



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE Mountain-Prairie Region

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### Memorandum

To: Chief, Division of Management Authority  
Washington, D.C.

From: Assistant Regional Director, Ecological Services, Region 6

Subject: Biological Opinion on Impacts of the CITES Export Program Approval for the State of Montana on the Canada Lynx (TAILS no. 06E00000-2015-F-0001)

This memorandum transmits the U. S. Fish and Wildlife Service's biological opinion on the effects of the Division of Management Authority's pending approval of a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) gray wolf export program for the state of Montana. This opinion is in response to your September 8, 2014, memorandum requesting initiation of consultation under section 7 of the Endangered Species Act on the effects of the CITES Export Program for Appendix-II Furbearer Species on the threatened Canada lynx (*Lynx canadensis*) from your approval.

If you have any questions about this matter or your responsibilities under the Endangered Species Act, please contact Bridget Fahey at the above address or at (303) 236-4258.

cc: Assistant Director, Endangered Species, Washington, D.C.  
Field Supervisor, Montana Field Office, Helena, Montana

# BIOLOGICAL OPINION

## 1.0 PROPOSED ACTION

### 1.1 Approval of a CITES gray wolf export program for Montana

The U.S. Fish and Wildlife Service's (Service) Division of Management Authority's (DMA) proposes to authorize the State of Montana to export gray wolf specimens under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The CITES Export Program (Program) allows for the export of specimens of species listed as Appendix-II Furbearer Species if certain conditions are met. The Program's furbearer species are: gray wolf (*Canis lupus*), brown bear (*Ursus arctos*), bobcat (*Lynx rufus*), Canada lynx (*Lynx canadensis*; currently only captive-bred specimens and specimens from Alaska are exported under this Program), and river otter (*Lontra canadensis*). Before any species listed in CITES Appendix II can be exported from the United States, the DMA must determine that the specimens to be exported were legally acquired and that their export will not be detrimental to the survival of the species in the wild.

Under the Program, once these findings are made for a participating State or Tribe, the DMA implements a CITES tag system to allow for the facilitated issuance of export permits. Our CITES implementing regulations concerning the approval of State and Tribal export programs for Appendix-II furbearers are detailed in 50 CFR 23.69. The foundation for these regulations is contained in several *Federal Register* notices and rules published between 1977 and 2007. A State or Tribe seeking CITES export authority must provide sufficient information for us to determine that its management program and harvest controls are appropriate to ensure that CITES furbearers harvested within its jurisdiction are legally acquired and that export will not be detrimental to the survival of the species in the wild. In June 2014, Montana applied to DMA for CITES export authority for the gray wolf.

Therefore, by memorandum dated September 8, 2014 (Memorandum), DMA requested initiation of intraservice consultation under section 7 of the Endangered Species Act (ESA) on the effects of the CITES Export Program for Appendix-II Furbearer Species to the threatened Canada lynx (hereafter lynx) from your approval.

### 1.2 Action Area

The action area for this biological opinion (opinion) is that area of Montana where take of gray wolf by hunters and trappers is authorized by the State of Montana.

### 1.3 Conservation measures to reduce effects of the action

DMA reports that Montana has implemented several measures to reduce the likelihood of Canada lynx being trapped as non-target animals.

*“Mitigation efforts to reduce lynx mortality include educational and regulatory mechanisms. All prospective wolf trappers are required to attend a wolf trapping certification class that is intended to demonstrate the proper methods to trap wolves, and also emphasizes how to avoid non-target catches, which includes discussion of lynx and other species. Licensed wolf trappers are also subject to state regulations which include a limited season from December 15th through February 28th. Other regulations prohibit foothold trap inside jaw spread to exceed 9” and there is a*

*minimum 10 pound pan tension requirement in place specifically to avoid lynx captures. The use of snares and conibear traps is not allowed to trap wolves, which eliminates these as potential mortality factors. Also, trap setbacks of 150 feet from roads and trails on public lands are required for wolf trapping. There is also a specific regulation in Montana's wolf regulations that state:*

*Lynx Season Closed - Incidentally trapped lynx that are uninjured must be released immediately and the incident must be reported to a designated FWP employee within 24 hours of release. If a lynx is injured, trappers must immediately notify a designated FWP [Fish, Wildlife and Parks] employee or an FWP Regional Office, to determine disposition and/or collection of the animal.”*

