

## **Information Regarding Emergency Rulemaking Required Under Terms Of Maine's Incidental Take Permit Issued By The U.S. Fish And Wildlife Service**

- On November 4<sup>th</sup>, 2014, the U.S. Fish and Wildlife Service issued an Incidental Take Permit (ITP) for the Department of Inland Fisheries and Wildlife which went into effect on November 17<sup>th</sup>.
- The purpose of the ITP is to protect licensed Maine trappers in the event a federally protected Canada lynx is accidentally captured in a legal trap set. Lynx are listed as threatened by the USFWS.
- The permit allows for the accidental killing of 3 lynx over the 15 year period the permit remains in effect.
- Since the ITP went into effect, there have been 2 incidents of lynx killed by legally set traps.

***Under the conditions of the permit, if two lynx are killed in legally set traps, the department must immediately implement regulatory measures to prevent further lynx fatalities***

- The Department adopted an emergency rule on December 9<sup>th</sup> restricting some of the trap types and sizes that may accidentally capture Canada Lynx in Northern Maine (WMDs 1 - 11, 14, 18, 19). Maine's regular trapping season ends on December 31<sup>st</sup>. This rule will remain in effect for 90 days.
- The Department will go through the regular rulemaking process to implement any necessary changes for next year's trapping season.

***Throughout the emergency rulemaking process, the department worked with the Maine Trappers Association, and the MTA board of directors was in full support of these emergency rules to minimize the kill of additional lynx.***

### **Trapping Rule Change Summary**

- Effective immediately, killer-type traps are not allowed at or above ground or snow level in areas of the state where there are lynx, specifically Wildlife Management Districts (WMDs) 1-11, 14, 18, 19 (Predominantly Aroostook, northern Somerset, northern Piscataquis, northern Penobscot, northern Hancock and northern Washington counties).
- In WMDs 7, 14, 18, 19, killer-type traps not greater than 7 ½ inches may be used on the ground if the trap is placed within a lynx exclusion device.
- In WMDs 1-11, 14, 18, 19, the use of any foothold trap above the ground or snow level will not be allowed. Footholds can still be used if on the ground, on the snow, or buried under the ground or under the snow.

- Killer-type traps with an inside jaw spread that does not exceed 5 inches may be used in WMDS 1-11, 14,18,19 when set so as to be partially covered by water at all times, or when set under overhanging stream banks. These traps can no longer be set in blind sets at or above ground or snow level.
- All killer-type traps may be used if, when set, placed and tended, the trap is completely underwater.
- Colony-style traps may be used if set so they remain completely underwater at all times