

Elizabeth Forster
Montana Bar No. 68806760
Forster Law, PLLC
P.O. Box 30342
Billings, MT 59107
(203) 856-5791
liz@forster-law.com

Attorney for Applicant-Intervenors

**MONTANA TWENTIETH JUDICIAL DISTRICT COURT,
SANDERS COUNTY**

OUTDOOR HERITAGE COALITION,
REPRESENTATIVE SHANNON
MANESS, REPRESENTATIVE PAUL
FIELDER, and CRAIG NEAL,

Plaintiffs,

vs.

THE MONTANA FISH AND WILDLIFE
COMMISSION, and MONTANA
DEPARTMENT OF FISH, WILDLIFE &
PARKS,

Defendants.

Case No. DV-45-2025-84-DK

Hon. Judge John A. Mercer

AMENDED BRIEF IN SUPPORT OF
MOTION TO INTERVENE

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Exhibit 1	Declaration of KC York, Founder and President, Trap Free Montana
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Applicants and proposed Intervenors Trap Free Montana, Western Watersheds Project, Wolf and Wildlife Advocates, and Alliance for the Wild Rockies (“Conservation Groups”) respectfully request the Court enter an order granting Conservation Groups leave to intervene in this action as a matter of right, pursuant to Montana Rule of Civil Procedure 24(a)(2) or, alternatively, permissively pursuant to Montana Rule of Civil Procedure 24(b).

Counsel for Conservation Groups has contacted counsel for both parties, who oppose the motion.

Additional support addressing Conservation Groups’ right to intervene is set forth below, which Conservation Groups amended only to re-upload Exhibit 4 because it had become corrupted when submitted to the E-Filing system. Conservation Groups’ proposed pleading is attached in accordance with Mont. R. Civ. P. 24(c).

INTRODUCTION

In 2021, Montana overhauled its primary wolf management laws by, in part, requiring that Defendant Montana Fish and Wildlife Commission (the Commission) establish hunting and trapping seasons for wolves “with the intent to reduce the wolf population in this state to a sustainable level, but not less than the number of wolves necessary to support at least 15 breeding pairs.” Mont. Code Ann. § 87-1-901(1). This legislation, among others, “resurrect[ed] many of the management practices and policies responsible for the prior extirpation of the Gray Wolf from the West.” *Ctr. for Biological Diversity v. U.S. Fish & Wildlife*

Dist. LEXIS 150500, at *40 (D. Mont. Aug. 5, 2025). Conservation Groups staunchly opposed the 2021 wolf management laws because they guaranteed the destruction Montana’s wolf population after Conservation Groups and countless partners had worked for years to reestablish the species. *See* Ex. 1, York Decl. ¶¶ 12–16.

Plaintiffs’ suit seeks to accelerate the slaughter of wolves beyond what is contemplated, let alone required, by the 2021 laws. In support of the claims in their suit, Plaintiffs have contorted discretionary provisions of Montana’s wolf management laws into mandatory directives. For instance, whereas Plaintiffs seem to assert that Montana Code Annotated § 87-1-901(1) requires the Commission to reduce the wolf population to a sustainable level, the statute in fact only requires the Commission to promulgate rules “with the intent” of achieving sustainable levels. As recently as August 2024, a court found that nearly identical language in Montana’s elk management statute did not impose a clear duty on the same Defendants to adopt the plaintiffs’ preferred, more aggressive elk harvest policies and denied mandamus relief.

Plaintiffs also misstate key statistics and figures about wolf management in Montana in an attempt to paint the Commission as holding back on the killing of wolves. For example, whereas Plaintiffs claim the Commission’s quota is inadequate under Montana law, the Commission in August 2025 actually authorized the most

aggressive wolf hunt since the Montana legislature passed the guiding wolf management statute in 2021.

Plaintiffs also seek to misconstrue the guarantee of Article IX, Section 7 of the Montana Constitution that the state will “preserve[]” the “opportunity to harvest wild fish and wild game” into a “fundamental right to hunt.” Doc. 1 ¶ 118. Accepting Plaintiffs’ proposition that the Commission’s rejection of a Plaintiffs’ wish list of wolf regulations, including an even higher wolf harvest quota and an expanded hunting season into wolf birthing season, is a violation of Article IX, § 7 would effectively nullify the Commission’s ability to promulgate any rules and restrictions on hunting, as they would be seen as an infringement on what Plaintiffs seem to believe is an absolute, fundamental right to hunt. Underscoring the error of Plaintiffs’ interpretation of the language of Article IX, § 7 is the fact that the Montana legislature has repeatedly rejected even proposing to Montana voters the reconfiguration of the amendment into a fundamental right to hunt and trap, including in the 2021 and 2023 legislative sessions. Ex. 1 ¶ 14, 17.

Conservation Groups seek to intervene in this action to ensure that the Court is presented with an accurate factual record and reading of the law in Montana, as well as to protect their members’ unique interests in wolf conservation in Montana. Conservation Groups have played key, and often leading, roles in wolf legislation, litigation, advocacy, and education in Montana, and Plaintiffs’ success in this action

would undermine those efforts. Further, Defendants cannot adequately represent those interests, as Conservation Groups already steadfastly disagree with Defendants' existing policy of slashing wolf populations and allowing aggressive hunting and trapping practices. Since the present lawsuit seeks to unlawfully accelerate the open season on wolves, Conservation Groups are compelled to intervene to defeat this suit.

DISCUSSION

Intervention under M. R. Civ. P 24 is “designed to protect nonparties from having their interests adversely affected by litigation conducted without their participation.” *In re Estate of Johnson*, 2024 MT 224, ¶ 17, 418 Mont. 198, 557 P.3d 36. Intervention is granted either as a matter of right under Rule 24(a)(2) or permissively under Rule 24(b).

I. Intervention as a matter of right is appropriate.

A party may intervene as a matter of right under Rule 24(a)(2) if (1) the motion is timely; (2) the movant shows an interest in the subject matter of the action; (3) the movant shows that the protection of the interest may be impaired by the disposition of the action; and (4) the movant shows that the interest is not adequately represented by an existing party. *In re Estate of Johnson*, ¶ 18. Conservation Groups meet each requirement.

A. Conservation Groups’ motion to intervene is timely.

Conservation Groups’ motion is timely. “Timeliness is determined from the particular circumstances surrounding the action[.]” *Id.* at 131–32, 827 P.2d at 811.

In evaluating timeliness, the court considers:

(1) the length of time the intervenor knew or should have known of its interest in the case before moving to intervene; (2) the prejudice to the original parties, if intervention is granted, resulting in from the intervenor’s delay in making its application to intervene; (3) the prejudice to the intervenor if the motion is denied; and (4) any unusual circumstances mitigating for or against a determination that the application is timely.

In re Adoption of C.C.L.B., 2001 MT 66. ¶ 24, 305 Mont. 22, 22 P.3d 646 (Mont. 2001).

Here, Conservation Groups sought to intervene as soon as they learned of the suit. Plaintiffs filed their complaint on September 30, 2025. News outlets first reported on the lawsuit on or about October 6, 2025. *See e.g.*, Sam Wilson, *Lawsuit alleges not enough wolves being killed in Montana*, Bozeman Daily Chronicle, Oct. 6, 2025, https://www.bozemandailychronicle.com/news/lawsuit-alleges-not-enough-wolves-being-killed-in-montana/article_1484a7a3-1ddb-57fc-89f6-2454bf57a554.html. Defendants appeared on October 16, 2025. Plaintiffs moved to intervene just four days later. A scheduling order has not been issued, and no motions have been filed. It was not possible to file this request any earlier. Further, given the

infancy of the case, the existing parties are not prejudiced by the timing of Conservation Groups' motion.

In contrast, denying the motion to intervene would be highly prejudicial to Conservation Groups. Each group has a long history of advocating for wolf preservation in Montana. *See infra*, Section I.B (discussing Conservation Groups' interest in this case). As this lawsuit has the potential to decimate wolf populations in Montana, Conservation Groups must intervene to protect their interests.

Last, there are not particularly unusual circumstances that reflect on the timing of this motion, as Conservation Groups filed this as early as possible.

For these reasons, the motion is timely.

B. Conservation Groups have a protectable interest which is the subject of this litigation, and those interests would be impaired by the outcome of this case.

Conservation Groups have an interest in the subject matter of this litigation. To show an interest in the subject matter of the litigation, the party seeking intervention must make a prima facie showing of a "direct, substantial, legally protectable interest in the proceedings." *Sportsmen for I-143 v. Mont. Fifteenth Jud. Dist. Ct.*, 2002 MT 18, ¶ 9, 308 Mont. 189, 40 P.3d 400 (citation and internal quotation marks omitted). This is a "practical, threshold inquiry, and no specific legal or equitable interest need be established." *Citizens for Balanced Wilderness Use v. Mont. Wilderness Ass'n*, 647 F.3d 893, 897 (9th Cir. 2011). Courts routinely

find that an interest can arise from an applicant's efforts to protect wildlands or wildlife. *See, e.g., Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525, 528 (9th Cir. 1983) (holding that the National Audubon Society had the right to intervene in a suit challenging the actions of the Department of Interior regarding the development of a bird conservation area given the Audubon Society's interest in the preservation of birds and their habitat); *see also Lujan v. Defenders of Wildlife*, 504 U.S. 555, 562–63 (1992) (“Of course, the desire to use or observe an animal species, even for purely esthetic purposes, is undeniably a cognizable interest for purpose of standing.”).

As set forth in the attached declarations and the proposed pleading, Conservation Groups and their members are dedicated to wolf preservation in Montana and across the West and committed to thwarting attempts to harm the wolf population, through both reduction or other injury. Conservation Groups have for years testified in front of and submitted public comments to the Montana legislature and Defendants on proposed wolf bills and rules, sued on behalf of the wolves in state and federal court, and spent time and money on public education and advocacy. *See* Ex. 1 ¶¶ 6–19 Ex. 2, Molvar Decl. ¶¶ 8–11, 13; Ex. 3, Garrity Decl. ¶¶ 5, 6; Ex. 4, Bean Decl. ¶¶ 5–16. Notably, Conservation Groups participated in preventing the passage of the bills introduced in the 2025 Montana legislative session, the content of which this suit attempts to enshrine in law through the judicial system. *See* Ex. 1 ¶ 19; Ex. 2 ¶¶ 10, 13; Ex. 4 ¶¶ 6–9. Conservation Groups also participated in

preventing Representative Fielder’s 2021 and 2023 proposed constitutional amendments to make hunting, fishing, and trapping a right from passage and from reaching Montana voters. *See* Ex. 1 ¶¶ 14, 17.

Also of note, in 2024, Trap Free Montana, Western Watersheds Project, and Alliance for the Wild Rockies sued the U.S. Fish & Wildlife Service for rejecting a petition to relist the gray wolf on the Endangered Species Act in the Northern Rocky Mountains due to the “alarming new pressures on wolves from state management in Montana, Idaho, and Wyoming.” Complaint ¶ 145, *Ctr. for Biological Diversity v. U.S. Fish & Wildlife Serv.*, CV 24-86-M (D. Mont. June 18, 2024).¹ A court in the U.S. District Court for the District of Montana agreed in an August 2025 decision, noting that “the state management regimes in Montana and Idaho changed dramatically in 2021, resurrecting many of the management practices and policies responsible for the prior extirpation of the gray wolf from the West.” *Ctr. for Biological Diversity v. U.S. Fish & Wildlife Serv.*, CV 24-86-M, 2025 U.S. Dist. LEXIS 150500, at *40 (D. Mont. Aug. 5, 2025). The court ultimately rejected the Service’s decision to deny the plaintiffs’ petition, in part because the court found the Service had “no reasonable basis to conclude that Montana’s wolf management commitments are adequate to protect the species from extirpation.” *Id.* at *117.

¹ Applicant-Intervenors have attached this complaint for the convenience of the Court. Ex. 5.

If Plaintiffs succeed in their suit here, the pressures found by a Montana federal court to be a path towards extirpation of the gray wolf would increase, likely bursting past a point of no return for a species that only recently recovered from extinction. Any widespread removal of wolves from the Montana landscape would devastate the interests of Conservation Groups and their members in enjoying wolves for their ecological, aesthetic, recreational, spiritual, scientific, educational, and inherent value. *See* Ex. 1 ¶¶ 19, 20; Ex. 2 ¶¶ 15, 24; Ex. 3 ¶ 9; Ex. 4 ¶ 17, 20. Further, Plaintiffs' success in this suit would effectively nullify Conservation Groups' extensive wolf conservation advocacy work, including their successful efforts to prevent the passage of the wolf legislation discussed *supra* that Plaintiffs seem to be trying to use the judicial system to enshrine into law and Conservation Groups' success in the relisting case in the Montana federal court. *See* Ex. 1 ¶¶ 6–19; Ex. 2 ¶¶ 8–11, 13; Ex. 3 ¶¶ 5, 6; Ex. 4 ¶¶ 5–16.

For these reasons, Conservation Groups can show that they have a protectable interest which is the subject of this litigation, and that those interests would be impaired if Plaintiffs succeed in this suit.

C. The rights of Conservation Groups are not adequately protected by the existing parties.

Third, Conservation Groups' interest is not adequately represented by any existing party. Plaintiffs are seeking to effectively extinguish the wolf population in Montana. Defendants, though more conservative in their approach, also are seeking

to reduce the wolf population to as small as possible without triggering a federal takeover of management. *See Ctr. for Biological Diversity*, 2025 U.S. Dist. LEXIS 150500, at *40. Conservation Groups, meanwhile, have dedicated their time, money, and, for some, their lives to combatting the assault on wolves in Montana. That assault has been perpetuated by not only Plaintiffs but also Defendants in, for instance, setting aggressively high hunting quotas for wolves, permitting violent and unsporting methods of hunting and trapping, refusing to adopt scientifically-sound techniques for estimating the true wolf population and instead relying on a controversial method that likely overestimates wolf populations, and ignoring the voices of the majority of Montanans participating in legislative and administrative processes in order to effectuate the extreme desires of politicians. *See* Ex. 1 ¶ 21; Ex. 3 ¶ 8; Ex. 4 ¶¶ 5, 10, 12, 14, 15.

In short, the voice of wolf conservation, which Conservation Groups have spearheaded in this state, is absent from this suit. Given the dire consequences to wolves if Plaintiffs succeed, Conservation Groups have a right to intervene to ensure that their interests are represented.

II. Alternatively, permissive intervention is proper.

Permissive intervention is proper when a party makes a timely motion and when the party has a claim or defense that shares a common question of law or fact

with the main action. Intervention under Rule 24(b) “is largely committed to the sound discretion of the trial court.” *In Re Adoption of C.C.L.B.*, ¶ 30.

As previously discussed, Conservation Groups’ intervention is timely. Conservation Groups’ claims also share common questions of law and fact with the issues raised in the Complaint. Conservation Groups seek to prevent the decimation of wolf populations by, among other extreme policies, the increase in wolf hunting quota and an expansion of the wolf hunting season that Plaintiffs desire. Conservation Groups have for years fought against these kinds of efforts through litigation, testimony in front of the legislature and Commission, public comment, public education, and other advocacy contexts for years. Conservation Groups deeply understand the issues raised in the case and therefore are well situated to analyze the law and facts raised in the Complaint to defend against them.