(Memorandum p. 3-4)

## **2.0 STATUS OF CANADA LYNX**

### **2.1 Legal status<sup>1</sup>**

On March 24, 2000, we listed the lynx as threatened for the contiguous U.S. Distinct Population Segment (Service 2000). This population segment occurs in forested portions of the States of Colorado, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, Oregon, Utah, Vermont, Washington, and Wisconsin. On September 12, 2014, we published a final rule revising the listing boundaries to include New Mexico (Service 2014). Critical habitat has been designated for this species (Service 2014). The physical and biological features of that critical habitat are listed below.

*“Boreal forest landscapes supporting a mosaic of differing successional forest stages and containing: (a) Presence of snowshoe hares and their preferred habitat conditions, which include dense understories of young trees, shrubs or overhanging boughs that protrude above the snow, and mature multistoried stands with conifer boughs touching the snow surface; (b) Winter conditions that provide and maintain deep fluffy snow for extended periods of time; (c) Sites for denning that have abundant coarse woody debris, such as downed trees and root wads; and (d) Matrix habitat (e.g., hardwood forest, dry forest, non-forest, or other habitat types that do not support snowshoe hares) that occurs between patches of boreal forest in close juxtaposition (at the scale of a lynx home range) such that lynx are likely to travel through such habitat while accessing patches of boreal forest within a home range.” (Service 2014)*

Accessing wolf habitat to hunt or trap wolves does not involve altering physical or biological features described above; therefore, wolf trapping or hunting is not expected to affect designated critical habitat. Therefore, critical habitat, not be analyzed in this opinion.

### **2.2 Threats at time of listing and progress to date**

The final rule listing the lynx as threatened concluded that the single factor threatening the species was the inadequacy of existing regulatory mechanisms, specifically the lack of guidance for conservation of lynx in federal land management plans.

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<sup>1</sup> The information in the Status and Environmental Baseline sections is drawn almost exclusively from the final rule listing the lynx. That document is incorporated by reference. Please see the final rule for specific references and details on information in those sections.

In 2008, the United States Forest Service (Forest Service) and the Bureau of Land Management (BLM) (within the range of the lynx) amended their management plans with the Northern Rocky Mountains Lynx Amendment (Service 2007). This action used the best available science to provide for objectives, standards, and guidelines to provide comprehensive conservation direction adequate to reduce adverse effects to lynx from Forest Service and BLM management and to preclude jeopardy to the lynx DPS. These amendments were developed to address the main threat to the lynx determined upon listing the species (Service 2008, p. 75).

### **2.3 Survival and Recovery**

In 2005, the Service developed a recovery outline for lynx in the contiguous United States to serve as an interim strategy to guide recovery efforts until a draft recovery plan has been completed. The guiding principles of that outline ensure the continued persistence of lynx in the contiguous United States and are consistent with fundamental principles of conservation biology- representation, redundancy and resiliency. They are listed below.

1. Conserve the breadth of ecological settings of the DPS - Representation
2. Retain a sufficient number of populations to provide a margin of safety to withstand catastrophic events - Redundancy
3. Maintain sufficient numbers of animals in each population to withstand randomly occurring events and prey population dynamics – Resiliency

The information on what is needed for survival and recovery was updated in the final rule designating critical habitat (Service 2014). For Montana the information in the final rule remains consistent with the 2005 recovery outline.

### **2.4 Previous Consultations**

In 2001 the Service completed a consultation the effect from DMA's CITES Export Program for Appendix-II Furbearer Species on the threatened Canada lynx from bobcat trapping across the range of the lynx (Service 2001). The Service concluded the program would not be likely to jeopardize the lynx. In the 13 years since that opinion, eight lynx have been incidentally trapped in activities associated with that range wide program and all were released unharmed. No lynx died as a result of the trapping of bobcat associated with that program.

