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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

SAVE THE YELLOWSTONE GRIZZLY,
Plaintiff

Plaintiff,

v.

UNITED STATES FISH AND WILDLIFE
SERVICE—BRIAN NESVIK, Director;
Defendant; and

JIM FREDERICKS, Director of Idaho
Department of Fish & Game *et al.*;
Defendants-Counterclaimants-
Crossclaimants.

Case No. 4:23-cv-00363-DCN

**DECLARATION OF GINA
SHULTZ**

I, Gina Shultz, declare as follows:

1. I am the Acting Assistant Director (“Acting AD”) for Ecological Services of the U.S. Fish and Wildlife Service (“Service”), an agency of the U.S. Department of the Interior (“Department”), located in Washington, D.C. In my capacity as Acting AD, I am responsible to the Director of the Service and to the Secretary of the Department for, among other things, the administration of the Endangered Species Act (“ESA”), 16 U.S.C. §§ 1531-1544.
2. In accordance with the Stipulation of Dismissal and Settlement Agreement dated February 22, 2024, Dkt. 26, approved by the Court on March 4, 2024, Dkt. 27, the Service has been diligently working to submit for publication in the Federal Register a final rule complying with the ESA and its implementing regulations that revises or removes the entire ESA listing of grizzly bears in the lower-48 United States on or before January 31, 2026.
3. On January 15, 2025, the Service issued a proposed rule for revising the listing of grizzly bears in the lower-48 United States and a proposed accompanying section 4(d) rule (90 Fed. Reg. 4234). The Service also accepted public comment on the proposed rule if received or postmarked on or before March 17, 2025.
4. Grizzly bears are an extraordinarily complex species and generate significant public interest and involvement. For example, in response to the January 15, 2025, proposed rule, the Service received more than 200,000 public comments for consideration including from state, federal, and tribal agencies, various organizations, and individual members of the public. Rulemaking for complex species such as grizzly bears requires significant staff time and agency resources.
5. In the months following the publication of the proposed rule, the Service experienced a change in administration, unforeseen staffing turnover and shortages, a regulatory backlog, and was without a Senate-confirmed director until August 1, 2025. Additionally, between October 1, 2025, and November 13, 2025, the Service experienced a lapse of appropriations, during which Service employees were prohibited by federal law from working, even voluntarily, except in very limited circumstances, including emergencies involving the safety of human life or the protection of property. 31 U.S.C. § 1342.
6. Accordingly, due to the administrative limitations listed above and the highly complex nature of grizzly bear rulemaking, the Service requires additional time to complete this

rulemaking in compliance with the February 22, 2024, Stipulation of Dismissal and Settlement Agreement.

7. The Service is unable to meet the existing January 31, 2026, deadline to submit a final rule complying with the ESA and its implementing regulations to the Federal Register revising or removing the entire ESA listing of grizzly bears in the lower-48 United States and is seeking an extension through December 18, 2026.

Pursuant to 28 U.S.C. § 1746, I declare that the foregoing is true and correct to the best of my knowledge.

Executed in Washington D.C., on this 23rd day of January, 2026.

GINA
SHULTZ 

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GINA SHULTZ
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Gina Shultz
Acting Assistant Director for
Ecological Services
U.S. Fish and Wildlife Service