Intervention also furthers judicial economy. Rule 24(b) is a “judicial efficiency rule. It is used to avoid delay, circuitry and multiplicity of actions.” *Loftis v. Loftis*, 2010 MT 49, ¶ 9, 335 Mont. 316, 227 P.3d 1030 (internal citations omitted). Permitting Conservation Groups to intervene now, rather than force them to file a separate lawsuit against Defendants if a writ of mandamus was issued, eliminates the need for future, duplicative litigation.

Accordingly, permissive intervention is also appropriate.

CONCLUSION

Conservation Groups respectfully request that the Court grant them leave to intervene in this action as a matter of right, or, alternatively, permissively because it has a significant interest in the questions at issue in this action.

DATED this 20th day of October, 2025.

/s/ Elizabeth Forster
ELIZABETH FORSTER
MT Bar No. 68806760
Forster Law, PLLC
P.O. Box 30342
Billings, MT 59107
(203) 856-5791
liz@forster-law.com

Attorney for Applicant-Intervenors

EXHIBIT 1

Elizabeth Forster
Montana Bar No. 68806760
Forster Law, PLLC
P.O. Box 30342
Billings, MT 59107
(203) 856-5791
liz@forster-law.com

Attorney for Applicant-Intervenors

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Defendants.

Case No. DV-45-2025-84-DK

Hon. Judge John A. Mercer

KC YORK DECLARATION

Pursuant to 28 U. S. C. § 1746, I, KC York, declare under penalty of perjury
that the following is true and correct:

1. I reside in Hamilton, Montana. I am over 18 years of age and competent to
testify. I have personal knowledge of each of the facts set forth below.

2. I am a member, the President of the Board of Directors, and Founder of Trap Free Montana, a 501(c)(3) nonprofit.
3. We became a charitable nonprofit in 2016 and represent about 1,500 members, predominantly from Montana, and from diverse backgrounds, including, hunters, ranchers, former trappers, scientists, hikers, dog lovers, outdoor enthusiasts, wildlife watchers and photographers.
4. My educational background is in wildlife biology and psychology with emphasis in child and animal behavior.
5. For 15 years, Trap Free Montana has been committed to increasing public awareness and education about trapping in Montana.
6. Since 2015, I, on behalf of Trap Free Montana, have been actively involved in the last six Montana legislative sessions regarding bills concerning wolves, trapping, and related subjects.
7. I have provided written, verbal, and in-person comment on multiple legislative attempts to enshrine trapping as a protected right into our Montana state constitution.
8. In 2018, I attended the multiple all-day trapping advisory committee meetings across the state and provided information and public comment when permitted. Later, I served on the Montana Fish, Wildlife, and Park's Region 2 trap-setback committee.

9. In the 2019 legislative session, there were approximately five bills related to trapping and to wolves. Trap Free Montana wrote the language for two bills. One was a mandatory daily trap check bill which was based on other states' similar regulations. Having agreed to work with the trappers during the Trapping Advisory Committee, the other bill Trap Free Montana wrote was for mandatory trapper education. The bill incorporated much of the language the Montana Fish and Wildlife Commission had previously approved. Both bills were quickly tabled, with trappers predominately objecting.
10. Because of the legislators increasing familiarity with us, Trap Free Montana was among a handful who were asked to introduce themselves to the Fish and Wildlife Committee at the start of one of the sessions.
11. Unlike the previous sessions that had few trapping and wolf bills, the 2021 Montana legislative session featured closer to a dozen bills. A pattern had developed in legislative sessions concerning bills to reduce the Montana elk population followed or preceded by bills aimed at using every 'tool in the toolbox' to reduce the wolf population.
12. War was declared on wolves in the 2021 Montana legislative session, with bills designed to kill more wolves and with more means of unfair chase. Opponents of these bills, including members of Trap Free Montana and myself, dominated overwhelmingly in written and verbal comments.

Initially, proponents of the anti-wolf bills did not even appear to provide public comment. When they eventually did, their participation was comparatively scarce in number. Unlike previous sessions, Fish, Wildlife, and Parks rarely provided an informational witness at the hearings. The bills that passed included extending the wolf trapping season another month; allowing the snaring of wolves, night hunting and with vision aides on private land, hunting over bait; and, Senator Bob Brown's, SB314, seeking to reduce the wolves to a sustainable level with a minimum necessary to support at least 15-breeding pairs. A relaxed version of the mandatory trapper education program passed with liberal exceptions. A bounty bill for the reimbursement of costs to kill wolves, which failed in 2019, easily passed in 2021. Trapping reform bills such as flagging or breakaways on snares on public land were quickly tabled. Trap Free Montana testified for-or-against all of them 19 times and, if they advanced, in both chambers.

13. In 2021, Trap Free Montana arranged for reputable experts to testify regarding the proposed bill to allow snaring of wolves, but they never got to provide public comment. With the large and overwhelming number registered to oppose the anti-wolf bills, a common theme quickly emerged in the legislative session, and personal comments were commonly limited to a minute or minute and a half, as were the overall time allotted per side. Thus,

many opposed to anti-wolf bills never were able to speak beyond stating their name and perhaps where they were from.

14. A 2021 constitutional amendment, HB367, sponsored by Representative Paul Fielder, was aimed to make hunting, fishing, and trapping a right. It failed by a vote of three on the Senate floor.
15. Over the past decade I, on behalf of Trap Free Montana, have also been consistently involved in providing written and verbal comment to the Montana Fish and Wildlife Commission regarding annual wolf and furbearer trapping proposals.
16. I, representing Trap Free Montana, wrote and spoke to the Commission in opposition to the maximum proposed wolf regulations from the egregious 2021 anti-wolf bills. Of the three options the Commission was presented by the Fish, Wildlife and Parks, we advocated for the least restrictive and less injurious options to kill wolves, which also would have reduced potential harm and deaths to other animals as well.
17. The 2023 Montana legislative session appeared to be a clean-up, tighten up, and tie it in a knot strategy designed to strengthen the anti-wolf legislative agenda passing in 2021 and reduce transparency. Over a dozen bills were introduced regarding wolves, bears, trapping, and related bills. A highly effective company was discovered using a software that successfully

generated tens of thousands of individually appearing emails in support of the anti-wolf and related bills. A person could provide any name, any email, and be provided with 30-90 individualized messages and various subject lines on the same topic to choose and have it then automatically sent to the legislators or Fish and Wildlife commissioners. Their state of residence was not disclosed. These emails flooded legislators and commissioners mailboxes, far overshadowing ours to even be seen, let alone read; while creating a false measure of dramatic support for the anti-wolf and related bills. This facade has continued into the present. The group boasted on their website that they sent over 40,000 messages in support of HB372 to the legislators. HB372 was another return of a constitutional amendment for a right to hunt and trap bill, by Representative Paul Fielder, which failed to pass as the House did not vote on the amended version before the non-debatable motion to "sine die." Again, Trap Free Montana provided public comment on all.

18. In 2023, Trap Free Montana submitted public comment objecting to the proposed Montana 2025 wolf plan draft and the no-alternative and preferred-alternatives in the EIS used to rationalize it. Among our objections, we wrote that “the plan proclaims that wolves are now well-established but does not provide the best available science to support that claim.” We also wrote

that the plan failed to disclose the public's increasing opposition of these unfair chase allowable methods to kill wolves, omitted Native Americans cultural and spiritual beliefs, and did not acknowledge the support of stakeholders to contribute monetarily to wolf management and to gain a seat at the table. Our comments further pointed out the contradiction between the wolf management plan's objective to enhance transparency and the actual waning of transparency with the wolf management plan's false, subjective, or partial information regarding trapping. Further, we noted that the plan incorrectly considered the additional mortality causes to wolves, *e.g.* by poaching, vehicle strikes, private landowners under SB200, as negligible, and incorrectly declared that the 2025 wolf plan draft would "approach wolf management similar to other species," despite plain evidence to the contrary.

19. The 2025 Montana legislative session saw an uptick in more aggressive wolf bills, in essence, putting the war declared on wolves on steroids and via an ongoing well-orchestrated agenda. Trap Free Montana remained diligent in providing public comment. Amendments were common and unlike what Trap Free Montana had previously witnessed. Votes this session were basically along party lines, with generally only two to three Republicans, if any, crossing over to oppose anti-wolf bills. The exceptions were a few extreme bills which failed with enough bipartisan objection. HB176,

sponsored by Representative Shannon Maness, would have required an unlimited wolf quota as long as wolves were believed to be at a population of 550 or more. It did not pass. HB258, sponsored by Representative Paul Fielder, would have required the extension of the wolf trapping season for another 3 months, ending June 15, to align with the black bear spring season. It also failed. Notably, the Fish, Wildlife, & Parks expressed at the hearing on HB258 that a season into the whelping period could compromise IPOM, the method used to estimate the wolf population. Representative Lukas Schubert's HB222, which would have declared open season on wolves until the population was at or below 650 wolves, also failed. Among the bills that passed, SB219 expanded the 'bounty bill' for the reimbursements for killing wolves to those as a potential threat to human, pet, or livestock and without a license under former SB200. Representative Paul Fielder's HB259 expressly allowed the use of thermal and infrared for night hunting of wolves on private land. Importantly, though, the provision Representative Fielder included in his first draft of the bill that would have required that the Commission "shall" apply different gray wolf management techniques in subsection 2 of MCA § 87-1-901 was edited out on a second reading, keeping subsection 2's language that the Commission "may" apply different wolf management techniques in place, including thermal and infrared for

night hunting. Representative Brandon Ler's HB554, which eliminated the requirement to reclassify wolves then as game or furbearer, passed, while Representative Jamie Isaly's HB101, a previously heard bill which would have would have reclassified wolves as furbearers, failed. Trap Free Montana believes the former is a set-up for wolves to be deemed predators in the future, thereby eliminating or severely removing regulations.

20. It is abhorrent if this suit by anti-wolf extremists were to succeed. What Plaintiffs did not achieve in the legislative session, they then tried to implement through the Commission. They were angered when the Commission did not implement their extreme demands, and now have filed this suit to try to push them through. In Trap Free Montana's years of active participation in both the Montana legislature and the Commission meetings, we have witnessed the emergent and committed motive to stop at nothing to extirpate wolves in Montana again. This would be devastating to an increasing and overwhelming number of us. We live and others visit Montana for the wildlife. Wolves belong and are imperative to a healthy ecosystem. To continue this slaughter and without even knowing how many wolves are left is to send them over the brink.
21. We have little to no faith in the Fish, Wildlife, and Parks and the Commission to defend wolves. They have their marching orders.

Repeatedly, the Commission majority has passed the buck and ignored the science, which they were commonly not privy too, or had no interest in. The Commission also lacks the biological educational background to begin with. Fish, Wildlife, and Parks has embraced the legislature by catering to the minority of special interests. Over the last 5 years, it has instilled the protocol within the department to do as you are told, and by muting, reassigning, firing, or resulting in the resignation of credible and well-respected staff. In the past 5 years, we have witnessed an exodus from the Fish, Wildlife, and Parks from what was once a reputed highly stellar department. Since 2021, Trap Free Montana and the other wolf advocates have dominated in public comment opposing the war declared on wolves, only to be ignored and fall on deaf ears. In 2021, over 25,000 comments were submitted to the Commission. Trap Free Montana completed the cumbersome tabulation of those identified as Montanan's public comments that were personalized individualized comments. From those, 2 out of 3 Montanans were in opposition to the goal of killing more wolves and the methods prescribed. Fish, Wildlife, and Parks, said for Montanans it was basically a 50:50 split. No, it was at least 66% in opposition who were Montanans.

22. Permitting Trap Free Montana and its co-Applicant-Intervenors to intervene

in this case would ensure that their unique interests in wolf preservation, which has often been at odds with the goals of the State of Montana, are adequately represented in Plaintiffs' attempt to extirpate Montana's wolves.

Executed this 17th day of October, 2025.

A handwritten signature in cursive script, appearing to read "KC York".

KC York, Founder/President
Trap Free Montana

EXHIBIT 2

Elizabeth Forster
Montana Bar No. 68806760
Forster Law, PLLC
P.O. Box 30342
Billings, MT 59107
(203) 856-5791
liz@forster-law.com

Attorney for Applicant-Intervenors

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Hon. Judge John A. Mercer

ERIK MOLVAR DECLARATION

Pursuant to 28 U. S. C. § 1746, I, Erik Molvar, declare under penalty of perjury that the following is true and correct:

1. I reside in Medford, Oregon. I am over 18 years of age and competent to testify. I have personal knowledge of each of the facts set forth below.
2. I am the Executive Director and a member of Western Watersheds

Project (“WWP”), a nonprofit conservation group working to protect and restore watersheds and wildlife throughout the West. I have served in this position since October of 2016. I am also an active member of and donor to WWP, and have been continuously since 2016.

3. I hold a Master of Science degree in Wildlife Management from the University of Alaska Fairbanks. Beginning in 1993, my published scientific research has focused primarily on how risk of predation by wolves and grizzly bears influenced the evolution of herd behavior in Alaskan moose (*Alces alces gigas*), and how moose foraging influences ecosystem processes. I was able to document that predation risk from wolves and grizzly bears drove moose to aggregate into larger groups with increasing distance from forested cover, one of the prey behavioral changes later described in 1999 as “the ecology of fear” which has been attributed as the cause of regeneration of aspen groves and riparian shrub habitats following the 1995 reintroduction of wolves to Yellowstone National Park.

Western Watersheds Project’s Interests in Protecting Wolves and Other Large Carnivores in Montana and Across the West

4. Western Watersheds Project is a non-profit, membership conservation organization, which is headquartered in Hailey, Idaho, with offices or staff in Montana, Idaho, Washington, Arizona, Oregon, Nevada, California, Colorado, and Utah. The organization is an IRS 501(c)(3) charitable entity.

5. Western Watersheds Project has over 14,000 members and supporters

throughout the United States, including in Montana. Through the efforts of our staff, members, directors, supporters, and volunteers, Western Watersheds Project is actively engaged in seeking to protect and preserve watersheds, native habitats, fish and wildlife, and other natural resources on public lands across the West.

6. A substantial part of our work is focused on protecting rare, threatened, and endangered wildlife and the habitats upon which they depend. Western Watersheds Project and our members value native species for the unique and irreplaceable role each one plays in healthy native ecosystems on western public lands.

7. Western Watersheds Project has long been active in efforts to protect and restore wolves throughout their natural range across the American West. Wolves are adaptable generalists, and are ecologically appropriate for restoration to and preservation in all of their native range, including in Montana.

8. Western Watersheds Project has long been active in protecting and advocating for wolves throughout the state of Montana. Along with attending the recent Wildlife Commission meeting in August 2025, WWP also participated in the 2025 Montana state legislative session, attending wolf-related bill hearings virtually and providing written public comments to legislators as they considered legislation that would impact Montana's wolf populations. In July 2024, WWP provided comments to the state Wildlife Commission regarding the hunting of

wolves in Montana near Yellowstone National Park (YNP) and the impacts these killings were having on wolf packs within YNP. Alongside our allies, WWP also provided extensive scoping comments on the draft FWP Wolf Management Plan in April 2023. WWP will continue to engage in wolf management planning and legislation through public participation and comment processes when available.

