



July 7, 2017

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*Sent via certified and electronic mail*

**Re: Notice of Violations of the Endangered Species Act in Relation to Border Wall Replacement in San Diego and Imperial Counties, California**

Dear Secretaries Kelly and Zinke, Acting Director Kurth, and Acting Commissioner McAleenan:

On behalf of the Center for Biological Diversity, we hereby provide notice, pursuant to Section 11(g)<sup>1</sup> of the Endangered Species Act (“ESA”)<sup>2</sup> that the Department of Homeland Security (“DHS”) and its component agency U.S. Customs and Border Protection (“CBP”) are in violation of Section 7(a)(2) of the ESA<sup>3</sup> for their failure to consult with U.S. Fish and Wildlife Service (“FWS”) in order to ensure that border wall replacement construction in California—specifically, the replacement of 14 miles of primary and secondary border fencing in San Diego County and two miles of border fencing in El Centro, California (Imperial County) (collectively, the “San Diego border wall replacement project”)—does not jeopardize the continued existence of impacted threatened or endangered species, or result in the destruction or adverse modification of their critical habitat, and is further in violation of Section 9(a)(1)(B) of the ESA for the likely “take” of threatened or endangered species caused by construction and related activities undertaken as part of the border wall prototype project.

The Center for Biological Diversity (“the Center”) is a non-profit, public interest environmental organization headquartered in Tucson, Arizona, with numerous offices across the United States, including Oakland and Los Angeles, California, as well as in Baja California Sur, Mexico, dedicated to the

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<sup>1</sup> 16 U.S.C. § 1540(g)

<sup>2</sup> 16 U.S.C. § 1531 *et seq.*

<sup>3</sup> 16 U.S.C. § 1536(a)(2)

protection of native species and their habitats through science, policy, and environmental law. The Center has more than 1.3 million members and on-line activists.

The Center has long advocated for better incorporation of environmental considerations into DHS border security planning and decision-making. Our ESA advocacy has resulted in the protection of numerous threatened and endangered species within the borderlands region and the designation of hundreds of thousands of acres of their critical habitat.

The threshold for triggering an agency's duties under the ESA is low; if an agency takes an action that may have environmental impacts or that "may affect" a listed species or critical habitat, then ESA section 7 consultation is required.<sup>4</sup> DHS and CBP, however, have provided no evidence to the public or to the Center that it has initiated or completed the required environmental analyses under either of these laws with respect to the San Diego border wall replacement project. On June 26, 2017, the Center submitted Freedom of Information Act ("FOIA") requests to DHS and CBP for records related to the San Diego border wall replacement project, including for all records related to compliance with NEPA and the ESA. The agencies have not yet responded and are required to provide a response by July 24, 2017.

This letter is related to and builds upon the June 1, 2017 letter recently submitted from the Center to DHS and CBP regarding the "Notice of Violations of the Endangered Species Act and National Environmental Policy Act in Relation to Border Wall Prototype Project" ("the Prototype NOI Letter"). Specifically, the Prototype NOI Letter provided notification of the Center's intent to sue DHS and CBP for ESA and NEPA violations with respect to the San Diego prototype border wall project. As discussed below and as confirmed by CBP's acting deputy commissioner Ronald Vitiello, the wall prototypes are to "be built on the eastern edge of the secondary fence in San Diego in close proximity to each other, and will act as new barriers" as part of the southern border wall,<sup>5</sup> serving to fill in an existing gap in the larger California border wall construction.<sup>6</sup> This letter serves to build upon the Prototype NOI Letter's legal claims and factual statements.

## **I. LEGAL BACKGROUND**

### **A. The Endangered Species Act**

The ESA is "the most comprehensive legislation for the preservation of endangered species ever enacted by any nation."<sup>7</sup> Its fundamental purposes are "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved [and] to provide a program

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<sup>4</sup> 50 C.F.R. § 402.14(a).

<sup>5</sup> Tracy Jan, "Trump's border wall faces contracting delays, a limited budget and a September deadline" (June 27, 2017), THE WASHINGTON POST, *available at* [https://www.washingtonpost.com/news/wonk/wp/2017/06/27/construction-on-trumps-border-wall-to-begin-by-september/?nid&utm\\_term=.e63fda8eb014](https://www.washingtonpost.com/news/wonk/wp/2017/06/27/construction-on-trumps-border-wall-to-begin-by-september/?nid&utm_term=.e63fda8eb014).