## **3.0 ENVIRONMENTAL BASELINE**

### **3.1 Montana**

Although there are no accurate or agreed-upon estimates of the number of resident Canada lynx in Montana, northwestern Montana has a long and continuous history of Canada lynx occurrence and evidence of reproduction (McKelvey *et al.* 2000, pp. 224-225; Service 2014, p. 54825), and it is thought to support the highest density lynx populations in the Northern Rocky Mountain region of the lynx's range (Service 2014, p. 54825). Part of southwestern Montana, north of Yellowstone National Park, is considered part of the Greater Yellowstone Ecosystem (GYE), most of which occurs in northwestern Wyoming. The GYE is also thought to support a historically and currently persistent but much smaller lynx population (McKelvey *et al.* 2000, p. 230; Service 2014, pp. 54825-54826).

The Service recently designated 12,126 square miles of critical habitat for lynx in Montana (79 FR 54782, 54824). This represents almost a third (31.1 percent) of the range-wide critical habitat

designation for the contiguous U.S. distinct population segment (DPS) of the lynx. The designation included 9,738 square miles in northwestern Montana and 2,388 square miles in the southwestern Montana portion of the GYE. In the northwestern portion, another 641 square miles of habitat capable of supporting lynx was excluded from critical habitat because it is managed in accordance with Tribal or State Canada lynx conservation plans.

Based on estimated annual home range sizes of 44 square miles and 91 square miles for female and male lynx, respectively, in northwestern Montana (Squires and Laurion 2000, p. 344), the 10,379 square miles of designated critical habitat and excluded State and Tribal lands in northwestern Montana theoretically could support 236 female home ranges or 114 male home ranges, or about 154 total home ranges assuming a 1:1 sex ratio. Similarly, applying estimated annual home range sizes for lynx in the west-central portion of the GYE (44 square miles for females [n=1], 53 square miles for males [n=1]; Squires and Laurion 2000, p. 344), the 2,388 square miles of designated critical habitat in the southwestern Montana portion of the GYE could theoretically support 54 female home ranges or 45 male home ranges, or about 49 total home ranges assuming a 1:1 sex ratio.

However, it is unlikely that all potential home ranges in Montana are occupied in all years. Because of marginal or inadequate snowshoe hare (*Lepus americanus*) densities in some areas in some years, some home ranges may be substantially larger and some potential home ranges may be vacant. Further, the marginal and patchy nature of most lynx habitat in the GYE, the correspondingly lower density of snowshoe hares, and the relatively few verified historical lynx records, all suggest that lynx naturally occur at very low densities in the GYE, and home ranges there are thought to be substantially larger than in most other parts of the DPS range (McKelvey *et al.* 2000, pp. 224-225, 229-230; Squires and Laurion 2000, pp. 339-340, 346-347; Service 2014, pp.54825-54826).

Conversely, home ranges could be smaller in areas or years with higher hare densities. Most forested areas of western Montana outside the areas described above are considered “secondary areas” for lynx (Service 2005, pp. 3-6, 20-21), where dispersing or “transient” Canada lynx may occur intermittently but regularly during “irruptions” after declines in hare populations cause lynx to abandon home ranges elsewhere in search of food (McKelvey *et al.* 2000, pp. 224-225; Service 54818-54820).

Based on the information presented above, habitats in Montana capable of supporting lynx persistently over time could theoretically provide home ranges for about 200 lynx; however, the number of home ranges actually occupied by resident lynx in any given year is likely to be somewhat lower based on the caveats also presented above.

### **3.2 Conservation value of the action area**

While recognizing that, at best, Canada lynx in the contiguous United States are naturally rare, the action area (Montana) is a substantial part of the Northern Rocky Mountains/Cascades Region. The majority of verified lynx occurrences in the United States and the confirmed presence of resident populations are from this region, and it constitutes some of the best habitat in the lower 48 United States for the species. The boreal forest of Washington, Montana, and Idaho is contiguous with that in adjacent British Columbia and Alberta, Canada where lynx exist in large numbers. Strong evidence exists to support the presence of resident lynx populations distributed throughout much of the forest types considered lynx habitat in Montana and Washington.

The region supports the most viable resident lynx populations in the contiguous United States; therefore, the action area is important to the survival and recovery of lynx in the contiguous United States. All of the Forest Plans within Montana have been amended to address the effects of forest management on lynx, and we determined that these plans provide for the recovery of the lynx (cite the NRLA BO). Therefore, the main threat that led to listing has been addressed within the State of Montana. We conclude that the population within the action area is stable and resilient.

