



Mr. Ken Salazar
Secretary of the Interior
U.S. Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

June 16, 2010

RE: Sixty-day notice of violation of section 4(b)(3)(A, and B) of the Endangered Species Act, relating to late findings for 140 species.

Dear Secretary Salazar,

This letter serves as a sixty-day notice from the Center for Biological Diversity, Noah Greenwald and other interested parties of intent to sue you pursuant to the Endangered Species Act (“ESA”) for failing to make required findings on seven petitions requesting listing of the striped newt (*Notophthalmus perstriatus*), Berry Cave salamander (*Gyrinophilus gulolineatus*), Puerto Rican harlequin Butterfly (*Atlantea tulita*), Ozark chinquapin (*Castanea ozarkensis*), western gull-billed tern (*Sterna nilotica vanrosseml*), plains bison (*Bison bison bison*) and Mohave ground squirrel (*Spermophilus Mohavensis*). 16 U.S.C. § 4(b)(3)(A) and (B). This letter is being provided to you pursuant to the 60-day notice requirement of the citizen suit provision of the ESA. 16 U.S.C. § 1540(g)(2)(C).

In response to a petition to list a species as threatened or endangered, the ESA requires the Secretary to within 90 days determine whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted (“90-day finding”), within 12 months determine whether listing is warranted, not warranted, or warranted but precluded (“12-month finding”), and within 12 months of a warranted determination, publish a final rule listing the species or withdrawing the warranted finding. 16 U.S.C. § 1533(b)(3)(A) and (B). Petitions for the seven species were filed from January 22, 2003 to June 22, 2009. The U.S. Fish and Wildlife Service has issued 90-day findings for six of the seven species, but has yet to issue required 12-month findings. For the plains bison, the agency has yet to issue a 90-day or 12-month finding. Accordingly, you are in violation of the law and have abrogated your duty to ensure that protection of endangered species occurs in a timely manner thereby avoiding further decline and increased risk of extinction.

If the Secretary does not make the required findings for these species or contact us to develop a timeline for making these findings within the next sixty days, we intend to file suit. Please contact me if you have any questions or if you would like to discuss this matter.

Sincerely,



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