<sup>6</sup> See U.S. Dept. of Homeland Security, "Building the Wall: The Strategy & Way Forward" (March 27, 2017), 9, <https://www.documentcloud.org/documents/3673423-Building-The-Wall-The-Strategy-and-Way-Forward.html#document/p10> ("Wall Strategy Document").

<sup>7</sup> *TVA v. Hill*, 437 U.S. 180 (1978).

for the conservation of such endangered species and threatened species . . . .”<sup>8</sup> To achieve these objectives, the ESA directs the FWS to determine which species of plants and animals are “threatened” and “endangered” and place them on the endangered species list.<sup>9</sup> An “endangered” or “threatened” species is one “in danger of extinction throughout all or a significant portion of its range,” or “likely to become endangered in the near future throughout all or a significant portion of its range,” respectively.<sup>10</sup>

Once a species is listed, the ESA provides a variety of procedural and substantive protections to ensure not only the species’ continued survival, but its ultimate recovery. One central protection, Section 7(a)(2), mandates that all federal agencies avoid actions that: (1) jeopardize listed species; or (2) destroy or adversely modify designated critical habitat.<sup>11</sup> Federal agency actions include those projects or programs “authorized, funded, or carried out by such agency.”<sup>12</sup> To comply with these Section 7(a)(2) safeguards, the federal agency taking action and FWS take part in a cooperative analysis of potential impacts to listed species and their designated critical habitat known as a consultation process.

First, the agency must obtain “a list of any listed or proposed species or designated or proposed critical habitat that may be present in the action area” from FWS.<sup>13</sup> If a species or critical habitat may be present, the agency must prepare a biological assessment to determine whether the proposed action “may affect” or “is not likely to adversely affect” any listed species or critical habitat.<sup>14</sup>

Federal agencies must initiate formal consultation with FWS when their actions “may affect” a listed species or designated critical habitat.<sup>15</sup> The standard for consultation is low: “[a]ny possible effect, whether beneficial, benign, adverse, or of an undetermined character, triggers the formal consultation requirement.”<sup>16</sup> Effects that must be considered as part of this inquiry include “direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action, that will be added to the environmental baseline.”<sup>17</sup> Indirect effects are “those that are caused by the proposed action and are later in time, but still are reasonably certain to occur.”<sup>18</sup>

Through the formal consultation process, FWS prepares a “biological opinion” as to whether the action jeopardizes the species or destroys or adversely modifies critical habitat and, if so, suggests

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<sup>8</sup> 16 U.S.C. § 1531(b).

<sup>9</sup> *Id.* § 1533.

<sup>10</sup> *Id.* § 1532(6), (20).

<sup>11</sup> *Id.* § 1536(a)(2).

<sup>12</sup> 50 C.F.R. § 402.02.

<sup>13</sup> 16 U.S.C. § 1536(c)(1); 50 C.F.R. § 402.12(c)–(d).

<sup>14</sup> 16 U.S.C. § 1536(c)(1); 50 C.F.R. §§ 402.12(f), 402.14(a), (b)(1).

<sup>15</sup> 50 C.F.R. § 402.14(a).

<sup>16</sup> *Western Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 496 (9th Cir. 2011) (*quoting* 51 Fed. Reg. 19,949).

<sup>17</sup> 50 C.F.R. § 402.02.

<sup>18</sup> *Id.*

“reasonable and prudent alternatives.”<sup>19</sup> During the consultation process, both agencies must “use the best scientific and commercial data available.”<sup>20</sup>

In addition to duties under Section 7(a)(2) of the ESA, federal agencies are required under Section 7(a)(1) to “utilize their authority for the conservation [i.e. recovery] of endangered species and threatened species.”<sup>21</sup> As stated by the Ninth Circuit, agencies have an “affirmative obligation[] to conserve under section 7(a)(1).”<sup>22</sup>

Finally, Section 9 of the ESA prohibits the “taking” of any endangered species.<sup>23</sup> The ESA defines the term “take” broadly to include “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”<sup>24</sup> “Take” includes indirect as well as direct harm and need not be purposeful.<sup>25</sup> The ESA provides a limited exception to the prohibition on take under Section 9 for taking that is in compliance with an incidental take statement (“ITS”).<sup>26</sup> Any take of a listed species that is not in compliance with an ITS violates Section 9.<sup>27</sup>

