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**To:** [Brian T Kelly](#); [Hilary Cooley](#); [Dennis Mackey](#); [Kathleen Rapley](#); [Steve Duke](#); [bryon\\_holt@fws.gov](mailto:bryon_holt@fws.gov); [Russ Holder](#)  
**Subject:** lynx, trapping, and incidental take  
**Date:** 02/06/2012 04:40 PM

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All,

Russ asked that I forward on some thoughts from our shop regarding this issue. I'm taking much of my information from Steve's email of 2/6.

We are not aware of any incidental take coverage via S7 (directly or indirectly) that has been afforded IDFG for the take of lynx from otherwise lawful trapping activities. We have provided incidental take via S7 for other actions (Wildlife Services and their predator management), but none directly related to IDFG.

In Steve's email, he noted 2 options. I will provide some limited input on these 2 options (not my area of expertise) and offer up a 3rd....all of which I believe would need some type of S7 review. An expanded 4(d) rule seems appropriate. In looking at the final rule (FR65, pages 16077-16078, in 2000), I found the following narrative which clearly indicates our thought at the time that incidental trapping of lynx from otherwise lawful trapping activities was not considered a significant threat. A 4(d) rule for states that do not legally allow trapping of lynx, that acknowledges and exempts take of incidentally trapped lynx, seems like it would flow with what has already been presented (unless new information indicates otherwise).

Legal trapping activities for bobcat, coyote, wolverine and other furbearers create a potential for incidental capture of lynx. The threat to resident lynx from legal trapping for other species may be limited in many areas because bobcat or coyote trapping generally occurs outside of areas where lynx would be found, although we know that incidental capture occurs (Wydeven 1998; M. DonCarlos *in litt.* 1994; R. Naney, U.S. Forest Service, pers. comm. 1999). Although we are concerned about the loss of lynx that are incidentally captured, we have no information to indicate that the loss of these individuals has negatively affected the overall ability of the contiguous United States DPS to persist. Additionally, we believe that lynx have been incidentally trapped throughout the past, and still they persist throughout most of their historic range.

In summary, we conclude that past and present overutilization is not a factor threatening lynx.

5 USC 552(b)5

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