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Carolina Madtom - Neuse River Waterdog/Endangered Species Act: Center for Biological Diversity Notice of Intent to Sue U.S. Fish and Wildlife Service for Alleged Failure to Make Listing/Critical Habitat Determination

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The Center for Biological Diversity ("CBD") sent a July 22nd Sixty-Day Notice of Violations of the Endangered Species Act ("ESA") to the United States Fish and Wildlife Service ("Service").

The Notice of Intent to Sue ("Notice") alleges that the Service has failed to make timely final listing and critical habitat determinations on two petitioned freshwater species from North Carolina.

The species include:

- Carolina madtom
- Neuse River waterdog

The Sixty-day Notice is a requirement to file a citizen suit in federal court pursuant to the ESA.

CBD states that within 12 months of publishing in the Federal Register a general notice and the complete text of a proposed regulation to list a new species under the ESA and/or designate its critical habitat, the Secretary of the Interior must publish in the Federal Register a final determination on both questions. The Service is alleged to have failed to issue a timely final determination for either of the species' listings or critical habitat designations. They are both alleged to be more than a month overdue. As a result, the Service is alleged to be in violation of 16 U.S.C. § 1533(b)(6)(A) and 16 U.S.C. § 1533(b)(6)(C).

A copy of the CBD letter can be downloaded [here](#).