



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

March 23, 2012

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 list the Big Sandy Crayfish (*Cambarus veteranus*) as an endangered species.

Dear Secretary Salazar,

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 required findings on a petition to list the Big Sandy Crayfish (*Cambarus veteranus*) 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 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 the Big Sandy Crayfish was filed April 20, 2010. The U.S. Fish and Wildlife Service issued a positive 90-day finding on the petition 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 and increased risk of extinction.

The Big Sandy crayfish has undergone widespread and significant decline of at least 50 to 70 percent. It is near extirpation in West Virginia, has lost half its range in Virginia, and has been extirpated from parts of its range in Kentucky.

The remaining habitat of the Big Sandy crayfish is severely threatened by coal mining activities, interstate highway construction, and logging. The crayfish cannot survive in areas with impaired water quality and is threatened by pollution from coal fines, septic overflow, and other sources. The crayfish is also threatened by competition from generalist crayfish species that are more tolerant of degraded water quality. Remaining populations are small and highly vulnerable to extirpation.

If the Secretary does not make the required finding for the Big Sandy Crayfish 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, appearing to read "Tierra R. Curry". The signature is fluid and cursive, with the first name being the most prominent.

Tierra R. Curry
Conservation Biologist
Center for Biological Diversity
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