



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of General Counsel
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**Litigation Updates for the
October 2025 Meeting of the North Pacific Fishery Management Council**

Wild Fish Conservancy v. NMFS et al.

Parties:

Plaintiff: Wild Fish Conservancy.

Federal Defendants: National Marine Fisheries Service (NMFS); United States Department of Commerce; Secretary of Commerce, Howard W. Lutnick; NMFS Assistant Administrator, Eugenio Piñeiro Soler.

Case Activity:

On May 8, 2025, Wild Fish Conservancy (WFC) filed suit against NMFS, the Department of Commerce, Secretary Lutnick, and NMFS Assistant Administrator Piñeiro Soler in the U.S. District Court for the District of Columbia. Plaintiff sued under the Endangered Species Act (ESA; 16 U.S.C. 1540(g)(1)(C), (g)(2)(C)) for NMFS's failure to meet the 12-month deadline on WFC's Petition to List Alaskan Chinook Salmon under the ESA. WFC submitted their Petition to NMFS on January 11, 2024. On May 24, 2024, NMFS announced its 90-day finding that listing may be warranted under the ESA (89 FR 45815). NMFS was then required to issue a 12-month finding within twelve months of receipt of the Petition, per 16 U.S.C. § 1533(b)(3)(B). At the 12-month finding stage, NMFS may either issue a negative 12-month finding that listing is not warranted or a positive 12-month finding that listing is warranted and a proposed rule to list the species. WFC's Complaint only challenges NMFS's delay in issuing a 12-month finding.

Status/Next Steps:

The parties are engaging in discussions to resolve Plaintiff's claim regarding NMFS's delay in issuing the required 12-month finding. Federal Defendant's Answer to the Complaint is currently due October 27, 2025 (Plaintiff's Complaint is provided as an attachment to the [NOAA General Counsel B3 Litigation Report - WFC v. NMFS](#) on the June 2025 Council agenda).