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Endangered Species Act/Ash Meadows Mine: Center for Biological Diversity Notice of Intent to Sue Bureau of Land Management

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The Center for Biological Diversity ("CBD") transmitted an October 16th document to three federal agencies styled:

Notice of Intent to Sue over Violations of the Endangered Species Act in Authorization of the St. Cloud Mining Ash Meadows Mine Plan of Operations Modification ("NOI").

The NOI was transmitted to the following:

- United States Department of the Interior.
- United States Fish and Wildlife Service.
- Bureau of Land Management.

(Collectively, "BLM").

The NOI alleges violations of the Endangered Species Act ("ESA") because the BLM approved the Ash Meadows Mine Plan of Operations Modification ("Project") without consulting with the U.S. Fish and Wildlife Service ("Service").

The alleged lack of consultation argues that the Project failed to address:

...activities which may affect the Amargosa niterwort..., the Ash Meadows gumplant, and the spring-loving centaury (collectively, the "Listed Plants").

BLM is stated to have approved a Plan of Operations modification for the St. Cloud Mining Ash Meadows Mine exploration project. The Project is described as a proposal to drill 43 exploratory drill holes adjacent to an existing but dormant zeolite mining operation near Death Valley Junction, California.

The NOI argues that BLM approved the Project without undertaking consultation with the Service, although the best available science establishes that the project "may affect" species listed under the ESA.

The Project is alleged to potentially affect the previously referenced Listed Plants which are designated under the ESA as endangered. The Listed Plants are stated to have been protected under the ESA in 1985 and the NOI contains the following quote from the Service listing:

...Much of Ash Meadows has been disturbed by past development and much of the habitat occupied by endemic plants and animals has been eliminated. An extensive marsh in Carson Slough was destroyed when it was mined for peat in the early 1960's; roads were built through plant habitats; many thousands

of acres were cleared and plowed for crop production; and aquatic environments were eliminated or severely altered by ground water pumping, water diversion, and/or impoundment.

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