



Montana Fish, Wildlife & Parks

NEWS

FWP Headquarters • 1420 E. 6th Ave. • Helena, MT 59620-0701
Phone: 406-444-2535 • Fax: 406-444-4952 • Website: fwp.mt.gov

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INTERNAL FWP FACT SHEET CANADA LYNX LAWSUIT SETTLEMENT

Background

- The Canada lynx was designated a federally threatened species in 2000.
- In March 2013, three plaintiffs – Friends of the Wild Swan, Wildearth Guardians and Alliance for the Wild Rockies – brought a lawsuit to U.S. District Court in Missoula that alleged Montana violated the U.S. Endangered Species Act by allowing trappers and hunters to set traps in areas known to be inhabited by Canada lynx. The Plaintiffs claimed in their lawsuit that these traps risked illegally trapping lynx under the ESA.
- The Montana Trappers Association and National Trappers Association intervened in the lawsuit on the side of the defendants.
- The plaintiffs stated that over the years that a number of lynx were illegally caught because of trapping and snaring in Montana that was aimed at wolves, bobcats and other animals.
- In February 2015 – upon agreeing that FWP and the plaintiffs share the goals of protecting lynx, helping trappers avoid lynx; and seeing lynx recovered and de-listed – a court-approved settlement was reached.

The Settlement

- There would be a two-year moratorium on wolverine trapping with a quota of zero at least until the 2017-18 season.
- Existing regulations designed to reduce the likelihood of lynx take would stay in place.
- Trapping regulation changes reflected in the settlement would apply only in "Lynx Protection Zones", which are all areas within Montana where current and persistent lynx populations have been documented in portions of northwestern and southwestern Montana. (See map)
- All settlement regulations must be approved by the Montana Fish & Wildlife Commission

Settlement Regulations – which include some existing regulations

- No rabbit or hare parts could be used for flagging or for bait within 30 feet of a set trap.
- No natural flagging – such as bird wings, feathers, or pieces of fur – could be used within 30 feet of a set trap.
- No fresh-meat baits could be used (only tainted bait – aged for at least 24 hours – allowed).
- No Conibear or “body-gripping” traps with a jaw spread greater than 5 inches (a Conibear #160 or larger) could be used unless:
 - 1) they are placed as part of a water set;
 - 2) placed as part of an elevated set that does not include a leaning pole;
 - 3) placed in a leaning pole-set with a diameter no larger than four inches and with trap and bait set at least 48 inches above the ground; or
 - 4) placed with a trigger recessed a minimum of seven inches and contained in a wood, plastic, or metal enclosure or cubby with an opening no larger than 52 square inches. Montana already has these regulations that apply to 7-inch jaw spread traps on public land.
- Trappers targeting bobcat would be required to visually check their traps at least once every 48 hours (Montana regulations already recommend a 48-hour trap check).

Trappers could not use foothold or leghold traps unless:

 - 1) the inside jaw spread is no larger than 5-3/8 inches;
 - 2) they are placed in a leaning-pole set with a diameter no larger than four inches with trap and bait set at least 48 inches above the ground; or
 - 3) are equipped and set with a minimum 10-pound pan-tension device.
- No snares could be used unless:
 - 1) the cable diameter is at least 5/64 inches;
 - 2) the loops are larger than eight inches measured from side to side; and
 - 3) they are equipped with a breakaway lock device designed to release when less than 350 pounds of force is applied (no non-relaxing lethal snares). Montana regulations already require breakaway snares that must function at less than 350 pounds of force.
- Leaning-pole sets must use poles that are no larger than four inches in diameter and with trap and bait set at least 48 inches above the ground.

Settlement Releasing and Reporting Requirements

- Any incidentally caught lynx that is injured would be required to be immediately released, if possible. This is already a requirement.
- A trapper who accidentally takes a lynx would be required to notify their local FWP game warden as soon as possible or within 24 hours. This is an existing requirement.
- Persons who know about the take of a lynx would be required to report it by calling 1-800-847-6668.