9. Western Watersheds Project has undertaken a wide array of activities to protect and restore gray wolves and their native habitats, including gathering and disseminating scientific information; educating the government officials and the public; commenting on federal land management plans and development approvals to encourage more responsible stewardship of wolves and their habitats; as well as bringing litigation intended to help protect wolves and their native habitats.

10. Western Watersheds Project has filed numerous legal challenges against the killing and persecution of wolves in Montana and the rest of the West. In 2008, WWP joined 13 other groups in suing to challenge the delisting of wolves in Montana, Idaho, and Wyoming. Congress passed a rider circumventing the lawsuit and facilitating the de-listing. In 2012, WWP joined a lawsuit challenging the de-listing of wolves in Wyoming (that de-listing decision was overturned by litigation from a separate plaintiff group). In 2014, WWP sued to block a wolf and coyote killing contest in Salmon, Idaho, which resulted in the event being abandoned by its organizers. The following winter, WWP and allies challenged the

illegal radio-collaring of wolves using helicopters in the Frank Church – River of No Return Wilderness, a lawsuit that we won. WWP subsequently challenged USDA Wildlife Services wolf-killing programs in Idaho and Montana, achieving settlements that in certain cases restrict the use of M-44 ‘cyanide bombs,’ block the killing of wolves in certain areas or under certain circumstances, and otherwise restrict the killing and harassment of wolves. In 2021, WWP joined a lawsuit challenging the 2020 nationwide de-listing of wolves, and prevailed in District Court, restoring Endangered Species Act protections in most states. Also in 2021, WWP joined a lawsuit challenging the State of Idaho’s wolf trapping regulations, winning a 2024 victory that closed wolf trapping for 9 months of the year across half of the state. In 2024, WWP challenged the U.S. Fish and Wildlife Service decision to withhold Endangered Species Act protections for wolves in Montana, Wyoming, and Idaho, winning a victory on the merits in August 2025 in part because the Fish and Wildlife Service had no reasonable basis to conclude that Montana’s wolf management commitments are adequate to protect the species from extirpation.

11. WWP has also been a nationwide leader in advocacy for wolves in the public policy arena. We have advocated against state plans that prioritize wolf killing for sport and in reprisal for livestock depredations. We have lobbied in Congress against bills to force wolf delisting by circumventing the science-based

decision process required by the Endangered Species Act. In 2021, we authored the petition to re-list wolves in the states where they remain federally unprotected. We have published opinion-editorial columns inveighing against anti-wolf actions, from bounties for wolf-killing to commercial trapping to running down wolves with snowmobiles for sport. We have sponsored in-person public presentations as well as several online webinars in support of wolf protection and recovery. Our leadership on wolf conservation has been recognized in news articles worldwide.

12. Many of Western Watersheds Projects members (likely a heavy majority) value wolves and would rather see wolves than domestic livestock on federal public lands. I have received countless phone calls and emails from our members expressing their admiration for wolves and exhorting us to do our utmost to protect them. Our members are commonly asked to express their support for wolf recovery to government agencies and political leaders, and they comply with great enthusiasm.

13. Western Watersheds Project's members have expressed a strong interest in preventing the extreme wolf management techniques which Plaintiffs seek to require Defendants to adopt, notably by attending hearings on the quota and season-extension bills virtually and providing written public comments to legislators as they considered this legislation; attending the August 2025 Commission meeting during which the Commission considered Plaintiffs'

management requests; and providing extensive scoping comments on the draft FWP Wolf Management Plan in April 2023.

14. Our membership is heavily weighted toward westerners who spend a great deal of their leisure (and sometimes work) time in the outdoors, on public lands. They engage in camping, hiking, cross-country skiing, photography, rafting, and numerous other activities in the current or original habitat of gray wolves, including in Montana. Many WWP members have expressed a desire to see wolves in the wild on Montana's public lands, and their opportunity to view, hear, and enjoy wolves in their native habitat is diminished or destroyed, by the decimation or elimination of wolves that would inevitably occur if Plaintiffs succeed in this lawsuit.

15. Plaintiffs' attempt to accelerate the decimation of wolf populations in Montana that the state's wolf management program already has initiated would irreparably harm the interests of WWP members by robbing them of the opportunity to view and enjoy wolves during the course of their recreational pursuits on lands throughout Montana.

**Plaintiffs' Attempt to Accelerate the Eradication of Wolves in Montana
Harms My Personal Interests**

16. I currently reside in Medford, Oregon, having lived here for two weeks. Prior to this, I lived in Santa Ynez California since January 2024. Prior to

this move, I resided in Wyoming for 24 years.

17. From a very young age, I have been fascinated with wolves. As a teenager, I watched the 1983 movie *Never Cry Wolf*, adapted from the Farley Mowat novel about a graduate student who traveled to the Canadian sub-Arctic to study wolf behavior, finding that the wolves that had been blamed for reducing caribou populations were actually subsisting on mice. This movie was part of my inspiration to enter the field of wildlife biology. While studying for a Bachelor of Science in Wildlife Biology at the University of Montana, my interest in wolves led me to write a term paper on the Nelchina Herd controversy, in which wolves were blamed by leading caribou biologist Tony Bergerud for population declines in Alaska's Nelchina caribou herd, a conclusion ultimately debunked in 1985 by Forest Service researcher Victor ("Vic") van Ballenberghe, who was able to demonstrate that the caribou population crash was instead caused by a series of deep-snow winters causing poor calf recruitment paired with excessive human hunting harvest on the declining population.

18. I eventually traveled to the Alaskan sub-Arctic in 1990 to become a graduate student and study moose behavior at the Institute of Arctic Biology, and one of my scientific colleagues who became a co-author on one of my journal articles on moose was Vic van Ballenberghe. There, I had multiple opportunities to observe wolves in the wild, including one time where I was surrounded by howling

wolves and their pups. Knowing I was in no danger from wolves since they avoid humans, I was able to take in every detail of the light hitting the trees, the deep blue of the sky, the snow-capped crags of the Alaska Range, and the symphony of howling wolves surrounding me. I remember this moment in vivid detail.

19. When I returned to the Lower 48, I became an author of hiking and backpacking guidebooks, including guides to Glacier National Park and the Bob Marshall Wilderness in Montana, spending months at a time in the backcountry of the American West. But even though the national parks and wilderness areas I was exploring and describing had once been strongholds for the wolf, I never once saw one or heard one howl, because they had been extirpated through killings authorized by state wolf management programs, including Montana's, and effectuated by the livestock industry and, at times, overzealous and misguided sportsmen.

20. In 2000, I was hired as a professional conservationist by a Wyoming nonprofit that later came to be called Biodiversity Conservation Alliance, where I worked on wolf advocacy issues for more than a decade, including in the 2012 lawsuit to re-list wolves in Wyoming. During that time, in 2013, while hunting pronghorn in the northwestern Red Desert, I saw a lone black wolf traveling across the sagebrush. This was the first time I saw a wolf in the Lower 48 states. For many years, I told no one of this wolf sighting, out of concern that it would attract

the attention of wolf haters who would seek to kill the animal.

21. I also have traveled to Yellowstone National Park on more than a dozen occasions, and looked specifically for wolves (including, on one occasion, with NPS wolf biologist Doug Smith), but for years I never saw one there. In November 2024, I attended a meeting of wolf researchers and advocates in Yellowstone's Lamar Valley, and on this trip I was able to observe several wolf packs, including watching wolves and a grizzly bear contest an elk kill on the edge of Slough Creek. My ability to enjoy wolf viewing opportunities like these outside the National Park are impaired by the decimation of wolf populations outside Park borders in Montana—including in Montana Fish, Wildlife, & Parks Region 3—as well as Wyoming and Idaho.

22. I regularly travel to western public lands, including those in Montana, that are the current and/or original habitat of gray wolves, for the purpose of camping, hiking, backpacking, photography, nature study, wildlife viewing, and appreciation of archaeological and historical sites. Each year, I undertake one or more expeditions through the West, often with one or more of my children. Over the past year, these journeys included the Sierra Nevada Mountains, the Skull Valley of Utah, Glacier National Park, and Wyoming's Red Desert. In addition, I make numerous other forays to public lands each year. Within the past year, additional forays have included Rocky Mountain National Park in Colorado, the

Los Padres National Forest in California, the Salmon-Challis National Forest of Idaho, Montana's Big Hole River, and Grand Teton National Park in Wyoming. Every three or four years, I revise each guidebook, including (relevant to this case) my books *Hiking Glacier National Park* and *Hiking Montana's Bob Marshall Wilderness*, and for each revision I do a field visit to the area described. I watch for wolves, and signs of wolves, wherever I travel on public lands. Spotting signs of wolves, or wolves themselves, is a thrilling experience. I plan to continue to travel to these lands, including those in Montana.

23. As a professional scientist and published ecologist, I also have a deep appreciation for the existence value of wolves, and the key ecological role they play in maintaining natural ecological balance of healthy ecosystems. This appreciation goes beyond the academic knowledge that wolves can rebalance ecosystems damaged by their absence, by creating an "ecology of fear" that prevents native herbivores like elk and deer from overbrowsing shrubs and damaging ecologically important streamside habitats. My interests in restoring healthy wolf populations in Montana are directly harmed by policies that decimate wolf populations and render them unable to occupy their natural niche in Montana ecosystems.

24. My interests in and enjoyment of western public lands and wildlife are amplified by sighting wolves or detecting signs or sounds of this species, and

conversely are substantially harmed by being unable to see or hear wolves or their sign. The potential decimation of the wolf populations in Montana if Plaintiffs succeed in this litigation would directly harm my interests by further reducing wolf populations, and by impairing my ability to view and photograph due to scarcity and increased behavioral avoidance of humans due to aversive conditioning by expanded hunting and trapping.

25. Permitting WWP and its co-Applicant-Intervenors to intervene in this case would ensure that their unique interests in wolf preservation, which have often been at odds with the goals of the State of Montana, are adequately represented in Plaintiffs' attempt to extirpate Montana's wolves.

Executed this 16th day of October, 2025 in Medford, Oregon.


Erik Molvar

EXHIBIT 3

Elizabeth Forster
Montana Bar No. 68806760
Forster Law, PLLC
P.O. Box 30342
Billings, MT 59107
(203) 856-5791
liz@forster-law.com

Attorney for Applicant-Intervenors

**MONTANA TWENTIETH JUDICIAL DISTRICT COURT,
SANDERS COUNTY**

OUTDOOR HERITAGE COALITION,
REPRESENTATIVE SHANNON
MANESS, REPRESENTATIVE PAUL
FIELDER, and CRAIG NEAL,

Plaintiffs,

vs.

THE MONTANA FISH AND WILDLIFE
COMMISSION, and MONTANA
DEPARTMENT OF FISH, WILDLIFE &
PARKS,

Defendants.

Case No. DV-45-2025-84-DK

Hon. Judge John A. Mercer

MICHAEL GARRITY DECLARATION

Pursuant to 28 U. S. C. § 1746, I, Michael Garrity, declare under penalty of perjury that the following is true and correct:

1. I reside in Helena, Montana. I am over 18 years of age and competent to testify. I have personal knowledge of each of the facts set forth below.

2. I am the Executive Director and a member of Alliance for the Wild Rockies (“the Alliance”), a nonprofit conservation group working to protect habitat for native species in the Northern Rockies, including wolves. I have served in this position since August 2002. I am also an active member of and donor to the Alliance and have been continuously since 1990.

3. The Alliance was formed in 1988 to meet the challenge of saving the Northern Rockies Bioregion from habitat destruction. The Alliance is comprised of approximately 2,000 individuals, business owners, and organizations taking a bioregional approach to protect and restore this great region. Our mission is to secure the ecological integrity of the Wild Rockies Bioregion through citizen empowerment and the application of conservation biology, sustainable economic models and environmental law. The organization actively promotes the conservation of biological corridors between wilderness areas so that grizzlies, lynx, wolves, bison, and countless other native species can not only survive, but thrive. This case implicates the organizational interests of the Alliance and its members and supporters.

4. The Alliance’s approximately 2,000 members and supporters live and recreate throughout the United States, including in Montana, Utah, Idaho, Arizona, Oregon, Washington, Wyoming, and California. Through the efforts of our staff, members, directors, supporters, and volunteers, the Alliance is actively engaged in

seeking to protect habitat for native species including wolves on public lands in the Northern Rockies. Our members have educational, scientific, spiritual, recreational, and aesthetic interests in wolves, wolf conservation, and their recovery across the western United States. The Alliance's members also have a strong interest in ensuring the State of Montana's compliance with its own wolf management statutes. The Alliance's members have a further interest in defending their interests in wolves, wolf conservation, and their recovery from non-governmental persons and organizations.

5. The Alliance has long been active in efforts to protect and restore wolves throughout their natural range across the American West. Wolves are adaptable generalists and are ecologically appropriate for restoration to all of their native range. The Alliance uses education and strategic litigation to protect and conserve wolves across their historic habitat. For example, our organization educates the public about the impacts of and the end goal of state wolf "management plans" in Montana—which is to once again exterminate wolves from the Northern Rockies. We have raised awareness regarding the out-of-control wolf slaughter authorized by Montana's laws, including bounties, shoot on sight, traps, snares, night scopes, and aerial gunning.

6. In furtherance of its interests in protecting and conserving wolves in the western United States, the Alliance has filed numerous legal challenges against

the killing and persecution of wolves. In 2008, the Alliance joined 13 other groups in suing to challenge the delisting of wolves in Montana, Idaho, and Wyoming. However, in 2011 Congress passed a rider overturning our court victory and facilitating the delisting of the species in those states. The Alliance and two co-plaintiffs sued again in 2011 to challenge the rider. Then, in 2012, the Alliance joined a lawsuit challenging the delisting of wolves in Wyoming. The Alliance also joined a 2024 lawsuit against the U.S. Fish & Wildlife Service challenging its rejection of the Alliance and co-plaintiffs' petition to relist the wolves under the Endangered Species Act.

7. The Alliance and its members' interests in securing the ecological integrity of Montana and the greater Northern Rockies, including protecting and restoring wolves in the western United States, is threatened by Plaintiffs' attempt to accelerate the already-aggressive pace of the killing of wolves in Montana. I and our members believe that we need to ensure that we have a viable metapopulation of wolves in the Northern Rockies and western United States, which is the only way to ensure that they will survive and recover over the long run. This means having a sufficient number of wolves in the western United States, sufficient effective migration and connectivity amongst subpopulations, and limiting the high levels of human-caused mortality currently occurring, especially in Montana. I personally and professionally believe that Plaintiffs' lawsuit seriously threatens the

viability of wolf populations in Montana generally and in a way not supported by Montana's existing management statutes.

