



CFACT POLICY REPORT

ENDANGERED SPECIES ACT IMPLEMENTATION IS SEVERELY FLAWED

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EXECUTIVE SUMMARY

This CFACT report identifies several severe flaws in the implementation of the Endangered Species Act (ESA).

First, while the ESA allows permits to develop property within the habitat of a listed species, this provision has been implemented in a way that makes those permits prohibitively expensive for most landowners. One Florida example shows a cost of \$139,440 to build a house on 5 acres and \$2,289,700 to develop 100 acres, including for agriculture.

Second, federal funding for listed species is severely out of balance. More than half of the funding goes to just three salmon species that are listed as threatened, not endangered. The remaining funding is distributed among more than 1,600 mostly endangered species, often in token amounts.

Third, the vast sums of federal money poured into salmon restoration over the last several decades appear to have had no measurable impact. Population trends remain downward. The Pacific Coastal Salmon Recovery Program may have been a waste of money, and its feasibility needs to be carefully assessed.

Fourth, in many cases the courts are making policy over the well-reasoned objections of the enforcing agencies. The saga of the gray wolf is a good example as the U.S. Fish and Wildlife Service (FWS) has tried repeatedly over twenty years to delist the wolf, only to be blocked by a court order.

Fifth, the legal issues with gray wolf delisting are a tangle of confused concepts that need to be resolved by Congress. Chief among these is the unworkable concept of a “distinct population segment.” For example, gray wolf populations in Wisconsin have recovered to near the state’s estimated carrying capacity, but it is still federally listed as threatened.

Sixth, FWS is hiding the high cost of property development permits. Best estimates are required under the Paperwork Reduction Act. For the Habitat Conservation Plan that accompanies most permit applications, they estimate that over 2,000 hours of applicant labor will be required but then estimate the dollar cost at an absurd zero. This looks like administrative fraud.

Seventh, this report concludes that much, possibly most, of the high cumulative cost of permitting stems from an impossibly vague regulatory definition of “harm” to an ESA-listed animal. The law requires actual harm before a permit is required while the enforcement agencies seem to be requiring permits based on the speculative risks arising from habitat modification.

INTRODUCTION

This study identifies several of the most significant problems with the current implementation of the Endangered Species Act (ESA.) It is not intended to be comprehensive, and many other important issues remain. However, each of the problems discussed here is substantial and will likely require congressional action to resolve.



I. ESA Building Permits Are Extremely Expensive

A. How Property Development Permitting Operates

The regulatory machinery of the ESA is seriously overextended, often making the reasonable use of regulated land impossible. This problem requires congressional action.

The law itself is straightforward, but the U.S. Fish and Wildlife Service (FWS) has implemented it in an extreme way. The law states that a person cannot harm an endangered species without obtaining the required permit. FWS has interpreted “harm” to include any change in the habitat that could negatively impact a species. Cutting down a tree that an endangered bird might nest in could be considered harm.

The law allows property development within endangered species habitat. This is handled through an “incidental take” permit because the species is not taken deliberately but incidentally taken during development. Incidental means unintentional.

FWS has interpreted “harm” so broadly that virtually any impact on habitat is considered a prohibitive take. FWS has stretched this language to its limit.

The real problem is that FWS has made incidental take permits so expensive that only wealthy landowners can afford them. For most landowners, this extraordinary cost has made reasonable development impossible.

B. A Florida Example of Prohibitive Permit Costs

The excessive cost of incidental take permits can be observed clearly in an example from Florida. A landowner with a modest five-acre plot wanted to build a house on that land. The incidental take fee was \$139,440, which made building impossible. [The landowner has asked the court](#) to overturn this destructive fee structure, but it is ultimately Congress’s job to do so.

This case is from Charlotte County, Florida, one of several American jurisdictions to adopt what is called a regional Habitat Conservation Plan (HCP). An HCP is required to obtain an ESA incidental take permit, and these plans require substantial, expensive biological research.

The county then sublets the permitted take to local landowners who want to improve their property. The severe ESA cost structure is usually not public, [but Charlotte County has published its fees online](#).

For anything over 100 acres, such as developing agricultural land, the ESA permit fee is a punitive \$2,289,700. This effectively rules out agricultural development. Ironically, it invites projects such as malls and data centers that sterilize the land. Developing even the smallest piece of land, up to 0.22 acres, costs \$2,032.

