



Sent via Certified Mail, Return Receipt Requested, and E-mail

November 12, 2024

The Honorable Debra Haaland
Secretary of the Interior
U.S. Department of the Interior
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Martha Williams
Director
U.S. Fish and Wildlife Service
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Re: Sixty-day Notice of Intent to Sue for Violation of the Endangered Species Act, 16 U.S.C. § 1533(b)(3)(B); Failure to Make a Timely 12-Month Determination on Petition to List the Kings River Pyrg (*Pyrgulopsis imperialis*).

Dear Secretary Haaland and Director Williams:

Western Watersheds Project (“WWP”) and People of Red Mountain (Atsa Koodakuh wuh Nuwu in the Paiute language) hereby provide notice that the U.S. Fish and Wildlife Service (“FWS”) is in violation of the Endangered Species Act (“ESA”) because it has failed to make a timely listing decision regarding the petition to list the Kings River pyrg as endangered or threatened. 16 U.S.C. § 1533(b)(3)(B). We provide this letter pursuant to the ESA’s citizen suit provision. 16 U.S.C. § 1540(g)(2). If you do not remedy this violation within sixty (60) days, we intend to file suit. 16 U.S.C. § 1540(g)(2)(C).

BACKGROUND

I. Organizations Giving Notice.

Western Watersheds Project is a non-profit organization with more than 14,000 members

and supporters whose mission is to protect and restore western watersheds and wildlife through education, public policy initiatives, and legal advocacy. WWP has longstanding interests in public land management in Nevada. WWP and its staff and members use and enjoy the public lands, including those in Nevada and the Thacker Pass area specifically, and their wildlife, cultural and natural resources for health, recreational, scientific, spiritual, educational, aesthetic, and other purposes. WWP submitted its initial listing petition for the Kings River pyrg in September 2022 and resubmitted its listing petition in October 2023. The FWS received the resubmitted listing petition on October 31, 2023.

People of Red Mountain (Atsa Koodakuh wyh Nuwu in the Paiute language) is an Indigenous-led grassroots organization representing tribal communities of Nevada, Oregon, and Idaho. People of Red Mountain focus on preserving sacred landscapes, religion, and culture shaped by places like the McDermitt Caldera, Owyhee Canyonlands, and other ancestral places within their territory. The destruction of cultural resources, wildlife habitat, and the contamination of ground water are unacceptable consequences of extractive natural resource projects such as the Thacker Pass Lithium Mine. This mine is located in an area known in the Paiute language as Peehee Mu'huh, which translates to "rotten moon." Peehee Mu'huh holds great meaning and importance:

Not only is Peehee Mu'huh home to our first foods, medicines, and animal relatives, it is also the resting place of many of our ancestors. This name was given to the place after a band of our ancestors were massacred there by U.S. Calvary on September 12, 1865. That day, while our hunters were away, the Calvary murdered our elders, women, and children. When our hunters returned, they found our people's bodies unburied and rotting with their intestines spread across the sagebrush at this pass shaped like a crescent moon. Now, 159 years later, Lithium Nevada is desecrating the land where our ancestors rest.¹

¹ <https://peopleofredmountain.com/about-us/> (last accessed on November 5, 2024).

People of Red Mountain have worked to protect Peehee Mu’huh from the harmful impacts of the Thacker Pass Lithium Mine for many years and joined WWP in submitting critical information for status review of the Kings Rive pyrg.

II. Requirements of the ESA.

Congress enacted the ESA, 16 U.S.C. §§ 1531-1544, “to halt and reverse the trend toward species extinction, whatever the cost.” *Tenn. Valley Auth. v. Hill*, 437 U.S. 153, 184 (1978). To carry out this mandate, the ESA directs the Secretary of the Interior or the Secretary of Commerce to list endangered and threatened species. 16 U.S.C. § 1533(a). “The term ‘endangered species’ means any species which is in danger of extinction throughout all or a significant portion of its range[.]” *id.* § 1532(6), while “[t]he term ‘threatened species’ means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” *Id.* § 1532(20). The Secretary of Interior has delegated administration of the ESA to the FWS. 50 C.F.R. § 402.01.

The ESA allows the FWS to list species on its own initiative or in response to a citizen petition. Where citizens petition to list a species, the ESA provides mandatory, non-discretionary deadlines for findings that the FWS must make so that imperiled species receive the ESA’s substantive protections in a timely fashion. The three required findings, described below, are the 90-day finding, the 12-month finding, and the final listing decision.

