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

CENTER FOR BIOLOGICAL DIVERSITY,
THE HUMANE SOCIETY OF THE UNITED
STATES, HUMANE SOCIETY
LEGISLATIVE FUND, and SIERRA CLUB,

Plaintiffs,

vs.

U.S. DEPARTMENT OF THE INTERIOR;
DEB HAALAND, in her official capacity as
Secretary of the United States Department of
the Interior;

and

Civil No. _____

**COMPLAINT FOR
INJUNCTIVE AND
DECLARATORY RELIEF**

U.S. FISH AND WILDLIFE SERVICE; MARTHA WILLIAMS, in her official capacity as Director of the U.S. Fish and Wildlife Service, Defendants.	
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INTRODUCTION

1. Plaintiffs Center for Biological Diversity, the Humane Society of the United States, Humane Society Legislative Fund, and Sierra Club (collectively “Plaintiffs”) bring this action under the Endangered Species Act (“ESA”), 16 U.S.C. §§ 1531-1544, to challenge the U.S. Fish and Wildlife Service’s (“FWS”) failure to make a mandatory finding on whether a species warrants designation as “threatened” or “endangered” under the ESA. 16 U.S.C. § 1533(b)(3)(B). The species at issue is the gray wolf (*Canis lupus*) and, more specifically, gray wolves living in the northern Rocky Mountains.

2. During the 19th and early 20th centuries, gray wolves in the United States were driven to the brink of extinction by human persecution. Scientists estimate that as many as 2 million wolves lived in North America before European colonization. But, by the 1970s, they had been reduced to fewer than 1,000 wolves in northeastern Minnesota, with a small isolated population on Isle Royale.

3. In an effort to reverse this eradication of wolves, FWS reintroduced gray wolves into Yellowstone National Park and central Idaho during the 1990s. These efforts were successful—wolf populations in the northern Rocky Mountains

grew, although the species is still absent from much of its historical range in the United States. Still, the reintroduction of wolves in the northern Rocky Mountains represents a great success story in our country's efforts to prevent the disappearance of this iconic species from the American landscape.

4. However, recent changes in Idaho and Montana's wolf hunting and trapping regulations threaten to eliminate these recovery gains. Wolves in the northern Rocky Mountains are not currently protected under the ESA, and they face substantial and intensifying threats. Montana and Idaho recently passed legislation aimed at drastically reducing the wolf populations in their states. These laws allow for the use of new – and highly effective – methods to kill wolves, increase the number of wolves allowed to be killed, and lengthen wolf trapping seasons.

5. To ensure recovery gains for gray wolves are not lost, on May 26, 2021, Plaintiffs submitted a formal petition to Defendants, requesting that FWS list a distinct population segment (“DPS”) of the species, including wolves in the northern Rocky Mountains, as “endangered” or “threatened” pursuant to the ESA. This petition was received by Defendants on June 1, 2021.

6. The ESA requires that FWS, upon receiving a citizen petition to list a species, make an initial finding within 90 days regarding whether or not the petitioned action “may be warranted” (“90-day finding”). 16 U.S.C. §

1533(b)(3)(A).

7. On September 17, 2021, FWS made a positive 90-day finding on both Plaintiffs' petition and a second petition filed by a separate coalition of conservation groups. In the 90-day finding, FWS found that the petitions presented "credible and substantial information that human caused mortality . . . may be a potential threat to the species in Idaho and Montana" and that "new regulations in these two States may be inadequate to address this potential threat." 86 Fed. Reg. 51,857 51,859 (Sept. 17, 2021).

8. If FWS issues a positive 90-day finding – as it has done for Plaintiffs' petition – the ESA requires that the Service determine whether listing "*is warranted*" within 12 months of receiving the petition ("12-month finding"). 16 U.S.C. § 1533(b)(3)(B) (emphasis added). Though that deadline passed on June 1, 2022, FWS has to date not issued a 12-month finding on Plaintiffs' petition. Consequently, Defendants are in violation of the ESA. *Id.*

9. To remedy this violation, Plaintiffs seek an order declaring that Defendants are in violation of the ESA and directing Defendants to make, by a Court-ordered deadline, the overdue determination of whether federal protection is warranted under the ESA for a gray wolf DPS including the northern Rocky Mountains. Enforcement of the nondiscretionary deadlines of the ESA is necessary to ensure the survival and recovery of this iconic species in the wild.

JURISDICTION

10. This Court has jurisdiction over this action pursuant to 16 U.S.C. §§ 1540(c) and (g)(1)(C) (action arising under the ESA’s citizen suit provision), and 28 U.S.C. § 1331 (federal question jurisdiction).

11. The Court may grant the requested relief under the ESA, 16 U.S.C. § 1540(g) and 28 U.S.C. §§ 2201 and 2202 (declaratory and injunctive relief).

12. By letter dated June 3, 2022, the Plaintiffs provided 60 days’ notice of their intent to file this suit pursuant to the citizen-suit provision of the ESA, 16 U.S.C. § 1540(g)(2)(C).

13. Defendants have not remedied the violations to date, and thus an actual controversy exists between the parties within the meaning of 28 U.S.C. § 2201.

VENUE

14. The U.S. District Court for the District of Montana is the proper venue for this action pursuant to 16 U.S.C. § 1540(g)(3)(A) and 28 U.S.C. § 1391(e). Defendants’ violations of law occurred in this district and a substantial part of the events giving rise to Plaintiffs’ claim occurred in this district.

PARTIES

15. Plaintiff CENTER FOR BIOLOGICAL DIVERSITY (“the Center”) is a nonprofit organization that works through science, law, and creative media to

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