## II. FACTUAL BACKGROUND

### A. The San Diego Border Wall Replacement Project

On January 25, 2017, President Donald J. Trump issued an Executive Order No. 13767 on “Border Security and Immigration Enforcement Improvements” (“the Border Security E.O.”), directing DHS to construct a “secure, contiguous, and impassable physical barrier” along the entirety of the nearly 2,000 mile long U.S.-Mexico border, in order “to prevent illegal immigration, drug and human trafficking, and acts of terrorism.” The Border Security E.O. defines “wall” to mean “a contiguous, physical wall or other similarly secure, contiguous, and impassable physical barrier.” (Sec. 3(e)).

Subsequently, on February 17, 2017, DHS Secretary John Kelly issued an implementing memorandum for the Border Security E.O. (“the Kelly memorandum”). The Kelly memorandum directs CBP to “immediately begin planning, design, construction and maintenance of a wall, including the attendant lighting, technology (including sensors), as well as patrol and access roads, along the land border with Mexico in accordance with existing law, in the most appropriate locations and utilizing appropriate materials and technology to most effectively achieve operational control of the border.” In

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<sup>19</sup> 16 U.S.C. § 1536(b)(3)(A).

<sup>20</sup> *Id.* § 1536(a)(2); 50 CFR § 402.14(d).

<sup>21</sup> 16 U.S.C. § 1536(a)(1); *see also* 16 U.S.C. § 1531(c)(1) (“It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species.”).

<sup>22</sup> *Pyramid Lake Paiute Tribe v. U.S. Dep’t of Navy*, 898 F.2d 1410, 1416-17 (9th Cir. 1990)

<sup>23</sup> 16 U.S.C. § 1538(a).

<sup>24</sup> *Id.* § 1532(19) (emphasis added).

<sup>25</sup> *See Babbitt v. Sweet Home Chapter of Cmty. for a Great Or.*, 515 U.S. 687, 704 (1995).

<sup>26</sup> *See* 16 U.S.C. § 1536 (o)(2).

<sup>27</sup> *See Arizona Cattle Growers’ Ass’n v. U.S. Fish & Wildlife, Bureau of Land Mgmt.*, 273 F.3d 1229, 1239 (9th Cir. 2001).

addition, the Kelly memorandum directs the DHS Under Secretary for Management, in consultation with the CBP Commissioner, to “*immediately identify and allocate all sources of available funding for the planning, design, construction, and maintenance of a wall , . . . and develop requirements for total ownership cost of this project, including preparing Congressional budget request for the current fiscal year (e.g., supplemental budget requests) and subsequent fiscal years*” (emphasis added).

In response to these mandates, DHS requested Congressional appropriations through a FY 2017 supplemental budget request and a FY 2018 blueprint budget to finance construction in three priority border wall areas: (i) San Diego County and El Centro, California; (ii) Rio Grande Valley, Texas; and (iii) Tucson and El Paso, Arizona.<sup>28</sup> According to President Trump, these appropriations requests were sought to provide financing “for DHS implementation of [his] executive orders on border security and immigration enforcement, fund[ing] efforts to plan, design, and construct a physical wall along the southern border, and make other critical investments in tactical border infrastructure and technology.”<sup>29</sup> Further, in the words of Secretary Kelly, DHS’s budget requests “demonstrate[] a continued commitment to border security”<sup>30</sup> and directly respond to Border Security E.O.’s “direct[ion] . . . to take immediate steps to obtain complete operational control of the southern border, including the construction of a physical wall using appropriate materials and border surveillance technology.”<sup>31</sup>

In addition, DHS in March 2017 issued a master plan strategy document, entitled “Building The Wall: The Strategy & Way Forward” (“Wall Strategy Document”), which outlined the scope of its priority construction plans for the U.S.-Mexico border wall in direct response to the Border Security E.O.<sup>32</sup> Importantly, the Wall Strategy Document, though labeled “predecisional,” acts as a construction blue print that appears to be consistent with DHS and CBP planning documents, Congressional testimony

