



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Pacific Southwest Region
2800 Cottage Way, Suite W-2606
Sacramento, California 95825

JAN 26 2010

Mr. Brent Plater, Executive Director
Wild Equity Institute
PO Box 191695
San Francisco, California 94119

Dear Mr. Plater:

This letter is in regard to your petition dated December 14, 2009, which requested that the U.S. Fish and Wildlife Service (Service) emergency list the Franciscan or San Francisco manzanita, (*Arctostaphylos franciscana*) as an endangered species pursuant to the Endangered Species Act of 1973, as amended (Act). You further requested the Service list the species as endangered if we determined an emergency listing was not warranted and to designate critical habitat concurrent with listing. Your petition was received on December 20, 2009.

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 1 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.

While we have not made a decision on whether the petition presents substantial information that the petition action may be warranted, we have looked at the immediacy of possible threats to the species to determine if emergency listing may be warranted at this time. Our initial review of your petition does not indicate that an emergency situation exists for the San Francisco manzanita. If at any time the conditions change, and we later determine that emergency listing is warranted, an emergency rule may be developed.

We are required to complete a significant number of listing and critical habitat actions in Fiscal Year 2010, pursuant to court orders, judicially approved settlement agreements, and other statutory deadlines. However, we have secured funding to make an initial finding in Fiscal Year

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Mr. Brent Plater

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2010 as to whether your petition contains substantial information indicating that the action may be warranted.

If you have any questions concerning this matter, please contact Andy DeVolder, Region 8 Classification Coordinator, at (916) 414-6464.

Sincerely,

A handwritten signature in black ink that reads "Alexander Pitts". The signature is written in a cursive style with a large, sweeping flourish at the end.

Regional Director

cc:

Susan Moore, FWS, Sacramento, CA,
Karen Leyse, FWS, Sacramento, CA
Karen Anderson, FWS, Arlington, VA
Doug Krofta, FWS, Arlington, VA
Andy DeVolder, RO, Sacramento, CA