Within 90 days of receiving a listing petition, the FWS must “to the maximum extent practicable,” make an initial finding as to whether the petition “presents substantial scientific or commercial information indicating that the petitioned action may be warranted.” 16 U.S.C. § 1533(b)(3)(A). This is called a “90-day finding.” If the FWS determines that a petition presents substantial information indicating that listing may be warranted, the agency must promptly

conduct a scientific review of the species' status. *Id.* This is known as a “positive” 90-day finding.

Unless FWS makes a negative 90-day finding, the agency has 12 months from the date the petition was received to make one of three “12-month findings”: (1) that the listing is “not warranted;” (2) that the listing is “warranted;” or (3) that the listing is warranted but precluded, provided certain requirements are met. *Id.* § 1533(b)(3)(B). The FWS must publish this “12-month finding” in the Federal Register. The 12-month deadline for making this finding is mandatory.

Of particular importance in this matter is that regardless of when the 90-day finding is made, the 12-month period begins to run from the date of receipt of the petition. *Biodiversity Legal Found. v. Norton*, 180 F.Supp.2d 7, 9 (D.D.C. 2001); 16 U.S.C. § 1533(a)(3)(D)(ii). There is no lawful mechanism by which the Secretary can extend the deadline for making a 12-month finding. *Biodiversity Legal Found. v. Badgley*, 309 F.3d 1166, 1176 (9th Cir. 2002).

If the FWS's 12-month finding concludes that listing is warranted, the agency must publish notice of the proposed regulation to list the species as endangered or threatened, along with its complete text, in the Federal Register for public comment. 16 U.S.C. § 1533(b)(3)(B)(ii).

Within one year of publication of the proposed regulation, the ESA requires the FWS to render its final determination on the proposal. *Id.* §1533(b)(6)(A). At such time, the FWS must either list the species; withdraw the proposed listing rule; or, if there is substantial disagreement about scientific data, delay a final determination for up to six months to gather more scientific information. *Id.* §§ 1533(b)(6)(A)(i), and (B)(i). This is known as the final listing decision.

“[T]imeliness in the listing process is essential” and “[t]he statutory deadlines thus assure that species tagged for protection are not forgotten in an administrative quagmire...” *Ctr. for Biological Diversity v. Norton*, 254 F.3d 833, 840 (9th Cir. 2001).

III. The Kings River pyrg.

The Kings River pyrg, a tiny endemic springsnail, is known to exist only in 13 small, shallow springs in two locations in Humboldt County, Nevada: Peehee Mu’huh (Thacker Pass), and the adjacent southwestern slopes of the west-facing range front of the Montana Mountains. The species has extremely limited distribution and limited mobility and is thus highly vulnerable to threats including impacts associated with the recently approved Thacker Pass Lithium Mine, spring modification, drought, livestock grazing, and climate change.

Like other Great Basin springsnails, Kings River pyrg inhabit small, shallow springs (WRC 2018). The 13 desert springs where Kings River pyrg have been found range from 0.41 to 7 meters across, with the majority of the springs 1 to 2 meters across (WRC 2018: 9). The springs’ depth in July 2018 ranged from 0.1 to 13.5 cm (WRC 2018: 9). The species has been found on substrates ranging from cobbles to fine gravel or pebbles to finer sands, as well as on vegetation and submerged branches of shrubs, usually with watercress present (WRC 2018: 10, 11-14). *Pyrgulopsis* springsnails are gill breathing, restricted to perennial waters throughout their life cycle, and have low tolerance for desiccation (Hershler and Liu 2008: 92, Hershler et al. 2014: 694).

IV. FWS’s Violation of the ESA.

The FWS has failed to comply with 16 U.S.C. § 1533(b)(3)(B) and timely issue the statutorily mandated 12-month finding on the petition to list the Kings River pyrg. WWP

initially submitted its petition on September 8, 2022.² At that time our records reflected that our initial petition was received no later than September 14, 2022, placing the FWS's initial 90-day finding deadline no later than December 8, 2022 and the agency's 12-month finding no later than September 14, 2023. The FWS had failed to issue both a 90-day finding and a 12-month finding by the statutory deadlines.

