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Species Listing/Endangered Species Act: Center for Biological Diversity Lawsuit Alleging U.S. Fish and Wildlife Service Failure to Make Timely Determinations for 241 Species (Including 14 Whose Range Includes Arkansas)

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The Center for Biological Diversity (“CBD”) filed a Complaint for Declaratory and Injunctive Relief (“Complaint”) on February 27th against the United States Fish and Wildlife Service (“Service”) in the United States District Court for the District of Columbia alleging violations of the Endangered Species Act (“ESA”).

The Complaint challenges what it describes as an ongoing failure of the Service to timely list 241 imperiled species as endangered or threatened pursuant to the ESA and designate critical habitat for such species.

Fourteen of the species range include parts of the State of Arkansas (along with other states).

The Service is described as currently incurring a backlog of more than 500 species waiting for decisions about ESA listing. All 500 species are alleged to exceed the statutory deadlines of the ESA that are prescribed for making such decisions. Listing decisions are required by the ESA to be completed within 12 months.

The Service allegedly failed to make findings for:

- 30 species in fiscal year 2017
- 78 species in fiscal year 2018
- 46 species in fiscal year 2019

The Service is alleged to have violated the ESA by failing to:

1. Make statutorily required 12-month findings on petitions to list 231 species as endangered or threatened under the ESA , citing 16 U.S.C. § 1533(b)(3)(B)
2. Publish final listing determinations for six species, citing 16 U.S.C. § 1533(b)(6)(A)
3. Finalize critical habitat for four species, citing 16 U.S.C. § 1533(a)((A)(i), (b)(6)(A)(ii)(I), (b)(6)(C)

Arkansas species referenced by the CBD Complaint include:

- Caddo madtom
- Eastern spotted skunk
- Golden-winged warbler
- Illinois chorus frog
- Longnose darter
- Mammoth Spring crayfish
- Ozark shiner
- Paleback darter
- Pink pigtoe
- Regal fritillary
- Salamander mussel
- Tricolored bat
- Western chicken turtle
- Western fanshell

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