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June 18, 2012

Mr. Ken Salazar, Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Ms. Cindy Dohner, Southeast Regional Director
Fish and Wildlife Service
1875 Century Blvd. Suite 400
Atlanta, GA 30345

Mr. Daniel M. Ashe, Director
Fish and Wildlife Service
1849 C Street N.W.
Washington, DC 20240

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 the Black Rail (*Laterallus jamaicensis*), Georgia blind salamander (*Eurycea wallacei*), Palatka Skipper (*Euphyes pilatka klotsi*), Panama City crayfish (*Procambarus econfinae*), Orlando cave crayfish (*Procambarus acherontis*), Big Blue Springs cave crayfish (*Procambarus horsti*), Purple Skimmer (*Libellula jesseana*), Small-flower Meadow-beauty (*Rhexia parviflora*), Ichetucknee siltsnail (*Floridobia mica*), and Florida cave amphipod (*Crangonyx grandimanus*) as threatened or endangered species.

Dear Secretary Salazar, Director Ashe, and Regional Director Dohner:

This letter serves as a sixty-day notice from the Center for Biological Diversity (“Center”) of its intent to sue you pursuant to the Endangered Species Act (“ESA”) for failing to make required findings on a petition to list the Black Rail (*Laterallus jamaicensis*), Georgia blind salamander (*Eurycea wallacei*), Palatka Skipper (*Euphyes pilatka klotsi*), Panama City crayfish (*Procambarus econfinae*), Orlando cave crayfish (*Procambarus acherontis*), Big Blue Springs cave crayfish (*Procambarus horsti*), Purple Skimmer (*Libellula jesseana*), Small-flower Meadow-beauty (*Rhexia parviflora*), Ichetucknee siltsnail (*Floridobia mica*), and Florida cave amphipod (*Crangonyx grandimanus*) as threatened or endangered species under the ESA. 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 determine within 90 days whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted (“90-day finding”), and to determine within 12 months of the petition submission 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 to list the Black Rail, Georgia blind

salamander, Palatka Skipper, Panama City crayfish, Orlando cave crayfish, Big Blue Springs cave crayfish, Purple Skimmer, Small-flower Meadow-beauty, Ichetucknee siltsnail, and Florida cave amphipod as endangered or threatened species under the ESA on April 20, 2010. The U.S. Fish and Wildlife Service ("FWS") issued positive 90-day findings on the petition for these species on September 26, 2011. 76 Fed. Reg. 59835 (Sept. 27, 2011). Therefore, the 12-month findings for these species were due on April 20, 2011. It has been over two years since the Center submitted its petition to FWS, yet the FWS has not issued 12-month findings for the species. 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 Black Rail was historically found as far away as Massachusetts, Colorado, Oklahoma, and Minnesota, but is now only found sporadically along the Atlantic and Gulf coasts. It nests in salt and freshwater marshes, therefore, water depth is a critical habitat component. The bird is rarely seen in Florida where it is found year-round in north Florida and winters south Florida.

The Georgia blind salamander is commonly found in pools in caves, deep wells or underground streams, and is threatened by habitat loss from water pollution and water level fluctuation. Amphibian habitats in the Southeast have faced widespread destruction, degradation, and fragmentation, while virtually no assessments have been made of the landscape effects of land conversion on amphibian populations. Human activities such as mining, drilling, and logging threaten the cave habitats associated with the species. At least two caves formerly occupied by the species have been destroyed by such human activities.

The Palatka Skipper is a butterfly found in the Florida Keys with a range of less than 100 square miles. It prefers tropical pinelands and sawgrass marshes at the edge of mangroves. It is a Species of Greatest Conservation Need and suffers significant habitat loss.

The Panama City crayfish is known only from flatwoods and temporary ponds in a small area of Bay County. Its greatest threat to survival is habitat destruction through land development.

The Orlando cave crayfish occurs in a very narrow region of Florida with a rapidly expanding human population. The species is critically imperiled with fewer than 5 populations with less than 1000 individuals. Increasing urbanization in the city of Orlando negatively affects hydrological conditions and threatens the aquatic cave environments where the species occurs. The rapidly expanding population in once-rural areas affects both the quantity and quality of groundwater reserves, putting the entire range of Orlando cave crayfish at risk of groundwater pollution.

The Big Blue Springs cave crayfish is found in aquatic caves at the bottom of limestone springs in less than five sites within a 12 mile radius in Jefferson, Leon, and Wakulla counties. Even subtle changes in water quality can threaten the species because it has evolved to have highly specialized adaptations allowing existence only under prevailing ambient conditions.

The Purple Skimmer is a dragonfly that inhabits clear water lakes in northern Florida. It was previously found at 15 lakes, but may now only be detected regularly at a single lake.

The Small-flower Meadow-beauty is known from the Florida panhandle and occurs along the edges of ponds. Its primary threats are habitat degradation due to hydrological alterations, timber harvests, and road construction.

The Ichetucknee siltsnail is a critically imperiled freshwater snail. There is only one population of this snail and its known range is 10 square yards of the Ichetucknee Springs State Park in Florida. It is extremely limited habitat, coupled with ongoing impacts to water quality, make this freshwater species faced with eminent extinction.

The Florida cave amphipod has few known occurrences, most of which are unprotected. Most populations occur in the northern part of Florida and the eastern panhandle. The species is not common and its population densities appear low. Although certain springs where the species occurs provide protection from development they do not provide protection from nearby pollution or recreational impacts.

Florida's freshwater springs system is threatened from various sources, such as landscaping, development, urban sprawl, water consumption, agriculture and livestock, and human recreational activities. Florida is renowned for its diverse karst biota, but these threats, particularly from human activities, could severely harm the populations of the aforementioned species.

If the Secretary does not make the required findings for the Black Rail, Georgia blind salamander, Palatka Skipper, Panama City crayfish, Orlando cave crayfish, Big Blue Springs cave crayfish, Purple Skimmer, Small-flower Meadow-beauty, Ichetucknee siltsnail, and Florida cave amphipod, or contact us to develop a timeline for making these findings within the next 60 days, we intend to file suit. Please contact me at (727)490-9190 or jlopez@biologicaldiversity.org if you have any questions or if you would like to discuss this matter.

Sincerely,

Jaclyn Lopez
Staff Attorney