

From: [Hilary Cooley](#)
To: [Russ Holder](#); [Mark Robertson](#); [Steve Duke](#); [Kathleen Rapley](#)
Subject: lynx letter
Date: 02/15/2012 12:56 PM
Attachments: [Marvel response letter v4.doc](#)

All,
Brian took a look at the letter and had a few minor changes (final attached). I am waiting for confirmation from IDFG on a meeting tomorrow afternoon (after 2:00) to discuss the letter (discussion on future coverage to occur at a later date). Russ and I are both available. If this time pans out, is there anyone else who is available and thinks they should be at this meeting?

- hilary



Marvel response letter v4.doc



United States Department of the Interior
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John Marvel
Western Watersheds Project
Box 1770
Hailey, Idaho 83333

Subject: Incidental Lynx Trapping on Salmon-Challis National Forest

Dear Mr. Marvel,

The Fish and Wildlife Service (Service) appreciates your interest in the recent incidental trapping of a lynx on lands administered by the Salmon-Challis National Forest (Forest). In answer to your question regarding whether the Idaho Department of Fish and Game (IDFG) had consulted (with respect to the Endangered Species Act [ESA]) with the Service on their trapping regulations, we would not expect Idaho Department of Fish and Game to seek ESA compliance for direct impacts (i.e., trapping) to a species if the species were assumed absent; occupancy status relative to ESA are further addressed below. It should be noted that the lynx was released unharmed by IDFG, and valuable biological information was collected and will be analyzed.

Relative to lynx occupancy in this area of Idaho, we provide the following narrative. Prior to this incident, lands contained within the boundaries of the Salmon-Challis National Forest are not considered to be "occupied" by lynx. A 2006 Canada Lynx Conservation Agreement between the Forest and the Service defines "occupied lynx habitat" as areas with at least 2 verified lynx observations (non-transient) on record since 1999, or where evidence exists of lynx reproduction. Although the Forest contains historic and currently suitable habitat, it is not considered to be "occupied" by lynx based on the above definition (see attached Conservation Agreement). As a result of the Conservation Agreement, consultation under section 7(a)(2) of the ESA for lynx has not been required in National Forests determined to be unoccupied since 2006.

In light of this recent incident, we are following up with the IDFG to determine the full extent of trapping and the potential impact on lynx due to permitted recreational trapping.

Sincerely,

Brian T. Kelly
State Supervisor

Enclosures (1)