

From: [Brian T Kelly](#)
To: [Hilary Cooley](#)
Subject: Fw: Incidental take of lynx
Date: 02/01/2012 02:04 PM

Let's chat....

From: Mark Collinge [mdcollinge@cableone.net]
Sent: 02/01/2012 11:11 AM MST
To: Brian Kelly
Subject: Incidental take of lynx

Hi Brian

I left you a phone message earlier, and am following up with this e-mail. I'm just trying to find out if the USFWS would consider a request from IDFG for an incidental take authorization for lynx. IDFG doesn't seem too interested in pursuing this, but the Idaho Trappers Association understandably would like to see some kind of provision in place to protect Idaho fur trappers, similar to what the fish & game folks in Maine are currently pursuing. If the FWS LE folks pursue legal action against the trapper who caught the lynx last week on the Salmon-Challis National Forest, it will unfortunately send a very loud message to Idaho trappers to simply not report any incidentally captured lynx.

Mark

Begin forwarded message:

From: Mark Collinge <mdcollinge@cableone.net>
Date: February 1, 2012 10:58:44 AM MST
To: "White,Craig" <craig.white@idfg.idaho.gov>
Cc: Patrick Carney <nafatrapp@q.com>
Subject: Re: IDFG recommendations on furbearer rules

Thanks for the quick response Craig.

I'm not sure your understanding of the circumstances under which an incidental take permit could be requested is necessarily true. When I requested, and was granted, an incidental take authorization for lynx for Idaho's USDA Wildlife Services program in 2002, a 30-year review of program data showed only 1 lynx caught by Wildlife Services in all that time. That animal was caught in 1991 and released unharmed. The risk of Wildlife Services unintentionally trapping a lynx is arguably much lower than the risk of a private bobcat trapper capturing a lynx in Idaho. Wildlife Services rarely tries to intentionally capture bobcats, but with the current high prices being paid for bobcats, there are likely hundreds of traps and snares being set for bobcats by Idaho fur trappers. But in spite of the arguably low risk that the Wildlife Services program might unintentionally catch a lynx, the U.S. Fish & Wildlife Service had no problem with authorizing an incidental take for lynx. It would seem logical that they would similarly be willing to authorize some level of

incidental take for IDFG.

As I've indicated to you previously, my concern with this issue is that there is no protection for well intentioned, law-abiding trappers who might unintentionally catch a lynx and report it to IDFG. The U.S. Fish & Wildlife Service Law Enforcement Agents can argue that they're only doing their job when they attempt to pursue legal action against a trapper for unintentionally taking a lynx, because there's no getting around the fact that it's currently an illegal take, punishable under the provisions of the Endangered Species Act. But if IDFG would pursue and obtain an incidental take provision, similar to what is being pursued in Maine, the feds wouldn't feel obliged to press charges against otherwise honest, law-abiding trappers who might unintentionally capture a lynx.

I'm hoping the trapper who unintentionally caught the lynx last week on the Salmon-Challis National Forest doesn't run into any legal problems, but I will not be one bit surprised if the local U.S. Fish & Wildlife Service Law Enforcement folks come after that trapper.

Mark

On Feb 1, 2012, at 9:36 AM, White,Craig wrote:

Mark,

The Furbearer recommendations presented by the Department were passed by the Commission.

Here is a brief rundown:

- Increase Panhandle regional otter quota from 15 to 30.
- In the Panhandle region, match otter season dates with beaver season dates (November 1-March31)
- Increase Clearwater regional otter quota from 15 to 20.
- Increase Panhandle regional otter quota from 5 to 15.
- In the Clearwater Region provide more opportunity to trap beaver by converting Beaver Control Trapping Permit 201 and 202, to a general season.
- In the Magic Valley Region open Lime Creek drainage and Basalt Creek (only Basalt Creek and not the rest of Little Smokey Creek Drainage) in Camas County to beaver trapping; and open Clover Creek in Gooding County to beaver trapping.

The Commission did open GMU 10A to trapping for the rest of the Season (February 1 - March 31). The rest of this Wolf

Management Zone has been open to trapping. The commission did not open up other zones to trapping for the rest of this season.

In regards to incidental Lynx take - Yes I did consult with legal counsel after we talked. My understanding of the issue is this - requesting a take under the ESA act is done only when you actually expect to have a take and is usually backed up with documented takes. I use "take" in the general sense of capturing an animal, but not necessarily injuring it. Prior to last week, IDFG has not had a documented lynx reported in a trappers trap since the Department closed the lynx trapping season at the end of the 1995-1996 season. One in almost 20 years may still be quite a stretch to expect a regular take and to request an exemption.

Thanks.

Craig

-----Original Message-----

From: Susan Collinge [<mailto:susancollinge@cableone.net>]

Sent: Wednesday, February 01, 2012 8:26 AM

To: White,Craig

Cc: Patrick Carney

Subject: IDFG recommendations on furbearer rules

Craig,

When I looked at the on-line agenda for the Jan.25-27 Commission meeting, it did not include the actual IDFG recommendations for the

2012-2013 furbearer seasons. Is that a document you could e-mail to me? Also, can you tell me if any action was taken by the Commission with regards to possibly opening up any other wolf management zones in southern or central Idaho to wolf trapping in 2012?

The news this week that a lynx had been captured in a bobcat trapper's set on the Salmon-Challis National Forest highlights the need for IDFG to pursue an incidental take permit for lynx. When we visited about this subject during the wolf trapping class held in Nampa, you had indicated you would confer with legal counsel again about this. Was this issue discussed at all during the Commission meeting? Thanks for any information you can provide on these issues.

Mark Collinge