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

FRIENDS OF THE BITTERROOT, a
non-profit organization;
WILDEARTH GUARDIANS, a non-
profit organization; FRIENDS OF
THE WILD SWAN, a non-profit
organization; SWAN VIEW
COALITION, a non-profit
organization; OREGON WILD, a
non-profit organization; CASCADIA
WILDLANDS, a non-profit
organization; ALLIANCE FOR THE
WILD ROCKIES, a non-profit
organization; COTTONWOOD
ENVIRONMENTAL LAW CENTER,
a non-profit organization; GEORGE
WUERTHNER, an individual;
FOOTLOOSE MONTANA, a non-
profit organization; NATIVE
ECOSYSTEMS COUNCIL, a non-
profit organization; the HELENA
HUNTERS AND ANGLERS
ASSOCIATION, a non-profit

No.

COMPLAINT

organization; WILDERNESS WATCH, a non-profit organization; TRAP FREE MONTANA, a non-profit organization; and FRIENDS OF THE CLEARWATER, a non-profit organization,

Plaintiffs,

vs.

DOUG BURGUM, in his official capacity as Secretary of the Interior; the UNITED STATES DEPARTMENT OF THE INTERIOR, a federal department; BRIAN NESVICK, in his official capacity as Director of the U.S. Fish and Wildlife Service; and UNITED STATES FISH AND WILDLIFE SERVICE, a federal agency,

Federal-Defendants.

INTRODUCTION

1. Plaintiffs bring this civil action against Federal-Defendants (collectively, the “Service”) under section 11(g) of the Endangered Species Act (“ESA”), 16 U.S.C. § 1540(g), and the Administrative Procedure Act (“APA”), 5 U.S.C. § 701 *et seq.*, for violations of the ESA.

2. This case challenges the Service’s failure to designate critical habitat for the distinct population segment of North American wolverine occurring in the lower 48 States (hereinafter “wolverine”), as required by the ESA. Wolverine were listed as a threatened species in a final rule published in the Federal Register on November 30, 2023 – over two years ago – but to date no critical habitat for wolverine has been proposed or designated.

3. Plaintiffs – a coalition of wildlife conservation organizations dedicated to ensuring the long-term survival and recovery of wolverines in the lower 48 States – are thus compelled to bring this civil action.

JURISDICTION AND VENUE

4. This Court has jurisdiction under 28 U.S.C. § 1331, 16 U.S.C. § 1540(c), and 5 U.S.C. § 704.

5. 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.

6. Plaintiffs have exhausted all available administrative remedies. All requirements for judicial review required by the ESA are satisfied. Plaintiffs sent the Service a sixty-day notice of intent to sue letter in

accordance with the ESA via email and US Mail (delivery confirmation) on October 15, 2025. The Service confirmed receipt of this letter on November 14, 2025. More than sixty days have elapsed since the Service received Plaintiffs' sixty-day notice letter. All requirements for APA judicial review have also been satisfied.

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

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

9. 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 wolverine and wolverine conservation from the Service's failure to designate critical habitat. This Court can redress these injuries by granting the relief requested. There is a present and actual controversy between the Parties.

PARTIES

10. Plaintiff, FRIENDS OF THE BITTERROOT, is a non-profit organization with hundreds of members dedicated to protecting the quality of life and native wildlife species (including wolverine) in the Bitterroot Valley and surrounding National Forests, including the Bitterroot, Beaverhead-Deerlodge, Salmon, and Lolo National Forests. Friends of the Bitterroot brings this action on behalf of itself, its members, and its supporters.

11. Plaintiff, WILDEARTH GUARDIANS (“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. Guardians is committed to ensuring the survival and recovery of wolverine. Guardians has well over a 100,000 active members and supporters across the American West, including many who reside in or near areas occupied by wolverine. Guardians maintains an office in Missoula, Montana, where most of its work to conserve wolverines occurs. Guardians brings this action on behalf of itself, its members, and its supporters.