In most of America where endangered species are present, the landowner must apply directly to FWS for an incidental take permit in order to develop the land. The required Habitat Conservation Plan is very expensive and time-consuming. HCP preparation has become an industry of its own. Many landowners cannot afford an HCP, which means their land cannot be developed. This can drastically lower the value of the land.

C. Permits Require National Environmental Policy Act Environmental Impact Assessments

Even worse, FWS has ruled that approval of every HCP must go through the laborious National Environmental Policy Act (NEPA) process. This is difficult to justify given that there are typically no direct impacts on the endangered species, only on its habitat.

In sharp contrast, the National Marine Fisheries Service issues incidental take permits to actually harass and harm protected marine mammals without going through NEPA. The Dominion Energy offshore wind project is authorized to harass and harm almost 60,000 marine mammals. NEPA is not involved.

D. Permitting Reform Is Called For

The situation is clear. FWS's ESA regulations seriously distort congressional intent. They make it almost impossible for anyone except the wealthy to develop land within the extensive habitat of an endangered or threatened species — not just in Florida, but throughout America.

E. Summary

The ESA is not the problem; it is the extreme permitting regulations that Congress must constrain.

II. ESA Federal Spending Is Severely Out of Balance

A. Introduction to Federal ESA Spending Data

The ESA requires a *“report to Congress on federal and state endangered and threatened species expenditures.”* The federal portion alone amounts to over \$1 billion a year.

There is clearly an entire industry here. What the specific spending is for and who receives it is often unclear. However, the report does provide substantial detail on what each agency spends on each protected species.

The qualifier “appears” is warranted because the latest expenditure report available is from fiscal year 2022. FWS produces this report and maintains [a public online collection of ESA expenditure reports](#), but that collection ends with the [2022 report](#).

More recent reports may exist elsewhere online. However, they could not be located in ECOS, [FWS's large species data system](#). A search of ECOS for the term “expenditure” produced no results, and ECOS's list of standard reports does not include an expenditure report either.

The 2022 data is still sufficient to show the scale of what is happening. The 314-page report consists mostly of long lists because an expenditure is listed for each of the more than 1,600 protected species.

Table 1 lists every species and the total expenditure across all agencies, though land acquisition is not

included. The species are listed alphabetically by common name within biological classifications such as birds, fishes, flowering plants, and others. Surprisingly, there are more plants than animals. Table 1 is over 100 pages long.

Most notable is the total federal expenditure for the year: \$1,135,610,898, or well over \$1 billion. The ESA is a very large program that the public knows very little about. Moreover, this amount does not include the substantial costs that non-federal landowners collectively pay when applying for incidental take permits so they can develop their land.

B. Salmon and Steelhead Get Well Over Half the ESA Funding

Table 2 also lists the same species but ranks them by expenditure from highest to lowest. Table 1 is the place to look up a particular species, while Table 2 shows where the largest amounts of money are going. Table 1 includes each species' Table 2 ranking for cross-reference. Table 2 is also over 100 pages long.

Surprisingly, 27 of the top 30 funded species are fish. Many are actually salmon and steelhead population groups categorized by geographic location, but there are others. The three non-fish are the North Atlantic Right Whale, the Desert Tortoise, and the West Indian Manatee. The little-known Razorback Sucker receives more funding than any of these three, at \$14,425,633.

Table 2 includes a running top-down total. The top 30 species, almost all fish, collectively receive \$658,328,316, or over half of the program's funding. Last place is shared by a birch, a chub, and a snail at \$100 each. The Red Wolf barely exceeds them at \$200.

Table 2 of this report supposedly lists federal spending by species ranked from highest funding to lowest — “supposedly” because FWS, which produces the report, is playing a classification game.

It does not list salmon spending by species. It lists them by geographical population. There are many of these populations, so the total spending by salmon species is not presented as a sum. All we see are much smaller totals for individual populations.

In fact, FWS and the National Oceanic Atmospheric Administration (NOAA) repeatedly claim they jointly “*manage 28 species of salmon and steelhead.*” In truth, there are only four salmon species under ESA management: chinook, coho, chum, and sockeye. Steelhead is even more misleading because it is not actually a species. Steelhead are in truth rainbow trout that happen to spend most of their lives in the ocean, and that species of trout is not ESA-listed. FWS provides an online map and listing titled “[West Coast Region Salmon & Steelhead Recovery Domains.](#)”

Table 2 uses an even finer population breakdown. 51 of the first 66 entries are either salmon or steelhead, leaving the remaining species effectively shut out with most of the billion-plus dollars already allocated.

