



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

April 25, 2012

Chief, Division of Endangered Species
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W2606
Sacramento, California 95825

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 Humboldt Marten (*Martes americana humboldtensis*) as an endangered species.

Dear Secretary Salazar:

This letter serves as a sixty-day notice from the Center for Biological Diversity, the Environmental Protection Information Center, 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 Humboldt Marten (*Martes americana humboldtensis*) 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 Center filed a petition seeking Endangered Species Act protection for the marten on September 28, 2010. The Service issued a positive 90-day finding on the petition on January 11, 2012. A 12-month finding for Humboldt Marten was due on September 28, 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 Humboldt Marten is one of the most endangered mammals in the world. Historically the marten was relatively common. Due to population decline

resulting from habitat loss, the 2001 population was estimated at 60 martens. The population continued to decline and only 20 martens were detected during the most recent surveys in 2008. To obtain a conservative estimate of population size, scientists doubled the last count and estimate that up to 40 but fewer than 100 martens survive.

If the Secretary does not make the required finding for the Humboldt Marten 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,



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