

Timeline: Gray wolves and the ESA

January 1974: Gray wolves are listed as subspecies or as regional populations of subspecies in the contiguous U.S. and Mexico.

May 1978: Gray wolves are reclassified as endangered at the taxonomic species level (*C. lupus*) throughout the contiguous U.S. and Mexico, except for the Minnesota gray wolf population, which is classified as threatened.

April 2003: The U.S. Fish and Wildlife Service (FWS) publishes a final rule downlisting wolves to threatened in Eastern and Western Distinct Population Segments (DPSs) and retaining endangered status for wolves in Southwestern DPS, and publish a final § 4(d) rule allowing lethal depredation control activities in these regions.

January and August 2005: Federal courts in Oregon (*Defenders of Wildlife v. Interior*), then Vermont (*Nat'l Wildlife Federation v. Norton*) vacate the April 2003 downlisting rule, reinstating endangered status. The courts hold that FWS downlisted vast areas without correctly applying the ESA listing factors, in violation of the ESA and the FWS's own DPS Policy. The VT court also holds that the rule did not comply with the notice and comment provisions of the APA.

February 2007: The FWS issues a final rule delisting wolves in the Western Great Lakes (WGL) DPS.

February 2008: The FWS issues a final rule delisting wolves in the Northern Rocky Mountains (NRM) DPS.

July 2008: Federal court in Montana overturns the February 2008 NRM DPS delisting rule (*Defenders of Wildlife v. Hall*), holding that the FWS failed to ensure adequate regulatory mechanisms in Wyoming.

September 2008: Federal court in DC overturns the February 2007 WGL DPS delisting rule (*HSUS v. Kempthorne*), holding that FWS failed to explain how its decision to create a DPS in order to remove all ESA protections from that population comports with policy objectives of the ESA.

January 2009: The FWS publishes a final rule delisting wolves in the NRM DPS (excluding Wyoming).

April 2009: The FWS publishes another final rule delisting wolves in the WGL DPS.

July 2009: Federal District Court in Washington, DC issues order incorporating a settlement agreement pursuant to which the FWS must withdraw the April 2009 WGL DPS delisting rule (the FWS agreed that it had violated APA notice and comment requirements in issuing the April 2009 rule).

August 2010: Federal court in Montana overturns the January 2009 NRM DPS delisting (*Defenders of Wildlife v. Salazar*), holding that the Service cannot split a DPS into listed and delisted parts.

April 2011: Congress passes statute directing FWS to re-delist wolves in the NRM DPS (excluding WY).

December 2011: The FWS again delists wolves in the WGL DPS.

August 2012: The FWS publishes a final rule delisting wolves in Wyoming.

June 2013: The FWS proposes removing federal ESA protections for gray wolves (excluding Mexican gray wolves) across the lower 48 states. This proposal was later abandoned by the Service because peer review raised serious doubts about basic wolf taxonomy.

September 2014: Federal court in D.C. vacates the August 2012 Wyoming delisting; ESA listing restored.

December 2014: Federal court in D.C. vacates December 2011 WGL delisting rule (*HSUS v. Jewell*), holding: DPS designation can only be used to increase protections; FWS was not simply revising an existing listing; FWS impermissibly failed to address historical range loss; and FWS failed to adequately consider the threats of disease, threats of human-cause mortality, and the insufficiency of state regulatory measures.

March 2017: D.C. Circuit Court of Appeals reverses the September 2014 decision, reinstating the Wyoming delisting (*Defenders of Wildlife v. Zinke*).

August 2017: D.C. Circuit Court of Appeals affirms judgement vacating the December 2011 WGL DPS delisting final rule (*HSUS v. Zinke*), holding that FWS fatally failed to reasonably analyze or consider the impacts of partial delisting to the remaining portion of the species, and the impacts of historical range loss.

March 2019: The FWS proposes removing federal ESA protections for gray wolves (excluding Mexican gray wolves) across the lower 48 states.