

channel *31 can be allotted to Hibbing, Minnesota, in compliance with sections 73.622(a) and 73.623(c) of the Commission's criteria as set forth in the Public Notice, released November 22, 1999, DA 99-2605 at coordinates 47-22-53 N. and 92-57-15 W. with a power of 500, a height above average terrain HAAT of 212 meters with DTV service population of 117 thousand. Since the community of Hibbing is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government has been obtained for this allotment. With this action, this proceeding is terminated.

DATES: Effective April 21, 2003.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418-1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 01-116, adopted February 27, 2003, and released March 6, 2003. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.606 [Amended]

2. Section 73.606(b), the Table of Television Allotments under Minnesota, is amended by removing TV channel *18-at Hibbing.

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.622 [Amended]

3. Section 73.622(b), the Table of Digital Television Allotments under Minnesota, is amended by adding DTV channel *31 at Hibbing.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AF03

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period for Final Rule To List the Contiguous United States Distinct Population Segment of the Canada Lynx

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; notice of reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service), in response to the December 26, 2002, memorandum opinion and order of the United States District Court for the District of Columbia, in the case of *Defenders of Wildlife v. Norton*, Civil Action No. 00-2996 (GK) and pursuant to the Endangered Species Act of 1973, as amended (Act), provides this notice opening a comment period on the contiguous United States Distinct Population Segment (DPS) of the Canada lynx (*Lynx canadensis*) (lynx). This comment period has been opened to acquire information regarding issues identified by the Court that we need to consider in the above-referenced case. Moreover, we invite comment on specific information that has become available since the listing of the lynx that pertains to the issues we will consider on remand. Upon close of the comment period, the Service will evaluate the status of the lynx in the contiguous United States considering the range of the species.

DATES: Comments must be postmarked or e-mailed by April 16, 2003.

ADDRESSES: Written comments and materials concerning this notice should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Montana Field Office, 100 N. Park Avenue, Suite 320, Helena, Montana 59601; or e-mail fw6_lynx@fws.gov. Comments and material received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Lori Nordstrom, Biologist, Montana Field

Office, (see **ADDRESSES** section)

(telephone 406/449-5225 extension 208; facsimile 406/449-5339; e-mail

lori_nordstrom@fws.gov). The Internet is

the best mechanism for obtaining the specific information that has become available since the listing of the lynx that we intend to consider for this remanded decision. This information can be retrieved from the Internet at <http://mountain-prairie.fws.gov/endspp/lynx>. If you do not have access to the Internet and would like copies of these documents, please call the Montana Field Office at the above phone number.

SUPPLEMENTARY INFORMATION:

Background

On March 24, 2000 (65 FR 16052), the Service published a final rule listing the contiguous United States DPS of the lynx as threatened under the Act. As described in the final rule, the range of the lynx where listed includes portions of the States of Colorado, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, Oregon, Utah, Vermont, Washington, Wisconsin, and Wyoming.

After the final rule was published, plaintiffs in the case of *Defenders of Wildlife v. Norton*, Civil Action No. 00-2996 (GK)(D.D.C.) challenged the listing of the lynx as threatened, alleging violations of the Act and the Administrative Procedure Act (5 U.S.C. 551 *et seq.*). Plaintiffs argued that the Service acted arbitrarily and capriciously when it—(1) Failed to treat the four lynx geographic regions as separate DPSs, (2) determined that the lack of guidance for conservation of lynx in National Forest Land and Resource Plans and Bureau of Land Management Land Use Plans is the single factor threatening the contiguous United States DPS of lynx, (3) failed to designate critical habitat for the lynx, and (4) determined that the Northeast, Great Lakes, and Southern Rockies do not constitute a significant portion of the range of the DPS.

On December 26, 2002, the Court issued its memorandum opinion and order, deciding that the Service's determination that "[c]ollectively, the Northeast, Great Lakes and Southern Rockies do not constitute a significant portion of the range of the DPS" must be set aside and "remanded to the agency for further consideration of the lynx's status under the ESA consistent with the analysis set forth in the accompanying memorandum opinion." The Court explained that the Service's determination about the four regions was "counterintuitive and contrary" to the plain meaning of the Act's phrase "significant portion of the range." The