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<sup>28</sup> Wall Strategy Document; *Q&A: DHS Implementation of the Executive Order on Border Security and Immigration Enforcement*, U.S. Dept. of Homeland Security, (Mar. 1, 2017, 2:00 PM), <https://www.dhs.gov/news/2017/02/21/qa-dhs-implementation-executive-order-border-security-and-immigration-enforcement>; *See Administration’s Fiscal Years 2017 Budget Amendment and 2018 Budget Requests Advance DHS Operations*, U.S. Dept. of Homeland Security (Mar. 16, 2017), <https://www.dhs.gov/news/2017/03/16/administrations-fiscal-years-2017-budget-amendment-and-2018-budget-requests-advance>; U.S. Dept. of Homeland Security, *FY 2018: Budget in Brief* (2017), available at <https://www.dhs.gov/sites/default/files/publications/DHS%20FY18%20BIB%20Final.pdf> (“DHS FY 2018 Budget Proposal”).

<sup>29</sup> *President Trump’s Budget Amendment for Fiscal Year (FY) 2017*, The White House, 1 (Mar. 16, 2017), [https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/amendment\\_03\\_16\\_18.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/amendment_03_16_18.pdf).

<sup>30</sup> U.S. Senate Homeland Security & Governmental Affairs Committee, *Hearing on America’s Borders and the Path to Security. April 5, 2017*. 115th Cong. 1st sess. Washington: GPO, 2017 (written testimony of John Kelly, Secretary, U.S. Department of Homeland Security), available at <https://www.hsgac.senate.gov/hearings/improving-border-security-and-public-safety>.

<sup>31</sup> DHS FY 2018 Budget Proposal at 25.

<sup>32</sup> Wall Strategy Document at 3; see also U.S. Senate Homeland Security & Governmental Affairs Committee, Ranking Member’s Office, *Southern Border Wall*, available at <https://www.hsgac.senate.gov/border-wall-report>.

by DHS and CBP officials, and other later relevant written statements describing DHS and CBP's decisions on border wall construction plans.<sup>33</sup>

The Wall Strategy Document identified approximately \$999 million as part of the FY 2017 amendment budget request to construct 14 miles of border barrier in San Diego and 34 new miles of levee wall and border barrier in the Rio Grande Valley.<sup>34</sup> The 14 miles of planned wall construction in San Diego cover the two different layers of the border wall: (i) "14 miles of new border barrier (replacing secondary fence)" and (ii) "14 miles of border barrier replacement (replacing primary legacy landing mat)."<sup>35</sup> The 14 miles commence at the Pacific Ocean and span eastward into California (see Figure 2)<sup>36</sup> and is patrolled by the Imperial Beach and Chula Vista Border Patrol stations.<sup>37</sup> The Imperial Beach station patrols the westernmost 5.5 miles of the U.S.-Mexico border,<sup>38</sup> while the Chula Vista station patrols the U.S.-Mexico border between the San Ysidro and Otay ports of entry.<sup>39</sup>

In addition to the locations specified in the Wall Strategy Document as priority construction, Secretary Kelly separately noted that replacement fencing would also be prioritized in El Centro, California as a way to meet the Border Security E.O.<sup>40</sup>

## **B. Potential Impacts on Threatened and Endangered Species**

For purposes of this letter, the "border wall replacement project" consists of (i) 14 miles in San Diego County and (ii) two miles in El Centro. The 14-mile segment to be replaced is the westernmost segment of the currently existing border wall, commencing at the Pacific Ocean and spanning eastward to Otay Mesa.<sup>41</sup> With respect to the two miles in El Centro, public documents do not provide an exact location of this portion.

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<sup>33</sup> See, e.g., U.S. Senate Homeland Security & Governmental Affairs Committee, *Hearing on DHS's Fiscal Year 2018 Budget Request. June 6, 2017*. 115th Cong. 1st sess. Washington: GPO, 2017 (written and oral testimony of John Kelly, Secretary, U.S. Department of Homeland Security), available at <https://www.hsgac.senate.gov/hearings/the-department-of-homeland-security-fiscal-year-2018-budget-request>; United States Cong. House. Committee on Appropriations. *Hearing on Customs and Border Protection & Immigration Budget. June 13, 2017*. 115th Cong. 1st sess. Washington: GPO, 2017 (statement of Carla Provost, U.S. Border Patrol Acting Chief, U.S. Customs and Border Protection), available at <https://appropriations.house.gov/calendar/eventsingle.aspx?EventID=394892> ("Provost Testimony").

<sup>34</sup> Wall Strategy Document at 4.