12. Plaintiff, FRIENDS OF THE WILD SWAN, is a non-profit organization with its principal place of business in Swan Lake, Montana. Friends of the Wild Swan is dedicated to protecting and restoring water quality and fish and wildlife habitat in northwest Montana, including habitat for wolverine. Ensuring the survival and recovery of native carnivores, including wolverine, is one of Friends of the Wild Swan's focus areas. Friends of the Wild Swan brings this action on behalf of itself, its members, and its supporters.

13. Plaintiff, SWAN VIEW COALITION, is a Montana non-profit conservation and education organization dedicated to conserving the biological integrity of Montana's natural ecosystems and ensuring projects and programs on public lands truly sustain wildlife habitat and protect water quality. The Swan View Coalition is also dedicated to ensuring the long-term survival and recovery of wolverine in the lower 48 States and ensuring the Service complies with the ESA, including the obligation to designate critical habitat for listed species like wolverine. The Swan View Coalition is based in Kalispell, Montana. The Swan View Coalition brings this action on behalf of itself, its members, and its supporters.

14. Plaintiff, OREGON WILD, is a non-profit organization with approximately 10,000 members and supporters throughout the state of Oregon and the Pacific Northwest. Oregon Wild and its members are dedicated to protecting and restoring the Pacific Northwest's wildlands, wildlife (including wolverine), and waters as an enduring legacy. Oregon Wild brings this action on behalf of itself, its members, and its supporters.

15. Plaintiff, CASCADIA WILDLANDS, is a non-profit organization with approximately 12,000 members and supporters throughout the United States. Cascadia Wildlands works to educate, protect, and restore the Cascadia region's wild ecosystems and native species, including wolverine. Cascadia Wildlands brings this action on behalf of itself, its members, and its supporters.

16. Plaintiff, ALLIANCE FOR THE WILD ROCKIES (the Alliance) is a non-profit conservation and education organization with approximately 2,000 members and supporters. The mission of the Alliance is to protect and restore the ecological and biological integrity of the Northern Rockies. The Alliance is based in Helena, Montana. The

Alliance brings this action on behalf of itself, its members, and its supporters.

17. Plaintiff, COTTONWOOD ENVIRONMENTAL LAW CENTER (“Cottonwood”), is a Montana-based nonprofit conservation organization dedicated to the protection of people, forests, water, and wildlife in the West, including the wolverine. Cottonwood brings this action on behalf of itself, its members, and its supporters.

18. Plaintiff, GEORGE WUERTHNER, is an ecologist, prolific writer and photographer who has viewed wolverines and wolverine tracks in the wild. Mr. Wuerthner currently splits his time between Oregon and Montana. Mr. Wuerthner brings this action on behalf of himself.

19. Plaintiff, FOOTLOOSE MONTANA, is a non-profit organization dedicated to promoting trap free public lands for people, pets, and wildlife, and ensuring the long-term survival and recovery of native wildlife species in Montana, including wolverine. Footloose Montana is based in Missoula, Montana. Footloose Montana brings this action on behalf of itself, its members, and its supporters.

20. Plaintiff, NATIVE ECOSYSTEMS COUNCIL, is a non-profit advocacy organization based in Three Forks, Montana dedicated to protecting and restoring native ecosystems in the Northern Rockies. In furtherance of this mission, Native Ecosystems Council's members and staff have been active in wildlife management, including wolverine conservation, in the Northern Rockies region. Native Ecosystems Council brings this action on behalf of itself, its members, and its supporters.

21. Plaintiff, HELENA HUNTERS AND ANGLERS ASSOCIATION (“Helena Hunters”), is a non-profit organization dedicated to protecting and restoring fish and native wildlife populations (including wolverine) and habitat in Montana as a public trust, vital to our general welfare. Helena Hunters promotes the highest standards of ethical conduct and sportsmanship and promotes outdoor recreational opportunities for all citizens to share equally. Helena Hunters is based in Helena, Montana. Helena Hunters brings this action on behalf of itself, its members, and its supporters.

