



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Minnesota-Wisconsin Field Office  
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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.

The Endangered Species Act (ESA) [Section 10(a)(2)] and its implementing regulations [50 CFR 17.22(b), 17.32(b), and 222.22] include application requirements and issuance criteria for an HCP submitted in support of an ITP application. Additionally, the Service's revised HCP Handbook ([[Handbook](#)] December 21, 2016; <https://www.fws.gov/midwest/endangered/permits/hcp/hephandbook.html>) provides further guidance and updated regulations.

Based on the Service's review of the HCP, we recommend the following to ensure the plan provides the best available information and is consistent with current guidance and regulations:

- The HCP should adhere to the revised HCP Handbook
  - Biological goals and 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 HCP 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 since the HCP was originally submitted in 2008. This includes updating the biological data and population demographics within the Covered Species section. Please consider incorporating the Canada lynx Species Status Assessment (USFWS 2017) by reference.

- Update verified sightings and incidental take records, and include a summary regarding incidental take by trap type, targeted species, timing of take incidents (e.g. seasonal), males versus females, etc.
- Discuss trapping avoidance minimization measures for Canada lynx that have been implemented since the 2008-2009 trapping season and incorporate them into the baseline for the species when evaluating future take predictions. Has there been a reduction in impacts to Canada lynx since the trapping measures have been implemented?
- 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.

We appreciate the opportunity to provide these recommendations, and we are happy to work with you and your staff to revise the HCP and ITP application for Canada lynx accordingly. Should you have any questions, please contact me at 952-252-0092 extension 210 or [sarah\\_quamme@fws.gov](mailto:sarah_quamme@fws.gov).

Sincerely,

Sarah Quamme  
Field Office Supervisor

## References

- U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). 2016. Habitat Conservation Planning and Incidental Take Permit Processing Handbook. December 21, 2016. Available online at: <https://www.fws.gov/midwest/endangered/permits/hcp/hcphandbook.html>
- U.S. Fish and Wildlife Service (USFWS). 2017. Species Status Assessment for the Canada lynx (*Lynx canadensis*) Contiguous United States Distinct Population Segment. Version 1.0, October, 2017. Lakewood, Colorado.