

## Judge: FWS plan excluded possible lynx habitat

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(AP) -- A federal judge has ruled that the U.S. Fish and Wildlife Service arbitrarily excluded "critical habitat" that could be occupied by the elusive Canada lynx.

U.S. District Judge Donald Molloy ruled Wednesday the agency excluded large swaths on Western habitat from protection when it recommended in 2009 that 39,000 square miles in Maine, Minnesota, Montana, Wyoming, Idaho and Washington be designated as critical habitat.

The agency had argued it excluded some habitat in the West because there was no evidence lynx were reproducing there. But Molloy says the absence of that evidence isn't necessarily cause for exclusion, especially if the area hasn't been surveyed for breeding [animals](#).

Several environmental groups filed suit in U.S. District Court in 2009, saying more designated habitat is needed in Colorado, Montana and Idaho.

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