

# Citizen Suit Enforcement/ Endangered Species Act: Center for Biological Diversity Alleges Violations by Arizona Mining Operations



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The Center for Biological Diversity (“CBD”) sent a April 15th notice pursuant to section 11(g) of the Endangered Species Act (“ESA”) stating that mining operations by one of more of certain entities were in violation of section 9 of that statute.

The entities receiving the notice include:

- Sino Vantage Group Inc
- Leo Wang Living Trust
- Gold Paradise Peak Inc.
- Freshion Inc
- Precious Metal Consulting and Engineering LLC

The notice states that mining associated activities by one or more of the previously listed entities in Arizona are occurring within the outer boundaries of designated critical habitat of the Mexican Spotted Owl (“MSO”).

The activities referenced in the notice are stated to include:

- Tree removal
- Destruction of forest habitat
- Related mining operations

The activities are alleged to be in close proximity to Protected Activity Centers (“PAC”) which potentially constitute unpermitted takes in violation of section 9 of the ESA.

The notice further states that:

... Private parties may obtain an incidental take permit under Section 10, but because this process involves a period of notice and comment — and no notice and comment has occurred — it is likely that the entities identified herein have not applied for a permit, and therefore are in violation of the law. We hope that you will take corrective actions within the next 60 days, including by applying for an incidental take permit. We request you respond to this letter to the extent you believe any of the information contained within is in error.

CBD requests that the entities take corrective action within the next 60 day period to address the alleged violations and obtain an incidental take permit from the United States Fish and Wildlife Service. The organizations that fail to do so could result in their filing of litigation.

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