

1 DAMIEN M. SCHIFF, No. 235101  
ANTHONY L. FRANÇOIS, No. 184100  
2 WENCONG FA, No. 301679  
Pacific Legal Foundation  
3 930 G Street  
Sacramento, California 95814  
4 Telephone: (916) 419-7111  
Facsimile: (916) 419-7747  
5  
6 Attorneys for Petitioner  
California Cattlemen's Association

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN DIEGO  
10 CENTRAL DIVISION  
11

12 CALIFORNIA CATTLEMEN'S ASSOCIATION, )  
a California public interest organization, )  
13 )  
Petitioner, )  
14 )  
v. )  
15 )  
CALIFORNIA DEPARTMENT OF FISH AND )  
16 WILDLIFE, a state agency; CHARLTON BONHAM, )  
in his official capacity as Director of the California )  
17 Department of Fish and Wildlife, )  
18 Respondents. )  
19 \_\_\_\_\_ )

No. \_\_\_\_\_  
**VERIFIED PETITION FOR  
WRIT OF MANDAMUS**  
[Code Civ. Proc. § 1085]

PACIFIC LEGAL FOUNDATION  
930 G Street  
Sacramento, CA 95814  
(916) 419-7111 FAX (916) 419-7747

20  
21  
22  
23  
24  
25  
26  
27  
28

**VERIFIED PETITION FOR WRIT OF MANDAMUS**

The California Cattlemen’s Association (Petitioner, CCA, or Association), hereby petitions this Court for a Writ of Mandate pursuant to California Code of Civil Procedure section 1085 declaring unlawful the actions of the California Department of Fish and Wildlife and Director Charlton Bonham (Respondents), in failing to conduct five-year status reviews of 233 species listed as “endangered” or “threatened” under the California Endangered Species Act (CESA). By failing to perform these five-year status reviews, Respondents have abdicated their mandatory, nondiscretionary duties under the CESA. Respondents’ inaction in this regard constitutes (1) a clear violation of the plain language of the CESA, Fish and Game Code § 2077,<sup>1</sup> and (2) an abuse of Respondents’ discretion. On information and belief, Petitioner alleges as follows:

**INTRODUCTION**

1. This Verified Petition for Writ of Mandate (Petition) challenges Respondents’ failure to conduct mandatory five-year status reviews of species listed as “threatened” or “endangered” under section 2077 of the CESA.

2. Petitioner also challenges Respondents’ failure to conduct mandatory five-year status reviews under the CESA as an abuse of discretion under section 1085 of the California Code of Civil Procedure.

3. Accordingly, Petitioner hereby seeks a writ of mandate (1) declaring that Respondents violated the CESA by failing to conduct 233 mandatory status reviews for species listed under the CESA; (2) declaring that Respondents abused their discretion by failing to conduct 233 mandatory status reviews for the species listed under the CESA; and (3) an order compelling Respondents to conduct mandatory five-year status reviews for the species listed under the CESA, including an order that the Respondents file a proposed schedule for completion of the status reviews for the court to approve as a mandatory deadline for completion.

///

///

---

<sup>1</sup> All further statutory references, unless otherwise stated, are to the California Fish and Game Code.

**JURISDICTION AND VENUE**

1  
2 4. This Court has jurisdiction over this matter pursuant to California Code of Civil  
3 Procedure section 1085. Venue is proper pursuant to California Code of Civil Procedure section  
4 395.

**PARTIES**

5  
6 5. Petitioner, the CALIFORNIA CATTLEMEN’S ASSOCIATION, a California public  
7 interest organization, is a nonpartisan, nonprofit trade organization founded in 1917 to represent  
8 beef cattle producers in legislative and regulatory affairs. The association currently has over 3,000  
9 individual members and 38 affiliated county or multi-county cattlemen’s associations located  
10 throughout California. CCA has members in every county in California, and its members raise  
11 cattle in every county except for San Francisco. The beef cattle industry contributes over 26,000  
12 jobs and more than \$1.5 billion annually to California’s agricultural economy.

13 6. Beef cattle producers own or manage approximately 38-million acres within California.  
14 A substantial number of CCA members own or manage properties inhabited by species listed as  
15 either “threatened” or “endangered” under the CESA. The status of at least 233 of these species  
16 has not been reviewed within the five-year period required by the CESA. The listing of these  
17 species as either threatened or endangered imposes burdens on the management of private  
18 properties used for grazing or restricted permitted grazing on lands owned by federal or state  
19 government. CCA members are dependent on these properties to maintain economically viable  
20 agricultural operations, and restrictions due to the mislisting of species as either threatened or  
21 endangered under the CESA has significant impacts on the ability of these individuals to  
22 responsibly use their own resources and sustain their livelihoods. Consequently, CCA and its  
23 members have an interest in ensuring that the status of listed species is reviewed in accordance  
24 with the CESA.

