



February 22, 2018

Ryan Zinke, Secretary
U.S. Department of the Interior
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Washington, D.C. 20240
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Greg Sheehan, Principal Deputy Director
U.S. Fish and Wildlife Service
Department of the Interior
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Sent VIA Certified and Electronic Mail

RE: Notice of violation of Section 4(b)(3)(B) of the Endangered Species Act, relating to a late finding on petition to protect the San Joaquin Valley giant flower-loving fly (*Rhaphiomidas trochilus*)

Dear Secretary Zinke and Principal Deputy Director Greg Sheehan:

The Center for Biological Diversity, Noah Greenwald and other interested parties provide notice, pursuant to Section 11(g) of the Endangered Species Act (“ESA”), 16 U.S.C. § 1540(g), that the U.S. Fish and Wildlife Service’s (“the Service” or “FWS”) failure to make the required 12-month finding for the San Joaquin Valley giant flower-loving fly violates Section 4(b)(3)(B) of the ESA. 16 U.S.C. § 1533(b)(3)(B).

In 2014, Mr. Kendall H. Osborne and Mr. Gregory R. Ballmer petitioned for protection for the San Joaquin Valley giant flower-loving fly. Over three years have since passed, but the Service has not yet issued a determination for this species.

One of the largest flies in North America, only a single population of the San Joaquin Valley giant flower-loving fly remains. Unfortunately, that population is threatened with imminent extinction by sand mining activities. Lacking any other adequate safe-guards, the species desperately needs the protection of the ESA.

In response to a petition to list a species as threatened or endangered, the ESA requires the Secretary to determine within 90 days whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted (“90-day

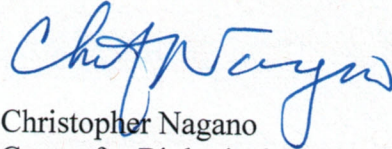
finding”), and to determine within 12 months whether listing is warranted, not warranted, or warranted but precluded (“12-month finding”). 16 U.S.C. § 1533(b)(3)(A), (B).

The petition for the San Joaquin Valley giant flower-loving fly was filed on June 26, 2014. 80 Fed. Reg. 19,259, 19,262 (Apr. 10, 2015). A 90-day finding for the fly was thus due on September 24, 2014 and a 12-month finding was due on June 26, 2015. The Service issued a positive 90-day finding for the species on April 10, 2015. *Id.* However, to date, the Service has yet to issue the required 12-month finding.

Accordingly, you are in violation of the law and have abrogated your duty to ensure that the protection of endangered species occurs in a timely manner thereby avoiding further decline, increased risk of extinction, and increased cost of recovery.

If the Secretary does not make the required findings or contact us to develop a timeline for making the findings 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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