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February 6, 2012

US Fish and Wildlife Service
Attn: Canada Lynx ITP Comments
Maine Field Office
17 Godfrey Drive, Suite 2
Orono, ME 04473

On behalf of the Sportsman's Alliance of Maine (SAM) I appreciate the opportunity to comment on the application for an incidental take permit (ITP) for the federally-listed Canada lynx as submitted by the Maine Department of Inland Fisheries and Wildlife (DIFW), and on the environmental assessment of that application submitted by the US Fish and Wildlife Service (USFWS). I had attended one of the three informational meetings on this topic held by staff of the USFWS and DIFW during December 2011. A great deal of information was shared with attendees of those meetings. Much of that information provided assurance that lynx conservation remains at the forefront in both agencies. However, some aspects of this process remain a cause for concern for the thousands of hunters and trappers who depend on sound management decisions and policies to ensure sustainable wildlife populations and outdoor recreation opportunities.

It was re-assuring to learn that the lynx population (at 600 to 1,200 individuals) continues to thrive in northern Maine. It is interesting to note that the lynx population in Maine is contiguous with well-managed populations in Quebec and New Brunswick, which can be sustainably harvested to varying degrees by Canadian fur-takers. I also found it interesting to learn that more Maine lynx are lost to predation (fisher and coyote) and road-kill than to incidental take in traps. Although some 54 lynx have been accidentally caught in traps set for other furbearers over the past 11 years, 50 of these lynx were successfully released back into to wild.

Research conducted by DIFW and at the University of Maine since 1999 has filled in many gaps in our knowledge of lynx population dynamics and status in Maine. For example, an exhaustive archival search revealed that Canada lynx have not ever been absent from Maine for the past 150 years, despite widely varying abundance. This is a testament to the inherent resilience and persistence of the species. During the past decade, lynx populations were probably at near-historic highs, largely due to timber cutting practices in the past quarter century in northern Maine. Population modeling conducted by DIFW suggests that levels of incidental take experienced by lynx in Maine have had a negligible effect on the trajectory of lynx populations. That same model indicates that Maine lynx can sustain much higher man-caused losses (50 or more individuals annually?) without harming the population.

It is noteworthy that DIFW now knows that lynx were approaching peak numbers in Maine when they were federally listed as threatened (defined as probable extinction in the foreseeable future) in the year 2000. In contrast, lynx have remained above population levels that would trigger

state listing as threatened; hence they only remain listed as a species of special concern on the Maine list. Why the disparity in designation between the USFWS and DIFW?

The federal listing of lynx in Maine has negatively impacted trapping opportunity, impaired efforts to manage coyote predation on deer, and has diverted scarce revenue and personnel resources within DIFW away from other much needed programs. Loss of trapping and deer hunting opportunity has cost millions of dollars in unrealized revenue to the economy of northern and eastern Maine. In addition, the designation of nearly half the state as critical habitat for lynx creates uncertainty among private landowners regarding their freedom to manage timber and other resources as they see fit. We believe the USFWS needs to more adequately balance lynx conservation measures and listing status in light of what is now known about lynx population abundance in Maine.

First, we urge the USFWS to approve DIFW's incidental take permit plan without further delay, and without additional restrictions on trapping. Lynx avoidance measures enacted by DIFW since the 2007 consent decree are more than adequate to protect lynx from accidental capture in traps.

Second, if the USFWS requires DIFW to set aside state-owned lands to be used as lynx conservation areas to mitigate allowable incidental take, we insist that access to this land remain open for all legal trapping, hunting, snowmobiling, and other traditional activities.

Third, SAM recommends that the USFWS develop realistic recovery goals for lynx that take into account geographical and species-specific differences in lynx habitat suitability. I found it perplexing to learn that, 12 years after listing, the USFWS has drafted a recovery outline for the lynx, but has not yet established formal recovery criteria for the species. The ESA clearly envisions returning species management back to the states when a listed species is no longer threatened with extinction. How can this ever happen for lynx, if recovery goals are not set? More problematic for the lynx population in Maine, how do you establish "recovery" goals for a population that was not at threatened status when first listed? What is the procedure available to states to correct wrongful listing of species under the ESA?

Fourth, the USFWS needs to modify its distinct population segment (DPS) for lynx. When listed, the USFWS recognized four geographically isolated subpopulations of lynx in 14 of the lower 48 states, i.e., Colorado, Northern Rockies, Great Lakes, and Northeast. Inexplicably, the USFWS placed all four subpopulations into one DPS. This clearly makes no biological sense. Isolated from each other geographically, there can be no biological interaction among the 4 subpopulations. The eventual recovery of each area will occur independently of the others. The probability that all four regions will ever reach recovery levels simultaneously is miniscule and unrealistic. Hence, as currently configured, Canada lynx may remain an ESA-listed species forever. To correct this political/administrative problem, SAM recommends that the USFWS create a separate DPS for each subpopulation of lynx, and then set recovery criteria that are biologically based, feasible and attainable within each of the four separate DPS's.

Finally, individual states within each of the newly-created DPS's need to be separable when lynx populations reach recovery goals in one or more states, but not in the others. In other words, when recovery goals for lynx in Maine are attained, Maine lynx should be de-listed and their management turned over to DIFW, even if lynx remain below recovery levels in New Hampshire, Vermont and New York.

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