



September 5, 2024

Via Electronic and Certified Mail

Deb Haaland, Secretary of the Interior
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RE: Sixty-day Notice of Intent to Sue for Violations of the Endangered Species Act

Dear Secretary Haaland, Director Williams, and Regional Director Souza:

The Center for Biological Diversity (“Center”) provides this 60-day notice of intent to sue the U.S. Department of the Interior and the U.S. Fish and Wildlife Service (“Service”) for violating the Endangered Species Act, 16 U.S.C. §§ 1531-1544 (“ESA”), by failing to issue final rules on the Center’s petition to list the Kern Canyon and relictual slender salamanders. The Center provides this letter in accordance with the 60-day notice requirement of the ESA’s citizen suit provision. *Id.* § 1540(g)(2)(C).

The Center is a national nonprofit conservation organization with more than 1.7 million members and online activists dedicated to the protection of endangered species and wild places, including the Kern Canyon and relictual slender salamanders.

SPECIES BACKGROUND AND THREATS

The Kern Canyon slender salamander (*Batrachoseps simatus*) occurs in the lower Kern River Canyon in Kern County, California. It has an extremely restricted range and is uncommon within its range. It is threatened by habitat alteration, destruction, and degradation from cattle grazing,

logging, mining, highway construction, small hydro development, and firewood collection. Because of its small, isolated populations, it is particularly at risk to stochastic events.

The relictual slender salamander (*Batrachoseps relictus*) occurs in a narrow range of only two small, isolated populations in southern Sierra Nevada of California. Its population in the Lower Kern River Canyon region is presumed to be extirpated. The total area occupied by the species on Breckenridge Mountain in Kern County is very small, with a maximum distance of 15 km separating historic populations, and less than 5 km separating the only two known extant populations, giving it the smallest known range for a described species of *Batrachoseps*. Because of its small, isolated populations, it is also highly at risk to stochastic events.

ENDANGERED SPECIES ACT VIOLATIONS

In response to an ESA listing petition, Section 4 requires the Service to determine within 90 days whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. If the Service makes a may be warranted finding, it must then determine within 12 months whether the listing is warranted, not warranted, or warranted but precluded by higher-priority actions. 16 U.S.C. § 1533(b)(3)(A), (B). If the Service determines that listing is warranted, the agency must publish that finding in the Federal Register along with the text of a proposed regulation to list the species as endangered or threatened and take public comments on the proposed listing rule. *Id.* § 1533(b)(3)(B)(ii). Within one year of publication of the proposed listing rule, the Service must publish in the Federal Register the final rule implementing its determination to list the species. *Id.* § 1533(b)(6)(A).

On July 11, 2012, the Service received the Center's petition to list the Kern Canyon slender salamander and the relictual slender salamander. In 2022, the Service proposed to list the Kern Canyon salamander as threatened and the relictual slender salamander as endangered. 87 Fed. Reg. 63150 (Oct. 18, 2022). In 2023, the Service extended the comment deadline for its proposed rules. 88 Fed. Reg. 81028 (Nov. 21, 2023). The deadline for these final rules have passed.

The Service has abrogated its duty to ensure that these salamanders are timely protected to avoid further declines and an increase in their risk of extinction, in violation of Section 4 of the ESA. If the Secretary does not finalize its rules or contact us to develop a timeline for these species within the next 60 days, the Center intends to file suit to enforce the Endangered Species Act.

Sincerely,
/s/Camila Cossío
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