#### **4.0 EFFECTS OF THE ACTION**

##### **4.1 Effects pathway and mechanism.**

Both hunting and trapping are legal means of harvest for gray wolf in Montana. Because hunting of wolves using legal methods requires observing and identifying the target animal before shooting, we conclude that the likelihood of a lynx being mistakenly shot as a wolf to be so low as to be discountable. The only reasonable effect likely to result from the proposed action is lynx being caught as a non-target animal in traps set for wolves.

The likelihood for legally set foot hold traps for gray wolf catching a lynx as a non-target species is confirmed by DMA in the Memorandum. *"The threat of incidental take of Canada lynx resulting from the lawful take of gray wolf in Montana exists. However, DMA does not have any data to suggest that State export approval for such lawfully taken gray wolf specimens increases the potential threat of incidental take of Canada lynx...."* (Memorandum p. 2).

The memorandum discusses the likelihood of a lynx being caught and injured in a gray wolf trap as reported to them by the State of Montana. Montana reported the following to DMA on August 28, 2014. *"One lynx was incidentally captured in a foothold trap set for wolves in December 2013. This lynx was released uninjured and reported to FWP [Fish Wildlife and Parks], as per state regulation requirements."*

The State of Montana also did not foresee their wolf management program negatively impacting the population status of the lynx in Montana, because of the *"... distribution of wolf trap harvest locations, with almost half outside occupied lynx habitat; the small number of wolf trappers and fewer traps per trapper; and the requirement for all prospective wolf trappers to attend a trapping certification class which emphasizes avoidance of non-target captures, including lynx."* (Memorandum p. 2-3)

They also described the one occurrence of incidental trapping of lynx during the past wolf trapping seasons and some reasons for that low occurrence. *"Montana has successfully completed two wolf trapping seasons with only one lynx capture, and that animal was released uninjured. During the 2012-13 season there were 78 successful wolf trappers and during the 2013-14 season there were 55 successful wolf trappers. The majority of wolf trapping occurs at lower elevations in and around ungulate winter ranges, where wolves are present during the winter months, which is different habitat than the habitat occupied by lynx. Also trappers are restricted to using only foothold traps with a 9" maximum jaw spread and a minimum 10 pound pan tension requirement. Snares and conibear traps are not allowed to trap wolves in Montana."* (Memorandum p. 2-3)

##### **4.2 Conservation measures to reduce effects of the action**

Montana has proposed to implement several measures to further reduce the likelihood of lynx being trapped as non-target animals. (See Proposed Action section above.) These measures include

requirements for trapper education on trapping techniques so trappers use trap sets that are much less attractive to lynx, and prohibiting the use of body-grasping traps that would be more likely to trap lynx. Requirements for setting pan (trigger) tensions at 10 pounds or greater takes advantage of the difference in wolf and lynx body weights (Lynx average around 20-25 pounds compared to a wolf's 70-100 pounds), to make it unlikely that the pressure from a lynx's footfall would trigger the trap. The timing of the wolf-trapping season (December 15-February 28<sup>th</sup>) reduces the exposure of lynx to wolf traps, because wolves (and trapping) are more likely to be occurring in lower elevation areas whereas lynx will be more likely to be in deeper snows at higher elevation. These measures further reduce the likelihood of incidental trapping of lynx.

#### **4.3 Discussion and summary of effects**

The Service finds that the only effect reasonably certain to occur from the proposed action is for a small number of lynx to be incidentally trapped, and a subset of these to suffer injuries and (rarely) death. Most injuries are expected to be minor (superficial lacerations, minor edema, etc.). These injuries are not anticipated to affect the fitness of the individual. During the past bobcat trapping in Montana (which uses similar methods and conservation measures) and the two years of wolf trapping, no lynx have died or been seriously injured. However, we recognize serious injuries may occur. Previously after a review of the scientific information regarding injuries from leg trapping of wolves, we estimated 5 percent of trapped wolves would experience moderate to severe injuries (Service 2014a, p. 4). No wolf mortalities were noted, but it is reasonable to expect that on rare occasions medium-sized mammals like lynx could die while incapacitated by a trap. Mortality would likely be from opportunistic predation by larger predators (i.e. wolves, cougars, etc.). Using the 5 percent figure, as a rate of severe injury associated with trapping (and including mortality in that percentage), we would expect no more than one of the trapped lynx to be moderately to severely injured or killed as a result of being trapped incidentally during wolf trapping over a period of ten years.

