



Mr. John Bryson
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, D.C. 20230

February 1, 2012

RE: Sixty-day notice of violation of section 4(b)(3)(A, and B) of the Endangered Species Act, relating to a late finding on a petition to list Chinook salmon in the upper Klamath and Trinity Rivers as an endangered species.

Dear Secretary Bryson,

This letter serves as a sixty-day notice from the Center for Biological Diversity, Oregon Wild, Environmental Protection Information Center, The Larch Company, 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 a petition to list Chinook salmon (*Oncorhynchus tshawytscha*) in the upper Klamath and Trinity Rivers as a threatened or endangered species under the Endangered Species Act. 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”), and within 12 months determine whether listing is warranted, not warranted, or warranted but precluded (“12-month finding”). 16 U.S.C. § 1533(b)(3)(A) and (B). The petition for Chinook salmon was filed January 28, 2011. The National Marine Fisheries Service issued a positive 90-day finding on the petition on April 12, 2011. Federal Register, 76: 20302-20304. A 12-month finding was thus due on January 28, 2012. 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 finding for the salmon or contact us to develop a timeline for making this finding 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,

A handwritten signature in black ink that reads "David Greenwald". The signature is written in a cursive style with a large, sweeping flourish at the end.

D. Noah Greenwald
Endangered Species Program Director
Center for Biological Diversity
PO Box 11374
Portland, OR 97211
ngreenwald@biologicaldiversity.org