



December 4, 2025

Via Electronic and Certified Mail

Doug Burgum
Secretary of the Interior
U.S. Department of the Interior
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Brian Nesvik
Director
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Mike Oetker
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Re: Sixty-day Notice of Intent to Sue for Violations of the Endangered Species Act for Failure to Timely Designate Critical Habitat for the Pearl River Map Turtle

Dear Secretary Burgum, Director Nesvik, and Regional Director Oetker:

The Center for Biological Diversity (the “Center”) provides this 60-day notice of intent to sue the U.S. Department of the Interior and the U.S. Fish and Wildlife Service (the “Service”) for violating Section 4 of the Endangered Species Act, 16 U.S.C. §§ 1531-1544 (“ESA”), by failing to designate critical habitat for the Pearl River map turtle within the statutory deadlines.¹ The Center provides this letter in accordance with the 60-day notice requirement of the ESA’s citizen suit provision.²

The Center is a national non-profit conservation organization with more than 1.8 million members and supporters who are dedicated to the protection of wild places and endangered species, including the Pearl River map turtle.

Legal Background

The ESA requires the Service to designate “critical habitat” “to the maximum extent prudent and determinable” concurrently with its listing of a species as threatened or endangered.³

¹ 16 U.S.C. §§ 1533(a)(3)(A)(i), 1533(b)(6)(C).

² *Id.* § 1540(g)(2)(C).

³ *Id.* § 1533(a)(3)(A).

If the Service makes a not determinable finding, it must move forward with a critical habitat designation rulemaking within one year “based on such data as may be available at that time, designating, to the maximum extent prudent, such habitat.”⁴

Critical habitat includes the specific areas occupied by the species with “physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection.”⁵ It also includes specific areas unoccupied by the species at the time of listing “upon a determination by [the Service] that such areas are essential for the conservation of the species.”⁶ “Conservation” is in turn broadly defined to include “all methods and procedures which are necessary to bring endangered species or threatened species to the point at which the measures provided pursuant to [the ESA] are no longer necessary.”⁷

Under the ESA’s plain language, “conservation” is thus “a much broader concept than mere survival.”⁸ Accordingly, the “clear” purpose of critical habitat designation “is for [the Service] to carve out territory that is not only necessary for the species’ survival but also essential for the species’ recovery.”⁹

Once the Service designates critical habitat, Section 7 of the ESA requires federal agencies to consult with the Service to “insure” that their actions are not likely to “jeopardize the continued existence” of listed species *or* “result in the destruction or adverse modification” of critical habitat.¹⁰ Protection against the destruction or adverse modification of critical habitat is thus separate from, and additional to, protection against jeopardy to a species.¹¹ Such designation also affords substantial, additional protection for a species beyond the consultation requirement, “through informing management partners of important habitats, stimulating scientific surveys or research, promoting voluntary conservation actions, and raising public awareness of habitats that are essential.”¹²

The Pearl River Map Turtle

The Pearl River map turtle (*Graptemys pearlensis*) is endemic to the Pearl River system in Mississippi and Louisiana. Map turtles are named for the beautiful and intricate patterns on their shells that often resemble a topographical map.¹³ In addition to these markings, the shape of the carapace (top half of shell) in map turtles is distinctively keeled with knobby projections or spikes down the vertebral scutes (located down the midline of the carapace).¹⁴

⁴ *Id.* § 1533(b)(6)(C)(ii).

⁵ *Id.* § 1532(5)(A)(i).

⁶ *Id.* § 1532(5)(A)(ii).

⁷ *Id.* § 1532(3).

⁸ *Sierra Club v. U.S. Fish & Wildlife Serv.*, 245 F.3d 434, 441 (5th Cir. 2001).

⁹ *Gifford Pinchot Task Force v. U.S. Fish & Wildlife Serv.*, 378 F.3d 1059, 1070 (9th Cir. 2004).

¹⁰ 16 U.S.C. § 1536(a)(2) (emphasis added).

¹¹ *Sierra Club*, 245 F.3d at 443.

¹² 89 Fed. Reg. 24300, 24317 (Apr. 5, 2024).

¹³ 89 Fed. Reg. 57231.

¹⁴ *Id.*



Photo Credit: Cris Hagen/USGS

The Pearl River map turtle is threatened with extinction due to habitat degradation and loss from dam construction and river channelization and degraded water quality from agricultural runoff, mining, and development.¹⁵ The effects of climate change (increasing temperatures, drought, sea-level rise, hurricane regime changes, and increased seasonal precipitation) are additional threats to the Pearl River map turtle.¹⁶ It is also threatened by target shooting and collection for the pet trade.¹⁷ In light of these threats, the Center and conservation partners petitioned to list the species on April 20, 2010.¹⁸

Following a positive 90-day finding,¹⁹ the Service proposed listing the Pearl River map turtle as threatened on November 23, 2021.²⁰ At the time that listing was proposed, the Service concluded that designation of critical habitat was not prudent because of the potential for an increase in poaching.²¹

The Service listed the Pearl River map turtle as threatened on July 12, 2024.²² In the final listing, the Service reevaluated the prudency determination for critical habitat based on public

¹⁵ 89 Fed. Reg. 57206.