Based on radio-tracking of wolves captured and released from leg hold traps (Service 2014a, p. 137), the type of minor injuries sustained are of the type that animals can readily recover from. Therefore, we expect released lynx to maintain their biological function in the Montana lynx population.

The two years of data available indicate that the trapping of non-target lynx in those wolf-trapping seasons is of similar magnitude as that found in the trapping rate of lynx in bobcat traps over the last decade. In the long term, due to the similarity of bobcat and lynx, we would expect a higher rate of lynx being incidentally caught during bobcat trapping than wolf trapping.

With the information discussed above, and assuming a similar rate, it seems reasonable that over a 10 year analysis period 10 lynx will be trapped as non-target animals. We would expect no more than one of those lynx to be severely injured or killed as a result of the trapping. (We acknowledge that given our view of the differences in wolf and bobcat trapping, our estimate is likely to be an over estimate.) There is great variation in the life cycle of lynx and the many environmental variables that can affect the habitat where lynx may co-occur with wolf trapping. Given our observation of the uneven yearly rate of non-target trapping of lynx during Montana's bobcat trapping, we feel it is most reasonable to express this impact as an average of 1 lynx a year, rather than a static 1 lynx per year. This allows for variation, but still allows for a trend outside our expectations to be measured and reported.

Should observations from the implementation of the proposed action demonstrate a substantial deviation from the assumptions presented above, reinitiation of this consultation may be necessary.

## **5.0 CUMULATIVE EFFECTS**

For consultation under section 7 of the Act, cumulative effects "...are those effects of future State or private activities, not involving Federal activities that are reasonably certain to occur within the action area of the Federal action subject to consultation." (50 CFR 402.02)

In the Northern Rockies ecosystem, 28 percent of potential lynx habitat occurs on private, State, or tribal lands. The Northern Rockies encompass more privately owned lynx forest types than elsewhere in the West; about one-third of lynx forest types are in private ownership. Due to the forested nature of lynx habitat, large portions of this habitat likely occur on private, State, and corporate timber lands where timber harvest and thinning occurs. There is a potential for current and future management of these lands to adversely affect lynx by loss of habitat due to timber management, mineral extraction, oil and gas exploration, grazing, urban and rural development, recreation site construction and use, road construction, and utility corridors. However, given that a much larger amount of potential lynx habitat occurs on federal lands (and their land management plans have been amended for the conservation of lynx and lynx habitat), even though changes to the forested habitat on non-federal lands could adversely affect the lynx, the Service does not consider those effects to substantially affect the lynx's survival or recovery. In our final rule listing the species, we did not find that impacts on private lands created a threat to the distinct population segment.

## **6.0 CONCLUSION**

The Service concludes that the trapping of an average of one lynx a year for the next ten years, out of a calculated (based on habitat extent), population of 200 lynx (and loss of one of those lynx to injury or death) is not likely to reduce appreciably the likelihood of survival and recovery of the contiguous U.S. Distinct Population Segment of the Canada Lynx. Therefore, the proposed action is not likely to jeopardize the contiguous U.S. Distinct Population Segment of the Canada Lynx. We base that conclusion on the following rationale.

1. The final rule concluded that the single factor threatening the lynx DPS was the inadequacy of existing regulatory mechanisms, specifically the lack of guidance for conservation of lynx in federal land management Plans. Lynx being trapped incidental to other legal trapping can be seen to have adverse effects to individual lynx, but were not considered a threat to the species.
2. In 2008, the United States Forest Service and the Bureau of Land Management (within the range of the lynx) amended their management plans with the Northern Rocky Mountains Lynx Amendment. This action was initiated to address the main threat to the lynx determined upon listing the species (Service 2008, p. 75). Thus, the primary threats have been addressed within the State of Montana, resulting in a strong baseline for the species.
3. Though lynx may be trapped and released by the proposed action, the released lynx are expected to still function as viable members of Montana's lynx population. Given that incidental trapping was not considered a threat to the species at the time of listing and the



Service's conclusion that Montana currently supports a relatively stable, persistent resident population, this level of (non-lethal) take (trapping and temporary harm) is very unlikely to cause any detectable change in the numbers, reproduction or distribution of the lynx in Montana. Furthermore, the three principles from the recovery outline - representation, redundancy, and resiliency – will not be negatively impacted by the effects of the action.

