

Minnesota DNR told to put a stop to trapping Canada lynx



A Canada lynx in Colorado. David Zalubowski, Associated Press – Ap

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U.S. District Judge Michael Davis ordered the Minnesota Department of Natural Resources to "promptly take all action necessary to [ensure] no further taking of threatened Canada lynx." Davis said the DNR must apply by the end of April for a special permit regulating incidental takings of Canada lynx.

The ruling was in response to a lawsuit filed in 2006 by the Animal Protection Institute (now called Born Free USA) and the Center for Biological Diversity. According to the plaintiffs, trappers injured or killed at least 13 Canada lynx from 2002 to 2005.

"Given the fact that 13 takings have been reported since 2002, and that the DNR has not taken substantial steps to further protect lynx from takings, the court finds it likely that additional takings may occur unless further regulations are implemented," Davis wrote in an order granting the plaintiffs' motion for summary judgment.

Marc Fink, a Duluth attorney representing the Center for Biological Diversity, called the ruling a "complete victory" for the plaintiffs.

Asked if the lawsuit was an attempt to get the DNR to stop all trapping, Fink said: "Our purpose was just what the court has ordered them to do, which is to take the measures necessary to prevent further takes of lynx within the core lynx habitat. Our intention was to have the state comply with the law."

Nicole Paquette, senior vice president of Born Free USA, said the decision "sends a strong message to other states that body-gripping traps should be prohibited. The state will now have to develop specific, enforceable measures to protect imperiled Canada lynx in its core habitat."

The attorney general's office declined to comment and referred a reporter to the DNR. Ed Boggess, deputy director of the DNR's fish and wildlife division, said that the staff would meet with the commissioner today to discuss the ruling's implications.

"The bottom line of this decision is that there's going to be additional restrictions on trapping likely within the core lynx range," Boggess said. "But exactly what those restrictions will be, or exactly how that core lynx range will be defined, those things have not yet been determined."

The U.S. Fish & Wildlife Service is in the process of redefining the critical habitat of the Canada lynx. The public comment period ends April 28.

Defining Lynx's core habitat

Davis' ruling applies to what's called the lynx's core habitat, which Boggess said is the primary area where the cats are found. "Roughly, it's the Arrowhead region," he said.

The National Trappers and Minnesota Trappers associations, which intervened in the lawsuit, did not respond to requests for comment Monday.

Douglas Burdin, litigation counsel for Safari Club International, a pro-hunting and wildlife conservation group that filed a friend-of-the-court brief in the case, called Davis' ruling disappointing. "If the standard is that low, we're concerned that a challenge against some hunting program is going to be next," he said.

Matt Norton, an attorney and a forestry and wildlife advocate with the Minnesota Center for Environmental Advocacy, said the state should take steps to protect biodiversity in the state. "And that may mean restricting what types of trapping tools can be used, where they can be set, and when. It may require other things too, like making sure the trappers have to check their sets more regularly," Norton said.

"And if it does wind up forcing the DNR to severely restrict trapping, that will be incidental to the bottom-line goal of trying to protect the Canada lynx. It's not some back-door effort to stop trapping," he said.

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