WWP therefore sent notice of its intent to sue over these initial ESA violations on September 26, 2023, provided as Attachment 1. The FWS subsequently verified that it had misplaced WWP's petition and WWP agreed to resubmit its petition and supporting materials but reserved its right to file suit if the FWS did not timely issue the mandatory findings or if WWP becomes aware of new circumstances increasing threats to the pyrg. *See* Attachment 2. The FWS confirmed that it received WWP's refiled petition and supporting materials on October 31, 2023, thus placing its 90-day finding deadline no later than January 29, 2024 and its 12-month finding deadline no later than October 31, 2024. *See* Attachment 3.

The FWS published its positive 90-day finding on WWP's petition on February 8, 2024.³ The notice initiated a status review and the agency requested data and other information from the public for consideration in making its 12-month finding. WWP and People of Red Mountain submitted new information to the FWS on October 1, 2024, regarding alarming groundwater drawdown detected by a designated "sentinel piezometer" PZ18-05 in the Thacker Pass spring complex and Thacker Creek area.⁴

² *See* Western Watershed Project's Listing Petition (September 8, 2022) available at: <https://www.regulations.gov/document/FWS-R8-ES-2023-0261-0005> (last accessed on October 17, 2024).

³ *Endangered and Threatened Wildlife and Plants; 90-Day Finding for the Kings River Pyrg*, 89 Fed. Reg. 8629 (Feb. 8, 2024). Available at: <https://www.federalregister.gov/documents/2024/02/08/2024-02620/endangered-and-threatened-wildlife-and-plants-90-day-finding-for-the-kings-river-pyrg> (last accessed on October 17, 2024).

⁴ WWP and PRM Information for status review of Kings River pyrg (FWS-R8-ES-2023-0261) (October 1, 2024). Available at: <https://www.regulations.gov/comment/FWS-R8-ES-2023-0261-0007> (last accessed on November 5, 2024).

On October 30, 2024, WWP and PRM submitted a second comment letter with technical expert analysis confirming that groundwater levels have diminished by up to 4.9 feet and noting the importance of PZ18-05: “Given the location of PZ18-05, declining water levels in PZ18-05 are likely to be indicative of a decline in water levels in the groundwater system feeding the springs in Thacker Creek, which would result in a decline in spring.”⁵ This new data makes a final decision on our Kings River pyrg Listing Petition urgent.

Though the FWS issued a positive 90-day finding in which it concluded that the listing petition presented “substantial scientific or commercial information” indicating that listing the Kings River pyrg “may be warranted,” the agency has failed to make the mandatory finding within 12 months of receiving WWP’s resubmitted petition about whether the Kings River pyrg is warranted, not warranted, or warranted but precluded for protection under the ESA. 16 U.S.C. § 1533(b)(3)(B). The deadline for the FWS to do so was October 31, 2024.

CONCLUSION

If the FWS does not promptly issue the overdue 12-month finding described above, WWP and People of Red Mountain intend to file suit in federal court to ensure compliance with the ESA and to recover legal fees and costs regarding this violation. However, litigation is not our preference. It is worth noting that the ESA’s citizen suit notice provision serves two purposes. First, it “allows Government agencies to take responsibility for enforcing environmental regulations, thus obviating the needs for citizen suits.” *Hallstrom v. Tillamook*

⁵ WWP and PRM Information for status review of Kings River pyrg (FWS-R8-ES-2023-0261) (October 30, 2024). Available at: <https://www.regulations.gov/comment/FWS-R8-ES-2023-0261-0008> (last accessed on November 5, 2024). See also Gardner, Payton W. 2024. A Limited Analysis of Groundwater Level Trends in PZ18-05, Thacker Pass Area. October 21, 2024, provided as Attachment 1 to WWP and PRM’s October 30, 2024 comment letter. Available at: <https://www.regulations.gov/comment/FWS-R8-ES-2023-0261-0008> (last accessed on November 5, 2024).

County, 493 U.S. 20, 29 (1989). Second, it “gives the alleged violator ‘an opportunity to bring itself into complete compliance with the Act and thus likewise render unnecessary a citizen suit.’” *Id.* WWP and the People of Red Mountain therefore request a meeting to discuss an expeditious resolution of this violation with FWS.

Finally, this notice letter was prepared based on good faith information and belief after reasonably diligent investigation. If you believe this notice to be in error, please notify us promptly.