C. Summary

In practice, much of the federal ESA program's spending is concentrated in the Pacific Coastal Salmon Recovery Program rather than spread evenly across listed species.

III. The Pacific Coastal Salmon Recovery Program Has Failed

The vast sums of federal money poured into the Pacific Coastal Salmon Recovery Program over the last several decades appear to have had no measurable effect. Population trends remain downward, although the species are still generally listed as threatened. The program may have been a waste of money.

A. Waste and Fraud Allegations Plague the Pacific Coastal Salmon Recovery Program

Allegations of Pacific Coastal Salmon Recovery Program fraud and mismanagement center on billions of federal dollars failing to restore declining populations, with critics alleging misused funds, misrepresented projects, and ineffective, self-perpetuating science-grant ecosystems.

Fraud issues include lawsuits over stolen funds, claims of fictitious habitat improvements, and concerns that money was diverted to personal expenses. But waste is the larger issue because, despite many billions spent over many years, there has been no recovery.

B. Articles Documenting Pacific Coastal Salmon Recovery Program Failure and Cost to Taxpayers

One example of an article documenting the Pacific Coastal Salmon Recovery Program's failure is ProPublica's article, "[The U.S. Has Spent More Than \\$2 Billion on a Plan to Save Salmon. The Fish Are Vanishing Anyway.](#)"

The populations are not vanishing; they are not increasing and may be slowly falling. Most are listed as threatened, not endangered. See the map referenced above for each population's rating.

Another example is the older article "[Failing Salmon Recovery Efforts are Costing Taxpayers Billions.](#)"

They state the problem well: "Over the last two decades, federal agencies have spent more than \$8 billion on efforts to restore salmon to the Columbia and Snake River Basin. But, in spite of this spending, salmon populations continue to decline. In fact, a comprehensive review by the Government Accountability Office found that from 1982-2002 there was no "conclusive evidence" that any of the federal efforts to restore salmon had been successful."

C. The Salmon Numbers May Be Natural

It is entirely possible that these salmon and steelhead populations are mostly exhibiting natural variability, meaning that spending billions has no effect. If so, this resembles the spending habits related to climate change.

The latest newsletter from NOAA's Northeast Fisheries Science Center describes a dramatic, ongoing 16-year collapse in a fishery that appears to be entirely natural. Natural populations can fluctuate sharply over long-time scales. If these population changes are mostly natural, then the ESA's salmon recovery efforts represent a waste of billions of taxpayer dollars.

D. Summary

The Pacific Coastal Salmon Recovery Program dominates federal ESA spending. Given its failure to date, the feasibility of this hugely expensive program needs to be carefully assessed.

IV. The Saga of the Wolf: The Role of Courts and States in the Endangered Species Act

The courts and states have a lot to do with implementing the Endangered Species Act (ESA). Nowhere is more visible than with the wolf.

Technically known as the gray wolf, the story begins more than 100 years ago. As America expanded, wolves were widely regarded as a threat and were largely exterminated throughout much of the country through the bounty programs established by many states.

The gray wolf was among the first species protected under the precursor to the modern ESA in 1967. Thanks to widespread state reintroduction programs, the wolf now thrives in many wild areas.

In 2020, the U.S. Fish and Wildlife Service (FWS) determined that the wolf had successfully recovered, like the bald eagle, and removed the gray wolf from the ESA's list of protected species. Environmental groups immediately challenged the decision, and in 2022, a federal court blocked the FWS's delisting rule. As a result, the gray wolf remains listed under the ESA.

A. The NEPA parallel

ESA implementation has been drenched with litigation, and the wolf case has been a prominent example. In some cases, the litigation has been appropriate. For example, an agency does not meet the statutory deadline for ruling on a petition to list or delist a species, the court's role is simply to enforce the law.

In other cases, such as the case of the gray wolf, the court appears to be preempting the agency's policy making role. The FWS is charged under the ESA with determining when a species should be listed or delisted. That fundamental decision now lies with the court. Whether this is appropriate is far from certain.

The Supreme Court recently issued a ruling that may be applicable here. The case concerned the National Environmental Policy Act (NEPA). In essence, the Supreme Court upheld that the court's role was to ensure that the NEPA procedures were followed, not to second-guess the Agency's decisions.

If this reasoning were followed, it might be concluded that the court erred in rejecting the FWS's finding that the gray wolf was no longer threatened or endangered.

