundancy), and changes in its environment (representation) into the future. Ultimately, we compare our evaluation of the DPS’ risk of extinction against the definitions of an endangered and threatened species as statutorily-defined by the Act.

Comment [JB12]: I’m thinking that leading with this says this piece better

Comment [ZJ13]: Tricky. We don’t expect them to remain static and then only start declining after 2050. We expect a gradual decline (which may have already begun – e.g., fire-induced losses in WA, perhaps loss of small peripheral pops in northeast WA (outside the unit) and the Garnets, GYA (?); also the return to more natural numbers in Maine?) over time, but not to the point that the DPS would be at risk of extirpation throughout all/significant portion of its range by 2050. That is, even by 2050, we could (probably will) have smaller pops and reduced distribution but not, according to experts and our assessment, to the point that the DPS will be teetering on the edge of extirpation by then. Over the much longer term (beyond the reasonably foreseeable future), it is entirely possible, perhaps even likely, that resident lynx will no longer occur in the Lower 48 (we also said this in the recovery outline, p. 14). We do not present this or discuss it in the SSA because of the great uncertainty inherent in climate models and other potential stressors that far into the (not reasonably foreseeable) future.

Comment [SJ14R13]: ?

Comment [JB15]: Shouldn’t we be specific here about what future? WHEN, even just generally...mid to late century? ALSO SEE JB2 Comment

Comment [JB16]: I’m thinking that leading with this says this piece better

Comment [ZJ17]: At 2025, the 5 units had EE probabilities of 80-98%, which we (I) called “very likely to persist”. At 2050, Units 1-4 had 70-90% probabilities – so not sure about whether this still constitutes “very high” or perhaps only “high”. I said the latter in the report.

Comment [ZJ18]: I’m not as sure about this, and I suspect 1 or more members of the Core Team would disagree that we “fully evaluated” all of these. In particular, we did not delve deeply into trapping or disease/predation, although each were mentioned/discussed. “Trapping” occurs 133 times in the doc., so maybe that one is covered. “Disease” 36 times, though most are related to forest health (disease in trees). “Predation” has 23 matches – most associated with discussion of hares; “predator” has 64 hits, and we do mention that several animals kill lynx but that the effects of predation on lynx populations is uncertain – if not currently in SSA. ...

Comment [SJ19R18]: I disagree. We have sufficiently covered the 5 factors in our SSA. If something wasn’t discussed as much, its only because it wasn’t as much of a concern to lynx ...

Comment [ZJ20]: NEW COMMENT. This is the first mention of the Act and should probably include full title of the Statute?

Comment [ZJ21]: NEW EDITS

Comment [ZJ22]: NEW EDITS

Comment [ZJ23]: NEW COMMENT. “viable”? Again, we expect populations to get less “healthy” gradually over time but to remain viable (to persist) ...

Comment [ZJ24]: NEW SUGGESTION.

The apparent long-term (historical and current) persistence of resident lynx populations in at least 4 of the 6 geographic units (Units 1-4), the current persistence of lynx in one of the units (Unit 6), and the absence of reliable information indicating that the current distribution and relative abundance of resident lynx are substantially reduced from historical conditions suggest the historical and recent resiliency to stochastic events of lynx populations in the DPS (SSA Report, p. X). The large sizes and broad geographic distributions of the areas occupied by resident lynx populations likewise indicate historical and current redundancy in the DPS sufficient to preclude the possibility of extirpation from catastrophic events (SSA Report, p. X). There are no indications of current threats to the genetic health or adaptive capacity of lynx populations in the DPS, and the current level of representation does not appear to represent a decrease from historical conditions (SSA Report, p. X). Therefore, we conclude that the risk of extinction (in this case, extirpation of all resident lynx populations in the DPS) is low, such that the Canada lynx DPS currently is not in danger of extinction throughout all of its range.

Comment [ZJ25]: NEW EDIT

Comment [ZJ26]: "suggest"?

Comment [ZJ27]: NEW SUGGESTIONS

Comment [ZJ28]: Add "or a significant portion"

Comment [JB29]: This seems pretty vague...

Comment [SJ30R29]: ?

Under the Act, a threatened species is any species that is "likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." The foreseeable future refers to the extent to which the Secretary can reasonably rely on predictions about the future in making determinations about the future conservation status of the species (U.S. Department of Interior, Solicitor's Memorandum, M-37021, and January 16, 2009). The key statutory difference between a threatened species and an endangered species is the timing of when a species may be in danger of extinction, either now (endangered species) or in the foreseeable future (threatened species). In the SSA, we considered the future condition of the lynx DPS out to 2025, 2050, and 2100. It became apparent through discussions with lynx experts, in peer and partner reviews of the draft SSA Report, and among Service biologists and management that any future projections of lynx condition out to 2100 were complicated by a very high degree of uncertainty concerning the timing and extent of various stressors that will may affect lynx and hare habitat and snow regimes, especially those related to projected future climate change. Therefore, in this evaluation, we focused on mid-century (2050) as the foreseeable future because this time horizon gives us a higher degree of certainty in reasonably projecting the future condition of the lynx DPS.

Comment [ZJ31]: NEW SUGGESTION

Comment [ZJ32]: "beyond mid-century"?