Kind regards,

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Cc: Gina Shultz, Deputy Assistant Director, Ecological Services, FWS (by U.S. Certified Mail, Return Receipt Requested to 5275 Leesburg Pike, Baileys Crossroads, VA, 22041); Caitlin Synder, Chief, Branch of Domestic Listing, FWS (by email to Caitlin_snyder@fws.gov); Kristen Jule, Ph.D, Field Supervisor, Reno Fish and Wildlife Office, FWS (by email to kristen_jule@fws.gov); Catherine R. Darst, Ph.D, Classification Coordinator & SAT Liaison, Pacific Southwest Region: Region 8, FWS (by email to

cat_darst@fws.gov); Christy Klinger, Native aquatics program, Nevada Department of Wildlife (by email to christy@ndow.org).

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WWP and PRM Information for status review of Kings River pyrg (FWS-R8-ES-2023-0261). October 1, 2024.

WWP and PRM Information for status review of Kings River pyrg (FWS-R8-ES-2023-0261). October 30, 2024.

LIST OF ATTACHMENTS:

1. WWP Notice of Intent to Sue Letter to FWS (September 26, 2023)
2. WWP Letter to FWS (November 28, 2023)
3. FWS Letter to WWP (December 22, 2023)



**Western
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Working to protect and restore Western Watersheds and Wildlife

The Honorable Deborah Haaland
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Martha Williams
Director
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September 26, 2023

Dear Secretary Haaland and Director Williams:

Western Watersheds Project provides you notice, as required by 16 U.S.C. § 1540(g), that the U.S. Fish and Wildlife Service (“FWS”) is in violation of the Endangered Species Act (“ESA”) because it has failed to determine, within 90 days, whether our petition to list the Kings River pyrg (*Pyrgulopsis imperialis*) under the ESA presents substantial information that listing may be warranted. 16 U.S.C. § 1533(b)(3). FWS has also violated the ESA because it has failed to determine within 12 months of receiving our petition whether the Kings River pyrg warrants protection as a threatened or endangered species. *Id.* If you do not remedy these violations within 60 days, we intend to file suit.

On September 8, 2022, we submitted to you a Rulemaking Petition to List the Kings River pyrg under the Endangered Species Act as an Endangered or Threatened Species and to Concurrently Designate Critical Habitat. Our records reflect that you received the petition no

later than September 14, 2022. The Endangered Species Act (“ESA”) requires that the Secretary must make a finding as to whether such a petition presents substantial information showing listing may be warranted within 90 days of receiving it, to the “maximum extent practicable.” 16 U.S.C. § 1533(b)(3). For our petition, that time expired in December 2022, and yet, you have made no such finding on our petition. In addition, you have failed to make a 12-month finding—due no later than September 14, 2023—whether the Kings River pyrg warrants protection under the ESA. *Id* § 1533(b)(3)(B). Thus, you are in violation of the ESA.

ORGANIZATION GIVING NOTICE

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COUNSEL FOR ORGANIZATION GIVING NOTICE

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I. REQUIREMENTS OF THE ESA

The ESA is a comprehensive federal statute declaring that endangered and threatened species are of “esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people.” 16 U.S.C. § 1531(a)(3). The purpose of the ESA is to “provide a means whereby the ecosystems upon which endangered species and threatened species depend

may be conserved, [and] to provide a program for the conservation of such endangered species and threatened species.” *Id.* § 1531(b).

To that end, the ESA requires the Secretary of Interior to protect imperiled species by listing them as either “endangered” or “threatened.” *Id.* § 1533(a). “The term ‘endangered species’ means any species which is in danger of extinction throughout all or a significant portion of its range[,]” *id.* § 1532(6), while “[t]he term ‘threatened species’ means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” *Id.* § 1532(20). The Secretary of Interior has delegated administration of the ESA to the FWS. 50 C.F.R. § 402.01.

The ESA allows for the FWS to list species on its own initiative or in response to a citizen petition. Where citizens petition to list a species, the ESA provides mandatory, non-discretionary deadlines for findings that the FWS must make so that imperiled species receive the ESA’s substantive protections in a timely fashion. The three required findings, described below, are the 90-day finding, the 12-month finding, and the final listing decision.

Within 90 days of receiving a listing petition, the FWS must “to the maximum extent practicable,” make an initial finding as to whether the petition “presents substantial scientific or commercial information indicating that the petitioned action may be warranted.” 16 U.S.C. § 1533(b)(3)(A). This is called a “90-day finding.” If the FWS determines that a petition presents substantial information indicating that listing may be warranted, the agency must promptly conduct a scientific review of the species’ status. *Id.*

Within 12 months of the date that it receives the petition, FWS must make one of three findings: (1) listing is “not warranted;” (2) listing is “warranted;” or (3) listing is warranted but

precluded, provided certain requirements are met. *Id.* § 1533(b)(3)(B). The FWS must publish this “12-month finding” in the Federal Register.

