



Via Email and Certified Mail/Return Receipt Requested

December 2, 2025

Doug Burgum, Secretary
Department of the Interior
1849 C Street NW
Washington, D.C. 20240
exsec_exsec@ios.doi.gov

Brian Nesvik, Director
U.S. Fish and Wildlife Service
1849 C Street NW
Washington, D.C. 20240
Brian_Nesvik@fws.gov

RE: Notice of Intent to Sue for Violations of the Endangered Species Act: Failure to Develop a Nationwide Recovery Plan for the Gray Wolf

Dear Secretary Burgum and Director Nesvik:

The U.S. Fish and Wildlife Service recently announced that it would not prepare a national gray wolf recovery plan because listing in Minnesota and the rest of the Lower 48 states is “no longer appropriate.”¹ But courts have repeatedly held that the gray wolf qualifies for federal protections, and as explained below, the agency would further wolf conservation by developing a nationwide recovery plan. Therefore, the Center for Biological Diversity (“Center”), through this letter, provides official notice of its intent to sue the U.S. Fish and Wildlife Service (“FWS”), Interior Secretary Burgum, and FWS Director Nesvik for violations of the Endangered Species Act, 16 U.S.C. § 1531 *et seq.* (“ESA”).

Specifically, FWS has failed to develop a nationwide recovery plan for the gray wolf (*Canis lupus*), as Section 4(f) of the ESA requires.² FWS listed the gray wolf as endangered under the ESA in the “48 conterminous States,” except in Minnesota, where it was designated as threatened.³ But FWS has never developed a nationwide plan to recover this broadly listed entity. And now, attempting to skirt its duty to do so, the agency has unlawfully found that “recovery plans would not promote the conservation of the gray wolf 44-State or Minnesota listed entities,”⁴ in violation of the ESA and the Administrative Procedure Act, 5 U.S.C. § 706(2)(A) (“APA”).

¹ U.S. Fish and Wildlife Service, *Recovery Planning Exception Findings for the 44-State and Minnesota Listed Entities of Gray Wolves (Canis lupus)* (Nov. 2025), available at https://ecos.fws.gov/docs/recovery_plan/20251103_GrayWolfRecoveryPlanExceptionFindings_FINAL.pdf.

² 16 U.S.C. § 1533(f)(1).

³ 43 Fed. Reg. 9607 (March 9, 1978). This Notice does not concern Mexican wolves, which FWS listed as a separate endangered subspecies. 80 Fed. Reg. 2488-01 (Jan. 16, 2015). Nor does this Notice concern the unlisted gray wolf population in the Northern Rocky Mountains, which lost its ESA protections in 2011. 76 Fed. Reg. 25,590 (May 5, 2011).

⁴ U.S. Fish and Wildlife Service, *Recovery Planning Exception Findings for the 44-State and Minnesota Listed Entities of Gray Wolves (Canis lupus)* (Nov. 2025), available at https://ecos.fws.gov/docs/recovery_plan/20251103_GrayWolfRecoveryPlanExceptionFindings_FINAL.pdf.

The Center is a national, nonprofit conservation organization based in Tucson, Arizona, and supported by more than 1.8 million members and online activists. The Center and its members wish to see viable gray wolf populations in suitable habitat in all significant portions of the wolf's historical range in the Lower 48. To realize that vision, the Center has participated in countless rulemakings for wolf management and halted multiple unlawful downlisting and delisting attempts by FWS through litigation. A Center lawsuit prompted FWS to announce last year its intention to prepare a national wolf recovery plan.

I. The ESA Requires Recovery Plans for Listed Species

The ESA was enacted, in part, to provide a “means whereby the ecosystems upon which endangered species and threatened species depend may be conserved” and “a program for the conservation of such endangered species and threatened species.”⁵ Once listed as “endangered” or “threatened,” a species is entitled to the ESA’s substantive protections, and federal agencies assume duties to protect and recover it.

Under Section 4(f) of the ESA, FWS “shall develop and implement” recovery plans for the “conservation and survival” of listed species unless “such a plan will not promote the conservation of the species.”⁶ The ESA defines “conservation” to mean “the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary.”⁷

A recovery plan is a listed species’ “basic road map to recovery, *i.e.*, the process that stops or reverses the decline of a species and neutralizes threats to its existence.”⁸ It contains: (1) a description of site specific management actions that may be necessary to recover the species; (2) objective and measurable criteria which, when met, would result in a determination that the species be removed from the endangered or threatened list; and (3) estimates of the time and cost required to carry out those measures needed to recover the species and to achieve intermediate steps towards that goal.⁹

⁵ 16 U.S.C. § 1531(b).