Comment [ZJ33]: NEW RECOMMENDATIONS

As discussed in the SSA Report, resident lynx populations in all geographic units that currently support them are expected to be smaller and more fragmented and isolated in the future, and each geographic unit and the DPS as a whole will be less resilient in the future. However, all 5 geographic units that currently support resident lynx populations (all units except the GYA) are expected by lynx experts (with likelihoods of 70 to 90 percent) to continue to do so through mid-century (2050). Our analyses and expert input suggest that resiliency will likely be sufficient to foster persistence (i.e., preclude extirpation) of resident lynx through mid-century in all or most of the 5 geographic units that currently support them. At mid-century, we expect to-lynx to retain a wide geographical distribution of populations, maintaining redundancy within the DPS. Should lynx populations in each geographic unit to become smaller and more patchily-distributed, there could be potential for reduced genetic health and/or adaptive capacity would be expected; however, we have no evidence to suggest reduced representation would be a DPS-level concern in the future at mid-century. Therefore, we conclude that the risk of extinction (extirpation of the DPS) in the foreseeable future (by 2050) is low, such that the lynx DPS is not

likely to become endangered ~~species within the foreseeable future~~ throughout all ~~or a significant portion~~ of its range ~~within the foreseeable future and, therefore, does not meet the statutory definition of a threatened species.~~

Comment [SJ34]: ?
Comment [ZJ35]: NEW RECOMMENDATIONS

Recovery Criteria

Recovery Plan or Outline: There is no recovery plan for the Canada lynx DPS ~~and, therefore, recovery criteria have not been developed.~~ However, ~~we the Service~~ completed a Recovery Outline on September 14, 2005. ~~The Recovery Outline~~ which provided preliminary recovery objectives and actions based on our understanding, at that time, of current and historical lynx occurrence and lynx population dynamics in the contiguous United States DPS. ~~Even in the absence of a recovery plan, progress has been made on some components of~~ the preliminary recovery strategy described in the 2005 Recovery Outline (e.g., improved regulatory mechanisms on Federal and some State, Tribal, and private lands and related protections of important lynx and hare habitats; research, surveys, and monitoring leading to improved understanding of lynx ecology, distribution, habitat requirements, and the role of secondary areas in the DPS range) while other components have seen little or no progress (e.g., establishing long-term management agreements on most non-Federal lands in the DPS range and with Canadian wildlife authorities to assure habitat maintenance and continued lynx dispersal potential). Yet other components (e.g., ensuring lynx persistence in the DPS for the next 100 years) may no longer be appropriate given new information regarding potential impacts of climate change and the high level of uncertainty regarding the timing, rate, and magnitude of those impacts. Nonetheless, it is clear that since the DPS was listed, the singular threat for which it was listed, the inadequacy of ~~then-existing regulatory mechanisms on some Federal lands, has been substantially addressed by the formal revisions of and amendments to Federal land management plans to apply the best available scientific information to the conservation of lynx habitat and populations on those lands.~~ is obsolete in light of our increased understanding of the viability of the lynx DPS since that time.

Comment [ZJ36]: NEW

Comment [JB37]: Can we say anything about what we did as a result of the outline? JIM?

RESULTS

Recommended Classification: After assessing the best available information, we conclude that the Canada lynx DPS is not in danger of extinction throughout all of its range nor is it likely to become so in the foreseeable future, i.e. not a threatened species throughout its range. We recommend removing the Canada lynx DPS, currently listed as threatened, from the list of threatened and endangered species.

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Comment [SJ42R41]: ?

New Recovery Priority Number (*indicate if no change; see Appendix E*):

Brief Rationale:

Listing and Reclassification Priority Number, if reclassification is recommended (*see Appendix E*)

Reclassification (from Threatened to Endangered) Priority Number: ____

Reclassification (from Endangered to Threatened) Priority Number: ____

Delisting (Removal from list regardless of current classification) Priority Number:

Brief Rationale:

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REFERENCES – A large part of the lynx SSA involved seeking expert input on lynx biology, stressors, and current and future condition of the DPS. We describe the expert elicitation process and the experts involved in our Canada Lynx Expert Elicitation Workshop Final Report (Service 2016, entire). A draft SSA Report went through an extensive review process with peer reviewers, tribes, State agencies, and Federal agencies within the range of the lynx DPS. The final SSA Report has been revised in response to the reviews, comments, and suggestions of 5 independent peer reviewers, 11 State wildlife and natural resources management agencies, and 3 other Federal agencies.

U.S. FISH AND WILDLIFE SERVICE
5-YEAR REVIEW of species x

Current Classification:

Recommendation resulting from the 5-Year Review:

- Downlist to Threatened
- Uplist to Endangered
- Delist
- No change needed

Appropriate Listing/Reclassification Priority Number, if applicable:

Review Conducted By:

FIELD OFFICE APPROVAL:

Lead Field Supervisor, Fish and Wildlife Service

Approve _____ Date _____

The lead Field Office must ensure that other offices within the range of the species have been provided adequate opportunity to review and comment prior to the review's completion. The lead field office should document this coordination in the agency record.

REGIONAL OFFICE APPROVAL:

The Regional Director or the Assistant Regional Director, if authority has been delegated to the Assistant Regional Director, must sign all 5-year reviews.

Lead Regional Director, Fish and Wildlife Service

Approve _____ Date _____

The Lead Region must ensure that other regions within the range of the species have been provided adequate opportunity to review and comment prior to the review's completion. Written concurrence from other regions is required.

Cooperating Regional Director, Fish and Wildlife Service

Concur Do Not Concur

Signature _____ Date _____