



March 17, 2026

*Via Electronic and Certified Mail*

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U.S. Department of the Interior  
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**RE: Notice of Intent to Sue for Violation of the Endangered Species Act**

Dear Secretary Burgum and Director Nesvik:

The Center for Biological Diversity (“Center”) provides notice that the U.S. Fish and Wildlife Service (“Service”) has violated the Endangered Species Act, 16 U.S.C. §§ 1531-1544 (“ESA” or “Act”) by failing to issue a timely 12-month finding on the petition to list the western ridged mussel. In accordance with the 60-day notice requirement of the ESA’s citizen suit provision, *id.* § 1540(g)(2)(C), the Center hereby notifies the Service that it intends to file suit in federal district court on or after the 60th day from the date of this notice unless the Service addresses the violation of the ESA set forth in this letter.

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 western ridged mussel.

**SPECIES BACKGROUND AND THREATS**

The western ridged mussel (*Gonidea angulata*) is a bivalve mollusk that is evolutionarily unique among the United States’ freshwater mussels. The western ridged mussel is the sole member of its genus and known for its distinctive shell structure, which can be identified by a prominent, angular ridge running from the beak (near the hinge) to the posterior edge of the shell. Western ridged mussels are also unique because, unlike other mussels that live on the top of stream substrates, the western ridged mussel can remain nearly completely buried in mud or sand in cold streams for years. Western ridged mussels are very slow growing, with lifespans typically lasting upwards of 60 years or more. The western ridged mussel is an important indicator species for the

health of rivers and freshwater ecosystems because it is highly sensitive to environmental changes (water quality, temperature, flow). This mussel also serves important functions for river health because, like other mussels, it is a filter feeder, filtering bacteria, fungal spores, algae, phytoplankton, and zooplankton, as well as chemicals, pharmaceuticals, personal care products, herbicides, flame retardants, and *E. coli* from the water. In high densities, collectively they can filter a substantial quantity of water, increasing water clarity for salmonids and other fishes.

Like other freshwater mussels, western ridged mussels can only reproduce by relying on fish as essential, temporary hosts for their parasitic larvae (glochidia) to develop upon, disperse to new habitats, and mature. Female western ridged mussels package their larvae into packets called conglutinates and release them into streams, where fish misidentify them as food. When the fish consume the conglutinates the packets burst open, releasing larvae that attach to fish gills or fins, forming cysts before dropping off as juveniles. Host fish favored by the western ridged mussel include hardhead (*Mylopharodon conocephalus*), pit sculpin (*Cottus pitensis*), tule perch (*Hysterocarpus traski*), and margined and shorthead sculpin.

The mussel's range once spanned from San Diego County, California, north to the Okanogan basin in the United States and into Canada. Today, the mussel's distribution has been diminished and fractured. A 2017 study found that the mussel had been lost from 43 percent of its historical distribution (Blevins et al. 2017a). Most notably, the study found that the southern extent of the range had contracted northward approximately 475 miles to rivers north of San Francisco Bay, California (Blevins et al. 2017a). Further, this study found that western ridged mussels were not detected at 46 percent of 87 revisited sites where it historically occurred (Blevins et al. 2017a).

Multiple threats have caused or contributed to the western ridged mussel's decline. The mussel's freshwater habitat has been destroyed and modified in many ways—dissected by dams, harmed by activities that alter shoreline or channel habitat such as those associated with urban and agricultural development, and further degraded by stream channelization and sedimentation. These and other human activities have diminished water quantity and quality, altered the natural flow of rivers, reduced connectivity between habitat areas, and led to the proliferation of aquatic invasive species such as zebra and quagga mussels. Western ridged mussel die-offs have been documented across the species' range in Oregon, Washington, and Idaho, and these enigmatic die-offs throughout western waters, likely the result of localized diseases, have reduced western ridged mussel populations and pose an ongoing threat to the mussel's continued existence. The effects of climate change will exacerbate the many threats to the mussel, its host fish, and home waters.

### **ENDANGERED SPECIES ACT VIOLATIONS**

In response to a petition to list a species under the ESA, section 4 of the ESA 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 (i.e., a “90-day finding”). 16 U.S.C. § 1533(b)(3)(A). Within 12 months after receiving a petition on which a positive 90-day finding has been made, the Secretary must publish a determination that listing the species is warranted, not warranted, or warranted but precluded by more immediate listing concerns (“12-month finding”). *Id.* § 1533(b)(3)(B). If the Service determines that listing is

warranted, the agency must publish its 12-month finding in the Federal Register along with the text of a proposed rule to list the species as endangered or threatened and take public comments on the proposed listing rule. *Id.* Within one year of a proposed listing rule, the Service must publish in the Federal Register the final rule implementing its determination to list the species under the Act. *Id.* §1533(b)(6)(A).

On August 21, 2020, the Service received a petition from the Xerces Society requesting that the Service list the western ridged mussel as an endangered species and designate critical habitat. On July 27, 2021, the Service issued a positive 90-day finding that the petition presented “substantial scientific or commercial information indicating that the petitioned action[] may be warranted,” and specifically found that the western ridged mussel may warrant endangered species listing due to habitat destruction, modification, and curtailment of range; impacts to water quantity, water quality, and natural flow and temperature regimes; aquatic invasive species (Factor A); and disease (Factor C). 86 Fed. Reg. 40186, 40188–89 (July 27, 2021). The Service also determined that the petition provided substantial information that the mussel may warrant listing due to the inadequacy of existing regulatory mechanisms to ameliorate or reduce the existential threats to the mussel. *Id.*

The Service failed to issue the legally required 12-month finding by August 21, 2021. Thus, the Service has failed to perform its nondiscretionary duty to issue a timely 12-month finding for the western ridged mussel, in violation of the ESA. 16 U.S.C. § 1533(b)(3)(B). Until the Service publishes the legally required 12-month finding, the western ridged mussel will continue to lack necessary endangered species protections under the ESA.

### **CONCLUSION**

The Center welcomes the opportunity to discuss how the Service can resolve this ESA violation without the need for litigation. An appropriate remedy that would prevent the need for litigation would be for the Service to commit to issuing a final endangered listing rule for the western ridged mussel by a date certain. If, however, the Service does not take action to cure this violation within 60 days, the Center intends to initiate litigation in federal court.

If you have any questions or wish to discuss this matter, please feel free to contact me.

Sincerely,



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