<sup>35</sup> *Id.* at 18.

<sup>36</sup> *Id.* at 19.

<sup>37</sup> *Id.* at 18.

<sup>38</sup> *Imperial Beach Station*, U.S. Dept. of Homeland Security, <https://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors/san-diego-sector-california/imperial-beach-station>.

<sup>39</sup> *Chula Vista Station*, U.S. Dept. of Homeland Security, <https://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors/san-diego-sector-california/chula-vista-station>.

<sup>40</sup> *Q&A: DHS Implementation of the Executive Order on Border Security and Immigration Enforcement*, U.S. Dept. of Homeland Security, (Mar. 1, 2017, 2:00 PM), <https://www.dhs.gov/news/2017/02/21/qa-dhs-implementation-executive-order-border-security-and-immigration-enforcement>.

<sup>41</sup> *Id.* at 18.

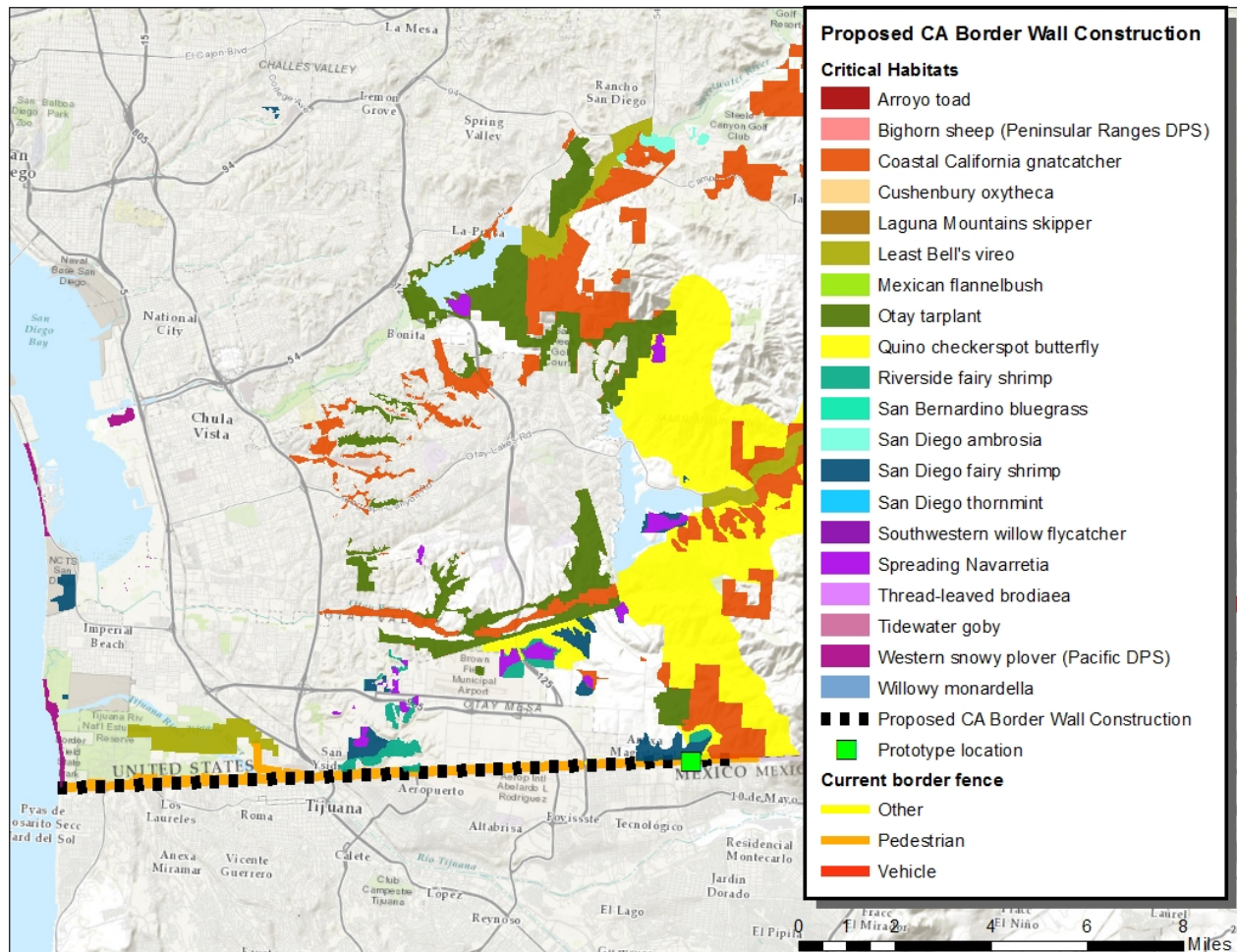
The border wall replacement project will likely impact dozens of endangered and threatened species, as well as designated critical habitat, listed pursuant to the ESA. Though the El Centro location is unknown, the San Diego wall replacement construction location is within or in close proximity to known populations of 25 endangered, threatened, and candidate species under the ESA, including the arroyo toad, the California least tern, and the Southwestern willow flycatcher, as well as the species highlighted in the Prototype NOI Letter, including the Quino checkerspot butterfly<sup>42</sup> (See Appendix I, Table 1). Further, as depicted in Map 1 below, 20 listed species have designated critical habitat within 50 miles of the 14-mile westward stretch of the San Diego border wall construction (See Appendix I, Table 2).