25 7. CCA’s interest in ensuring that the status reviews of species listed under the CESA are  
26 conducted in accordance with California law is germane to the Association’s mission of  
27 maintaining economically viable agricultural operations. In addition to bringing this lawsuit on  
28 behalf of itself, CCA brings this lawsuit on behalf of its members, who are themselves injured by

1 the Department’s failure to conduct mandatory status reviews of at least 233 species listed under  
2 the CESA. Moreover, individual participation of CCA’s members is not necessary since the  
3 Association is requesting prospective injunctive relief, which will inure to the benefit of CCA’s  
4 members.

5 8. Therefore, the Association files this Petition on its own behalf and on behalf of its  
6 members and supporters, and all others similarly situated.

7 9. The Association, its members, and the members of the public have a substantial,  
8 beneficial interest in the relief that is sought, and have a present interest, as California citizens, in  
9 the enforcement of the State’s public duties under the APA, and in the State’s duties to conduct  
10 five-year status reviews under the California Endangered Species Act.

11 10. The Association seeks to compel Respondents to comply with the CESA and conduct  
12 mandatory five-year status reviews of at least 233 species listed as “threatened” or endangered”  
13 under the CESA. Respondents are expending substantial resources to enforce the prohibitions and  
14 restrictive provisions of the CESA and to promulgate and administer recovery plans for these  
15 unreviewed species even though they may not require listing at all. Also, by failing to conduct  
16 these status reviews, Respondents lack the knowledge required to provide additional protection to  
17 species whose status should be changed from threatened to endangered. Thus, Respondents have  
18 ignored their responsibility under the CESA, injuring the association, the association’s members,  
19 and the public as a result.

20 11. Respondent CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (Department),  
21 formerly known as the Department of Fish and Game, is the California state public agency charged  
22 with managing California’s diverse fish, wildlife, and plant resources, including the habitats upon  
23 which they depend, for their ecological value and for their use and enjoyment by the public.  
24 § 2077. The Department is required, by statute, to establish a list of endangered species and a list  
25 of threatened species. § 2070. The Department is responsible for performing five-year status  
26 reviews of listed species. § 2077.

27 12. Respondent Charlton Bonham (Director) is sued in his official capacity as Director of  
28 the California Department of Fish and Wildlife. The Director’s responsibilities include

1 administering the CESA for the benefit of species and the public, as well as in compliance with  
2 those provisions of the CESA which protect property owners such as Petitioner’s members,  
3 including insuring that status reviews of species currently listed pursuant to § 2070 are conducted.  
4

5 **BACKGROUND**

6 13. The California Legislature enacted the CESA to “conserve endangered species and  
7 threatened species.” § 2055.

8 14. As a part of this program, Respondents have the statutory authority to list a species as  
9 either “threatened” or “endangered” under the CESA. § 2070.

10 15. The CESA defines “endangered species” as a native species or subspecies that is in  
11 serious danger of becoming extinct through all, or a significant portion of, its range due to one or  
12 more causes, including loss of habitat. § 2062.

13 16. The CESA defines “threatened species” as a native species or subspecies that, although  
14 not presently threatened with extinction, is likely to become an endangered species in the  
15 foreseeable future in the absence of special protection and management efforts. § 2067.

16 17. Respondents are required to conduct, at least once every five years, a status review of  
17 all species listed as “threatened” or “endangered,” and must determine whether any such species  
18 should be: removed from such list, changed in status from an endangered species to a threatened  
19 species, or changed in status from a threatened species to an endangered species. § 2077.

20 18. Pursuant to the listing authority in § 2070, Respondents or their predecessors have  
21 listed hundreds of species as either “endangered” or “threatened” under the CESA. The list of  
22 plants listed as “endangered” or “threatened” under the CESA is available at  
23 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109390&inline>. The list of animals  
24 listed as “endangered” or “threatened” under the CESA is available at  
25 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109405&inline>.

