



Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

December 11, 2014

Marilet Zablan, Chief, Division of Endangered Species
Ecological Services, Pacific Regional Office
U.S. Fish and Wildlife Service
911 N.E. 11th Avenue
Portland, OR 97232-4181

RE: Sixty-day notice of violation of section 4(b)(3)(A, and B) of the Endangered Species Act, relating to the late finding on a petition to list the Tinian monarch (*Monarcha takatsukasae*) as an endangered or threatened species.

Dear Secretary Jewell,

This letter serves as a sixty-day notice from the Center for Biological Diversity, Tierra Curry, Tara Easter, and other interested parties of intent to sue you pursuant to the Endangered Species Act (“ESA”) for failing to make required findings on a petition to list the Tinian monarch (*Monarcha takatsukasae*) as a threatened or endangered species under the Endangered Species Act. 16 U.S.C. § 4(b)(3)(A) and (B). This letter is being provided to you pursuant to the 60-day notice requirement of the citizen suit provision of the ESA. 16 U.S.C. § 1540(g)(2)(C).

In response to a petition to list a species as threatened or endangered, the ESA requires the Secretary to within 90 days determine whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted (“90-day finding”), and within 12 months to determine whether listing is warranted, not warranted, or warranted but precluded (“12-month finding”). 16 U.S.C. § 1533(b)(3)(A) and (B). The petition for the Tinian monarch was filed December 11, 2013. A 90-day finding to determine whether action may be warranted was due on March 10, 2014, and a 12-month finding was due on December 11, 2014. The Service has failed to issue either of these findings. Accordingly, you are in violation of the law and have abrogated your duty to ensure that protection of endangered species occurs in a timely manner thereby avoiding further decline and increased risk of extinction.

The Tinian monarch is an endemic flycatcher on Tinian Island, a small, 39-square-mile island in the Commonwealth of the Northern Mariana Islands (CNMI). This small bird was originally protected as an endangered species in 1970 (35 FR 08491) due to habitat loss resulting from sugarcane production and military activities during the Second World War. It was delisted from the ESA in 2004 and from CNMI’s list of threatened and endangered species in 2009 due to presumed recovery (69 FR 56367), but new data reveal a 39 percent decline in the monarch population from 1996 to 2008. It is considered to be threatened by the International Union for the Conservation of Nature.

There are high magnitude imminent threats to the Tinian monarch including increased military activities, loss of forested habitat, invasive species, and climate change. The post-delisting monitoring plan for the Tinian monarch expired in 2009, and there are no other regulatory mechanisms in place to adequately protect this bird. The Tinian monarch could become extinct without Endangered Species Act protection as the military moves forward with its training activities and other developments on the island continue.

If the Secretary does not make the required finding for the Tinian monarch or contact us to develop a timeline for making this finding 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,

A handwritten signature in black ink that reads "Tara Easter". The signature is written in a cursive, flowing style.

Tara Easter
Scientist
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