



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Minnesota-Wisconsin Field Office  
4101 American Boulevard East  
Bloomington, Minnesota 55425-1665



January X, 2021

Mr. David Olfelt, Director  
Division of Fish and Wildlife  
Minnesota Department of Natural Resources  
DNR Building - 500 Lafayette Road  
Saint Paul, Minnesota 55155

Subject: Minnesota Department of Natural Resources Incidental Take Permit Application for Canada Lynx, No. MB682323-0

Dear Director Olfelt:

The U.S. Fish and Wildlife Service (Service) respectfully submits the following comments in response to the Minnesota Department of Natural Resources' (DNR) application for an Incidental Take Permit (ITP) for the incidental take of Canada lynx (*Lynx canadensis*) and Habitat Conservation Plan (HCP) associated with authorized trapping in Minnesota, No. MB682323-0 dated April 21, 2008 and resubmitted on February 7, 2020.

An HCP submitted in support of an ITP application must be in accordance with the Endangered Species Act (ESA) [Section 10(a)(2)(A)] and Federal Regulation [50 CFR 17.22(b)(1), 17.32(b)(1), and 222.22]. The plan must include the following information:

- Impacts likely to result from the proposed taking of the species for which permit coverage is requested;
- Measures that will be implemented to monitor, minimize, and mitigate impacts; funding that will be made available to undertake such measures; and procedures to deal with unforeseen circumstances;
- Alternative actions to incidental taking the applicant has considered and the reasons the applicant rejected those alternatives; and
- Additional measures the Service may require as necessary or appropriate for purposes of the plan.

Based on the Service's initial review of the HCP, we provide the following recommendations to ensure the plan provides best available data and meets issuance criteria:

- The HCP should adhere to the revised HCP Handbook ([Handbook] December 21, 2016; <https://www.fws.gov/midwest/endangered/permits/hcp/hcphandbook.html>). For example, biological objectives should be clearly defined and measurable, and funding estimates should be provided. The revised HCP Handbook further defines "changed circumstances," which should be reevaluated in the context of the refined definition.
- Define the Permit Area where the incidental take authorization would apply (Handbook 6-3) and review and make revisions, if necessary, to the Plan Area where the HCP would apply (Handbook 6-1 to 6-3).

- Update all relevant data and incorporate new information that has occurred or changed since the HCP was originally submitted in 2008. This includes updating the biological data in the Covered Species Section, population estimates and population demographics. Please consider incorporating the Canada lynx Species Status Assessment (USFWS 2018) by reference.
- Update incidental take records, and include a summary regarding incidental take by trap type, timing of take incidents (e.g. seasonal), males versus females, etc.
- Provide an analysis of the impact of incidental take to the population. Are Canada lynx adversely affected or is there no demonstrated impact to the population?
- Mitigation or offset of incidental take is not currently specified. Incidental take needs to be fully offset and the HCP should clearly demonstrate how this will be accomplished.
- Trapping measures that have been implemented since the 2008-2009 trapping season need to be incorporated into the baseline for the species when evaluating future take.

We appreciate the opportunity to provide recommendations on the HCP and ITP application for Canada lynx and look forward to working with the DNR on this application. Should you have any questions regarding these comments, please contact me at <phone number> or sarah\_quamme@fws.gov.

Sincerely,

Sarah Quamme  
Field Office Supervisor  
Minnesota-Wisconsin Ecological Services Field Office

## References

USFWS 2016. Habitat Conservation Plan Handbook. <add citation>  
USFWS 2018. Species Status Assessment. <add citation>