Species may be impacted in two distinct ways. First, the construction of replacement fencing for both the primary and secondary walls in San Diego County will likely affect the species whose populations reside or whose critical habitats are located at the site of construction. As depicted in Map 1, species whose critical habitats lie at the site of San Diego wall construction include the western snowy plover, the Coastal California gnatcatcher, Lease Bell's vireo, the Arroyo toad, the Quino checkerspot butterfly, the Spreading Navarretia, the San Diego Fairy Shrimp, and the Riverside Fairy Shrimp. Second, though certain imperiled species may not be affected directly by the construction of the wall itself, they may be negatively impacted by associated infrastructure, such as roads, structures, and traffic associated with enforcement and building the wall. More detailed information with respect to some of the likely impacted ESA-listed species follows, noting that the Prototype NOI Letter has already highlighted in detail the potential impact of the prototype construction on the Quino checkerspot butterfly, the San Diego Fairy Shrimp, and the Riverside Fairy Shrimp.

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<sup>42</sup> These species have been identified utilizing a database maintained by the U.S. Fish and Wildlife Service identifying protected species by county and the California Natural Diversity Database identifying both ESA-listed species and California State-designated species of special concern maintained by the California Department of Fish and Wildlife. This list excludes those species that do not have a range that abuts the border or does not occur in both the U.S. and Mexico in proximity to the border.

**Map 1. Designated Critical Habitats of ESA-listed Species near the San Diego Border Wall**



### III. DHS AND CBP VIOLATIONS OF THE ENDANGERED SPECIES ACT

Consultation under ESA Section 7 is required whenever a discretionary agency action “may affect” any listed species or its critical habitat.<sup>43</sup> ESA implementing regulations define “action” as “all activities or programs of any kind authorized, funded, or carried out . . . by Federal agencies.”<sup>44</sup> As detailed in this letter, the San Diego border wall replacement project will potentially directly, indirectly, and cumulatively impact several threatened and endangered species. Despite this fact, DHS and CBP have apparently failed to initiate or complete ESA section 7 (a)(2) consultation with FWS in order to ensure that the border wall replacement project does not jeopardize the continued existence of any listed species or adversely modify or destroy the designated critical habitat for any of those species. In addition, DHS and CBP have failed to take any affirmative action to conserve the threatened and endangered species that may be impacted by the project. Accordingly, DHS and CBP are also violating Section 7 (a)(1) of the ESA.

<sup>43</sup> 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(a).

<sup>44</sup> 50 C.F.R. § 402.02 (emphasis added).



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Finally, DHS and CBP have failed to conduct surveys or other investigations into endangered species presence and by these failures may needlessly result in impacts to critically imperiled species that could otherwise be avoided or mitigated. These failures may also result in the direct take of listed species, in violation of section 9 of the ESA.

#### IV. CONCLUSION

Thank you for your attention to the allegations contained in this notice letter. Should DHS and CBP fail to remedy the ESA violations of law within 60 days, the Center for Biological Diversity intends to pursue this matter in Federal District Court. Please contact me at (510) 844-7139 should you wish to discuss this notice letter in further detail.