8. Already, the Alliance and its members are concerned about Montana's "management" of wolves and the lack of federal protections for this iconic species. We believe the number of wolves being shot and trapped across Montana threatens the ability to maintain a viable, connected population. The reliance of Montana's government upon badly biased and therefore unreliable wolf population models is resulting in an overestimation of total wolf populations by as much as 50%, creating a dangerously misleading situation for state decision-makers that in turn threatens wolf populations. Plaintiffs' lawsuit seeks to intensify the already aggressive, unscientific management decisions, which will irreparably harm the Alliance's and my personal interest in wolf conservation. The Alliance will be unable to achieve its mission of conserving this Bioregion and its critical biological corridors for wolves if Plaintiffs succeed in this lawsuit, as it will further accelerate the loss of genetic viability in Montana's wolf population. Once inbreeding occurs, the genetic damage is irreversible. And given my disagreement with Montana's current wolf "management" regime, I do not believe Defendants can adequately represent the Alliance's interests in wolf conservation.

9. I am also personally interested in wolves and their conservation. I first saw a wolf on the Clark Fork River in the summer of 1991 or 1992 at the

Beavertail State Park about 30 miles east of Missoula, MT. I also saw a wolf eating a dead deer off of I-15 just south of Boulder, MT in the early 1990s. In August 2005, I was in a Forest Service campground at the base of Lewis and Clark Pass and heard three wolves that were surrounding me and my hiking partners, howling to each other. Seeing wolves and hearing them howl in the wild is an experience I will never forget and has made me want to work even harder to ensure that wolves will be in Montana, the Northern Rockies, and western United States over the long run. Plaintiffs' requested relief would do the opposite by amplifying the already out-of-control slaughter of wolves by the State of Montana, and thereby harming my educational, scientific, recreational, and aesthetic interest in wolves and their recovery.

Executed this 16th day of October, 2025, in Helena, Montana.

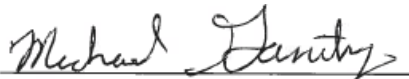

Michael Garrity, Executive Director
Alliance for the Wild Rockies

EXHIBIT 4

Elizabeth Forster
Montana Bar No. 68806760
Forster Law, PLLC
P.O. Box 30342
Billings, MT 59107
(203) 856-5791
liz@forster-law.com

Attorney for Applicant-Intervenors

**MONTANA TWENTIETH JUDICIAL DISTRICT COURT,
SANDERS COUNTY**

OUTDOOR HERITAGE COALITION,
REPRESENTATIVE SHANNON
MANESS, REPRESENTATIVE PAUL
FIELDER, and CRAIG NEAL,

Plaintiffs,

vs.

THE MONTANA FISH AND WILDLIFE
COMMISSION, and MONTANA
DEPARTMENT OF FISH, WILDLIFE &
PARKS,

Defendants.

Case No. DV-45-2025-84-DK

Hon. Judge A. Mercer

KIM BEAN DECLARATION

Pursuant to 28 U. S. C. § 1746, I, Kim Bean, declare under penalty of perjury that the following is true and correct:

1. I am the Founder and President of Wolf and Wildlife Advocates (WAWA), a nonprofit conservation group committed to protecting wolves and other wildlife populations. I have served in this position since November 2024.

2. WAWA was formed in 2024 to continue to advocate for wolves to live free on their native lands by working with livestock producers, creating relationships, and implementing non-lethal tools to mitigate livestock conflict. WAWA is working with cutting edge technology to help producers before the problems begin. WAWA is comprised of approximately 1,000 individuals, business owners, and organizations in Montana, Wyoming, and Colorado taking a bioregional approach to protect and restore this great region. Our mission is to preserve wolves and other native carnivores in their natural habitats, allowing them to thrive without persecution. We achieve this through collaboration with producers and the implementation of non-lethal mitigation strategies, as well as legislative and legal advocacy. This case implicates the organizational interests of WAWA and its members and supporters.

3. WAWA's approximately 1,000 members and supporters live and recreate throughout the United States, including in Montana. Our members and supporters have educational, scientific, spiritual, recreational, and aesthetic interests in wolves, wolf conservation, and their recovery across the western United States. WAWA's members also have a strong interest in ensuring the State of Montana's compliance with its own wolf management statutes. WAWA's members have a further interest in defending their interests in wolves, wolf

conservation, and their recovery from non-governmental persons and organizations.

4. I have been testifying at Montana legislative sessions since 2013 and has been a vocal presence at Montana Fish and Wildlife Commission (Commission) meetings since 2011.

5. As a staunch opponent of Integrated Population Occupancy Modeling (IPOM), which the Montana Fish, Wildlife, and Parks (MTFWP) uses to estimate Montana's wolf population, I have been challenging MTFWP on the accuracy and integrity of this method for counting wolves since its inception.

6. In 2025, WAWA testified against numerous anti-wolf bills presented during the legislative session, including Representative Paul Fielder's HB259, which aimed to revise fish and wildlife commission techniques for gray wolf management, stating that the bill was extreme and unnecessary given the questionable actual number of wolves in the landscape. After the most extreme part of this partisan bill, which would have required rather than permitted the Commission to implement certain wolf management techniques, was removed, the bill ultimately passed into law.

7. WAWA also testified against another bill by Representative Fielder, HB258, which sought to extend the wolf hunting season it whelping, or birthing, season. We cited the fallacies of IPOM, the killing of pups, and other ethical

concerns in our testimony. The sponsor had controversially stated, “When I spray weeds to control weed problems, I not only spray the mature weeds, I spray the seedlings, too.”

8. WAWA also opposed Representative Shannon Maness’s HB176, which proposed an unlimited wolf hunting quota when the population is at or above 450 wolves. This bill failed in the Senate.

9. Additionally, WAWA testified against HB222, which aimed to create an open wolf hunting season until the population reached 600 or fewer. We cited the fallacies of IPOM and questioned the actual number of wolves present. This bill failed in the House.

10. On August 21, 2025, WAWA, along with numerous supporters and board members, testified at the Commission meeting against the current and implemented policies. We challenged the MTFWP to complete a physical count of wolves to support the implementation of these extreme management measures.

11. The wolf killings in WMU 313 and WMU 316, which border the northern boundary of Yellowstone National Park, are not based on scientific data, livestock conflict, or habitat issues; they represent a targeted effort against Yellowstone wolves. Moreover, WAWA testified that the livelihoods in Yellowstone are being adversely affected by the killing of wolves, which attract

visitors from all over the world, specifically to see them. Wolves contribute more than \$80 million a year to the Greater Yellowstone Ecosystem economy.

12. WAWA also highlighted that Regions 1 and 2, which have small pockets with low ungulate numbers, are suffering from overgrazing, habitat loss due to climate change and human encroachment. They pointed out that MTFWP has not conducted an elk count in over a decade, making it difficult to determine the actual number of elk. Wolves are bearing the consequences of human-caused issues based solely on the MTFWP's research and data.

13. Before founding WAWA, I served as the President of Wolves of the Rockies, an organization dedicated to protecting and defending the wolves of Yellowstone National Park and the Rocky Mountains through advocacy and education. I was a driving force behind the 2023 Yellowstone Wolf Summit held in Gardiner, MT. The Summit aimed to educate attendees through presentations by experts from Wyoming Fish and Game, biologists, ethical hunters, advocacy groups, and Yellowstone National Park officials. During the event, the Superintendent of Yellowstone National Park presented Kim with the Superintendent Exemplary Service and Support Coin, an award recognizing exceptional contributions by park staff, volunteers, or members of the public who have significantly aided the park.

14. At the August 2023 MTFWP Commission meeting, we rallied supporters from across Montana to testify against the upcoming wolf management plan—over 100 people voiced their opposition. I emphasized the need for a diverse wolf advisory group to discuss the future of wolves in Montana. I argued that, unlike other animals such as elk and birds, the MTFWP is resistant to changes that might disrupt the commercialization of public resources and the killing of wolves and other predators. I also called for conducting a physical wolf count and highlighted the need to establish a quota of one in WMU 313 on the northern range of Yellowstone National Park.

15. In 2022, Wolves of the Rockies filed a lawsuit against the MTFWP for failing to respond to records requests, which violated our constitutional right to know. In 2023, we won the lawsuit, and the department acknowledged its violation of state law by not releasing public documents to a wolf advocacy group. The department agreed to a consent decree to ensure compliance with constitutional and public meeting laws moving forward.

16. In 2022, I contributed to a published article titled "A New Era of Wolf Management Demands Better Data and a More Inclusive Process," in the journal *Conservation Science and Practice*, which discussed the urgent need for improved data and a more inclusive approach to wolf management.

17. I also have knowledge of the value and threats of radio-collaring wolves, as authorized by Mont. Code Ann. § 87-5-132. Though radio-collaring wolves can serve educational and research purposes, as they are in Yellowstone National Park, radio-collaring also is deployed as a tactic to track and hunt down wolves in areas where they are allowed to be killed. When a wolf is radio-collared, the wolf targeted is often the alpha in the pack because where the alpha goes, the pack goes. In areas where wolves are not protected, this alpha wolf is effectively used as a “Judas” wolf, in that the wolf is tracked actually to locate a full pack to kill. In other words, the collared wolf is a Judas because it unknowingly leads its pack to their death. The collared wolf is often left alive so that when they find a new mate and produce a new litter of pups, they can be tracked down again and their pack killed. This tactic is often employed by the U.S. Department of Agriculture-Animal and Plant Inspection Service’s program Wildlife Services, as well as private individuals, to track and kill wolves in large numbers.

18. The interests of WAWA and its supporters in preserving wolves and other native carnivores in their natural habitats are threatened by the Plaintiffs’ desire to aggressively pursue and kill an already questionable number of wolves in Montana. Our supporters and I believe that wolves hold both ecological and intrinsic value in their native lands. It is essential to maintain safeguarded populations within their natural habitats to ensure connectivity and viability for the

future survival of these important animals. I believe that the Plaintiffs' lawsuit poses a significant threat to the survival of wolves in Montana.

19. We have significant concerns about the survival of wolves in Montana due to an aggressive management plan driven by special interests rather than scientific evidence. MTFWP, the Commission and the legislature continue to introduce more lethal tools for hunting, undermining the principle of fair chase. IPOM has faced challenges from peer-reviewed studies as well as a federal court in an August 2025 striking down the U.S. Fish & Wildlife Service's decision to deny a petition to relist wolves on the Endangered Species Act in part because the Service failed to address the serious concerns with IPOM in relying on its wolf population estimates. It was designed to assess ungulate populations (distribution), not to manage wolf abundance. MTFWP has not conducted an actual count of wolves since 2015 yet continues to rely on that outdated figure in its IPOM calculations. I, along with many researchers and biologists, believe that IPOM has significantly inflated the estimated number of wolves in Montana by as much as 50%.

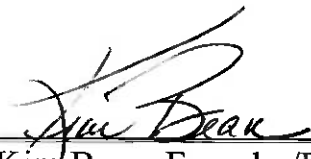
20. The 2025 Commission's decision to set the quota of 458 wolves could reduce the population to under 200. The plaintiffs' lawsuit poses a serious risk of irreparable harm to the wolf population in Montana, furthering the persecution of

native carnivores without a foundation in sound science, but rather influenced by special interests.

21. I have a deep and personal interest in wolves and have spent over 20 years in Yellowstone National Park. The first time I saw a wolf in the wild was in 2004, when I observed a gray wolf chasing a bison down the slope of Jasper Bench in Lamar Valley. A kind gentleman offered me his Leopold spotting scope, and witnessing this moment was exhilarating—it was even more amazing than I had imagined. From that day forward, my life changed dramatically. I dedicated as much time as possible to the park, following the Hayden Valley Pack and learning about their movements, hunting behaviors, and how they raised their young. I hiked and backpacked into Hayden Valley to observe them from a distance. I am fascinated by how humans and wolves mirror one another. When the Cottonwood Pack was tragically killed in 2009, I realized it was time for my passion to shift toward advocacy. I moved to Montana and embarked on this journey to be a voice for wolves. I have taken many people into Yellowstone to experience the howl of a wolf and witness their playful and hunting behaviors. Everyone I introduced to these wolves experienced a profound change as a result of the encounter. My passion for wolves in the wild fuels my mission to demonstrate that we can coexist peacefully with them

22. Permitting Wolf and Wildlife Advocates and its co-Applicant-Intervenors to intervene in this case would ensure that their unique interests in wolf preservation, which has often been at odds with the goals of the State of Montana, are adequately represented in Plaintiffs' attempt to extirpate Montana's wolves.

Executed this 17th day of October, 2025, in Greeley, Colorado.



Kim Bean, Founder/President
Wolf and Wildlife Advocates

EXHIBIT 5

Kelly E. Nokes
Montana Bar No. 39465862
Western Environmental Law Center
P.O. Box 218
Buena Vista, CO 81211
575-613-8051
nokes@westernlaw.org

Matthew K. Bishop
Montana Bar No. 9968
Western Environmental Law Center
103 Reeder's Alley
Helena, MT 59601
406-324-8011
bishop@westernlaw.org

Counsel for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

WESTERN WATERSHEDS PROJECT, a
non-profit organization; THE
INTERNATIONAL WILDLIFE
COEXISTENCE NETWORK, a non-profit
organization; WILDEARTH GUARDIANS, a
non-profit organization; NIMIIPUU
PROTECTING THE ENVIRONMENT, a
non-profit organizations; ALLIANCE FOR
THE WILD ROCKIES, a non-profit
organization; FRIENDS OF THE
CLEARWATER, a non-profit organization,
WILDERNESS WATCH, a non-profit
organization; PREDATOR DEFENSE, a non-
profit organization; TRAP FREE
MONTANA, a non-profit organization; and
PROTECT THE WOLVES, a non-profit
organization,

No.

COMPLAINT

Plaintiffs,

vs.

MARTHA WILLIAMS, in her official capacity as Director of the U.S. Fish and Wildlife Service; UNITED STATES FISH AND WILDLIFE SERVICE, a federal agency; DEB HAALAND, in her official capacity as Secretary of the Interior; and the UNITED STATES DEPARTMENT OF THE INTERIOR, a federal department,

Federal-Defendants.

INTRODUCTION

1. Plaintiffs bring this civil action against the above-named Federal Defendants (collectively, the “Service”) under the citizen suit provision of the Endangered Species Act (“ESA”), 16 U.S.C. § 1540(g), and under the Administrative Procedure Act (“APA”), 5 U.S.C. § 706, for violations of the ESA.

2. This case challenges the Service’s Finding for the Gray Wolf in the Northern Rocky Mountains and Western United States, 89 Fed. Reg. 8,391 (Feb. 7, 2024) (herein, “not-warranted finding” or “finding”).

3. Specifically, this case challenges the Service’s finding that the Western United States (“Western U.S.”) gray wolf (*Canis lupus*) distinct population segment (“DPS”) does not warrant listing as an endangered or threatened species under the ESA.

4. The Service prepared a gray wolf species status assessment (“SSA”) in response to petitions submitted by conservation organizations requesting that ESA protections for gray

wolves in the Congressionally-created and Congressionally-delisted region of the Northern Rocky Mountains (“NRM”) be reinstated, or alternatively, that gray wolves in the NRM be included in a broader, Western U.S. DPS and be afforded the full protections of the ESA.

