



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To:
FWS/AES/DCC/035439

MAY 1 2008

Mr. Robert Dreher
Vice President for Conservation Law
Defenders of Wildlife
1130 17th Street, N.W.
Washington D.C. 20036

On Behalf of: American Littoral Society, American Bird Conservancy, Delaware Audubon, Delaware Nature Society, Delaware Riverkeeper Network, National Audubon Society, New Jersey Audubon Society, Citizens Campaign for the Environment

Dear Mr. Dreher:

This letter is in regard to your petition dated February 27, 2008 which requested that the U.S. Fish and Wildlife Service (Service) list the United States population of red knot (*Calidris canutus roselaari* and *Calidris canutus rufa*) as endangered and to emergency list the red knot (*Calidris canutus rufa*) pursuant to the Endangered Species Act of 1973, as amended (Act). We received your petition on February 27, 2008.

Under the provisions of section 4 of the Act, we must first make an initial finding as to whether or not a petition to add a species to the endangered species list presents substantial information indicating that the requested action may be warranted. Section 4(b)(3)(A) of the Act provides that, to the maximum extent practicable, this finding be made within 90 days. If this initial finding concludes that the petition presents substantial information indicating that the requested action may be warranted, then section 4(b)(3)(B) gives the Service one year from the date the petition was received to either: decide that the petitioned action is not warranted; decide that the petition action is warranted, but precluded; or decide that the petitioned action is warranted, and promptly publish a proposed rule.

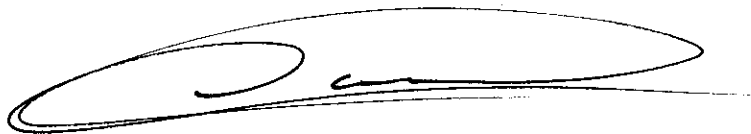
As you know, we have already made a determination that listing the red knot (*Calidris canutus rufa*) is warranted but precluded and have added this subspecies to our list of candidates. We annually determine whether listing remains warranted and precluded and whether we need to utilize the emergency listing provisions of the Act. Our Northeast Regional Office and New Jersey Field Office are currently in the process of making the annual finding for this subspecies utilizing new information they have received since making the previous finding in December 2007. We anticipate this review and a reevaluation of our previous finding will be completed by the end of this year.



We are currently required to complete a significant number of listing and critical habitat actions in Fiscal Year 2008, pursuant to court orders, judicially approved settlement agreements, and other statutory deadlines. In addition, we are working on proposed listing determinations for over 70 high-priority candidate species. Complying with these court orders, settlement agreements, and other statutory deadlines and working on these proposed listing determinations will require us to spend all of our listing and critical habitat funding for Fiscal Year 2008. Therefore, we are not able to address your petition to list the *roselaari* subspecies of red knot at this time. We anticipate making an initial finding in Fiscal Year 2009 as to whether your petition contains substantial information indicating that the action may be warranted. In addition, since this subspecies of red knot has an extensive range (for breeding and migration) within the U.S., we have not yet determined which of our regions or field offices will take the lead.

If you have any questions concerning the *rufa* subspecies of red knot, please contact Diane Lynch, Regional Listing Coordinator, Northeast Region Office, at 413-253-8628. If you have any questions concerning the *roselaari* subspecies or other general questions, please contact me at 703-358-2527.

Sincerely,

A handwritten signature in black ink, appearing to read 'Douglas Krofta', written over a horizontal line.

Douglas Krofta, Acting Chief
Division of Conservation and Classification
Endangered Species Program