26 ///

27 ///

28 ///

1 19. On information and belief, although § 2077 requires Respondents to conduct status  
2 reviews for every species listed as “threatened” or “endangered” under the CESA for at least five  
3 years, Respondents have only conducted a five-year status review for two of those species that  
4 have been listed for more than five years: the Swainson’s hawk and the California least tern.

5 20. On information and belief, Respondents have not conducted the mandatory five-year  
6 status review for any of the other 233 species that have been listed for at least five years as  
7 “endangered” or “threatened.”

8 **Overdue Status Reviews**

9 21. The California Department of Fish and Wildlife has listed the species in the following  
10 paragraphs as either “threatened” or “endangered” under the CESA. Each listing has been in place  
11 for five or more years.

12 22. The dates in the following paragraphs denote the date on which the California  
13 Department of Fish and Wildlife listed the species as “threatened” or “endangered.” If there are  
14 multiple list dates (for example, if a species was initially listed as “threatened” and then listed as  
15 “endangered”), the most recent date is used.

16 23. The California Department of Fish and Wildlife has not conducted a status review of  
17 any of the species listed in the following paragraphs since January 1, 2011.

18 24. Several of the species listed in the CESA — and for which a status review has not  
19 been conducted in the previous five years — have been reclassified or recommended for  
20 reclassification under the Federal ESA by the United States Fish and Wildlife Service. The species  
21 include the San Clemente Island Indian Paintbrush (see specific allegation in ¶ 56 below),  
22 San Clemente Island larkspur (see ¶ 77), Santa Cruz Cypress (see ¶ 101), Beach Layia (see ¶ 106),  
23 San Clemente Island bush-mallow (see ¶ 116), Modoc Sucker (see ¶ 185), and Least Bell’s vireo  
24 (see ¶ 213).

25 **Endangered Plants (132 species)**

26 25. The San Mateo thorn-mint was listed as an endangered species in July 1979. It remains  
27 listed as an endangered species. On information and belief, Respondents have not yet conducted  
28 a status review since January 1, 2011 as is required by § 2077.

1 26. The San Diego thorn-mint was listed as an endangered species in January 1982. It  
2 remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 27. The San Clemente Island bird's foot trefoil was listed as an endangered species in  
5 November 1979. It remains listed as an endangered species. On information and belief,  
6 Respondents have not yet conducted a status review since January 1, 2011 as is required by § 2077.

7 28. The Santa Cruz Island bird's foot trefoil was listed as an endangered species in August  
8 1981. It remains listed as an endangered species. On information and belief, Respondents have  
9 not yet conducted a status review since January 1, 2011 as is required by § 2077.

10 29. The San Clemente Island lotus was listed as an endangered species in April 1982. It  
11 remains listed as an endangered species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 30. The large-flowered fiddleneck was listed as an endangered species in April 1982. It  
14 remains listed as an endangered species. On information and belief, Respondents have not yet  
15 conducted a status review since January 1, 2011 as is required by § 2077.

16 31. The McDonald's rockcress was listed as an endangered species in July 1979. It remains  
17 listed as an endangered species. On information and belief, Respondents have not yet conducted  
18 a status review since January 1, 2011 as is required by § 2077.

19 32. The Vine Hill manzanita was listed as an endangered species in August 1981. It  
20 remains listed as an endangered species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 33. The Hearsts' manzanita was listed as an endangered species in September 1979. It  
23 remains listed as an endangered species. On information and belief, Respondents have not yet  
24 conducted a status review since January 1, 2011 as is required by § 2077.

25 34. The San Bruno Mountain manzanita was listed as an endangered species in September  
26 1979. It remains listed as an endangered species. On information and belief, Respondents have  
27 not yet conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 35. The Presidio manzanita was listed as an endangered species in November 1978. It  
2 remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 36. The Pacific manzanita was listed as an endangered species in September 1979. It  
5 remains listed as an endangered species. On information and belief, Respondents have not yet  
6 conducted a status review since January 1, 2011 as is required by § 2077.

7 37. The pallid manzanita was listed as an endangered species in November 1979. It  
8 remains listed as an endangered species. On information and belief, Respondents have not yet  
9 conducted a status review since January 1, 2011 as is required by § 2077.

10 38. The marsh sandwort was listed as an endangered species in February 1990. It remains  
11 listed as an endangered species. On information and belief, Respondents have not yet conducted  
12 a status review since January 1, 2011 as is required by § 2077.

13 39. The Humboldt milk-vetch was listed as an endangered species in April 1982. It remains  
14 listed as an endangered species. On information and belief, Respondents have not yet conducted  
15 a status review since January 1, 2011 as is required by § 2077.