¹⁶ 89 Fed. Reg. 57206.

¹⁷ 89 Fed. Reg. 57206.

¹⁸ The Center's petition requested listing of Pascagoula map turtle (*Graptemys gibbonsi*) in the Pearl and Pascagoula watersheds. Subsequent to the petition, the turtles in each watershed were determined to be separate species, resulting in a taxonomic split and identification of the distinct Pearl River map turtle.

¹⁹ 86 Fed. Reg. 66624.

²⁰ 86 Fed. Reg. 66624.

²¹ 86 Fed. Reg. 66624.

²² 89 Fed. Reg. 57206.

comment and information that was already in the public domain indicating where the species could be found.²³ Consequently, the Service determined that critical habitat was prudent but not determinable at the time of listing.²⁴ The Service stated its intention to “publish a proposed rule designating critical habitat for the Pearl River map turtle in the near future.”²⁵ At this time, the Service has not proposed a rule designating critical habitat for the Pearl River map turtle.

Endangered Species Act Violations

When it listed the Pearl River map turtle as threatened on July 12, 2024, the Service concluded that designation of critical habitat was prudent but not determinable.²⁶ This finding extended the Service’s deadline for designating critical habitat by “not more than one additional year,” meaning that final rule was required by July 12, 2025.²⁷ Despite the passing of this deadline, and despite its stated intention to publish a proposed rule designating critical habitat for the Pearl River map turtle in the near future, the Secretary has failed to propose any critical habitat designation. The Secretary’s failure to timely designate critical habitat for the Pearl River map turtle is a violation of the ESA.

The Pearl River map turtle urgently needs critical habitat protection. The U.S. Army Corps of Engineers’ proposed “One Lake” dam and reservoir project, for example, would destroy 954 acres of riparian forest along 11 river miles of the Pearl River. The riparian zone would be almost eliminated within the project’s footprint, and the areas of fill surrounding the channel would be open for private development. The sandbars the turtle needs for nesting sites will be dredged out and flooded. Boating and recreation on the newly-created reservoir would further harm the turtle by increasing nesting site disturbance and causing removal of the deadwood snags that the turtle requires for basking and foraging.²⁸

Scientists have identified protection and restoration of riparian land, mussel habitat, and sandbar nesting sites as well as the placement of deadwood as means for conserving the Pearl River map turtle.²⁹ Extensive habitat protection has bolstered the populations of a very similar megacephalic map turtle, *Graptemys gibbonsi*, in the neighboring Pascagoula River in Mississippi.³⁰ Designation of critical habitat will aid in the survival and recovery of the Pearl River map turtle. In fact, a study by the Center found that plants and animals with federally protected

²³ 89 Fed. Reg. 57206.

²⁴ 89 Fed. Reg. 57206.

²⁵ 89 Fed. Reg. 57206.

²⁶ 81 Fed. Reg. 69454.

²⁷ 16 U.S.C. § 1533(b)(6)(C)(ii).

²⁸ Will Selman & Robert L. Jones, Population Structure, Status, and Conservation of Two *Graptemys* Species from the Pearl River, Mississippi, 51 *J. Herpetology* 27 (2017).

²⁹ Peter V. Lindeman, Ashley G. Gibson, Will Selman, Robert L. Jones, Grover J. Brown, Cybil C. Huntzinger & Carl P. Qualls, Population Status of the Megacephalic Map Turtles *Graptemys pearlensis* and *Graptemys gibbonsi* and Recommendations Regarding Their Listing Under the U.S. Endangered Species Act, 19 *Chelonian Conservation & Biology* 165 (2020).

³⁰ Lindeman et. al. 2020.

critical habitat are more than *twice* as likely to be moving toward recovery than species without it.³¹ Designation of critical habitat is key to the survival of this endangered species.

The Service has abrogated its duty to ensure that the critical habitat of the Pearl River map turtle is timely protected to avoid an increased risk of extinction, in violation of Section 4 of the ESA. If the Secretary does not make the required finding or contact us to develop a timeline for this designation within the next 60 days, we intend to file suit to enforce the ESA.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'L. Reeves' with a stylized, cursive flourish.

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³¹ Taylor, M.F.J., Suckling, K.F., & Rachlinski, J.J. (2005). The Effectiveness of the Endangered Species Act: A Quantitative Analysis. *BioScience*, 55(4), 360–367.