

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DEFENDERS OF WILDLIFE, et al.,)	
)	Civ. No. 04-1230(GK)
Plaintiffs,)	
)	
v.)	
)	
DIRK KEMPTHORNE, in his official capacity as)	
Secretary, U.S. Department of the Interior, <u>et al.</u> ,)	
)	
Defendants,)	
)	
and)	
)	
AMERICAN FOREST & PAPER ASSOCIATION,)	
)	
Defendant-Intervenor.)	

**DEFENDANTS' STATUS REPORT ON FINAL RULE
DESIGNATING CRITICAL HABITAT FOR THE CANADA LYNX**

In response to the Court's August 6, 2007 Minute Order (Doc. No. 68), setting a hearing to address, inter alia, the status of the Canada lynx in light of a July 21, 2007 article in the Washington Post, Federal Defendants hereby submit this status report on the U.S. Fish and Wildlife Service's ("FWS" or "Service") final rule designating critical habitat for the Canada lynx. Federal Defendants are not submitting legal argument or otherwise responding to Plaintiffs' Notice of Filing Interior Department Documents (Doc. No. 70), filed today in the captioned matter. This Status Report and the Declaration of Ken Stansell, Acting Deputy Director of FWS ("Stansell Decl."), filed herewith, are limited to addressing the specific factual issue raised by the article cited in the Court's August 6, 2007 Order.

Pursuant to the Court's April 29, 2004 order in Defenders of Wildlife, et al. v. Kempthorne, et al., Case No. 00-2996 (GK) (Doc. No. 78), the Service submitted to the Federal Register a final critical habitat designation for the Canada lynx on November 1, 2006. See 71

Fed. Reg. 66,008 (November 9, 2006). As explained in the Stansell Declaration, the Service is currently reviewing the November 9, 2006 critical habitat designation to determine whether the agency should revise the designation in light of involvement by Julie MacDonald, former Deputy Assistant Secretary for Fish, Wildlife, and Parks. See generally Stansell Decl. The Service intends to complete this review by November 30, 2007 and begin the process of revising the critical habitat designation, if necessary, as soon as funding is available. See id. at ¶ 17. In light of the agency budget and existing commitments for critical habitat work in fiscal year 2008 (October 1, 2007 through September 30, 2008), the Service anticipates that funding would not be available until fiscal year 2009. See id. at ¶ 19.

Dated: August 22, 2007

Respectfully submitted,

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