⁶ *Id.* § 1533(f)(1).

⁷ *Id.* § 1532(3).

⁸ *See, e.g., Defs. of Wildlife v. Babbitt*, 130 F. Supp. 2d 121, 131 (D.D.C. 2001).

⁹ 16 U.S.C. § 1533(f)(1)(B)(i)-(iii).

II. The Gray Wolf's Inadequate Recovery Planning and History of On-and-Off ESA Protections

The gray wolf once occupied the majority of North America, excluding perhaps only the driest deserts and the southeastern U.S., where the red wolf occurred.¹⁰ Scientists estimate that prior to European settlement, as many as 2 million wolves may have lived in North America.¹¹

Wolves are incredibly important to the ecosystems they inhabit. Within the United States, studies of gray wolves in Yellowstone National Park and elsewhere demonstrate that wolves significantly shape the natural world, promoting biodiversity and overall ecosystem health.¹² Wolves even promote public health by deterring their prey's roadside use and thereby reducing deadly car collisions with deer.¹³

Failing to recognize the value of wolves, government agents used deadly poisons and traps to kill wolves during the late 19th century and the first half of the 20th century.¹⁴ By 1967, when wolves were first federally protected under a precursor to the ESA, they had been reduced to fewer than 1,000 individuals in northeastern Minnesota, with a very small isolated population on Isle Royale in Michigan.¹⁵

FWS originally protected wolves as four subspecies, but due to uncertainty regarding the validity of these subspecific designations, in 1978, the agency protected the gray wolf in the conterminous United States as an endangered species and designated the Minnesota population as threatened.¹⁶

Rather than develop a nationwide gray wolf recovery plan, FWS developed separate plans for wolves in three recovery areas: (1) the Northern Rocky Mountains (drafted in 1978, revised in 1987, now delisted); (2) the Great Lakes region (drafted in 1978, revised in 1992); and (3) the Southwest (drafted in 1982, now separately listed as the Mexican wolf).¹⁷

¹⁰ See 78 Fed. Reg. 35,664 (June 13, 2013).

¹¹ J.A. Leonard, C. Vila & R. K. Wayne, *Legacy Lost: Genetic Variability and Population Size of Extirpated Grey Wolves (Canis lupus)*, 14 Molecular Ecology 9, 14 (2005), available at https://consevol.org/pdf/Leonard_2005_MolEcol.pdf.

¹² See, e.g., W.J. Ripple, et al., *The strength of the Yellowstone trophic cascade after wolf reintroduction*, 58 Glob. Ecol. Conserv. (April 2025), available at <https://www.sciencedirect.com/science/article/pii/S2351989425000290#section-cited-by>; D.S. Licht, et al., *Using Small Populations of Wolves for Ecosystem Restoration and Stewardship*, 60(2) BioScience 147, 148 (2010) (summarizing wolves' ecosystem benefits).

¹³ J.L. Raynor, et al., *Wolves make roadways safer, generating large economic returns to predator conservation*, 118(22) PNAS e2023251118 (2021), available at <https://www.pnas.org/doi/epdf/10.1073/pnas.2023251118>.

¹⁴ M. Robinson, *Predatory Bureaucracy*, Denver: University of Colorado Press (2005).

¹⁵ See 74 Fed. Reg. 15,069 (April 2, 2009).

¹⁶ 43 Fed. Reg. 9607 (Mar. 9, 1978). Because the authority to list species as "distinct population segments" did not exist at the time of this action, the basis for the original split-species classification has remained unclear.

¹⁷ U.S. Fish and Wildlife Service, *ECOS: Gray wolf (Canis lupus)*, available at <https://ecos.fws.gov/ecp/species/4488>. FWS published revised recovery plans for the now separately listed Mexican

These plans were developed prior to major scientific gains in wolf genetics and population viability analysis. For example, the recovery plan for the “eastern timber wolf” set a goal of 1,250-1,400 wolves for the Minnesota population, with a geographically disjunct population of at least 200 wolves.¹⁸ These goals were apparently met by 1998.¹⁹ Since then, scientists have concluded that wolf populations may require 10,000 individuals to avoid long-term risk of extinction.²⁰

Recently, FWS estimated the total wolf population of the Western Great Lakes region as 4,550 individuals,²¹ and the wolf population in the western U.S. as 2,797 individuals (with 2,682 of these wolves within the Northern Rocky Mountains region that lacks federal protections).²² While this represents an improvement in the status of the gray wolf since (and due to) its listing, threats remain inadequately addressed in both occupied and unoccupied portions of the range.

