



November 3, 2014

VIA EMAIL AND CERTIFIED MAIL

Sally Jewell
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U.S. Department of the Interior
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RE: Sixty-day notice of violation of section 4(b)(3)(A)&(B) of the Endangered Species Act, relating to a late finding on a petition to list the Northern Rockies Distinct Population Segment of Fisher (*Pekania pennanti*) as a threatened or endangered species

Dear Secretary Jewell:

This letter serves as a sixty-day notice from the Center for Biological Diversity, Friends of the Bitterroot, Friends of the Clearwater, Friends of the Wild Swan, Western Watersheds Project, 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 the Northern Rockies distinct population segment of fisher (*Pekania pennanti*) as a threatened or endangered species under the Endangered Species Act. 16 U.S.C. § 4(b)(3)(A)&(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 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 Center filed a petition seeking Endangered Species Act protection for the fisher on September 23, 2013. A 90-day finding to determine whether action may be warranted was due on December 22, 2013, and a 12-month finding for the Northern Rockies fisher was due on September 23, 2014. The Service has failed to issue either of these required findings. 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.

The Northern Rockies fisher is one of the rarest carnivores in the West, and came dangerously close to extinction in the early 20th century due to trapping and logging of old-growth forests. Although the Northern Rockies fisher once inhabited areas of northeastern Washington, Idaho, Montana, northwest Wyoming, and north-central Utah, the fisher is found only in sections of western Montana and northern and central Idaho in the United States today. Despite a struggling population, fishers are still legally trapped in Montana, and levels of incidental trapping of fishers in Montana and Idaho have increased alarmingly in recent years.

Although the Service issued a negative 12-month finding on a petition to protect fishers in the Northern Rockies in 2011, since that time significant new information has come to light that better indicates that fishers in Idaho and Montana are threatened by habitat loss and degradation, trapping, disease, predation, and other factors, and that the DPS now warrants federal protection. In addition, the recent placement of the fisher into its own genus magnifies the need for federal protection to ensure its survival and recovery.

If the Secretary does not make the required findings for the Northern Rockies fisher 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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