22. Plaintiff, WILDERNESS WATCH, is a non-profit advocacy organization based in Missoula, Montana dedicated to the preservation

and proper stewardship of lands and rivers included in the National Wilderness Preservation System, including wildlife – like wolverine – that inhabit and depend on these areas. In furtherance of this mission, Wilderness Watch and its members, supporters, and staff have been active in wolverine conservation. Wilderness Watch brings this action on behalf of itself, its members, and its supporters.

23. Plaintiff, TRAP FREE MONTANA, (“Trap Free”) is a non-profit organization dedicated to increasing public awareness and advocacy for wildlife impacted by trapping, including wolverine. Trap Free advocates for trap free public lands and trapping reform in Montana. Trap Free is based in Hamilton, Montana and focuses its efforts on predator conservation, including wolverine. Trap Free brings this action on behalf of itself, its members, and its supporters.

24. Plaintiff, FRIENDS OF THE CLEARWATER, is a science-based non-profit organization whose purpose is to protect and save the remaining wild nature of the Clearwater Basin and adjacent watersheds of north-central Idaho, including Wilderness, roadless areas, and habitat connectivity for large predators and other at-risk species, including wolverine, on public lands and surrounding areas.

25. Plaintiffs have members and supporters who have standing to pursue this civil action in their own right and their interests in wolverine and wolverine conservation are germane to their respective organization's purposes.

26. Plaintiffs' members, supporters, and staff are dedicated to ensuring the long-term survival and recovery of wolverine in the lower 48 States and ensuring the Service complies with the ESA, including its obligation to designate critical habitat for wolverine in a timely manner.

27. Plaintiffs' members, supporters, and staff understand the importance of designating critical habitat for wolverine and what it means to wolverine conservation in the lower 48 States. Plaintiffs' members, supporters, and staff also understand the importance of complying with the law, regulations, and policy when it comes to designating critical habitat.

28. Plaintiffs' members, supporters, and staff live in or near and/or routinely recreate in or near areas occupied by wolverines and areas that are essential to the conservation of the species. Plaintiffs' members, supporters, and staff enjoy observing—or attempting to observe—and studying wolverines, including signs of the wolverine's

presence and/or photographing wolverine in areas where the species is known to den, travel, and occur. The opportunity to view wolverine or signs of wolverine 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 wolverine may still exist.

29. Plaintiffs' members, supporters, and staff derive aesthetic, recreational, scientific, inspirational, educational, spiritual, and other benefits from wolverine and working to conserve wolverine in the lower 48 States. Ensuring the Service designates much needed critical habitat for wolverine is part of that effort and these interests.

30. The Service's failure to designate critical habitat for wolverine has harmed, is likely to harm, and will continue to harm Plaintiffs' interests in wolverine and wolverine conservation.

31. Plaintiffs' interests have been, are being, and unless the requested relief is granted, will continue to be harmed by the Service's failure to designate critical habitat for wolverine.

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

33. Federal-Defendant, DOUG BURGUM, is sued in his official capacity as Secretary of the Interior. As Secretary, Mr. Burgum is the federal official with responsibility for all Service officials' actions and/or inactions challenged in this case.

34. 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.

35. Federal-Defendant BRIAN NESVICK is sued in his official capacity as Director of the U.S. Fish and Wildlife Service. As Director, Mr. Neswick is the federal official with responsibility for all Service officials' actions and/or inactions challenged in this case.

36. 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.

BACKGROUND

The wolverine

37. The North American wolverine (*Gulo gulo lucus*) is the largest terrestrial member of the weasel family, resembling a small bear.



38. Wolverines are morphologically, demographically, and behaviorally adapted to cold environments where snow is present much of the year.

39. Wolverine distribution in the lower 48 States can be reliably delineated by the presence of persistent spring snow.

40. Wolverines have large, crampon-clawed feet (each with five toes with curved, semi-retractile claws used for digging and climbing) that are large relative to its body. A wolverine's large feet allow the animal to spread its weight like snowshoes and give wolverines an advantage over most competitors and prey during cold months.