Nevertheless, FWS has made numerous premature efforts to reduce or remove federal protections for wolves under the ESA, which the courts have nearly universally rejected.²³ As a recent example, on February 10, 2022, the U.S. District Court for the Northern District of California vacated the agency’s rule delisting wolves throughout the contiguous United States. As a result, ESA protections have been restored to gray wolves in Minnesota and “all or portions of 44 lower United States.”²⁴

The only successful delisting effort was in the Northern Rocky Mountains, where Congress (through a rider to an appropriations bill) directed FWS to remove wolf protections.²⁵ Since then, the Center and its allies have submitted petitions to relist wolves in the northern Rockies and

wolf entity in 2017 and 2022. U.S. Fish and Wildlife Service, *ECOS: Mexican wolf (Canis lupus baileyi)*, available at <https://ecos.fws.gov/ecp/species/3916>.

¹⁸ U.S. Fish and Wildlife Service, *Recovery plan for the eastern timber wolf* (1992). For wolves in the northern Rockies, FWS in 1987 established a goal of at least ten breeding pairs and one hundred wolves for three consecutive years in each of three recovery areas: northwestern Montana, central Idaho, and the Greater Yellowstone area. In 1994, FWS revised these criteria to require a minimum of “thirty or more breeding pairs ... comprising some 300+ wolves in a metapopulation ... with genetic exchange between subpopulations.” 72 Fed. Reg. 6106, 6107 (Feb. 8, 2007).

¹⁹ 74 Fed. Reg. 15,070, 15,071 (Apr. 2, 2009).

²⁰ B.M. vonHoldt et al., *Demographic history shapes North American gray wolf genomic diversity and informs species' conservation*, 33 *Molecular Ecology* e17231 (2024), available at <https://onlinelibrary.wiley.com/doi/epdf/10.1111/mec.17231>; R. Frankham, C.J.A. Bradshaw, & B.W. Brook, *Genetics in conservation management: Revised recommendations for the 50/500 rules, Red List criteria and population viability analyses*, 170 *Biol. Cons.* 56-63 (2014), available at <https://conservationbytes.com/wp-content/uploads/2016/06/frankham-et-al-2014-biol-conserv.pdf>.

²¹ U.S. Fish and Wildlife Service, *Species Status Assessment for the Gray Wolf (Canis lupus) in the Eastern United States* x (2025), available at <https://iris.fws.gov/APPS/ServCat/DownloadFile/283169>.

²² U.S. Fish and Wildlife Service, *Species Status Assessment for the Gray Wolf (Canis lupus) in the Western United States* 138 (2023), available at <https://iris.fws.gov/APPS/ServCat/DownloadFile/245127>.

²³ 85 Fed. Reg. 69,778, 69,779-81 (Nov. 3, 2020) (summarizing previous federal actions and litigation).

²⁴ *Id.* at 69,778; *Defs. of Wildlife v. U.S. Fish & Wildlife Serv.*, 584 F. Supp. 3d 812, 820 (N.D. Cal. 2022).

²⁵ 76 Fed. Reg. 25,590 (May 5, 2011).

across the West,²⁶ which FWS denied. In August 2025, the U.S. District Court for Montana ruled that FWS unlawfully denied the petitions and remanded to FWS for new analysis.²⁷

In summary, after multiple rounds of litigation over more than two decades in which the courts repeatedly found FWS violated the law and failed to apply the best science, wolves across the Lower 48 remain protected as endangered, except for wolves in Minnesota that remain listed as threatened and the Congressionally delisted wolves in the Northern Rocky Mountains. Concentrated and prolonged recovery efforts – beginning with the historic wolf reintroduction to the Northern Rocky Mountains – have primarily occurred in the few regions with recovery plans.²⁸ Yet recovery plans have never been developed for many areas where wolves now live and could recover, including the Northeast, West Coast, and Southern Rocky Mountains.

Because recovery efforts have been piecemeal, full nationwide recovery has not occurred. The Center submitted a petition for rulemaking to FWS in 2010, which formally requested development of a national wolf recovery plan under the ESA and APA.²⁹ FWS denied that petition in 2018.