B. The Wisconsin Case

This brings us to Wisconsin, which is leading the fight to overturn the court ruling that is keeping the gray wolf on the ESA's list of protected species. It is important to note that delisting does not mean that the gray wolf is unprotected. Rather, responsibility for protection falls to the states, which are arguably more sensitive to local conditions.

Wisconsin congressmen and senators have introduced legislation to delist the gray wolf and prevent court interference. One bill to do so has passed the House but is asleep in the Senate.

In the meantime, Wisconsin's wildlife agency has been building the case for delisting, at least within that state. They have fielded large scale wolf population studies. Their finding is not only that the wolf population is large and stable but also that it is close to the estimated carrying capacity. This means there are about as many wolves as there can be under natural conditions.

Surely this data indicates that the Wisconsin wolf is neither endangered nor threatened. But that determination seems to be locked up in the courts. Is FWS out of the wolf endangerment picture? Is the gray wolf now in legal limbo?

The court should be enforcing the procedural requirements of the law, not making policy. Delisting a species or a population does not end its protection. It just transfers it to the states, who may be better qualified to do the job.

The Endangered Species Act needs to be interpreted to recognize these important issues.

V. The Gray Wolf Is Trapped in an ESA Legal Tangle

The gray wolf, more commonly known as the wolf, has been the subject of a massive legal battle for over twenty years running. The issue is its listing as endangered or threatened under the Endangered Species Act (ESA). It is presently listed throughout the lower 48 States despite repeated federal agency attempts to delist it.

The science agency in charge, the U.S. Fish and Wildlife Service (FWS), has long been saying the wolf is thriving and should be delisted, an ESA success story like the bald eagle. But the courts will not allow it and have repeatedly rejected the FWS delisting rulemakings which began in 2003. The most recent court rejection of a FWS delisting attempt was in 2025, following the big one in 2020.

Numerous congressional bills to address this problem have been attempted but failed to pass. Ultimately, it is up to Congress to resolve the issue. New approaches are likely needed.

A. In Many States, Gray Wolves Are Thriving

Ironically, today's wolf is an invasive species, albeit a welcome one, since it is here because it was "reintroduced" in many states, likely by truck. Wolves were basically exterminated 100 years or so ago thanks to generous Government bounty programs. They were then one of the first animals listed in the 1967 precursor to the ESA. Since then, they have been widely reintroduced.

Now wolves are relatively plentiful. Some state wildlife management agencies, such as Wisconsin's, say their wolves have reached their natural carrying capacity. This is the very opposite of endangered.

Under the ESA, "endangered" means in danger of extinction, while "threatened" means likely to become endangered in the foreseeable future. In some states, wolves are clearly neither endangered nor threatened, yet they remain listed as such despite repeated FWS attempts to delist them.

B. The "Distinct Population Segment" Confusion

One of the major legal issues is a conceptual confusion. Despite its name, the Endangered Species Act is not presently about species alone. In 1978, the definition of "species" was amended to include "... any distinct population segment of any species of vertebrate fish or wildlife which interbreed when mature."

The ESA does not define "distinct population segment" (DPS), and much of the legal controversy is over the meaning of that arcane term. As often happens, the words in a statute can take on meanings that

differ from their ordinary usage. In the ESA, “species” does not necessarily mean species.

In some cases, the concept of a DPS works well because the critters interbreed in well-defined geographic groups. For example, salmon are easily grouped by river because adults return to their birth river to spawn. There are over 60 salmon “species” listed under ESA.

The concept of DPS absolutely does not work for wolves. Gray wolves are nomads with huge overlapping ranges. A young wolf seeking a mate might travel 600 miles to find one. Packs form and then dissolve.

The wolf population is basically continuous, not segmented. Thus, the ESA’s practice of listing by segment simply does not work. Congress needs to define a new approach to listing species.

C. Two Legislative Approaches

A solution worth considering is a state program approach. States could administer State Implementation Plans under the ESA, with oversight and approval by the FWS. This is analogous to how EPA implements some of the Air Quality Act.

This is a complex solution.

A far simpler approach would be for Congress to eliminate the DPS language. Listing would then be based on the status of the animal as a whole. Under this approach, the gray wolf would not be listed as endangered or threatened because it is doing well in some states.