5. Based on the SSA, the Service issued a not-warranted finding. In short, the Service determined that while the western population of gray wolves qualified as a DPS, they did not find the Western U.S. gray wolf DPS meets the definition of threatened or endangered under the ESA. Neither the law nor the best available science supports the Service’s finding.

6. The 2024 not-warranted finding followed shortly after the Service’s most recent attempt to delist all gray wolves in the lower 48 states was rejected by the courts. In *Defenders of Wildlife v. U.S. Fish & Wildlife Serv.*, 584 F. Supp. 3d 812 (N.D. Cal. 2022), the court vacated the Service’s 2020 delisting rule and reinstated ESA protections for wolves outside of the NRM, finding the Service had arbitrarily rejected the importance of wolves outside of core population centers in order to delist gray wolves throughout the lower 48 states in violation of the ESA. *Id.*

7. Plaintiffs – a coalition of conservation organizations dedicated to ensuring the survival and recovery of gray wolves and other imperiled wildlife in the Western U.S. – are thus compelled to bring this civil action. The Service’s finding that gray wolves in the Western U.S. DPS do not meet the definition of threatened or endangered is arbitrary, capricious, an abuse of discretion, and not in accordance with the ESA.

JURISDICTION

8. This Court has jurisdiction over this action under 28 U.S.C. § 1331, 16 U.S.C. § 1540(g), and 5 U.S.C. § 704.

9. This Court has the authority to review the Service's action(s) and/or inaction(s) complained of herein and grant the relief requested under 16 U.S.C. § 1540(g) and 5 U.S.C. § 706.

10. Plaintiffs exhausted all available administrative remedies. All requirements for judicial review required by the ESA are satisfied. Plaintiffs provided defendants a sixty-day notice of intent to sue letter in accordance with the ESA via email on February 7, 2024. Plaintiffs also sent the letter via U.S. Postal Service certified mail on February 7, 2024. These letters notified each defendant of Plaintiffs' intent to file a civil action to rectify legal violations described in the letter. More than sixty-days have elapsed since all defendants were given notice of Plaintiffs' intent to sue. Defendants acknowledged receipt of Plaintiffs' notice letter and informed Plaintiffs that they had no intention of rectifying the identified violations via a letter signed on April 1, 2024. All requirements for judicial review required by the APA are satisfied.

11. The relief sought is authorized by 28 U.S.C. § 2201, 28 U.S.C. § 2202, 16 U.S.C. § 1540, and 5 U.S.C. § 706.

12. Venue is proper in this Court under 16 U.S.C. § 1540(g)(3)(A) and 28 U.S.C. § 1391(e).

13. Plaintiffs have organizational standing. Plaintiffs satisfy the minimum requirements for Article III standing. Plaintiffs – including their members, supporters, and staff – have suffered and continue to suffer injuries to their interests in gray wolves, gray wolf conservation, gray wolf habitat, and pursuing their interests in areas occupied by gray wolves caused by the Service’s not-warranted finding. This Court can redress these injuries by granting the relief requested. There is a present and actual controversy between the parties.

PARTIES

14. Plaintiff, WESTERN WATERSHEDS PROJECT, is a non-profit conservation organization dedicated to protecting and restoring wildlife and watersheds across the American West. Western Watershed Project is specifically committed to ensuring the survival and recovery of gray wolves. Western Watershed Project has approximately 14,000 active members and supporters across the Western U.S., including many who reside in Montana, Idaho, and Wyoming. Western Watersheds Project maintains a headquarters in Hailey, Idaho, and offices in Missoula, Montana and Boise, Idaho, where much of its work to conserve gray wolves occurs. Western Watersheds Project brings this action on behalf of itself, its members, and its supporters.

15. Plaintiff, INTERNATIONAL WILDLIFE COEXISTENCE NETWORK, is a non-profit conservation organization dedicated to providing expert interdisciplinary assistance, training, collaboration, and shared research to enable communities around the globe to coexist with wildlife. International Wildlife Coexistence Network is specifically committed

to ensuring the survival and recovery of gray wolves. International Wildlife Coexistence Network has approximately 80,000 active supporters across the Western U.S., including many who reside in Montana, Idaho, and Wyoming. International Wildlife Coexistence Network maintains an office in Boise, Idaho, where much of its work to conserve gray wolves occurs. International Wildlife Coexistence Network brings this action on behalf of itself, its members, and its supporters.

16. Plaintiff, WILDEARTH GUARDIANS, is a non-profit conservation organization dedicated to protecting and restoring the wildlife, wild places, wild rivers, and the health of the American West. WildEarth Guardians is specifically committed to ensuring the survival and recovery of gray wolves. WildEarth Guardians has approximately 179,000 active members and supporters across the Western U.S., including many who reside in Montana, Idaho, and Wyoming. WildEarth Guardians maintains an office in Missoula, Montana, where much of its work to conserve gray wolves occurs. WildEarth Guardians brings this action on behalf of itself, its members, and its supporters.

17. Plaintiff, NIMIIPUU PROTECTING THE ENVIRONMENT, is a non-profit conservation organization that exists to carry on time-honored sustainable environmental practices in the tradition of the Nimiipuu by facilitating and organizing tribal youth and adults in activities for the protection, enhancement, and promotion of mother earth and the Nimiipuu culture. Nimiipuu Protecting the Environment is specifically committed to ensuring the survival and recovery of gray wolves. Nimiipuu Protecting the Environment has approximately 100 active members and supporters across the Western U.S., including

many who reside in Montana and Idaho. Nimiipuu Protecting the Environment maintains an office in Moscow, Idaho, where much of its work to conserve gray wolves occurs.

Nimiipuu Protecting the Environment brings this action on behalf of itself, its members, and its supporters.

18. Plaintiff, ALLIANCE FOR THE WILD ROCKIES, is a non-profit conservation organization dedicated to the protection and preservation of the native biodiversity of the Northern Rockies Bioregion, its native plant, fish, and animal life, and its naturally functioning ecosystems. Alliance for the Wild Rockies is specifically committed to ensuring the survival and recovery of gray wolves. Alliance for the Wild Rockies has approximately 2,000 active members and supporters across the Western U.S., including many who reside in Montana, Idaho, and Wyoming. Alliance for the Wild Rockies' registered office is in Missoula, Montana, where much of its work to conserve gray wolves occurs. Alliance for the Wild Rockies brings this action on behalf of itself, its members, and its supporters.

19. Plaintiff, FRIENDS OF THE CLEARWATER, is a non-profit conservation organization dedicated to protecting the ecological integrity of the public lands of Idaho's Wild Clearwater Country, which encompasses the wild breaks of the Salmon River to the headwaters of the St. Joe River, and from the peaks of the Bitterroot Range to the depths of Hells Canyon. Friends of the Clearwater is specifically committed to ensuring the survival and recovery of gray wolves. Friends of the Clearwater has approximately 900 active members and supporters across the Western U.S., including many who reside in Montana, Idaho, and Wyoming. Friends of the Clearwater maintains an office in Moscow,

Idaho, where much of its work to conserve gray wolves occurs. Friends of the Clearwater brings this action on behalf of itself, its members, and its supporters.

20. Plaintiff, WILDERNESS WATCH, is a non-profit conservation organization dedicated to the protection and proper stewardship of the National Wilderness Preservation System and the wildlife living there. Wilderness Watch is specifically committed to ensuring the survival and recovery of gray wolves. Wilderness Watch has approximately 52,000 active members and supporters across the Western U.S., including many who reside in Montana, Idaho, and Wyoming. Wilderness Watch maintains an office in Missoula, Montana, where much of its work to conserve gray wolves occurs. Wilderness Watch brings this action on behalf of itself, its members, and its supporters.

21. Plaintiff, PREDATOR DEFENSE, is a non-profit conservation organization dedicated to protecting essential native predators, teaching coexistence, and ending America's war on wildlife. Predator Defense is specifically committed to ensuring the survival and recovery of gray wolves. Predator Defense has approximately 24,000 active supporters across the Western U.S., including many who reside in Montana, Idaho, and Wyoming. Predator Defense maintains an office in Eugene, Oregon, where much of its work to conserve gray wolves occurs. Predator Defense brings this action on behalf of itself, its members, and its supporters.

22. Plaintiff, TRAP FREE MONTANA, is a non-profit conservation organization dedicated to connecting hearts and minds through science, truths in trapping, and compassion for wildlife, biodiversity, coexistence, and responsible stewardship. Trap Free

Montana is specifically committed to ensuring the survival and recovery of gray wolves. Trap Free Montana has approximately 1,500 active members and supporters across the Western U.S., including many who reside in Montana, Idaho, and Wyoming. Trap Free Montana maintains an office in Hamilton, Montana, where much of its work to conserve gray wolves occurs. Trap Free Montana brings this action on behalf of itself, its members, and its supporters.

23. Plaintiff, PROTECT THE WOLVES, is a non-profit conservation organization founded by Tribal Members that advocates for the preservation and protection of wolves and other wildlife in North America and around the world. Protect the Wolves strives to safeguard the religious beliefs of Native Americans and believes it is essential to educate the younger generation about the significance of conserving and protecting sacred wolves. Protect the Wolves is specifically committed to ensuring the survival and recovery of gray wolves. Protect the Wolves has approximately 54,000 supporters across the Western U.S., including many who reside in Montana, Idaho, and Wyoming. Protect the Wolves maintains an office in Lucerne Valley, California, where much of its work to conserve gray wolves occurs. Protect the Wolves brings this action on behalf of itself, its members, and its supporters.

24. Plaintiffs have members and supporters who have standing to pursue this civil action in their own right and their interests in gray wolves and gray wolf conservation (at stake in this case) are germane to their respective organization's purposes.

25. Plaintiffs' members, supporters, and staff are dedicated to ensuring the long-term survival and recovery of gray wolves in the Western U.S. and in ensuring the Service complies with the ESA and bases all listing decisions on the best available science.

26. Plaintiffs' members, supporters, and staff understand the importance of listing for gray wolves and what it means to gray wolf conservation in the Western U.S. Plaintiffs' members, supporters, and staff also understand the importance of complying with the law, regulations, and policy, and applying the best science when making important decisions about listing species under the ESA.

27. Plaintiffs' members, supporters, and staff live in or near and/or routinely recreate in or near areas occupied by gray wolves. Plaintiffs' members, supporters, and staff enjoy observing – or attempting to observe – and studying gray wolves, including signs of the gray wolf's presence and/or photographing gray wolves in areas where the species is known to rendezvous, travel, and occur. The opportunity to view gray wolves or signs of gray wolves in the wild by itself is of significant interest and value to Plaintiffs' members, supporters, and staff and increases their use and enjoyment of areas where gray wolves may still exist.

28. Plaintiffs' members, supporters, and staff derive aesthetic, recreational, scientific, inspirational, educational, spiritual, and other benefits from gray wolves and working to conserve gray wolves in the Western U.S. Plaintiffs' members, supporters, and staff enjoy working to protect and restore gray wolves in the Western U.S. In furtherance of these interests, Plaintiffs' members, supporters, and staff have worked and continue to work to conserve gray wolves. Ensuring the Service evaluates the ESA's threat factors, complies with

the ESA, and utilizes the best available science when making listing decisions is a key component of Plaintiffs' interests in gray wolves and gray wolf conservation.

29. The Service's not-warranted finding has harmed, is likely to harm, and will continue to harm Plaintiffs' interests in gray wolves and gray wolf conservation. Instead of finding gray wolves in the Western U.S. DPS (including gray wolves in the Congressionally-created and Congressionally-delisted NRM) are warranted for listing and then applying the additional protections and conservation measures afforded by the ESA which are designed to conserve the species (e.g., federal management authority, prohibitions on take, consultation, recovery planning, designating critical habitat, etc.) gray wolves now remain without federal protections in the Congressionally-created and Congressionally-delisted NRM. Additionally, the lack of a consistent management framework for gray wolves across the Western U.S. fails to provide for connectivity and genetic diversity, and fails to ensure that a cohesive plan that allows gray wolves to recover is being implemented. This has harmed and will continue to harm Plaintiffs' interests in gray wolves and gray wolf recovery.

30. Plaintiffs' interests have been, are being, and unless the requested relief is granted, will continue to be harmed by the Service's 2024 not-warranted finding.

31. If this Court issues the relief requested the harm to Plaintiffs' interests will be alleviated and/or lessened.

32. Federal-Defendant MARTHA WILLIAMS is sued in her official capacity as Director of the U.S. Fish and Wildlife Service. As Director, Ms. Williams is the federal official with responsibility for all Service officials' actions and/or inactions challenged in this case.

33. Federal-Defendant UNITED STATES FISH AND WILDLIFE SERVICE is an agency within the United States Department of the Interior that is responsible for applying and implementing the federal laws and regulations challenged in this case.

34. Federal-Defendant, DEB HAALAND, is sued in her official capacity as Secretary of the Interior. As Secretary, Ms. Haaland is the federal official with responsibility for all Service officials' actions and/or inactions challenged in this case.

35. Federal-Defendant, the UNITED STATES DEPARTMENT OF THE INTERIOR, is the federal department responsible for applying and implementing the federal laws and regulations challenged in this case.

BACKGROUND

The Gray Wolf (*Canis lupus*)

36. Gray wolves are the largest wild members of the canid (dog) family and have a broad circumpolar range. This photo of a gray wolf was taken by the National Park Service:



37. Adult gray wolves range in weight from 40 to 175 pounds, depending on sex and geographic locale.

38. Gray wolves are highly territorial, social animals that live and hunt in packs.

39. Gray wolves are well adapted to travelling fast and far in search of food, and to catching and consuming large mammals.

40. Gray wolves in North America primarily eat mammals, including deer, elk, and other species.

41. Gray wolves successfully occupy a wide range of habitats if sufficient prey availability exists and human-caused mortality is adequately regulated. High-quality, suitable habitat generally exists in areas with sufficient prey where human-caused mortality is relatively low due to limited human access, there are high amounts of escape cover, or there is a relatively low risk of wolf-livestock conflicts.

42. Where human-caused mortality is low or nonexistent, gray wolf populations are partly influenced by the distribution and abundance of prey on the landscape. Density-dependent, intrinsic mechanisms (e.g., social strife, territoriality, and disease) may limit gray wolf populations when ungulate densities are high.

43. Gray wolf pack structure is relatively adaptable, and breeding members may be replaced from within or outside the pack, and pups may be reared by other pack members if their parents die.

44. Gray wolf dispersal capabilities allow wolf populations to expand and recolonize vacant habitats as long as rates of human-caused mortality are not excessive. The rate of

gray wolf recolonization may be impacted by the extent of intervening unoccupied habitat between the source population and areas to be recolonized.

The Gray Wolf's Decline in the Contiguous United States

45. Hundreds of thousands of gray wolves likely ranged across the Western U.S. and Mexico. However, the gray wolf's range and numbers declined significantly throughout the 19th and 20th centuries as the result of human-caused mortality from poisoning, trapping, and shooting, and from government-funded programs of gray wolf eradication and were extirpated in the western United States by the 1940s.

46. Historically (at the time of European settlement), the gray wolf's range included most of North America, and consequently, most of the lower 48 United States, except in the far southeastern region of the country. By 1974, the species had been eliminated from most of its historical range, and occurred only in small populations in Minnesota and on Isle Royale, Michigan.

