



United States Department of the Interior



FISH AND WILDLIFE SERVICE

AUG 23 2017

In Reply Refer To:
FWS/AES/DRR/BRSG/066378

Via U.S. Mail and Email

Johanna B. Talcott
Attorney
Pacific Legal Foundation
930 G Street
Sacramento, California 95814

Dear Ms. Talcott:

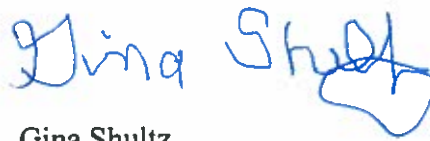
On June 29, 2017, we received Oregon Cattlemen's Association's Notice of Intent to sue under the Endangered Species Act (ESA) to compel the U.S. Fish and Wildlife Service to issue a final rule delisting the gray wolf (*Canis lupus*) in the contiguous United States (U.S.). On June 13, 2013, we proposed to delist the gray wolf in the contiguous U.S. while maintaining ESA protections for the Mexican gray wolf (*Canis lupus baileyi*) by listing it as an endangered subspecies (78 Fed. Reg. 35663). During the fall of 2013, we held several public hearings and noticed multiple extensions of the comment period for the proposed rules in the Federal Register. On February 10, 2014, we again reopened the comment period on the proposed rules and on a newly-available peer-reviewed scientific report (79 Fed. Reg. 7627). We issued a final rule listing the Mexican gray wolf as an endangered subspecies on January 16, 2015 (80 Fed. Reg. 2487).

Our 2013 proposed rule to delist the gray wolf in the contiguous United States was predicated, in part, on the delisted status of the gray wolf distinct population segments in the northern Rocky Mountains (including Wyoming) and the western Great Lakes (WGL). After we published our 2013 proposed rules, we were sued in separate cases regarding our delisting rules for the gray wolf population in Wyoming (77 Fed. Reg. 55530) and the WGL population (76 Fed. Reg. 81665). These cases complicated our ability to move forward with the June 13, 2013, proposed delisting in the contiguous United States. Both district courts vacated the delisting rules, so on February 20, 2015, we relisted those wolf populations to comply with the courts' orders (80 Fed. Reg. 9218). We subsequently appealed both court decisions. On March 3, 2017, the D.C. Circuit reversed the district court's decision on the Wyoming wolf, so on May 1, 2017, we reinstated the delisting of that population (82 Fed. Reg. 20284). However, on August 1, 2017, the D.C. Circuit affirmed that part of the district court's decision that vacated the delisting of the WGL population. *Humane Society of the U.S. v. Zinke*, No. 15-5041 (D.C. Cir.). Therefore, the status of the WGL population is that in Minnesota, it remains listed as threatened, while the rest of the gray wolves in the Midwest are listed as endangered.

Following the very recent decision in the D.C. Circuit on the WGL delisting, we are evaluating our options, both legal and regulatory. This includes the possibility of recommending that the Department of Justice (DOJ) seek further review of the WGL decision. Further, we are in the early stages of evaluating our regulatory options, including looking into the status of the gray wolf in the contiguous United States or the status of the WGL population. In any event, it is our position that the wolves in the Northern Rocky Mountains region, including Wyoming, and in the WGL, are recovered. We hope to have a path forward regarding the Federal listing status of gray wolves later this year.

If you have any questions regarding this letter, please contact Mr. Jeff Newman, Chief, Division of Restoration and Recovery, at (703) 358-2555 or jeff_newman@fws.gov.

Sincerely,



Gina Shultz
Deputy Assistant Director for
Ecological Services

cc: FWS/AES/DCC (Attn: Parks Gilbert)