VI. FWS Is Hiding the High Cost of Endangered Species Act Permitting

A. The Labor and Cost of Permitting Must Be Estimated Under the Paperwork Reduction Act

Landowners subject to the Endangered Species Act (ESA) can, in principle, obtain permits to develop their land from the U.S. Fish and Wildlife Service (FWS). Under the Paperwork Reduction Act, the FWS is required to estimate the average applicant’s labor and expenses associated with obtaining such a permit. These estimates are published in a [government wide database](#).

As explained below, the labor estimate is clearly prohibitive for most people. The cost is likely also prohibitive, but a realistic estimate is conspicuously absent. FWS needs to provide an honest assessment of the huge cost of obtaining ESA development permits. Failure to provide a reasonable cost estimate is the second boondoggle. It may even constitute administrative fraud.

By way of terminology, this is called an Incidental Take Permit. Under many other wildlife protection laws, the animal is considered to be “taken” if it is directly impacted — for example by being killed, injured, or harassed. ESA defines “take” much more broadly to include actions that affect an animal’s habitat in ways that might be detrimental to the species. “Incidental” means that the taking is not the primary purpose of the permitted action.

Over 100 million acres of land and 34,000 miles of streams are presently designated as protected habitat under ESA, so the need for Incidental Take Permits is potentially extensive.

Each Incidental Take Permit must include a detailed [Habitat Conservation Plan \(HCP\)](#), which includes a lot of technical ecological analysis. Preparing the HCP is where most of the labor and cost originates.

B. The Labor Estimate Is Over 2,000 Person Hours per Permit

FWS provides separate official labor and cost estimates for preparing the permit application and the Habitat Conservation Plan. Beginning with the labor estimates:

For preparing the application, the claimed average labor requirement is a mere three hours. This estimate is undoubtedly very low because the application requires obtaining numerous documents and understanding the regulations, among other things. However, this is insignificant compared to preparing the HCP.

The official FWS applicant labor estimate for preparing the Habitat Conservation Plan is a staggering 2,080 hours. That is precisely a full person-year of work.

Accepting this huge number for the moment, it is easy to see that few landowners will have the time to apply for a permit. Big organizations with big plans might throw that much staff time at getting a permit, but, short of that, it is just too much work.

Of considerable concern is that this already large estimate is likely to be significantly understated. Agencies are under substantial pressure to minimize their labor estimates. The Paperwork Reduction Act (PRA) imposes a regulatory labor budget on each agency. The total allowable annual labor required under all the agency's regulations taken together is set by the Office of Management and Budget. (Note: The author contributed to the design of this "burden budget" system.)

Since agencies continually seek to issue new regulations, they need strategies to reduce the labor estimates on their existing rules. Sometimes they make meaningful changes, but often they simply reduce the estimates further without substantive basis. The fact that the HCP estimate equals exactly 40 hours/week X 52 weeks strongly suggests that it is not a genuine estimate.

A major flaw in the PRA is that it does not require field sampling of actual labor amounts, so bogus estimates are unconstrained. However, given the drive to minimize them, this huge 2080 hours per permit should be considered the low end of the possibilities. The actual labor required could easily amount to several person-years.

VII. An Impossibly Vague Concept of "Harm" Plagues the Endangered Species Act

A. Including Habitat Modification Creates an Impossible-to-Know Criterion for Permitting

The huge cost of property development under the Endangered Species Act (ESA) is largely caused by an impossibly vague concept of "harming" a listed species. This concept is not in the law, just its misguided interpretation by the enforcing federal agencies. The law simply says that it is illegal to harm a listed animal without a permit to do so.

In other animal protection laws, harm means harm or directly impacting a protected animal. But under the ESA, the concept of harm has been interpreted enormously broader. "Harm" now includes any modification to an animal's habitat that might someday adversely affect the species.

This incredibly broad and vague concept is used by both the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) who jointly enforce the ESA.

Here is how [NMFS puts it](#):

“NMFS interprets the term “harm” as an act which actually kills or injures fish or wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding or sheltering.”

Although this sentence is in present tense, in the context of a permit for property development, the relevant timeframe is the future, including the distant future, which makes the standard unworkable.

For example, consider a property that is occasionally visited by a migrating bird that is ESA listed. A landowner wishing to cut down trees and build a house would “harm” one of these listed birds if that act someday significantly impaired its migration.

There is no way to know today whether this will ever happen, and that is the core problem with the Endangered Species Act. The same is typically true for “breeding, spawning, rearing, feeding or sheltering.”