47. Today, gray wolves exist primarily in two metapopulations: one covering the Western Great Lakes states of Minnesota, Wisconsin, and Michigan; and the other in the Congressionally-created and Congressionally-delisted Northern Rocky Mountains region of Montana, Idaho, and Wyoming ("NRM"). A small number of recolonizing gray wolves can be found in the Pacific Northwest (or "West Coast") states of Oregon, Washington, and California as well. Additionally, a small number of wolves currently reside in Colorado as the result of a recent reintroduction effort that began with the release of ten wolves in December 2023 and January 2024.

48. As of the end of 2022, states estimated that there were approximately 2,797 wolves in 286 packs across seven states. As of the end of 2022, it was estimated that there were approximately 2,682 wolves in the NRM and 115 wolves outside of the NRM.

49. As of 2022, the Service alleges there were approximately 1,087 wolves in Montana.

50. As of 2022, the Service alleges there were approximately 958 wolves in Idaho.

51. As of 2022, the Service alleges there were approximately 338 wolves in Wyoming.

52. As of 2022, the Service alleges there were approximately 178 wolves in Oregon.

53. As of 2022, the Service alleges there were approximately 216 wolves in Washington.

54. As of 2022, the Service alleges there were approximately 18 wolves in California.

55. As of 2022, the Service alleges there were approximately 2 wolves in Colorado.

56. A number of lone dispersing wolves have been documented outside of the Great Lakes and NRM metapopulations in all states within the historical range of the gray wolf west of the Mississippi River, except in Oklahoma and Texas. Since the early 2000s, individual gray wolves have been confirmed and reported in the following states: Vermont, Massachusetts, New York, Indiana, Illinois, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Utah, Arizona, and Nevada.

57. The Service acknowledges that there are substantial areas of modeled wolf habitat in the Western U.S. that are currently unoccupied, particularly in the central and southern Rocky Mountains (i.e., Colorado and Utah) with studies indicating that these areas could potentially support 600 to 2,000 wolves combined. The Service acknowledges that

northern California, western Oregon, and western Washington also contain substantial areas of wolf habitat.

58. Although gray wolves are starting to make a comeback in select areas of the United States, the species has yet to achieve self-sustaining populations in much of their historic habitat across vast portions of the Western U.S., including in the West Coast states of Oregon, Washington, and California, and the Southern and/or Central Rocky Mountains region, including the states of Colorado, Utah, Nevada, and northern New Mexico.

The Gray Wolf's Listing History Under the ESA

59. Gray wolves were among the first species granted federal protections, first under the legislative predecessors to the ESA, the Endangered Species Preservation Act of 1966 and the Endangered Species Conservation Act of 1969, and subsequently under the ESA of 1973, as amended.

60. The entities listed in the 1978 gray wolf listing rule included: (1) an endangered population at the taxonomic species level (*C. lupus*) throughout the contiguous United States and Mexico; and (2) a threatened population in Minnesota.

61. At the time of the 1978 listing, human-caused mortality was identified as a primary threat to the species.

62. At the time of the 1978 listing, there were approximately 1,235 wolves in Minnesota remaining.

63. The Service has made multiple failed attempts to remove gray wolves from the list of threatened and endangered wildlife.

64. In 2003, the Service attempted to designate three separate DPSs of gray wolves and reclassify their status. 68 Fed. Reg. 15,804 (April 1, 2003). The 2003 rule designated an Eastern DPS and reclassified it as threatened under the ESA. The 2003 rule designated a Western DPS and reclassified it as threatened under the ESA. The 2003 rule designated a Southwestern United States and Mexico DPS and reclassified it as endangered under the ESA. The 2003 rule delisted the gray wolf in unoccupied non-historical range.

65. The 2003 rule was vacated in both *Defenders of Wildlife v. Secretary, U.S. Dep't of the Interior*, 354 F.Supp.2d 1156 (D. Or. 2005) (“*Oregon Wolves*”), and in *Nat'l Wildlife Fed'n v. Norton*, 386 F.Supp.2d 553 (D. Vt. 2005) (“*Vermont Wolves*”).

66. In *Oregon Wolves*, the court held that the Service: (1) arbitrarily and capriciously failed to properly analyze whether the gray wolf was endangered or threatened in a “significant portion of its range” by failing to consider that “a species can be extinct throughout a significant portion of its range if there are major geographical areas in which it is no longer viable but once was,” 354 F.Supp.2d at 1167–68; (2) arbitrarily and capriciously applied its DPS policy to “expand the boundaries” of its proposed DPSs, which effectively decreased protections for the species outside of core recovery areas despite the fact that existing threats continue unabated, 354 F.Supp.2d at 1171; and (3) arbitrarily and capriciously failed to consider the attempt to down-list the species in vast portions of its geographic range without apply the ESA section 4(a) threat factors, 354 F.Supp.2d at 1172. As summarized by a federal appellate court later addressing the case, the *Oregon Wolves* court held that “by downlisting the species based solely on the viability of a small

population within that segment, the Service was effectively ignoring the species' status in its full range, as the [ESA] requires." *Humane Soc'y of the United States v. Zinke*, 865 F. 3d 585, 592 (D.C. Cir. 2017).

67. In *Vermont Wolves*, the court held that the Service "cannot downlist an area that it previously determined warrants an endangered listing because it 'lumps together' a core population with a low to non-existent population outside of the core area." 386 F.Supp.2d at 565. The *Vermont Wolves* court held that the Service "bypass[es] the application of the ESA in the non-core area" when it arbitrarily "expands the boundaries" of the wolf population to achieve its desired outcome to lessen federal protections for the species. 386 F.Supp.2d at 565. The *Vermont Wolves* court held that a final rule "that makes all other portions of the wolf's historical or current range outside of the core gray wolf populations insignificant and unworthy of protection" is "contrary to the plain meaning of the ESA phrase 'significant portion of its range,' and therefore is an arbitrary and capricious application of the ESA." 386 F.Supp.2d at 566.

68. In 2007, the Service attempted to designate a Western Great Lakes DPS and remove it from the list of endangered and threatened wildlife. 72 Fed. Reg. 6,052 (Feb. 8, 2007).

69. The 2007 rule was vacated in *Humane Soc'y of the United States v. Kempthorne*, 579 F. 2d 7 (D.D.C. 2008).

70. In 2008, the Service attempted to designate a NRM DPS and remove it from the list of endangered and threatened wildlife. 73 Fed. Reg. 75,356 (Feb. 27, 2008).

71. The 2008 rule was enjoined in *Defenders of Wildlife v. Hall*, 565 F. Supp. 2d 1160 (D. Mont. 2008), and subsequently vacated and remanded.

72. In 2009, the Service attempted to designate a Western Great Lakes DPS and remove it from the list of endangered and threatened wildlife. 74 Fed. Reg. 15,070 (Apr. 2, 2009). In 2009, the Service attempted to designate a NRM (except Wyoming) DPS and remove it from the list of endangered and threatened wildlife. 74 Fed. Reg. 15,123 (Apr. 2, 2009).

73. The 2009 Western Great Lakes DPS rule was vacated by *Humane Soc’y of the United States v. Salazar*, 1:09-CV-1092-PLF (D.D.C. 2009) (case settled). The 2009 NRM (except Wyoming) DPS rule was vacated by *Defenders of Wildlife v. Salazar*, 729 F.Supp.2d 1207 (D. Mont. 2010).

74. In 2011, Congress forced the Service to reissue the 2009 NRM (except Wyoming) rule designating a DPS and removing it from the list of endangered and threatened wildlife in Public Law 112-10, The Department of Defense and Full-Year Continuing Appropriations Act.

75. In 2011, the Service again attempted to designate a Western Great Lakes DPS and remove it from the list of endangered and threatened species. 76 Fed. Reg. 81,666 (Dec. 28, 2011).

76. The 2011 Western Great Lakes rule was vacated by *Humane Soc’y of the United States v. Jewell*, 76 F. Supp. 69, 110 (D.D.C. 2014). The vacatur of the 2011 Western Great Lakes rule was upheld on appeal by *Humane Soc’y of the United States v. Zinke*, 865 F. 3d 858 (D.C. Cir. 2017).

77. In *Humane Soc’y of the United States v. Zinke*, the court held that the Service failed to consider two significant aspects in its 2011 Western Great Lakes rule: (1) the impacts of partial delisting on the remnant population, and (2) the impacts of historical range loss on the already-listed species. 865 F.3d at 585.

78. In 2012, the Service attempted to remove gray wolves in Wyoming from the list of endangered and threatened species. 77 Fed. Reg. 55,530 (Sept. 10, 2012).

79. The 2012 Wyoming rule was vacated in *Defenders of Wildlife v. Jewell*, 68 F. Supp. 3d 193 (D.D.C. 2014). The vacatur of the 2012 Wyoming rule was reversed on appeal in *Defenders of Wildlife v. Zinke*, 849 F.3d 1077 (D.C. Cir. 2017). The 2012 Wyoming rule was reinstated in 2017. 82 Fed. Reg. 20,284 (May 1, 2017).

80. In 2020, the Service attempted to delist gray wolves in the coterminous United States by lumping together the Minnesota and contiguous United States and Mexico populations (excepting the Mexican wolf and red wolf subspecies populations, as well as the already Congressionally-created and Congressionally-delisted NRM population) into a singular “gray wolf entity.” 85 Fed. Reg. 69,778 (Nov. 3, 2020).

81. The 2020 rule was vacated by *Defenders of Wildlife v. U.S. Fish & Wildlife Serv.*, 584 F. Supp. 3d 812 (N.D. Cal. 2022). In *Defenders of Wildlife v. U.S. Fish & Wildlife Serv.*, the court held that the Service failed to consider threats to wolves outside of core populations of gray wolves in the Great Lakes states and NRM. *Id.* at 823–25. The court stated that while the Service had “changed its tactic since *Humane Society*,” its “flaw is the same” – the failure to

address the status of wolves outside of core populations under the statutory listing criteria violates the ESA. *Id.* at 825.

82. Currently wolves remain listed throughout the coterminous United States, except in the Congressionally-created and Congressionally-delisted NRM.

83. In the 2009 NRM delisting rule that was reissued by Congress in 2011, the Service stated that there were three scenarios that could lead to initiation of a status review and analysis of threats to determine if relisting is warranted: (1) if the population falls below the minimum NRM recovery level of ten breeding pairs of wolves and 100 wolves in either Montana or Idaho at the end of the year; (2) if the population segment in Montana or Idaho falls below 15 breeding pairs or 150 wolves at the end of the year in any one of those states for three consecutive years; or (3) if a change in state law or management objectives would significantly increase the threat to the wolf population.

State Management of Gray Wolves

84. In states where wolves are currently federally protected under the ESA, state management frameworks generally exist.

85. In Colorado, wolves are managed as an experimental population under Section 10(j) of the ESA. In Colorado, the state uses a 2023 state management plan to guide management of wolves in the state. In Colorado, lethal control may be authorized under the Section 10(j) rule that applies to wolves that have been reintroduced into the state. In Colorado, a regulated public harvest of wolves could be allowed if the species is federally delisted.

86. In California, the state uses a 2016 state management plan to guide management of wolves in the state. In California, lethal control of gray wolves could be allowed if the species is federally delisted.

87. In Nevada, the Service alleges gray wolves have always been scarce. In late-March 2024, a pack of wolves was documented in Nevada for the first time in nearly 100 years.

88. Because gray wolves are delisted in the Congressionally-created and Congressionally-delisted NRM, the states – not the Service – have management authority of over gray wolves within their respective jurisdictions.

89. The states have management authority over gray wolves in Montana, Idaho, and Wyoming, as well as in the eastern one-third of the states of Oregon and Washington, and a small portion of Utah (which constitute the boundaries of the Congressionally-created and Congressionally-delisted NRM).

90. In Utah, wolves are federally delisted as part of the Congressionally-created and Congressionally-delisted NRM in a small portion of the north-central part of the state. Elsewhere in Utah, wolves are federally listed under the ESA. In Utah, a 2005 state management plan guides wolf management in the state. In Utah, in 2010, the legislature passed SB 36, which prevents the establishment of a viable pack of gray wolves in the delisted portion of the state until wolves are federally delisted statewide. Utah Code 23-29-201. In Utah, wolves may be aggressively managed in the delisted portion of the state if documented. In Utah, a Section 10(a)(1)(A) permit provides the authority for any wolves

that travel into the state from Colorado, New Mexico, or Arizona to be captured and transported out of the state.

91. In the western two-thirds of Oregon, wolves are listed by the Service as endangered. In the eastern one-third of Oregon, wolves have been delisted and no longer benefit from the protections of the federal ESA. In Oregon, the state uses a 2019 state plan and wildlife policy to guide long-term management of wolves. In Oregon, lethal control may be authorized where the species is not federally listed. In Oregon, 86 wolves were killed from 2009 to 2022, including 8 killed by poison in 2021.

92. In the western two-thirds of Washington, wolves are listed by the Service as endangered. In the eastern one-third of Washington, wolves have been delisted and no longer benefit from the protections of the federal ESA. In Washington, the state uses a 2011 state management plan to guide management of wolves in the state. In Washington, lethal control may be authorized where the species is not federally listed.

93. Changes in recent years to state management of gray wolves in Idaho, Montana and Wyoming have significantly increased the threats to wolves.

94. Since 2011, the states of Montana, Idaho, and Wyoming have used an adaptive management approach to manage wolves with the objective of decreasing populations. The primary method to achieve population objectives is through regulated public hunting and trapping.

95. In Wyoming, wolves are classified as a trophy game animal in the northwest part of the state, and as a predatory animal elsewhere in the state.

96. In Wyoming, wolves are classified as a “predatory animal” throughout 85 percent of the state and may be shot and killed on-sight without bag limits, hunting license requirements, or limits on the method of take. In Wyoming, where wolves are managed as a predatory animal, they may be taken by any legal means year-round and without limit.

97. In Wyoming, from 2017 to 2022, an average of 28 wolves per year were reported to have been killed in the “predatory animal” zone.

98. The Service acknowledges that wolf packs are unlikely to persist in the long-term in portions of Wyoming where wolves are classified as a predatory animal.

99. In 2021, the state legislatures in Montana and Idaho each passed legislation intended to decrease the size of the wolf populations in their states. These new regulations allow for extension of hunting season lengths, increase or remove bag limits, legalize new killing methods, and include additional opportunities for reimbursement of legal killing of wolves. In Idaho and Montana, hunters and trappers can request “reimbursement” for expenses, including truck or ATV, firearm, and clothing purchases associated with the killing of wolves by reporting their wolf kills and submitting receipts to the state department of fish and game in Idaho, or to the outside organization funding the reimbursements in Montana.

100. The Service acknowledged that “[w]hile harvest rates documented in Idaho and Montana during the 2021-2022 and 2022-2023 wolf seasons are within the range of harvest rates that occurred during seasons that pre-dated these new laws ... it remains

unclear how recent statutory and regulatory changes will affect wolf abundance and distribution in each state and throughout the West in the long-term.”