41. Wolverines operate at a higher metabolic rate than other animals their size. Wolverines have short appendages and a rotund body shape which are adaptive features designed to reduce surface area while increasing mass (surface area to body mass ratio), thereby increasing core warmth.

42. To hold in heat, wolverines wear a double fur coat which includes a dense inner layer of air-trapping wool beneath a cover of stout guard hairs which add extra insulation. These stout guard hairs, which drape from the wolverine, are textured to resist absorbing moisture and excel at shedding frost (this makes wolverine pelts extremely desirable and valuable).

43. Wolverines have robust skulls that protect relatively large brains. A wolverine's eyes are positioned in the front of the head rather

than on the sides which is a common trait for hunters that rely on accurate depth perception. Wolverines have sharp front teeth, long fangs, and cheek teeth designed for cutting. A wolverine's bite force is extremely strong which allows it to scavenge and feed on carcasses (and bones) that have already been worked over by other predators.

44. Reproductive rates for wolverines are among the lowest known for mammals. Approximately 40% of all female wolverines are capable of giving birth at two years old (the average age of reproduction, however, is three years). Female wolverines become pregnant most years and produce a litter of approximately 3.4 kits on average. It is common for female wolverines to forgo reproducing every year. Wolverines generally breed from late spring to early fall. Female wolverines undergo delayed implantation until the following winter to spring, when active gestation lasts from 30 to 40 days. Wolverine litters are born from mid-February through March.

45. Female wolverines use natal (birthing) dens that are excavated in snow. A wolverine's natal den consists of tunnels that contain well-used runways and bed sites and may naturally incorporate

shrubs, rocks, and downed logs as part of their structure. Deep snow that persists into the late spring is essential for wolverine reproduction.

46. Wolverines display an obligate relationship with snow for natal denning. No records exist of wolverines denning anywhere but in snow in the lower 48 States. Wolverines do not den in the absence of snow (this is true even though there is a wide availability of snow-free denning opportunities within the species' geographic range). Female wolverines have been known to abandon reproductive dens when temperatures warm and snow conditions become wet.

47. Once the litter is born, wolverines will continue to use the natal den through late April and early May (occupancy of such dens varies from 9 to 65 days). As wolverines grow, females move the kits to multiple secondary "maternal" dens. After using natal and maternal dens, wolverines may also use rendezvous sites through early July. These sites are characterized by natural (rather than excavated) cavities formed by large boulders, downed logs (avalanche debris), and snow.

48. Wolverines do not appear to specialize on specific vegetation or geological habitat aspects. Wolverines select areas that are cold and

receive enough winter precipitation to reliably maintain snow late into the warm season. This niche results in inherently vulnerable populations in the lower 48 States due to low densities and limited capacity for growth.

49. Wolverines opportunistically feed on a variety of food sources. Wolverines scavenge on carcasses, prey upon small animals, birds, and ungulates, and eat fruit, berries and insects. For wolverines, the availability and distribution of food is likely the primary factor in determining wolverine movements and home range size.

50. Female wolverines forage close to den sites in early summer, progressively ranging further from dens as kits become more independent. Female wolverines (even lactating females) have been documented traveling as much as 16 kilometers from den sites in search of food.

51. Wolverine territories in Montana range from 193 to 588 square miles for males and 55 to 148 square miles for females. Wolverines often move long distances in short periods of time when dispersing from natal ranges, into habitats unsuitable for long-term survival. Adult

male wolverines generally cover greater distances than female wolverines.

52. In the lower 48 States, wolverine historically occurred throughout the Southern Rockies (Wyoming, Colorado, and northern New Mexico), California's Sierra Nevada Mountains, parts of the Pacific Northwest (Oregon and Washington), throughout the Northern Rockies (Montana, Idaho, and Wyoming), and Utah. Records of wolverine also exist in parts of the Great Plains, Great Lakes, Midwest, and Northeastern United States. Wolverine habitat currently exists in portions of Washington, Oregon, California, Idaho, Montana, Wyoming, Colorado, Nevada, Utah, and northern New Mexico.



