



Center for Biological Diversity

Protecting endangered species and wild places of western North America and the Pacific through science, policy, education, and environmental law.

December 4, 2000

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

Mr. Michael Spear
U.S. Fish and Wildlife Service
2800 Cottage Way, Room 2605
Sacramento, CA 95825

RE: Sixty-day notice of violation of section 4(b)(3)(A) of the Endangered Species Act, relating to the petition to list four subspecies of the island fox (*Urocyon littoralis*) as endangered species.

Dear Secretary Babbitt,

This letter serves as a sixty-day notice from the Center for Biological Diversity, and Kieran Suckling of intent to sue Secretary Babbitt over violation of the Endangered Species Act ("ESA"), 16 U.S.C. §§ 1531-1544, by failing to take action required by section 4(b)(3)(A), concerning the petition to list four subspecies of the island fox (*Urocyon littoralis*) as an endangered species. 16 U.S.C. § 1533(b)(3)(A). The four subspecies under petition are the San Miguel (*U. l. littoralis*), Santa Rosa (*U. l. santarosae*), Santa Cruz (*U. l. santacruzae*), and Santa Catalina (*U. l. catalinae*) island foxes. 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 petition to list the four subspecies of island fox as endangered species was submitted on June 1, 2000. ESA section 4(b)(3)(A) and its regulations require you, within 90 days of receiving the petition, to make a finding as to whether the petition presents substantial or commercial information indicating that the petitioned listing may be warranted. 16 U.S.C. § 1533(b)(3)(A); 50 C.F.R. § 424.14(b). Accordingly, the 90-day finding was due on or about September 1, 2000.

The four subspecies of island fox are in immediate need of protection. The San Miguel island fox has dropped from a historic population of about 450 to just 50 in 1998, and to 15 in 1999. Fearing the extinction of the subspecies, biologists recently placed 14 foxes in protective pens. Just one wild fox remains on the island. Nightly capture rates of the Santa Rosa island fox have dropped from 36% in 1972, to 8% in 1998, to just 2% in 1999 and recent evidence indicates there may be as few as 10 foxes in the wild. Similar declines have occurred on Santa Cruz and Santa Catalina islands. Without immediate conservation intervention, including protection from predation and disease, intensive research into the causes of decline, and establishment of adequate federal funding, California may well experience the extinction of one its most unique and beautiful native species.

You have not made the required 90-day finding on the petition to list the four subspecies of island fox, and, thus, are in violation of the ESA. If you do not make the required finding on the four subspecies of the island fox within the next sixty days, we intend to file suit in order to force you to do so. Please contact me if you have any questions or if you would like to discuss this matter.

Sincerely,

Kieran Suckling
Director of Science and Policy