101. In Montana, gray wolves are classified as a “species in need of management.” Under this classification, some of the statutory protections afforded to other species classified as game animals do not apply (i.e., the use of radio-tracking or telemetry devices to kill wolves is allowed).

102. In Montana, a 2003 state management plan has been used to guide wolf management in the state. In October 2023, the state released a draft 2023 state management plan for guiding wolf management in the state. The Service relied on the 2023 draft plan as the most recent information indicating how Montana intends to manage wolves in the future.

103. Montana’s 2023 draft plan’s objectives are to (1) maintain a viable and connected wolf population in Montana; (2) maintain authority for the state of Montana to manage wolves; (3) maintain positive and effective working relationships with stakeholders; (4) reduce wolf impacts on livestock and big game populations; (5) maintain sustainable hunter opportunities for wolves; (6) maintain sustainable hunter opportunities for ungulates; (7) increase broad public acceptance of sustainable harvest and hunter opportunities as part of wolf conservation; (8) enhance open and effective communication to better inform decisions; and (9) learn and improve over time.

104. In Montana, the 2023 draft plan contains a 450-wolf population “benchmark.”

105. In Montana, public hunting of wolves has generally been permitted since 2009. In Montana, wolf hunting regulations have become less restrictive over time. Starting in 2021-2022, the state has allowed an outside organization to reimburse individual hunters and trappers for costs associated with legal wolf killing.

106. In Montana, in 2012-2013, trapping was added as a legal method of take of wolves, hunting seasons were extended, and statewide harvest limits were removed. In Montana, in 2013-2014, the maximum number of wolves hunters or trappers could possess (the bag/harvest limit) was increased.

107. In Montana, in the 2021 legislative session, a variety of bills were introduced and codified into law impacting wolf management in the state (i.e., HB 224, HB 225, SB 267, and SB 314).

108. In Montana, in April 2021 the following regulatory changes were signed into state law intending to increase harvest opportunity and reduce wolf abundance in the state: (1) MCA 87-1-901, authorizing the use of snares to take wolves by licensed trappers; (2) MCA 87-1-304, granting the Fish and Wildlife Commission authority to extend trapping season dates; (3) MCA 87-6-214, authorizing reimbursement of costs incurred to kill wolves in Montana; and (4) MCA 87-1-901, allowing the Fish and Wildlife Commission discretion to eliminate bag limits to instead allow unlimited take on a single hunting license, authorize the use of bait to hunt wolves, and allow hunting of wolves at night on private property. Additionally, MCA 87-6-214 allows the Foundation for Wildlife Management, an outside organization that reimburses hunters for expenses for killing wolves, to legally

function in the state. These reimbursable expenses include things such as the purchase of trucks, ATVs, clothing, firearms, etc. used in the killing of wolves.

109. In Montana, the state intends to manage for a population of 450 wolves.

110. In Montana, between 2012 and 2020, an average of 245 wolves were killed per wolf hunting season.

111. In Montana, there has been a general upward trend in total hunting and trapping mortality documented that was driven primarily by increased trapper kills.

112. In Montana, in the 2020-2021 wolf hunting season, 327 wolves were killed (169 by hunters and 158 by trappers).

113. In Montana, in the 2021-2022 wolf hunting season, 273 wolves were killed (148 by hunters, 3 of which were killed at night; 125 by trappers, 20 of which were killed by snares).

114. In Montana, in the 2022-2023 wolf hunting season, 258 wolves were killed (121 by hunters, 1 of which was killed at night; 137 by trappers, 12 of which were killed by snares).

115. In Montana, after the new regulatory scheme went into effect, wolves that primarily reside in Yellowstone National Park were killed. Twenty-four wolves that primarily reside in Yellowstone National Park were legally killed outside of the Yellowstone National Park boundaries in 2021-2022 (19 were killed in Montana, 2 were killed in Idaho, and 3 were killed in Wyoming). The Service stated that it is unclear how continued killing of wolves that live primarily in Yellowstone National Park might affect Yellowstone

National Park's wolf population, including: the long-term abundance, pack social structure, reproduction, pack interactions, and interactions with prey. Cassidy et al. (2023) recently found that the legal hunting of wolves outside of Yellowstone National Park is killing enough wolves to disrupt pack social structure and cause dissolution of packs in Yellowstone National Park.

116. In Montana, since 2020, the state has used an integrated patch occupancy model (iPOM) for estimating wolf abundance in the state. iPOM incorporates an occupancy, territory, and group size model to estimate annual wolf occupancy and abundance in Montana based primarily on accounts from hunters and agency officials of wolf biology and behavior rather than intensive field monitoring. iPOM estimates may not be appropriate for estimating abundance and developing management strategies at a smaller spatial scale (such as in specific hunting management areas adjacent to Yellowstone National Park). The Service stated iPOM estimates of wolf abundance are higher than those of other patch occupancy models because it considers spatial-temporal dynamics of wolf behavior.

117. Crabtree et al. (2023) has recently explained that Montana's iPOM estimates are biased and fundamentally flawed. Crabtree et al. (2023) explains how the spatial scale of Montana's iPOM, which is quite large, biases the population estimates in Montana that are based on the iPOM estimator. Crabtree et al. (2023) explains how biases underlying Montana's iPOM estimate can lead to misapplication and underreporting of the model's

estimate of variance, which can result in a precariously misleading situation for decision-makers that can threaten gray wolf populations.

118. Creel (2021) has recently explained that Montana's iPOM estimates are biased and result in population estimation errors. Creel (2021) explains that because Montana's iPOM estimator underestimates territory size, its results overestimate the number of packs that occupy a fixed area, and thus overestimate population size.

119. In Montana, the gray wolf population declined by at least 33 wolves between 2020 and 2021. In Montana, the gray wolf population declined by at least 56 wolves between 2021 and 2022. In Montana, consistent with recent statutes and state objectives, the year-end population estimates have decreased since 2020.

120. In Idaho, since federal delisting, wolves are classified and managed as a big game species, which allows for controlled take.

121. In Idaho, wolves were managed under a 2002 state management plan, but are now managed under a revised, 2023 state management plan.

122. In Idaho, the goals of the 2023 state management plan for wolves are: (1) manage for a viable wolf population that fluctuates around 500 wolves annually (between 350-650 wolves depending on time of year); (2) monitor wolf population dynamics annually and continue to improve wolf monitoring and population abundance estimation methods; (3) reduce wolf depredations on livestock; and (4) reduce wolf depredations on ungulate populations not meeting population objectives.

123. In Idaho, the state intends to achieve the 2023 state management plan's goals by increasing wolf mortality in the state to reduce the wolf population so that the population fluctuates around an average of 500 wolves by the end of 2028.

124. In Idaho, public hunting and trapping are the primary methods employed to achieve the state's wolf population objective.

125. In Idaho, over time, the state has gradually implemented less-restrictive hunting regulations in an attempt to reverse wolf population growth and manage wolves at a lower population size in the state.

126. In Idaho's 2021 legislative session, the legislature passed SB 1211, which guides wolf management in Idaho. SB 1211 amended the Idaho state codes to: (1) authorize a year-round trapping season on private property (IC 36-201(3)); (2) authorize additional methods of take previously prohibited (IC 36-201(2) (i.e., no weapons restrictions, use of bait on private property, night take, no vehicle restrictions, use of dogs to pursue wolves); (3) remove any limit on the number of wolf tags an individual may purchase (IC 36-408(1)); (4) allow livestock or domestic animal owners to use private contractor to control wolves (IC 36-1107(c)); (5) allow the Idaho depredation control board to enter agreements with private contractors and state or federal agencies to implement provisions of SB 1211; and (6) provide funding for wolf control.

127. In Idaho, since 2012, an outside organization – the Foundation for Wildlife Management – has been authorized to reimburse individual hunters and trappers for costs

associated with legal wolf harvest. The state's Fish and Game Commission has contributed state funding to finance these reimbursements.

128. In Idaho, between the 2012-2013 and 2018-2019 wolf hunting seasons, wolf harvest fluctuated between 231 and 333 wolves killed per season.

129. In Idaho, there was a sharp increase in the number of wolves killed – 462 – during the 2019-2020 wolf hunting season.

130. In Idaho, 411 wolves were killed during the 2020-2021 hunting season. In Idaho, 412 wolves were killed during the 2021-2022 season.

131. In Idaho, at the beginning of the 2022-2023 season, 388 wolves had been killed.

132. In Idaho, between 2011 and 2022, an average of 60 wolves were removed annually in response to conflicts with livestock.

133. The Service stated that in Idaho, the gray wolf population declined by at least 44 wolves between 2020 and 2021. The Service stated that in Idaho, the gray wolf population declined by at least 86 wolves between 2021 and 2022. As reported by Idaho Department of Fish and Game in an article dated January 27, 2023: "Idaho's 2022 population estimate of 1,337 wolves declined by about 13%, or 206 wolves, compared with the 2021 estimate based on camera surveys that measure the population during summer near its annual peak."

134. In Idaho, days-old wolf pups weighing as little as three pounds have been killed in accordance with the state's management regime.

135. In Idaho, since 2019, wolf abundance has been estimated using a space-to-event (“STE”) modeling framework, which generally uses cameras to count the number of wolf detections and then that number is used to estimate the number of wolves across the state. STE models rely on various assumptions including that cameras capturing presence are placed randomly, each observation is independent of another, and all animals within the viewshed of the camera are photographed. Idaho currently places their cameras for the STE model non-randomly in order to enhance the likelihood of detection, which is a violation of the STE assumptions. Idaho uses motion-triggered cameras instead of time-lapse cameras, which also adds bias. It is not known how well estimates from Idaho’s STE model compares to the true number of wolves in the state.

136. Creel (2021) has recently explained that Idaho’s STE estimates are biased and result in population estimation errors. Creel (2021) explains that if an STE model is to produce an accurate estimate of population size, the times and places at which cameras sample an area must be independent of the locations of animals. Creel (2021) explains that random placement of cameras is required for valid population estimates from an STE model. Creel (2021) explains that an STE model is designed for use with time-lapse camera traps that are set to take photographs at fixed times, and not for data from cameras that are triggered by animal motion. Creel (2021) explains that Idaho’s STE model fails to abide by fundamental assumptions that are necessary for the model to function as an accurate estimator of the gray wolf population in Idaho.

137. In Idaho, between 2019-2022, human-caused mortality annually removed approximately 32 percent of the state-estimated year-end wolf population, with regulated public harvest and lethal control of depredating wolves accounting for the majority of known human-caused mortality and total wolf mortalities.

138. The Service stated that there is some concern that estimated abundance from unmarked populations in Montana and Idaho may be biased and acknowledges that it has been suggested that direct monitoring of wolves, rather than the methods currently employed by these states, may be necessary to produce reliable estimates of abundance (i.e., Creel (2022)).

139. The Service has acknowledged that when model assumptions (such as random camera placement for the STE model) are violated, results can be biased.

140. The Service acknowledged that neither a rigorous quantification of bias in the models used by Montana and Idaho, nor in the wolf abundance estimates Montana and Idaho have produced, have been conducted.

141. The Service has acknowledged that it has received detailed assessments of the assumptions Montana and Idaho may be violating in their use of the iPOM and STE monitoring techniques and that these violations of assumptions may result in biased estimates (i.e., Creel (2022), Treves (2022)).

142. The Service has stated that the best available science does not allow it to determine if correcting the estimates of wolf abundance from Montana and Idaho above or below their current values is appropriate, nor does it provide a clear correction factor.

143. Crabtree et al. (2023) analyzed the iPOM model in Montana and provided specific correction factors for this population estimation model.

144. In a press release announcing the not-warranted finding, the Service stated: “The states of Montana and Idaho recently adopted laws and regulations designed to substantially reduce the gray wolf populations in their states using means and measures that are at odds with modern professional wildlife management.”

Petitions to Relist Gray Wolves in the NRM, or Alternatively, List the Gray Wolf in a Western U.S. DPS

145. Because of the alarming new pressures on wolves from state management in Montana, Idaho, and Wyoming, in particular, in July 2021, Western Watersheds Project and 70 other conservation and animal welfare groups petitioned the Service to list a Western U.S. DPS of gray wolves under the ESA, or alternatively, to relist the Congressionally-created and Congressionally-delisted NRM DPS under the ESA.

146. In the 2021 petition, petitioners alleged that the recent regulatory changes in Montana and Idaho, as well as Wyoming’s continuation of inadequate regulatory changes, warranted relisting of the NRM wolf population under the ESA. In the 2021 petition, petitioners alleged that the wolf management plans in Montana, Idaho, and Wyoming fail to provide for genetic exchange and fail to account for unreported and super-additive mortality.

147. In September 2021, the Service issued a positive 90-day finding on the petition. 86 Fed. Reg. 51,857–59 (Sept. 17, 2021).

148. The Service also issued a positive 90-day finding on a separate petition to relist wolves in the NRM on an emergency basis under the ESA submitted by the Center for Biological Diversity and Humane Society of the United States. *Id.*

149. The Service found that both petitions presented substantial information and that listing of gray wolves in a Western U.S. DPS or the NRM “may be warranted.” *Id.*

150. The Service then issued a status review of the species. *Id.*

151. Although the ESA required the Service to issue a finding that the petitioned listings were “warranted,” “not warranted,” or “warranted but precluded,” within 12-months of receiving the first listing petition, 16 U.S.C. § 1533(b)(3)(B), the agency did not. The Center for Biological Diversity and Humane Society of the United States petitioners filed suit against the Service, and the parties settled for a deadline for the required finding by February 2, 2024.

The Service’s Not-Warranted Finding

152. On February 7, 2024, the Service published its finding for the gray wolf in the NRM and Western U.S., 89 Fed. Reg. 8,391.

153. The Service acknowledges that, in general, to maintain populations in the wild over time, wolves in the Western U.S. need well-connected and genetically diverse subpopulations that function as a metapopulation distributed across enough of their range to be able to withstand stochastic events, rebound after catastrophes (e.g., severe disease outbreaks), and adapt to changing environmental conditions.

154. During consideration of the petition for listing, the Service conducted a DPS analysis. The Service applied its DPS Policy, 61 Fed. Reg. 4,722, which requires the Service to analyze (1) the discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs; and (3) the population segment's conservation status in relation to the Act's standards for listing, delisting, and reclassification. If the population segment is both discrete and significant, then the Service considers whether listing may be warranted.

155. The Service analyzes the discreteness factor of its DPS analysis by considering whether the population segment is (1) markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors; or (2) delimited by international governmental boundaries within which significant differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of Section 4(a)(1)(D).

156. The Service analyzes the significance factor of its DPS analysis by considering (1) the persistence of the discrete population segment in an ecological setting that is unusual or unique for the taxon; (2) evidence that the loss of the discrete population segment would result in a significant gap in the range of the taxon; (3) evidence that the population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside of its historic range; or (4) evidence that the discrete population segment differs markedly from the remainder of the species in its genetic characteristics.

157. In its not-warranted finding, the Service found the NRM is no longer a valid DPS. The Service found the NRM is no longer discrete from wolves in the remainder of the Western U.S. The Service found that the best available science supports its prior, 2013 finding that the NRM is not markedly separated from other populations of gray wolves in the Western U.S. The Service found that because the NRM is not discrete, it did not need to evaluate its significance to the taxon.