Then, in litigation brought by the Center against FWS in 2022, the U.S. District Court for the District of Columbia ruled that FWS “must create a recovery plan for the species it has listed” and cannot rely on subspecies recovery plans that “straightforwardly do not satisfy” the Endangered Species Act.³⁰

In response to that litigation, FWS last year committed to developing a new, national recovery plan for listed wolves.³¹ But after the change in administration, FWS reversed its position

²⁶ Center for Biological Diversity & Humane Society of the United States, *Emergency Petition to Relist Gray Wolves (Canis lupus) in the Northern Rocky Mountains as an Endangered or Threatened “Distinct Population Segment” Under the Endangered Species Act* (May 26, 2021), available at https://www.biologicaldiversity.org/campaigns/gray_wolves/pdfs/Gray-Wolf-Relisting-Petition-5-25-2021-w-App-A.pdf?_gl=1*1c7whil*_gcl_au*MTM0MzQ2NzczNi4xNzYwNzA4ODc5.

²⁷ *Ctr. for Biological Diversity v. United States Fish & Wildlife Serv.*, No. CV 24-86-M-DWM, 2025 LX 334590, at *125 (D. Mont. Aug. 5, 2025).

²⁸ In 1994, FWS designated the Yellowstone Experimental Population Area, 59 Fed. Reg. 60252 (Nov. 22, 1994), and the Central Idaho Experimental Population Area, 59 Fed. Reg. 60266 (Nov. 22, 1994), to facilitate reintroduction of “nonessential experimental populations” of gray wolves under Section 10(j) of the ESA. *See* 16 U.S.C. 1539(j). FWS introduced more than 60 wolves to these areas between 1995 and 1996.

²⁹ Center for Biological Diversity, *Petition for a National Recovery Plan for the Wolf (Canis lupus) in the Conterminous United States Outside the Southwest under the Endangered Species Act* (July 20, 2010), available at https://www.biologicaldiversity.org/species/mammals/northern_Rocky_Mountains_gray_wolf/pdfs/GrayWolfNationalRecoveryPlanAPAPetition.pdf.

³⁰ *Ctr. for Biological Diversity v. Haaland*, No. 22-cv-3588 (DLF), 2023 U.S. Dist. LEXIS 139815, at *10 (D.D.C. Aug. 11, 2023).

³¹ U.S. Fish and Wildlife Service, *U.S. Fish and Wildlife Service completes status review and finding for gray wolves in the Western United States; launches National Recovery Plan* (Feb. 2, 2024), available at <https://www.fws.gov/press-release/2024-02/service-announces-gray-wolf-finding-and-national-recovery-plan>; *see* Stipulated Settlement Agreement, *Ctr. for Biological Diversity v. Haaland*, No. 1:22-cv-03588-DLF, ECF No. 25-1 (Dec. 13, 2023).

without explanation when it announced in November that additional recovery planning would not benefit wolf conservation, so it would not prepare a national recovery plan.³²

III. Violations of the Endangered Species Act

Instead of developing a nationwide recovery plan for gray wolves, FWS developed regional plans separately covering wolves in the Great Lakes, the Northern Rocky Mountains, and the Southwest. Given the removal of wolf protections in the Northern Rocky Mountains and the separate listing of Mexican wolves in the Southwest, the 1992 plan for the “eastern timber wolf” is the only remaining recovery plan for the listed gray wolf entities. Reliance on such an outdated and geographically restricted plan prevents FWS from facilitating nationwide wolf recovery, including in places such as the West Coast, Southern Rocky Mountains, and the Northeast. For these reasons, the failure to develop a nationwide wolf recovery plan violates the agency’s mandatory duty under Section 4(f) of the ESA.³³ In addition, the agency’s finding that wolf conservation would not benefit from recovery planning is unreasonable, in violation of the ESA and the APA.

IV. Conclusion

As stated above, FWS’s failure and refusal to develop a nationwide recovery plan for the gray wolf violates Section 4 of the ESA, as well as the APA. If FWS does not act to correct the violations described in this letter, the Center plans to pursue litigation in U.S. District Court.

Sincerely,



Collette L. Adkins
Carnivore Conservation Program Director
Senior Attorney
Center for Biological Diversity

³² U.S. Fish and Wildlife Service, *Recovery Planning Exception Findings for the 44-State and Minnesota Listed Entities of Gray Wolves (Canis lupus)* (Nov. 2025), available at https://ecos.fws.gov/docs/recovery_plan/20251103_GrayWolfRecoveryPlanExceptionFindings_FINAL.pdf.

³³ 16 U.S.C. § 1533.