A concept is vague when it cannot be determined whether it applies to a given situation. This is true for many, and likely most, cases of property development and ESA “harm.” While there may be the potential for such injury, the definition requires actual injury, and whether that will ever occur in future, is simply unknowable.

B. Permits Are Being Required Where Not Called for by Law

This is a very serious problem. The ESA only requires a property development permit if the development is harmful, but, in many cases, it is impossible to know if this is so under the habitat modification standard.

How is this fundamental vagueness being administered? This question clearly calls for an investigation, but the following represents a reasonable inference.

In impossible administrative situations, agencies typically default to something simple and feasible. In this case, that means assuming that if a listed species is found on the property, the maximum amount of feasible mitigation will be required. Here, mitigation means taking expensive measures to reduce the risk of injury.

They are essentially substituting the mere risk of harm for the actual harm called for in the regulatory definition. In some cases, they might even assume that the risk of the animal being on the property at some point in the future is enough to require a development permit. The property being over 100 million acres of critical habitat might be sufficient to falsely trigger a permit requirement.

The Endangered Species Act says you need a permit to harm a listed animal. If the FWS and NMFS are, in fact, requiring property development permits based on the mere risk of possible future harm, that is a significant case of illegal overregulation.

C. Summary

Congress and the Trump administration should closely examine this regulatory issue. The impossibly vague definition of “harm” must be revised so reasonable property development can proceed unmolested. Over a year ago the administration in fact [proposed a fix](#), but no final action has occurred to date.

RESOURCES

A. The expensive rules for developing Habitat Conservation Plans

<https://www.fws.gov/sites/default/files/documents/habitat-conservation-plan-fact-sheet.pdf>

B. Charlotte County, Florida, fee structure for Habitat Conservation Plans (HCP)

<https://www.charlottecountyfl.gov/departments/community-development/notices/scrub-jay-habitat-conservation-plan-hcp-fees-2026.shtml>

C. Lawsuit challenging expensive HCP fees

<https://floridaspecifier.com/nov-dec-2025/federal-court-allows-property-rights-challenge-to-proceed-in-charlotte-county-esa-case/>

D. Federal ESA expenditures report for 2022

https://www.fws.gov/sites/default/files/documents/2026-05/endangered-and-threatened-species-expenditures-fiscal-year-2022_0.pdf

E. Map of Pacific Coast salmon and steelhead recovery domains

<https://www.fisheries.noaa.gov/s3/2024-09/wcr-recovery-map-2024.pdf>

F. Article: “The U.S. Has Spent More Than \$2 Billion on a Plan to Save Salmon. The Fish Are Vanishing Anyway.”

<https://www.propublica.org/article/salmon-hatcheries-government-climate-change>

G. Article: “Failing Salmon Recovery Efforts are Costing Taxpayers Billions.”

<https://www.taxpayer.net/transportation-infrastructure/failing-salmon-recovery-efforts-are-costing-taxpayers-billions/>

H. “U.S. District Court Vacates Gray Wolf Delisting Rule” gives a history of the delisting issue, including the confused concept of “distinct population segment.”

<https://www.congress.gov/crs-product/LSB10697>

I. “WISCONSIN GRAY WOLF MONITORING REPORT 15 APRIL 2024 THROUGH 14 APRIL 2025” describes the wolf’s status in detail as well as federal legislative actions calling for delisting the wolf.

https://widnr.widen.net/s/dqmpfrnlpw/wolfreport_2025

J. Current Inventory of all collections of information from the public for which a federal agency has received prior approval from OMB, as required by the Paperwork Reduction Act.

<https://www.reginfo.gov/public/do/PRAMain>

K. Conservation Planning and Incidental Take Permit Processing Handbook

<https://www.fws.gov/media/habitat-conservation-planning-and-incidental-take-permit-processing-handbook>

L. National Habitat Conservation Plan Coalition

<https://www.nhpccoalition.org/>

M. CODE OF FEDERAL REGULATIONS (CFR) PART 222—GENERAL ENDANGERED AND THREATENED MARINE SPECIES

<https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-222>

N. FWS and NMFS joint proposal to rescind the definition of ESA “harm”

<https://www.federalregister.gov/documents/2025/04/17/2025-06746/rescinding-the-definition-of-harm-under-the-endangered-species-act>

O. Article: “Endangered Species Act regulatory overkill”

<https://www.cfact.org/2026/05/09/endangered-species-act-regulatory-overkill/>

