

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CENTER FOR BIOLOGICAL DIVERSITY, )  
 )  
 )  
 Plaintiff, )  
 )  
 v. ) No: 1: 20-cv-573 (EGS)  
 )  
 DEBRA HAALAND, in her official capacity as )  
 Secretary of the United States Department of )  
 the Interior, et al., )  
 )  
 Defendants. )  
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**PLAINTIFF’S NOTICE OF FACTUAL DEVELOPMENTS**

Plaintiff, the Center for Biological Diversity, hereby notifies the Court of new information regarding Defendants’ ongoing failure to adhere to the U.S. Fish and Wildlife Service’s (“Service”) own National Listing Workplan (“Workplan”). As Plaintiff set forth in its Complaint, this suit concerns not only Defendants’ failure to adhere to the Endangered Species Act’s (“ESA”) statutory deadlines, but also the Service’s ongoing failure to follow through on its Workplan; which was developed in 2016 and purported to be Defendants’ plan for addressing a portion of the backlog of species waiting for badly needed protections under the ESA.

Since 2016, the Service has failed to make dozens of findings every year, including in this fiscal year. The Service failed to make findings for 30 such species in fiscal year 2017, 78 species in fiscal year 2018, 46 species in fiscal year 2019, 53 species in fiscal year 2020, and 66 species in fiscal year 2021. The Service’s failure to adhere to its own Workplan has continued in 2022 as the Service failed to make 42 scheduled findings, including for 24 species at issue in this suit. *See infra* Table 1.

These facts bear directly on Defendants’ pending motion for partial dismissal, ECF 12, because they demonstrate both Defendants’ ongoing failure to adhere to the ESA’s mandatory time frames for action as well as Defendants’ own purported schedule for bringing itself into compliance with those time frames. *See, e.g.*, Pl.’s Opp’n to Defs.’ Motion for Partial Dismissal at 8–9, 26 (ECF 17). Defendants’ ongoing failure to keep to even their own self-imposed schedule demonstrates the need of an order from this Court putting them on a course to promptly correct their ongoing dereliction of their statutory duties. Absent such an order, imperiled species will continue to languish in regulatory purgatory while awaiting the lifesaving protections of the ESA.

The Court should therefore deny Defendants’ motion for partial dismissal, ECF 12, and set a schedule for resolution of the case on the merits.

**Table 1.** Findings missed the U.S. Fish and Wildlife Service in fiscal year 2022. **Bolded** species are at issue in this suit.

Species Name	Scientific	FY22 Workload Action	Months Overdue
barrens topminnow	Fundulus julisia	PCH	46
Big Creek crayfish	Faxonius peruncus	FLFCH	14
<b>black-capped petrel</b>	<b>Pterodroma hasitata</b>	<b>FLFCH</b>	<b>49</b>
<b>Brandagee’s wild buckwheat</b>	<b>Eriogonum brandegeei</b>	<b>12M/PLPCH</b>	<b>182</b>
<b>Brawley's Fork crayfish</b>	<b>Cambarus williami</b>	<b>12M/PLPCH</b>	<b>151</b>
<b>Chowanoke crayfish</b>	<b>Orconectes virginensis</b>	<b>12M/PLPCH</b>	<b>151</b>
<b>Cisco milkvetch</b>	<b>Astragalus sabulosus</b>	<b>12M/PLPCH</b>	<b>182</b>
<b>Columbia Oregonian snail</b>	<b>Cryptomastix hendersoni</b>	<b>12M/PLPCH</b>	<b>176</b>
<b>Cooper's Cave amphipod</b>	<b>Stygobromus cooperi</b>	<b>12M/PLPCH</b>	<b>151</b>
Florida bonneted bat	Eumops floridanus	PCH	97
frecklebelly madtom	Noturus munitus	FLFCH	12
gray wolf (western population)	Canis lupus	12M/PLPCH	6
<b>green floater</b>	<b>Lasmigona subviridis</b>	<b>12M/PLPCH</b>	<b>151</b>
<b>Isely milkvetch</b>	<b>Astragalus iselyi</b>	<b>12M/PLPCH</b>	<b>182</b>
Lesser prairie-chicken	Tympanuchus pallidicinctus	FL	5
longsolid	Fusconaia subrotunda	FLFCH	14

<b>Louisiana pigtoe</b>	<b>Pleurobema ridellii</b>	<b>12M/PLPCH</b>	<b>183</b>
<b>Miami cave crayfish</b>	<b>Procambarus milleri</b>	<b>12M/PLPCH</b>	<b>151</b>
Miami tiger beetle	Cicindelidia floridana	FCH	2
<b>Minute Cave amphipod</b>	<b>Stygobromus parvus</b>	<b>12M/PLPCH</b>	<b>151</b>
<b>Morrison's Cave amphipod</b>	<b>Stygobromus morrisoni</b>	<b>12M/PLPCH</b>	<b>151</b>
<b>Mt. Rainier white-tailed ptarmigan</b>	<b>Lagopus leucura rainierensis</b>	<b>FL</b>	<b>5</b>
pearl darter	Percina aurora	FCH	4
Penasco least chipmunk	Tamias minimus atristriatus	FLFCH	2
<b>Pristine crayfish</b>	<b>Cambarus pristinus</b>	<b>12M/PLPCH</b>	<b>151</b>
Puerto Rico harlequin butterfly	Atlantea tulita	FLFCH	13
<b>round hickorynut</b>	<b>Obovaria subrotunda</b>	<b>FLFCH</b>	<b>14</b>
rufa red knot	Calidris canutus rufa	PCH	4
<b>Rye Cove Cave isopod</b>	<b>Lirceus culveri</b>	<b>12M/PLPCH</b>	<b>151</b>
slickspot peppergrass	Lepidium papilliferum	FCH	16
<b>southern elktoe</b>	<b>Alasmidonta triangulata</b>	<b>12M/PLPCH</b>	<b>151</b>
St. Francis River crayfish	Faxonius quadruncus	FLFCH	14
Suwannee alligator snapping turtle	Macrolemys suwanniensis	FL	7
<b>Tennessee clubshell</b>	<b>Pleurobema oviforme</b>	<b>12M/PLPCH</b>	<b>151</b>
<b>Tennessee pigtoe</b>	<b>Pleurobema barnesiana</b>	<b>12M/PLPCH</b>	<b>151</b>
Texas heelsplitter	Potamilus amphichaenus	12M/PLPCH	183
<b>Texas hornshell</b>	<b>Popenaias popeii</b>	<b>FCH</b>	<b>5</b>
<b>Texas kangaroo rat</b>	<b>Dipodomys elator</b>	<b>12M/PLPCH</b>	<b>154</b>
whitebark pine	Pinus albicaulus	FL	11
Wright's marsh thistle	Cirsium wrightii	FLFCH	13
<b>Yazoo crayfish</b>	<b>Orconectes hartfieldi</b>	<b>12M/PLPCH</b>	<b>151</b>

**Legend** — PL: Proposed listing; FL: Final listing; PCH: Proposed critical habitat; FCH: Final critical habitat.

Dated this 17th day of November, 2022

Respectfully submitted,

*/s/ Ryan Adair Shannon*

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