



Ms. Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington DC 20240

April 7, 2014

Janet Mizzi, Chief, Division of Endangered Species
Ecological Services, Southeast Regional Office
U.S. Fish and Wildlife Service
1875 Century Blvd.
Atlanta, GA 30345

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 protect the Slenderclaw Crayfish (*Cambarus cracens*)

Dear Secretary Jewell:

This letter serves as a sixty-day notice from the Center for Biological Diversity, Tierra Curry, and other interested parties of intent to sue you pursuant to the Endangered Species Act (“ESA”) for failing to make a required 12-month finding on a petitioned freshwater species from Alabama, the Slenderclaw Crayfish (*Cambarus cracens*). The Center and allies petitioned for protection for the crayfish in 2010 as 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).

The Slenderclaw Crayfish is three inches long and lives in clear, shallow, slow-flowing streams with bedrock and sandy bottoms and large rocks. The range of the Slenderclaw Crayfish is limited to tributaries of the Tennessee River in DeKalb and Marshall counties, Alabama on Guntersville Lake.

In a newly published study, Kilburn et al. (2014) report that they were able to find the Slenderclaw Crayfish at only one of 55 sampling sites, and that the species’ range appears to have been reduced to a single location. The authors conclude, “The failure to find *Cambarus cracens* at any of the five historical sites reported by Bouchard and Hobbs (1976) indicates the need to place this species in a category of utmost concern” (p. 117). The authors recommend that *C. cracens* be considered for protection under the

Endangered Species Act based on significant reduction of an already seriously restricted range, surviving occurrence at only a single site, and lack of success in detecting the species at other possible sites despite extensive field effort (p. 117). In addition to the known habitat loss that resulted from damming the Tennessee River to create Lake Guntersville, the authors identify nutrient loads, bacteria levels, and heavy metals as potential factors in the ongoing decline of the crayfish.

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 to 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 this crayfish was filed on April 20, 2010. The U.S. Fish and Wildlife Service issued a positive 90-day finding for the species on September 27, 2011. Federal Register, 76: 59836-59862. A 12-month finding was due on April 20, 2011. 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, increased risk of extinction, and increased cost of recovery.

The Southeastern United States is a global center of freshwater species diversity and is home to an astounding variety of freshwater animals. The rivers and streams which support these animals face many threats including pollution, drought, development, mining, logging, natural gas extraction, groundwater decline, and global climate change. The Southeast is in the midst of an extinction crisis. More than 50 freshwater species from the region have already been lost to extinction. Freshwater species are disappearing at 1,000 the normal background extinction rate. The Service must act to protect the region’s imperiled species before more pieces of our country’s irreplaceable natural heritage are forever erased.

Though often under-appreciated, freshwater species play an important role in maintaining the health of streams and rivers. Crayfish are important components in aquatic ecosystems for several reasons. They are a keystone species in maintaining stream community structure, they play important roles as processors of energy, and they serve as prey for a variety of organisms including fish, birds, and mammals (Jones and Eversole 2011). Nearly half of all North American crayfish species are considered to be at-risk of extinction as many have limited geographic ranges, and the freshwater habitats on which they depend for survival face multiple threats (Taylor et al. 2007). Because of their narrow range of habitat requirements, crayfish are especially vulnerable to extirpation (Gilpin and Soule’ 1986).

The health of the Southeast’s waterways, the biodiversity they support, and the human communities in the region are all interrelated. Protecting freshwater species in the Southeast and the habitat they need to survive will also protect the health of the waterways that people need.

If the Secretary does not make the required finding for the Slenderclaw Crayfish or contact us to develop a timeline for making the 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,



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References

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- Jones, D.R. and A.G. Eversole. 2011. Life history characteristics of the Elk River Crayfish. *Journal of Crustacean Biology* 31(4):647-652.
- Kilburn, S.L., C.A. Taylor, and G.A. Schuster. 2014. Conservation assessment and habitat notes for three rare Alabama crayfishes: *Cambarus cracens*, *Cambarus scotti*, and *Cambarus unestami*. *Southeastern Naturalist* 13(1): 108-113.
- Taylor, C. A., G. A. Schuster, J. E. Copper, R. J. DiStefano, A. G. Eversole, H. H. Hobbs III, H. W. Robison, C. E. Skelton and R. F. Thoma. 2007. Conservation status of crayfish species. *Fisheries* 32(8): 371-318.