

Congress of the United States

Washington, DC 20515

October 31, 2025

The Honorable Brian Nesvik
Director
U.S. Fish and Wildlife Service
1849 C Street NW
Washington, DC 20240

Director Nesvik:

We write to congratulate you on your confirmation as Director of the U.S. Fish and Wildlife Service (FWS). Your leadership comes at a pivotal time for wildlife management across the country, and we trust you will work to ensure that agency decisions are both grounded in sound science and responsive to the needs of local communities. One of the most pressing issues in this regard is the need to delist the gray wolf under the Endangered Species Act (ESA) and return primary management authority to states and tribes.

Few species illustrate the legal and policy challenges associated with repeated listing and delisting under the ESA more clearly than the gray wolf. First listed as endangered under the Endangered Species Preservation Act (ESPA), the predecessor to the ESA, the gray wolf has experienced a remarkable recovery over the past half-century thanks to sustained conservation efforts by states, tribes, conservation groups, private landowners, and federal partners. Despite this, the gray wolf's status and regulation under the ESA continue to be the subjects of conflicting FWS rules and federal court decisions.

On November 3, 2020, FWS published the final rule, "Removing the Gray Wolf (*Canis Lupus*) From the List of Endangered and Threatened Wildlife."¹ Concluding that the best available scientific data demonstrated that gray wolf populations in the lower forty-eight states no longer met the definition of threatened or endangered under the ESA, the rule removed federal protections for these populations. This decision rightly returned management authority to individual states and tribes, allowing those closest to the issue – and most familiar with the unique challenges of living alongside these predators – to develop management strategies that balance conservation goals with the needs of local communities.

However, on February 10, 2022, the U.S. District Court for the Northern District of California vacated the November 2020 rule and ordered the reinstatement of federal ESA protections, arguing that FWS failed to adequately address the gray wolf's absence from parts of its historic range.² Following this court order, FWS issued the final rule, "Reinstatement of Endangered Species Act Protections for the Gray Wolf (*Canis Lupus*) in Compliance With Court Order," restoring federal protections across most of the country.³ Soon thereafter, additional petitions were filed which sought new or expanded listings for wolf populations not covered by the February 2022 court order. Responding to these petitions in February 2024, FWS concluded that the populations in question did not warrant ESA listing.⁴ Nevertheless, on August 5, 2025, the U.S. District Court

¹ "Endangered and Threatened Wildlife and Plants; Removing the Gray Wolf (*Canis Lupus*) From the List of Endangered and Threatened Wildlife," Fed. Reg. 85, no. 213 (November 3, 2020), <https://www.govinfo.gov/content/pkg/FR-2020-11-03/pdf/2020-24171.pdf>.

² *Defenders of Wildlife v. U.S. Fish and Wildlife Service*, 4:21-cv-00344-JSW (N.D. Cal. February 10, 2022), <https://www.defenders.org/sites/default/files/2022-02/Wolf%20Order.pdf>.

³ "Endangered and Threatened Wildlife and Plants; Reinstatement of Endangered Species Act Protections for the Gray Wolf (*Canis Lupus*) in Compliance With Court Order," Fed. Reg. 88, no. 212 (November 3, 2023), <https://www.govinfo.gov/content/pkg/FR-2023-11-03/pdf/2023-24299.pdf>.

⁴ "Endangered and Threatened Wildlife and Plants; Finding for the Gray Wolf in the Northern Rocky Mountains and the Western United States," Fed. Reg. 89, no. 26 (February 7, 2024), <https://www.govinfo.gov/content/pkg/FR-2024-02-07/pdf/2024-02419.pdf>.