If the FWS’s 12-month finding concludes that listing is warranted, the agency must publish notice of the proposed regulation to list the species as endangered or threatened, along with its complete text, in the Federal Register for public comment. *Id.* § 1533(b)(3)(B)(ii).

Within one year of publication of the proposed regulation, the ESA requires the FWS to render its final determination on the proposal. *Id.* §1533(b)(6)(A). At such time, the FWS must either list the species; withdraw the proposed listing rule; or, if there is substantial disagreement about scientific data, delay a final determination for up to six months to gather more scientific information. *Id.* §§ 1533(b)(6)(A)(i), and (B)(i). This is known as the final listing decision.

II. Factual Background

The Kings River pyrg, a tiny endemic springsnail, is known to exist only in 13 small, shallow springs in two locations in Humboldt County, Nevada: Thacker Pass, and the adjacent southwestern slopes of the west-facing range front of the Montana Mountains. The species has extremely limited distribution and limited mobility and is thus highly vulnerable to threats including impacts associated with the recently approved Thacker Pass lithium mine, spring modification, drought, livestock grazing, and climate change.

Like other Great Basin springsnails, Kings River pyrg inhabit small, shallow springs (WRC 2018). The 13 desert springs where Kings River pyrg have been found range from 0.41 to 7 meters across, with the majority of the springs 1 to 2 meters across (WRC 2018: 9). The springs’ depth in July 2018 ranged from 0.1 to 13.5 cm (WRC 2018: 9). The species has been found on substrates ranging from cobbles to fine gravel or pebbles to finer sands, as well as on vegetation and submerged branches of shrubs, usually with watercress present (WRC 2018: 10,

11-14). *Pyrgulopsis* springsnails are gill breathing, restricted to perennial waters throughout their life cycle, and have low tolerance for desiccation (Hershler and Liu 2008: 92, Hershler et al. 2014: 694).

All of the 13 springs where Kings River pyrg were found in 2018 are within the hydrographic area where water resources will be affected by the Thacker Pass open-pit lithium mine, which is presently under construction (WRC 2018: 1). For the mine's Environmental Impact Statement ("EIS"), the water consulting firm calculated that the mine would draw down groundwater levels by 10 feet or more in an area that extends approximately 1.4 miles out from the mine project area (BLM 2020a: 2-21, 4-7). The EIS also asserts that springs may experience reduced baseflow or dry up altogether one-mile beyond the 10-foot drawdown contour (BLM 2020a: 4-8, 4-9). Three of the total 13 springs in which the Kings River pyrg is known to exist fall within the 1-mile buffer (BLM 2020a: 4-11, see Figure 7). Additional springs will likely experience other changes to water quality and quantity, including from runoff from chemical dust suppression treatments, and fugitive dust deposition.

All of the Kings River pyrg-occupied springs occur within lands used for livestock grazing, which is known to damage aquatic habitats. Cattle impacts were observed in or near all of the springs where the pyrg was observed during the 2018 surveys. Similarly, many streams where pyrg exist are disturbed by existing roads, or may be disturbed by new roads associated with the Thacker Pass lithium mine. And, non-native crayfish, which pose a threat to the pyrg, were found within three of the springs known to support the species.

In the context of these threats, and in light of the species' limited distribution, drought and climate change pose a serious additional threat to the Kings River pyrg. Drought lowers water levels in rivers, streams, and groundwater (Van Loon 2015: 359). In Nevada, drought is

projected to increase in frequency (McEvoy et al. 2020: 1). As drought frequency increases with climate change, the Kings River pyrg will be at high risk of extinction and indeed, the Nevada Department of Wildlife (NDOW) ranks the pyrg as Extremely Vulnerable to climate change (NDOW 2013a: 20/29).

Further, the species has no regulatory protection whatsoever from these impacts because it is not an endangered species, or even a Bureau of Land Management-listed Sensitive species, and has no state law protections. The Bureau of Land Management approved the Thacker Pass lithium mine with no protections for the Kings River pyrg.