4. Montana represents just one portion of the range of the species. It also occurs in Colorado, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, Oregon, Utah, Vermont, Washington, and Wisconsin. If a change to the Montana population will not be detectable as a result of this action, it is not reasonable to expect it to cause a detectable change at the much larger listed entity scale.
5. The program and its mandatory conservation measures (including participant education on ways to reduce incidental take) will effectively reduce the effects of the action.

## **7.0 INCIDENTAL TAKE STATEMENT**

Section 9 of the ESA and Federal regulation pursuant to section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the ESA provided that such taking is in compliance with the terms and conditions of an incidental take statement.

This take statement serves to exempt DMA and their applicant (the State of Montana and their licensees) from the prohibition of take anticipated from DMA's approval of the CITES gray wolf export program for the state of Montana. This coverage for incidental take includes circumstances where the state or individual trapper or an individual wolf trapper licensed by the state incidentally takes a lynx pursuant to otherwise lawful trapping for wolves.

### **7.1 Amount or extent of incidental take**

This opinion considered the effects to lynx from the Division of Management Authority's (DMA) pending approval of a CITES gray wolf export program for the state of Montana for the next 10 years. In this opinion, we documented how the proposed action reduces, but does not eliminate the likelihood for lynx to be trapped incidentally to legal wolf trapping. We also described a low (but not discountable) probability that one of those trapped lynx would be injured or killed (harm). Trapping and harm are described as forms of take under the Act.

Using simple assumptions based on past experience with wolf trapping and bobcat trapping, we estimate that up to 10 lynx will be trapped as non-target animals over a 10 year period. One of those lynx is likely to be killed or injured as a result of being trapped. Because of the observed uneven yearly rate of non-target trapping of lynx during Montana's bobcat trapping, we feel it is most reasonable to express this impact as an average of 1 lynx captured a year, rather than a static 1 lynx per year. This allows for variation, but still allows for a trend outside our expectations to be measured, reported and inform the reinitiation triggers.

## **7.2 Effect of take**

In this opinion, we determined that this level of anticipated take is not likely to result in jeopardy to the species. We found that the take is not associated with the major threat identified in the final rule listing the lynx and that given the status of the lynx in Montana, the temporary trapping and release of lynx (and the death of one individual over the ten year period) could not reasonably be expected to alter the numbers, distribution or reproduction of the lynx in Montana or at the listed entity scale.

## **8.0 REASONABLE AND PRUDENT MEASURES**

The DMA and Montana have made a commitment in the proposed action to implement several conservation measures to reduce the impacts of this action (section 4.2 above). Our analysis has been completed with the assumption that those will be implemented.

The Service believes that the following Reasonable and Prudent Measure (related to reporting) is necessary and appropriate to minimize impacts of incidental take of lynx.

### **8.1 Reasonable and Prudent Measure 1**

Reasonable and Prudent Measure 1 - The DMA shall report on the number of lynx trapped each year during Montana's wolf trapping season.

### **8.2 Terms and Condition 1**

Term and Condition 1- The DMA shall report on the number of lynx trapped each year incidentally to wolf trapping. By March 1 of each year for the term of the proposed action, DMA shall submit a brief report summarizing the results of wolf trapping in Montana, relative to incidental take of lynx. That report shall be submitted to Assistant Regional Director for Ecological Services for Region 6, in Denver, Colorado. A copy shall also be sent the Field Supervisor in the Montana Field Office in Helena, Montana

## **9.0 CONSERVATION RECOMMENDATIONS**

The DMA and Montana have made a commitment in the proposed action to implement several conservation measures to reduce the impacts of this action (section 4.2 above). The Service does not have any additional conservation recommendations at this time.

## **10.0 REINITIATION NOTICE**

This concludes formal consultation on the wolf trapping associated with the proposed action and its effects on lynx. As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary federal agency involvement or control over the action has been maintained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded (not applicable to critical habitat); (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action.

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