

KAMPMEIER & KNUTSEN PLLC

ATTORNEYS AT LAW

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May 21, 2024

Via Certified Mail – Return Receipt Requested (and email where indicated)

Secretary Gina Raimondo
United States Department of Commerce
1401 Constitution Ave., N.W.
Washington, D.C. 20230
Email: GRaimondo@doc.gov

Assistant Administrator Janet Coit
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910
Email: Janet.Coit@noaa.gov

RE: Notice of Intent to Sue for Failing to Issue Findings on Petition to List Alaskan Chinook Salmon as an Endangered or Threatened Species

Dear Honorable Civil Servants,

This letter provides 60-days advance notice of Wild Fish Conservancy’s (the “Conservancy”) intent to sue the U.S. Department of Commerce and the National Marine Fisheries Service (“NMFS”) for violations of the Endangered Species Act (“ESA”), 16 U.S.C. §§ 1531–44, resulting from NMFS’s failure to issue a 90-day finding or, if positive, the subsequent 12-month finding on the Conservancy’s petition to list the Alaskan Chinook salmon as a threatened or endangered species. This notice is provided under section 11(g)(2)(A)(i) of the ESA, 16 U.S.C. § 1540(g)(2)(C).

Commerce’s and NMFS’s ESA Violations

In response to a petition to list a species under the ESA, section 4 requires NMFS to determine within 90 days, to the maximum extent practicable, whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. 16 U.S.C. § 1533(b)(3)(A). If NMFS makes a positive 90-day finding, it must then determine within 12 months of receiving the petition whether the listing is warranted, not warranted, or warranted but precluded by higher-priority actions (“12-month finding”). *Id.* § 1533(b)(3)(B). If NMFS determines that listing is warranted, the agency must publish that finding in the Federal Register along with the text of a proposed regulation to list the species as endangered or threatened and take public comments on the proposed listing rule. *Id.* § 1533(b)(3)(B)(ii). Within one year of publication of the proposed listing rule, NMFS must publish in the Federal Register the final rule implementing its determination to list the species. *Id.* § 1533(b)(6)(A).

The Conservancy submitted the Petition to List Alaskan Chinook Salmon as a Threatened or Endangered Species and to Designate Critical Habitat Under the ESA (the “Petition”) to Commerce and NMFS on January 11, 2024. NMFS confirmed receipt of the

Petition on January 25, 2024. Accordingly, the 90-day finding was to be made, to the maximum extent practicable, by April 24, 2024. Commerce and NMFS have failed to make the required finding, which is now past due.

Commerce and NMFS are in violation of section 4 of the ESA for failing to issue a 90-day finding and, if positive and they fail to act, for failing to issue the subsequent 12-month finding on the Petition within the time(s) required under the ESA.

Party Giving Notice of Intent to Sue

The full name, address, and telephone number of the party giving notice is:

Wild Fish Conservancy
15629 Main Street N.E.
Duvall, Washington 98019
Tel: (425) 788-1167

Attorney Representing Wild Fish Conservancy

The attorney representing Wild Fish Conservancy in this matter is:

Brian A. Knutsen
Kampmeier & Knutsen, PLLC
1300 SE Stark Street, Suite 202
Portland, Oregon 97214
Tel: (503) 841-6515
brian@kampmeierknutsen.com

Please contact me if you have any questions or would like to discuss this matter.

Very truly yours,

KAMPMEIER & KNUTSEN, PLLC

By: 
Brian A. Knutsen

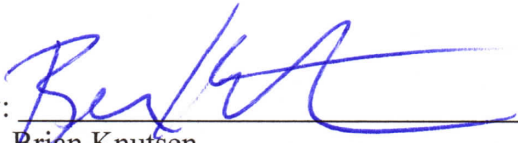
CERTIFICATE OF SERVICE

I, Brian Knutsen, declare under penalty of perjury of the laws of the United States that I am counsel for Wild Fish Conservancy and that on May 21, 2024, I caused copies of the foregoing Notice of Intent to Sue for Failing to Issue Findings on Petition to List Alaskan Chinook Salmon as an Endangered or Threatened Species to be served on the following by depositing it with the U.S. Postal Service, postage prepaid, via certified mail, return receipt requested:

Secretary Gina Raimondo
United States Department of Commerce
1401 Constitution Ave., N.W.
Washington, D.C. 20230

Assistant Administrator Janet Coit
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910

EXECUTED this 21st day of May, 2024 in Portland, Oregon.

By: 

Brian Knutsen