16 40. The Sodaville milk-vetch was listed as an endangered species in September 1979. It  
17 remains listed as an endangered species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 41. The Peirson's milk-vetch was listed as an endangered species in November 1979. It  
20 remains listed as an endangered species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 42. The Ventura Marsh milk-vetch was listed as an endangered species in April 2000. It  
23 remains listed as an endangered species. On information and belief, Respondents have not yet  
24 conducted a status review since January 1, 2011 as is required by § 2077.

25 43. The coastal dunes milk-vetch was listed as an endangered species in February 1982.  
26 It remains listed as an endangered species. On information and belief, Respondents have not yet  
27 conducted a status review since January 1, 2011 as is required by § 2077.

28 ///



1 44. The Bakersfield smallscale was listed as an endangered species in January 1987. It  
2 remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 45. The Encinitas baccharis was listed as an endangered species in January 1987. It  
5 remains listed as an endangered species. On information and belief, Respondents have not yet  
6 conducted a status review since January 1, 2011 as is required by § 2077.

7 46. The Nevin's barberry was listed as an endangered species in January 1987. It remains  
8 listed as an endangered species. On information and belief, Respondents have not yet conducted  
9 a status review since January 1, 2011 as is required by § 2077.

10 47. The island barberry was listed as an endangered species in November 1979. It remains  
11 listed as an endangered species. On information and belief, Respondents have not yet conducted  
12 a status review since January 1, 2011 as is required by § 2077.

13 48. The Sonoma sunshine was listed as an endangered species in February 1992. It remains  
14 listed as an endangered species. On information and belief, Respondents have not yet conducted  
15 a status review since January 1, 2011 as is required by § 2077.

16 49. The thread-leaved brodiaea was listed as an endangered species in January 1982. It  
17 remains listed as an endangered species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 50. The Kaweah brodiaea was listed as an endangered species in November 1979. It  
20 remains listed as an endangered species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 51. The Chinese Camp brodiaea was listed as an endangered species in November 1978.  
23 It remains listed as an endangered species. On information and belief, Respondents have not yet  
24 conducted a status review since January 1, 2011 as is required by § 2077.

25 52. The Indian Valley brodiaea was listed as an endangered species in September 1979.  
26 It remains listed as an endangered species. On information and belief, Respondents have not yet  
27 conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 53. The Stebbins' morning glory was listed as an endangered species in August 1981. It  
2 remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 54. The white sedge was listed as an endangered species in November 1979. It remains  
5 listed as an endangered species. On information and belief, Respondents have not yet conducted  
6 a status review since January 1, 2011 as is required by § 2077.

7 55. The succulent owl's-clover was listed as an endangered species in September 1979.  
8 It remains listed as an endangered species. On information and belief, Respondents have not yet  
9 conducted a status review since January 1, 2011 as is required by § 2077.

10 56. The San Clemente Island paintbrush was listed as an endangered species in April 1982.  
11 It remains listed as an endangered species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 57. The Pitkin Marsh paintbrush was listed as an endangered species in November 1978.  
14 It remains listed as an endangered species. On information and belief, Respondents have not yet  
15 conducted a status review since January 1, 2011 as is required by § 2077.

16 58. The California jewelflower was listed as an endangered species in January 1987. It  
17 remains listed as an endangered species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 59. The Vail Lake ceanothus was listed as an endangered species in January 1994. It  
20 remains listed as an endangered species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 60. The Catalina Island mountain-mahogany was listed as an endangered species in April  
23 1982. It remains listed as an endangered species. On information and belief, Respondents have  
24 not yet conducted a status review since January 1, 2011 as is required by § 2077.

25 61. The salt marsh bird's beak was listed as an endangered species in July 1979. It remains  
26 listed as an endangered species. On information and belief, Respondents have not yet conducted  
27 a status review since January 1, 2011 as is required by § 2077.

28 ///

1 62. The palmate salty bird's beak was listed as an endangered species in May 1984. It  
2 remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 63. The Orcutt's spineflower was listed as an endangered species in November 1979. It  
5 remains listed as an endangered species. On information and belief, Respondents have not yet  
6 conducted a status review since January 1, 2011 as is required by § 2077.

7 64. The San Fernando Valley spineflower was listed as an endangered species in August  
8 2001. It remains listed as an endangered species. On information and belief, Respondents have  
9 not yet conducted a status review since January 1, 2011 as is required by § 2077.