158. In its not-warranted finding, the Service found that the Western U.S. gray wolf population qualifies as a DPS. The Service found that the Western U.S. gray wolf population is discrete because (1) it is markedly separated from the gray wolf population in the Great Lakes due to physical and genetic factors; (2) it is markedly separated from “coastal wolves” in British Columbia, Canada and Alaska due to physical and genetic factors; and (3) there are sufficient cross-border differences in exploitation and regulatory mechanisms between the United States and Canada. The Service found that the Western U.S. gray wolf is significant biologically and ecologically in relation to the larger taxon to which it belongs because the loss of the Western U.S. gray wolf population would result in a significant gap in the range of the taxon.

159. The Service did not delineate the precise geographic boundaries of the Western U.S. DPS in its not-warranted finding.

160. The Service published a SSA report, which serves as the scientific foundation for its not-warranted finding.

161. The Service's not-warranted finding states that the primary stressors with the potential to affect the gray wolf's biological status include human-caused mortality, disease and parasites, and inbreeding depression.

162. The Service's not-warranted finding states repeatedly that the primary stressor impacting the Western U.S. gray wolf is human-caused mortality, a stressor that was identified as a threat when the species was originally listed.

163. The Service acknowledges that in the absence of high levels of human-caused mortality, wolf demographic rates are shaped by availability of food resources in combination with wolf density, pack size, and pack composition.

164. The Service states that the main sources of human-caused mortality impacting the Western U.S. gray wolf are regulated harvest in Idaho, Montana, Washington, and Wyoming; lethal control of wolves depredating livestock throughout the NRM where wolves are federally delisted; and illegal take throughout the range of the gray wolf metapopulation in the Western U.S.

165. The Service acknowledges that human-caused mortality is the primary cause of mortality of wolves, and that human-caused mortality is estimated to account for 60-80 percent of all wolf mortalities in the conterminous United States.

166. The Service acknowledges that the regulation of human-caused mortality is the primary reason that the number and range of wolves has increased and expanded since the mid- to late-1970s and that the future conservation of a delisted wolf population in the NRM depends almost entirely on states' regulation of human-caused mortality.

167. The Service states that it believes, as a general rule of thumb, wolves are able to compensate for annual rates of human-caused mortality up to approximately 29 percent of the known or estimated population.

168. The Service stated that increased levels of human-caused mortality may decrease wolf dispersal rates, for example, if killing is significant it may lead to an overall decline in dispersal events. This decline would be due to a reduction in the number of individuals dispersing, by causing reduced competition for resources so there is less incentive to disperse, or through the direct removal of dispersing wolves. The Service stated that increased levels of human-caused mortality may affect wolves' social structure. Cassidy et al. (2023) found that the loss of wolves killed by hunting can disrupt the social structure of packs, in some cases leading to pack dissolution.

169. The Service developed a density-dependent population growth model to project future population sizes in Montana, Idaho, Wyoming, Oregon, and Washington as part of its species status review. The Service's model projected population sizes in these states from 2022 into 100 years in the future.

170. The Service's population model projected median population size for the entirety of Montana, Idaho, Wyoming, Oregon, and Washington in 100 years ranged from 935 for the most impactful combination of disease and harvest scenarios to 2,161 for the least impactful combination of disease and harvest scenarios.

171. The Service's population model projected population size for the entirety of Montana, Idaho, Wyoming, Oregon, and Washington in the next ten years will be at least 753 wolves.

172. The Service's population model results project that the number of wolves in Montana and Idaho will decline in the future.

173. The Service's population model results are contingent on the states of Idaho, Montana, and Wyoming ceasing killing of wolves if populations decline to 150 wolves in each state.

174. The Service's population model projections display a wide range of outcomes for future population size and the primary stressor, human-caused mortality, is one for which adaptation is unlikely. Human-caused mortality must be kept within the limits described in the population model's harvest scenarios for the model to be accurate.

175. The Service stated that "[s]ignificant deviations from the mortality rates we analyzed, or violations of other model assumptions, could alter our confidence in [the future conditions] conclusion."

176. The Service stated that it considered connectivity and genetic diversity in reaching its not-warranted finding. The Service stated that it considered effective population size, which essentially reflects the number of breeders in the population.

177. In assessing genetic diversity, the Service referred to Franklin (1980) and the "50/500 rule," which states an effective population size of at least 50 individuals is needed for an isolated population to avoid inbreeding depression in the short term while an

effective population size of 500 individuals is needed for an isolated population to retain sufficient evolutionary genetic potential in the long term. The Service acknowledged that more recently, other authors have recommended effective population sizes of at least 100/1,000 as more appropriate general targets, but that species-specific analyses of population viability are preferred when data is available (Frankham et al. (2014)).

178. The Service acknowledged that despite their generalized nature, these guidelines highlight that genetic diversity is critical both in the short term, to avoid inbreeding and inbreeding depression, as well as in the long term as the foundation upon which natural selection may act for adaptation.

179. The Service stated an effective population size of 50 wolves equates to a census population size between 192 and 417 wolves, based on the 95 percent confidence interval for the effective to census population size ratio. The Service stated an effective population size of 500 wolves equates to a census size between approximately 1,923 and 4,167 wolves. vonHoldt (2023) disputes the Service's use of these effective population size figures.

180. vonHoldt (2023) has recently explained that the effective population size estimates for gray wolves in North America are on average 5.2 to 9.3 percent of census estimates for this species. vonHoldt (2023) has recently explained that while gray wolves may fall above minimum effective population sizes needed to avoid extinction due to inbreeding depression in the short term, they are below sizes predicted to be necessary to avoid long-term risk of extinction. vonHoldt (2023) has recently explained that the 2021

NRM gray wolf population's census size estimate of 3,354 translates into an effective population size ranging from 201 to 335 wolves and that larger wolf populations are necessary to ensure long term adaptation and survival.

181. The Service acknowledged that long-term population viability in the NRM and in the Western U.S. is dependent on maintaining a minimum number of wolves in multiple core areas.

182. The Service's not-warranted finding applied a quasi-extinction threshold of five wolves for the entire Western U.S. The Service acknowledged that Washington state recently applied a quasi-extinction threshold of 92 wolves in assessing the population viability of wolves in that state alone.

183. The Service's not-warranted finding does not include a minimum viable population ("MVP") because it stated that MVPs require normative (values-based) decisions around acceptable levels of risk.

184. The Service's not-warranted finding determined that the impacts from human-caused mortality, disease and parasites, and genetic diversity and inbreeding are not of sufficient imminence, intensity or magnitude to indicate the gray wolf in the Western U.S. is in danger of extinction or likely to become so in the foreseeable future throughout all of its range.

185. The Service's not-warranted finding concluded that gray wolves in the Western U.S. are not in danger of extinction or likely to become so in the foreseeable future despite threats from human-caused mortality, disease and predation, and genetic

diversity and inbreeding. The Service concluded the combined management and regulatory frameworks in the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming are adequate to ensure that human-caused mortality, where it occurs, is sufficiently minimized.

186. The Service's not-warranted finding acknowledges that its decision considers only one full harvest season with the new, less-restrictive Montana and Idaho harvest regulations in effect. The Service's finding acknowledges that existing management plans currently allow the states of Montana and Idaho to increase harvest opportunities in an effort to reduce the size of the wolf populations in their states.

187. The Service acknowledges that the overall gray wolf population size in the Western U.S. has decreased in 2021 and 2022, primarily due to population decreases in Montana and Idaho, and that these declines are consistent with the states of Montana and Idaho's stated objectives to reduce population size in their states.

188. The Service's not-warranted finding states that it considered whether there is any portion of the species current range for which it is true that both (1) the portion is significant, and (2) the species is in danger of extinction now or likely to become so in the foreseeable future in that portion.

189. The Service did not consider unoccupied historical range or unoccupied suitable habitat as potentially significant portions of the species range.

190. The Service evaluated four different potential significant portions of the gray wolf's range in the Western U.S. DPS: (1) Idaho, (2) Montana, (3) the West Coast states

(western Oregon, western Washington, and California) combined, and (4) the NRM. The Service determined that none of these portions are in danger of extinction or likely to become so in the foreseeable future.

191. The Service's not-warranted finding concludes that Western U.S. gray wolves do not meet the definition of threatened or endangered and therefore do not warrant listing under the ESA at this time.

FIRST CLAIM FOR RELIEF
(Violation of the ESA – Five Threat Factors)

192. Plaintiffs incorporate all preceding paragraphs.

193. In evaluating whether a species qualifies for listing as a threatened or endangered species, the Service must determine whether a species is threatened by the following factors: (A) the present or threatened destruction, modification, or curtailment of the species' range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; and (E) other man-made factors affecting the species' continued existence. 16 U.S.C. § 1533(a)(1). These five threat factors are listed in the disjunctive so any one or combination of them can be sufficient for a finding that a species qualifies as threatened or endangered.

194. The Service's not-warranted finding does not carefully analyze and evaluate these five threat factors (individually and in the aggregate) in accordance with the ESA and the Service's implementing regulations and own policies. The Service failed to carefully

evaluate and analyze the threat to gray wolves from inadequate existing regulatory mechanisms. The Service failed to carefully evaluate and analyze the threat from human-caused mortality and overutilization. The Service failed to carefully evaluate and analyze cumulative threats.

195. The Service's not-warranted finding in the absence of undertaking a valid five-factor threats assessment is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the ESA and the APA. 5 U.S.C. § 706(2)(A).

SECOND CLAIM FOR RELIEF
(Violation of the ESA –Best Available Science)

196. Plaintiffs incorporate all preceding paragraphs.

197. Under Section 4(b)(1)(A), 16 U.S.C. § 1533 (b)(1)(A), the Service's implementing regulations, and the Service's 2011 policy on scientific integrity, the Service must make all listing determinations "solely on the basis of the best scientific and commercial data available."

198. The Service did not rely on the best available science relating to gray wolves when reaching its not-warranted finding. The Service did not utilize the best available science on gray wolf population numbers (i.e., actual and trend, total and effective, quasi-extinction thresholds, MVPs, etc.) and the impacts of human-caused mortality. The Service misinterpreted and misapplied, and failed to consult and apply, the best available science on minimum population size, effective population size, and population estimation

methodologies. Plaintiffs provided these studies to the Service before the agency issued its not-warranted finding.

199. The Service's decision and/or failure in its not-warranted finding to utilize the best available science on gray wolves is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the ESA and the APA. 5 U.S.C. § 706(2)(A).

THIRD CLAIM FOR RELIEF
(Violation of the ESA –Significant Portion of Its Range)

200. Plaintiffs incorporate all preceding paragraphs.

201. Under the ESA and the Service's implementing regulations, the Service must evaluate whether a species, subspecies, or DPS warrants listing if it is in danger of extinction or likely to become so throughout all or "a significant portion of its range." 16 U.S.C. §§ 1533(a)(1), 1532(20).

202. The Service's not-warranted finding fails to adequately evaluate and analyze whether listing is warranted in a significant portion of the gray wolf's range in the Western U.S. The Service fails to adequately evaluate whether certain portions of the gray wolf's range in the Western U.S. are "significant." The Service fails to adequately evaluate and analyze threats to gray wolves in certain (or significant) portions of its range in the Western U.S., including in the West Coast states of Oregon, Washington, and California, as well as in Nevada, Utah, and Colorado. The Service fails to adequately evaluate and analyze threats to gray wolves in certain (or significant) portions of its range in the Western U.S., including in the NRM. The best available science demonstrates threats to gray wolves are

concentrated in certain portions of the gray wolf's range, including in Montana and Idaho where human-caused mortality is high, and in the West Coast states and elsewhere across the Western U.S. where gray wolf populations are low or nonexistent. The Service fails to adequately evaluate and analyze the ESA's five threat factors in the portions of the species range that it purported to analyze.

203. Gray wolves are threatened in significant portions of their range in the Western U.S.

204. The Service's not-warranted finding in the absence of adequately evaluating "significant portion of its range" is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the ESA. 5 U.S.C. § 706(2)(A).

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request this Court:

- A. Declare the Service has violated and continues to violate the law as alleged above;
- B. Declare that the Service's not-warranted finding that the gray wolf in the Western U.S. DPS does not meet the definition of threatened or endangered is arbitrary, capricious, an abuse of discretion, and not in accordance with the ESA;
- C. Set aside and vacate the Service's not-warranted finding;
- D. Remand this matter back to the Service with instructions to comply with the ESA, as outlined herein and by this Court;

E. Award Plaintiffs their reasonable attorneys' fees, costs, and expenses of litigation pursuant to Section 11(g) of the ESA, 16 U.S.C. § 1540(g) and/or the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412;

F. Issue any other relief, including preliminary or permanent injunctive relief that Plaintiffs may subsequently request; and

G. Issue any other relief this Court deems necessary, just, or proper.

Respectfully submitted this 18th day of June, 2024.

/S/ Kelly E. Nokes
Kelly E. Nokes

/S/ Matthew K. Bishop
Matthew K. Bishop

Counsel for Plaintiffs

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFSWESTERN WATERSHEDS PROJECT; THE
INTERNATIONAL WILDLIFE COEXISTENCE(b) County of Residence of First Listed Plaintiff Missoula County, MT
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

(1) Kelly E. Nokes, Western Environmental Law Center,
P.O. Box 218, Buena Vista, CO (575) 613-8051; and (2)
Matthew K. Bishop, Western Environmental Law Center**DEFENDANTS**MARTHA WILLIAMS, in her official capacity as Director of
the U.S. Fish and Wildlife Service; UNITED STATES FISH

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff
and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/ Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☒ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/ Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Sec. 11(g) of the Endangered Species Act ("ESA"), 16 U.S.C. § 1540(g); and the Admin. Proc. Act ("APA"), 5 U.S.C. § 701 et seq., for violations of
Brief description of cause:
Challenge to FWS's not-warranted finding for gray wolves in the Northern Rocky Mountains and Western United States, 89 Fed. Reg. 8,391 (Feb. 2024)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** **CHECK YES only if demanded in complaint:**
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

06/18/2024

Kelly Nokes

Digitally signed by Kelly Nokes
Date: 2024.06.12 12:06:34 -06'00'

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

CERTIFICATE OF SERVICE

I, Elizabeth Marie Forster, hereby certify that I have served true and accurate copies of the foregoing Answer/Brief - Brief In Support of Motion to the following on 10-21-2025:

Sarah Montana Clerget (Attorney)

PO Box 639

Billings MT 59103

Representing: Craig Neal, Outdoor Heritage Coalition, PAUL FIELDER, Shannon Maness

Service Method: eService

Alexander Rocco Scolavino (Attorney)

PO Box 200701

Helena MT 59620-0701

Representing: The Montana Fish and Wildlife Commission, MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS

Service Method: Certified Mail

Jeffrey M Hindoien (Attorney)

PO Box 200701

Helena MT 59620-0701

Representing: The Montana Fish and Wildlife Commission, MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS

Service Method: Certified Mail

Electronically Signed By: Elizabeth Marie Forster

Dated: 10-21-2025