As a result—and to ensure the continued existence of the species—WWP petitioned for the FWS to protect the Kings River pyrg as a threatened or endangered species and designate critical habitat to support it. To date, the FWS has failed to respond at all to WWP’s petition.

VIOLATION OF LAW

FWS has failed to make a finding “within 90 days” of receiving WWP’s petition to list the Kings River pyrg whether WWP’s petition shows that listing the species “may be warranted,” as required by the ESA, 16 U.S.C. § 1533(b)(3)(A). In addition, FWS has failed to make a finding within 12 months of receiving WWP’s petition about whether the Kings River pyrg is warranted, not warranted, or warranted but precluded for protection under the ESA. *Id.* § 1533(b)(3)(B). FWS’ failure to make the required findings violates the ESA and unless FWS corrects this violation within 60 days, WWP intends to file suit in federal court.

This notice letter was prepared based on good faith information and belief after reasonably diligent investigation. If you believe that any of the foregoing is factually erroneous or inaccurate, please notify us promptly.

Sincerely,

s/ Talasi B. Brooks
Talasi B. Brooks

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Working to protect and restore Western Watersheds and Wildlife

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Cc: Erik Molvar, emolvar@westernwatersheds.org

RE: FWS/AES/DCC/BLPS/079972

VIA EMAIL

November 28, 2023

Dear Ms. Schultz:

Thank you for your letter of November 24, 2023, regarding petitioner Western Watersheds Project's (WWP) petition to list the Kings River pyrg under the Endangered Species Act (ESA) and our letter of September 26, 2023, giving the U.S. Fish and Wildlife Service (Service) notice of our intent to sue for violations of the ESA's non-discretionary deadlines for findings on listing petitions. We understand that the Service misplaced our petition and intends to make the required 90-day finding in early 2024. Please provide us with the date when the Service located the petition.

“[T]imeliness in the listing process is essential” and “[t]he statutory deadlines thus assure that species tagged for protection are not forgotten in an administrative quagmire....” *Ctr. for Biological Diversity v. Norton*, 254 F.3d 833, 840 (9th Cir. 2001). Yet, that is exactly what seems to have happened here. The Service is violating the ESA on an ongoing basis by failing to comply with the statutory deadlines. WWP thus reserves the right to file suit at any time to ensure the Kings River pyrg timely receives the ESA's protections. The threat to the species increases with each passing day, as construction of the Thacker Pass lithium mine is now well underway.

Nevertheless, so long as the Service issues the required 90-day finding within 90 days of the date when it located our petition, WWP will refrain from filing suit. Should the Service find that our petition presented substantial information that listing may be warranted, the Service must make a finding that the Kings River pyrg is warranted, not warranted, or warranted but precluded for the ESA's protection within 12 months after receiving the petition. 16 U.S.C. §

1533(b)(3). If the Service does not timely issue the mandatory findings, or if WWP becomes aware of new circumstances increasing threats to the pyrg, WWP reserves the right to file suit.

Sincerely,

Talasi B. Brooks
Attorney
Western Watersheds Project
P.O. Box 2863
Boise ID 83701
tbrooks@westernwatersheds.org
(208)336-9077



United States Department of the Interior



FISH AND WILDLIFE SERVICE

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MS-ES
Falls Church, Virginia 22041

In Reply Refer to:
FWS/AES/DCC/BLPS/080108

Erik Molvar
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Talasi Brooks
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Boise, Idaho 83701
Tbrooks@westernwatersheds.org

Dear Erik Molvar and Talasi Brooks:

Thank you for your letter, dated November 28, 2023, regarding our response to Western Watersheds Project's notice of intent to sue for allegedly failing to issue a 90-day finding and a 12-month finding on the petition to list the Kings River pyrg (*Pyrgulopsis imperialis*)(pyrg) under the Endangered Species Act. Your November 28, 2023, letter requested the date that we received the petition. We received your petition to list the pyrg on October 31, 2023.

This information can be found on the species profile page on the Service's Environmental Conservation Online System (<https://ecos.fws.gov/ecp/species/11875>).

Thank you for your interest in conserving this species. If you have any questions or if you wish to discuss this matter further, please contact Caitlin Snyder, Chief, Branch of Domestic Listing, at 703-358-2673 or caitlin_snyder@fws.gov.

Sincerely,

**GINA
SHULTZ**

Gina Shultz
Deputy Assistant Director
Ecological Services

Digitally signed by
GINA SHULTZ
Date: 2023.12.22
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