Modeled Wolverine Habitat in Western United States



53. The majority (95%) of wolverine habitat in the lower 48 States is federally owned and managed by the Forest Service. There are no regulatory mechanisms or standards in Forest Service Land and Resource Management Plans for wolverines.

54. Wolverines in the lower 48 States exist as a metapopulation. A metapopulation is a network of semi-isolated subpopulations, each occupying a suitable patch of habitat in a landscape of otherwise unsuitable habitat. Metapopulations require some level of regular or intermittent migration and gene flow among subpopulations, in which individual populations support one another by providing genetic and demographic enrichment through mutual exchange of individuals. Individual subpopulations may go extinct or lose genetic viability, but are then rescued by immigration from other subpopulations, thus ensuring the persistence of the metapopulation.

55. Wolverines in Canada exist as a panmictic population. A panmictic population is one in which all individuals have an equal probability of interbreeding. A panmictic population is one in which there are no barriers to genetic mixing and all members randomly interbreed.

56. Wolverines in the lower 48 States were trapped, hunted, and poisoned to near extinction in the 1800s and early 1900s. Wolverines have yet to recover from these early levels of mortality. Wolverines in the lower 48 States currently exist as a network of relatively small and

increasingly isolated subpopulations, some consisting of fewer than 10 individuals. Unlike a panmictic population (such as the population in Canada), persistence of subpopulations under these conditions requires movement between subpopulations (across both suitable and unsuitable wolverine habitat).

57. The best available science estimates that approximately 318 wolverines remain in the lower 48 States. The best available science estimates that the effective population, i.e., the number of individuals capable of reproducing and contributing to the next generation, is likely less than 40.

58. On November 30, 2023, the Service published a final rule in the Federal Register listing wolverines in the lower 48 States as a threatened distinct population segment.

59. The Service determined wolverine warranted listing under the ESA primarily due to ongoing and increasing impacts of climate change and associated habitat degradation and fragmentation. The Service also identified other stressors that are likely to negatively impact wolverine in the lower 48 States, including small population size, incidental mortality and impacts from winter recreation.

60. At the time of listing on November 30, 2023, the Service determined that wolverine occupied a large portion of the available habitat in the lower 48 States. The Service estimated that roughly 37 wolverines occupied the North Cascades at the time of listing. The Service estimated that roughly 49 wolverines occupied the Northern Continental Divide region at the time of listing. The Service estimated that roughly 119 wolverines occupied the Salmon-Selway/Wallowa Mountains region at the time of listing. The Service estimated that roughly 50 wolverines occupied the Idaho/Montana linkage area at the time of listing. The Service estimated that roughly 63 wolverines occupied the Greater Yellowstone Ecosystem at the time of listing.

61. At the time of listing on November 30, 2023, the Service noted that wolverine populations, though widespread, were relatively small, fragmented, and isolated from larger populations in Canada.

62. At the time of listing on November 30, 2023, the Service noted that breeding populations of wolverine were currently distributed across four ecoregions. These include the Cascades, Northern Rockies, Middle Rockies, and Southern Rockies.

63. The Service did not designate critical habitat for wolverine at the time of listing, on November 30, 2023. The Service determined that designating critical habitat for wolverine at the time of listing was not determinable because it had yet to obtain the necessary economic information needed to develop a proposed critical habitat designation in the lower 48 States.

64. The Service did not designate critical habitat for wolverine by November 30, 2024, a year after listing.

65. The Service did not designate critical habitat for wolverine by November 30, 2025, two years after listing.

66. The Service has yet to initiate the process of designating critical habitat for wolverine. The Service is not actively working on a proposed rule to designate critical habitat for wolverine.

67. The Service refers to the need to designate critical habitat for wolverine as one of many “outstanding actions” that needs to be completed.

68. The Service has yet to commit to any plan or schedule to designate critical habitat for wolverine. In a December 23, 2025 response to Plaintiffs’ October 15, 2025 sixty-day notice of intent to sue

letter, the Service did not commit to any plan or schedule to designate critical habitat for wolverine.