Sincerely,



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**Appendix 1**

**Table 1. Endangered, Threatened, and Candidate Species Likely to be affected by Construction of Trump’s California Border Wall**

	<i>Common Name</i>	<i>Scientific Name</i>	<i>Federal Listing</i>
1	arroyo toad	<i>Anaxyrus californicus</i>	Endangered
2	California least tern	<i>Sternula antillarum browni</i>	Endangered
3	California Orcutt grass	<i>Orcuttia californica</i>	Endangered
4	coastal California gnatcatcher	<i>Polioptila californica californica</i>	Threatened
5	Del Mar manzanita	<i>Arctostaphylos glandulosa ssp. crassifolia</i>	Endangered
6	Hermes copper butterfly	<i>Lycaena hermes</i>	Candidate
7	Laguna Mountains skipper	<i>Pyrgus ruralis lagunae</i>	Endangered
8	least Bell's vireo	<i>Vireo bellii pusillus</i>	Endangered
9	lesser long-nosed bat	<i>Leptonycteris yerbabuena</i>	Endangered
10	Mexican flannelbush	<i>Fremontodendron mexicanum</i>	Endangered
11	Otay Mesa mint	<i>Pogogyne nudiuscula</i>	Endangered
12	Otay tarplant	<i>Deinandra conjugens</i>	Threatened
13	Pacific pocket mouse	<i>Perognathus longimembris pacificus</i>	Endangered
14	Peninsular bighorn sheep DPS	<i>Ovis canadensis nelsoni pop. 2</i>	Endangered
15	quino checkerspot butterfly	<i>Euphydryas editha quino</i>	Endangered
16	Riverside fairy shrimp	<i>Streptocephalus woottoni</i>	Endangered
17	salt marsh bird's-beak	<i>Chloropyron maritimum ssp. maritimum</i>	Endangered
18	San Diego ambrosia	<i>Ambrosia pumila</i>	Endangered
19	San Diego button-celery	<i>Eryngium aristulatum var. parishii</i>	Endangered
20	San Diego fairy shrimp	<i>Branchinecta sandiegonensis</i>	Endangered
21	San Diego thorn-mint	<i>Acanthomintha ilicifolia</i>	Threatened
22	southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	Endangered
23	spreading navarretia	<i>Navarretia fossalis</i>	Threatened
24	western snowy plover	<i>Charadrius alexandrinus nivosus</i>	Threatened
25	willowy monardella	<i>Monardella viminea</i>	Endangered

**Table 2. Species with Critical Habitat along the Border, including acres within 50 miles of the Border**

	<i>Common name</i>	<i>Scientific Name</i>	<i>Status</i>
1	Arroyo toad	<i>Anaxyrus californicus</i>	Endangered
2	Bighorn sheep (Peninsular Ranges DPS)	<i>Ovis canadensis nelsoni</i>	Endangered
3	Coastal California gnatcatcher	<i>Polioptila californica californica</i>	Threatened
4	Cushenbury oxytheca	<i>Oxytheca parishii var. goodmaniana</i>	Endangered
5	Laguna Mountains skipper	<i>Pyrgus ruralis lagunae</i>	Endangered
6	Least Bell's vireo	<i>Vireo bellii pusillus</i>	Endangered
7	Mexican flannelbush	<i>Fremontodendron mexicanum</i>	Endangered
8	Otay tarplant	<i>Deinandra (=Hemizonia) conjugens</i>	Threatened
9	Quino checkerspot butterfly	<i>Euphydryas editha quino (=E. e. wrighti)</i>	Endangered
10	Riverside fairy shrimp	<i>Streptocephalus woottoni</i>	Endangered
11	San Bernardino bluegrass	<i>Poa atropurpurea</i>	Endangered
12	San Diego ambrosia	<i>Ambrosia pumila</i>	Endangered
13	San Diego fairy shrimp	<i>Branchinecta sandiegonensis</i>	Endangered
14	San Diego thornmint	<i>Acanthomintha ilicifolia</i>	Threatened
15	Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	Endangered
16	Spreading Navarretia	<i>Navarretia fossalis</i>	Threatened
17	Thread-leaved brodiaea	<i>Brodiaea filifolia</i>	Threatened
18	Tidewater goby	<i>Eucyclogobius newberryi</i>	Endangered
19	Western snowy plover (Pacific DPS)	<i>Charadrius nivosus nivosus (Pacific DPS)</i>	Threatened
20	Willowy monardella	<i>Monardella viminea</i>	Endangered