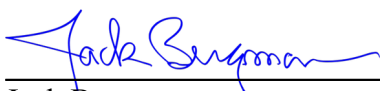
for the District of Montana, Missoula Division vacated and remanded key portions of FWS's February 2024 finding, again asserting that the agency failed to consider the gray wolf's absence from its historic range.⁵

Through the February 2022 and August 2025 rulings, the courts have effectively imposed a new requirement for delisting that the ESA does not contain – and that FWS has repeatedly rejected: that a species must repopulate its entire historic range before it may be delisted under the ESA. As FWS explained in its November 2020 delisting rule and again as recently as September 2024 – when the U.S. Department of Justice filed an appeal on behalf of FWS to restore the agency's November 2020 rule – the ESA does not require that a species inhabit its entire historic range to be considered recovered and eligible for delisting.⁶ Rather, the ESA requires a finding of whether a species is “in danger of extinction throughout all or a significant portion of its range.”⁷ FWS has consistently interpreted that language to mean the species must be secure and self-sustaining in the areas that it inhabits today – and that recovery can be, and often is, achieved without full historical recolonization.⁸

Allowing courts to substitute their own policy preferences for this longstanding, science-based interpretation undermines the ESA and risks diverting limited conservation resources away from species truly at risk of extinction. Gray wolves have exceeded every recovery goal that prompted their original listing under the ESA and ESA, and state and tribal management programs – including regulated hunting seasons – in regions with currently-delisted populations have demonstrated their ability to maintain a healthy and sustainable number of gray wolves. Grounded both in scientific data and the law enacted by Congress, the gray wolf no longer meets the definition of threatened or endangered under the ESA, and primary management authority must be returned to individual states and tribes. Congress never intended the ESA to be an open-ended mandate for perpetual federal control over species based on where they lived centuries ago. Rather, the ESA is intended to bring species back to the point where such federal management is no longer necessary – a goal that, thanks to the collaborative work among states, tribes, conservation groups, private landowners, and federal partners, has been achieved for the gray wolf.

As such, we urge FWS to reissue the rule delisting the gray wolf under the ESA, and to stand firmly behind the authority of states and tribes to manage recovered species, including through regulated hunting and other proven tools that help reduce human-wildlife conflict while sustaining healthy populations. We once again congratulate you on your confirmation as Director of FWS, and we look forward to working with you to ensure wildlife management efforts at the agency are grounded in science, faithful to congressional intent, and responsive to the unique needs of communities across the country.

Sincerely,



Jack Bergman
Member of Congress



Pete Stauber
Member of Congress

⁵ Center for Biological Diversity v. U.S. Fish and Wildlife Service, 9:24-cv-00086-DWM (D. Mont. August 5, 2025), <https://www.humaneworld.org/sites/default/files/docs/98%20SJ%20ruling-1.pdf>.

⁶ Defenders of Wildlife v. U.S. Fish and Wildlife Service, 22-15529 (9th Cir. September 13, 2024), https://naturalresources.house.gov/uploadedfiles/chairman_westerman_ftr_--_9th_cir_court_defenders_v_usfws_--_wolves.pdf.

⁷ Definitions, 16 U.S.C. § 1532, <https://www.govinfo.gov/content/pkg/USCODE-2023-title16/pdf/USCODE-2023-title16-chap35-sec1532.pdf>.

⁸ “Gray Wolf Final Delisting Determination Questions and Answers,” U.S. Fish and Wildlife Service, October 29, 2020, <https://www.fws.gov/press-release/2020-10/gray-wolf-final-delisting-determination-questions-and-answers>.



Elijah Crane
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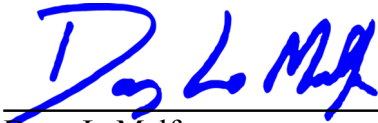
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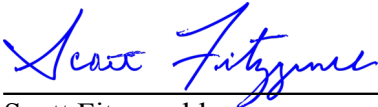
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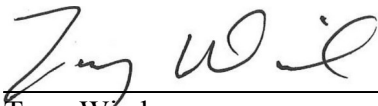
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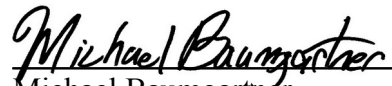
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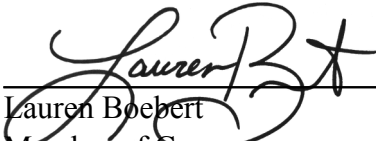
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