



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 that the applicant 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 review of the HCP, we recommend the following to ensure the plan provides the best available data and meets issuance criteria:

- The HCP should adhere to the revised HCP Handbook ([\[Handbook\]](https://www.fws.gov/midwest/endangered/permits/hcp/hcphandbook.html) December 21, 2016; <https://www.fws.gov/midwest/endangered/permits/hcp/hcphandbook.html>). For example, 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 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 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.
- 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?
- 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?
- 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 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 952-252-0092 extension 210 or 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 Plan 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.