FIRST CAUSE OF ACTION
(Violation of the ESA – failure to designate critical habitat)

69. Plaintiffs incorporate all preceding paragraphs.

70. The ESA directs the Service (via the Secretary), to designate critical habitat for species at the time of listing to the maximum extent prudent and determinable. 16 U.S.C. §§ 1533(a)(3)(A)(i), (b)(6)(A), (C).

71. “Critical habitat” includes those areas occupied by the species at the time of listing that possess the physical and biological features essential to the conservation of the species and where special management consideration or protections may be required. 16 U.S.C. § 1532(5)(A)(i). Critical habitat may also include areas not occupied at the time of listing but still deemed essential to the conservation of the species. 16 U.S.C. § 1532(5)(A)(ii).

72. Designations of critical habitat must be made solely on the best available science, after taking into consideration the probable economic and other impacts of making such a designation. 16 U.S.C. § 1533(b)(2); 50 C.F.R. § 424.12(a).

73. Under the ESA, the Service may decide not to designate critical habitat if doing so is “not prudent.” 50 C.F.R. § 424.12(a)(2). Designating critical habitat may not be prudent if doing so would “increase the degree” of threats to the species, if threats to habitat or range are not a threat to the species, if areas within the United States provide little conservation value (i.e., the species exists primarily outside the jurisdiction of the United States), or if there are no areas that meet the definition of critical habitat. *Id.* at § 424.12(a)(1).

74. The Service did not make a “not prudent” finding for wolverine critical habitat.

75. Under the ESA, the Service may extend the deadline for designating critical habitat by no more than an additional year if critical habitat is “not determinable” at the time of listing. 16 U.S.C. § 1533(b)(6)(C)(ii). Critical habitat is “not determinable” if data sufficient to perform the required analyses is lacking or if the biological needs of the species are not sufficiently well known to identify any area that meets the definition of critical habitat. 50 C.F.R. § 424.12(a)(2).

76. The Service determined that critical habitat for wolverine at the time of listing was “not determinable.”

77. The Service’s “not determinable” finding for wolverine critical habitat was published on November 23, 2023 in the Federal Register.

78. The Service determined the designation of critical habitat for wolverine was not determinable at the time of listing because the agency had not yet obtained the necessary economic information needed for the designation. The Service explained that while it had reviewed and obtained the necessary information on the biological needs and habitat characteristics for wolverine in the lower 48 States, i.e., areas that retain late-spring snow, exist in alpine or subalpine ecosystems, have a sufficient prey base, and provide corridors for movement between isolated populations, it had yet to undertake a “careful assessment of the economic impacts that may occur” as a result of designating critical habitat. 88 Fed. Reg. at 83,771.

79. Under the ESA, the Service’s November 23, 2023 not determinable finding for wolverine critical habitat gave the Service a one-year extension to designate critical habitat. The new, mandatory deadline to designate critical habitat for wolverine was extended to November 23, 2024.

80. The Service missed the November 23, 2024, deadline to designate critical habitat for wolverine.

81. The Service has yet to publish a proposed critical habitat rule for wolverine.

82. The Service has yet to publish a final critical habitat rule for wolverine.

83. The Service has failed and continues to fail to comply with a mandatory, non-discretionary duty in Section 4 of the ESA to designate critical habitat for wolverine.

84. The Service’s failure to designate critical habitat for wolverine is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law” and/or constitutes “agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. §§ 706 (2)(A), 706 (1).

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request this Court:

A. Declare the Service has violated and continues to violate the ESA as alleged above;

B. Remand this matter back to the Service with instructions to comply with the ESA and designate critical habitat for wolverine within 12 months from the date of its final order and judgment;

C. 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;

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

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

Respectfully submitted this 14th day of January, 2026.

/s/ Matthew K. Bishop
Matthew K. Bishop

/s/ Sarah McMillan
Sarah McMillan

Counsel for Plaintiffs