



January 20, 2026

Via Electronic and Certified Mail

Doug Burgum, Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240
exsec_exsec@ios.doi.gov

Brian Nesvik, Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, D.C. 20240
brian_nesvik@fws.gov

Brian Croft, Field Supervisor
Southern Nevada and Palm Springs Offices
U.S. Fish and Wildlife Service
777 E. Tahquitz Canyon Way
Suite 208
Palm Springs, CA 92262
brian_croft@fws.gov

RE: Sixty-day Notice of Intent to Sue for Violations of the Endangered Species Act

Dear Secretary Burgum, Director Nesvik, and Field Supervisor Croft:

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 the Endangered Species Act, 16 U.S.C. §§ 1531-1544 (“ESA” or “the Act”), resulting from the Service’s failure to issue required 12-month findings on the Center’s petitions to list the Amargosa toad and the Oasis Valley speckled dace. The Center provides this letter in accordance with the 60-day notice requirement of the ESA’s citizen suit provision. *Id.* § 1540(g)(2)(C).

The Center is a national nonprofit conservation organization with more than 1.8 million members and online activists dedicated to the protection of endangered species and wild places, including the Amargosa toad and Oasis Valley speckled dace.

SPECIES BACKGROUND AND THREATS

Both the Amargosa toad and the Oasis Valley speckled dace are Oasis Valley endemics that rely on consistent groundwater discharge in the Amargosa River for survival and both of their existences are primarily threatened by gold mining.

The Amargosa toad (*Anaxyrus nelsoni*) is a critically endangered species found along an approximately 14-mile stretch of the Amargosa River and nearby interconnected tributary springs in Southern Nevada's Oasis Valley. The size of the toad population is small, with the number of toads possibly not exceeding about 2,000 individuals. The Amargosa toad is a quiet, brownish toad that only lives in the Oasis Valley, a rare and biologically diverse wetland area along the Upper Amargosa River, on the crux of the Great Basin and Mojave deserts. The Amargosa toad is imminently threatened by 7 gold mining projects, including what is potentially the largest greenfield gold discovery in the U.S. in more than a decade. Through dewatering and groundwater pumping for operational use, gold mining threatens to reduce the quantity of spring discharge in Oasis Valley, resulting in the degradation and loss of the toad's spring-fed habitat. Other major threats include ongoing water abstraction and diversion impacts, non-native ungulate grazing, invasive species, off-road vehicles, and climate change.

The Oasis Valley speckled dace (*Rhinichthys nevadensis nevadensis*) is a rare fish that only lives in the springs that feed the Amargosa River in Beatty, Nevada. The Oasis Valley speckled dace is one of four populations of the Amargosa speckled dace, with the others living in Ash Meadows National Wildlife Refuge in Nevada and two locations in California. Having been isolated from each other for so long, the species have taken on distinct genetic characteristics that differentiate them from each other. The Oasis Valley speckled dace is existentially threatened by numerous proposed gold mines adjacent to the Amargosa River. If the mines are built, dewatering and groundwater pumping from their operations could dry up the springs the fish relies on for survival. There are six additional proposed gold mines in the immediate area. A hydrologic analysis found that cumulative pumping for all these mines would draw down groundwater that feeds the Amargosa River across its entire length in Oasis Valley, potentially driving the speckled dace to extinction.

ENDANGERED SPECIES ACT VIOLATIONS

In response to a petition to list a species under the ESA, Section 4 requires the Service to determine within 90 days whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. If the Service makes a may be warranted finding, it must determine within 12 months whether the listing is warranted, not warranted, or warranted but precluded by higher-priority actions ("12-month finding"). 16 U.S.C. § 1533(b)(3)(A), (B). If the Service 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.* Within one year of the proposed listing rule, the Service must publish in the Federal Register the final rule implementing its determination to list the species. *Id.* §1533(b)(6)(A).

As a result of the science documenting the escalating threats to the Amargosa toad, on May 29, 2024, the Center petitioned the Service to list the Amargosa toad on an emergency basis given the rare endemicity of the species and the immediate threats to its existence from multiple mining projects. On January 21, 2025, the Service found the petition may be warranted. 90 Fed. Reg. 7038 (Jan. 21, 2025). Specifically, the Service found the Center's petition presented substantial information that indicated listing may be warranted due to threats from gold mining

as well as threats from solar energy development, wild burros, livestock grazing, off-road vehicles, road maintenance and runoff, invasive plants, water abstraction and diversion, chytridiomycosis, predation by bullfrogs and nonnative crayfish, hybridization with Woodhouse's toad (*Anaxyrus woodhousii*), climate change, and stochastic events. *Id.* at 7040. Because the Service found that the petition may be warranted in its 90-day finding, its 12-month finding was due one year after receipt of the Center's petition. The 12-month finding for the Amargosa toad is past due.

As a result of the science documenting the escalating threats to the Oasis Valley speckled dace, on July 2, 2024, the Center petitioned the Service to list the Oasis Valley speckled dace (at the time it was thought to be a distinct population segment of the Amargosa speckled dace). The Center's petition documented threats to the dace primarily from dewatering of the Amargosa River and its tributaries due to excessive groundwater extraction. On January 21, 2025, the Service found the petition may be warranted. 90 Fed. Reg. 7042. Specifically, the Service found the Center's petition presented substantial information that indicated listing may be warranted due to threats from gold mining as well as threats from solar energy development, water diversions, livestock grazing, wild burros, invasive species, climate change, and the effects of having isolated populations. *Id.* at 7043. Because the Service found that the petition may be warranted in its 90-day finding, its 12-month finding was due one year after receipt of the Center's petition. The 12-month finding for the Oasis Valley speckled dace is past due.

The Service has abrogated its duty to ensure that the Amargosa toad and Oasis Valley speckled dace are 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 findings or contact us to develop a timeline for these species within 60 days, the Center intends to file suit to enforce the Act.

Sincerely,



Patrick Donnelly
Great Basin Director
Center for Biological Diversity
P.O. Box 127
Shoshone, CA 92384
775.990.9332
pdonnelly@biologicaldiversity.org