10 65. The Sonoma spineflower was listed as an endangered species in January 1990. It  
11 remains listed as an endangered species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 66. The Ashland thistle was listed as an endangered species in September 1982. It remains  
14 listed as an endangered species. On information and belief, Respondents have not yet conducted  
15 a status review since January 1, 2011 as is required by § 2077.

16 67. The Crystal Springs fountain thistle was listed as an endangered species in July 1979.  
17 It remains listed as an endangered species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 68. The San Luis Obispo fountain thistle was listed as an endangered species in June 1993.  
20 It remains listed as an endangered species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 69. The Presidio clarkia was listed as an endangered species in November 1978. It remains  
23 listed as an endangered species. On information and belief, Respondents have not yet conducted  
24 a status review since January 1, 2011 as is required by § 2077.

25 70. The Vine Hill clarkia was listed as an endangered species in November 1978. It  
26 remains listed as an endangered species. On information and belief, Respondents have not yet  
27 conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 71. The Merced clarkia was listed as an endangered species in January 1987. It remains  
2 listed as an endangered species. On information and belief, Respondents have not yet conducted  
3 a status review since January 1, 2011 as is required by § 2077.

4 72. The Springville clarkia was listed as an endangered species in September 1979. It  
5 remains listed as an endangered species. On information and belief, Respondents have not yet  
6 conducted a status review since January 1, 2011 as is required by § 2077.

7 73. The seaside's bird's-beak was listed as an endangered species in January 1982. It  
8 remains listed as an endangered species. On information and belief, Respondents have not yet  
9 conducted a status review since January 1, 2011 as is required by § 2077.

10 74. The Gaviota tarplant was listed as an endangered species in January 1990. It remains  
11 listed as an endangered species. On information and belief, Respondents have not yet conducted  
12 a status review since January 1, 2011 as is required by § 2077.

13 75. The Mojave tarplant was listed as an endangered species in August 1981. It remains  
14 listed as an endangered species. On information and belief, Respondents have not yet conducted  
15 a status review since January 1, 2011 as is required by § 2077.

16 76. The Baker's larkspur was listed as an endangered species in April 2007. It remains  
17 listed as an endangered species. On information and belief, Respondents have not yet conducted  
18 a status review since January 1, 2011 as is required by § 2077.

19 77. The San Clemente Island larkspur was listed as an endangered species in September  
20 1979. It remains listed as an endangered species. On information and belief, Respondents have  
21 not yet conducted a status review since January 1, 2011 as is required by § 2077.

22 78. The slender-horned spineflower was listed as an endangered species in January 1982.  
23 It remains listed as an endangered species. On information and belief, Respondents have not yet  
24 conducted a status review since January 1, 2011 as is required by § 2077.

25 79. The Cuyamaca Lake downingia was listed as an endangered species in February 1982.  
26 It remains listed as an endangered species. On information and belief, Respondents have not yet  
27 conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 80. The short-leaved dudleya was listed as an endangered species in January 1982. It  
2 remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 81. The Santa Barbara Island dudleya was listed as an endangered species in November  
5 1979. It remains listed as an endangered species. On information and belief, Respondents have  
6 not yet conducted a status review since January 1, 2011 as is required by § 2077.

7 82. The Santa Ana River woollystar was listed as an endangered species in January 1987.  
8 It remains listed as an endangered species. On information and belief, Respondents have not yet  
9 conducted a status review since January 1, 2011 as is required by § 2077.

10 83. The Indian Knob mountainbalm was listed as an endangered species in July 1979. It  
11 remains listed as an endangered species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 84. The Trinity buckwheat was listed as an endangered species in July 1979. It remains  
14 listed as an endangered species. On information and belief, Respondents have not yet conducted  
15 a status review since January 1, 2011 as is required by § 2077.

16 85. The lone buckwheat was listed as an endangered species in August 1981. It remains  
17 listed as an endangered species. On information and belief, Respondents have not yet conducted  
18 a status review since January 1, 2011 as is required by § 2077.

19 86. The Irish Hill buckwheat was listed as an endangered species in January 1987. It  
20 remains listed as an endangered species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 87. The San Nicolas Island buckwheat was listed as an endangered species in November  
23 1979. It remains listed as an endangered species. On information and belief, Respondents have  
24 not yet conducted a status review since January 1, 2011 as is required by § 2077.

25 88. The Kellogg's buckwheat was listed as an endangered species in April 1982. It remains  
26 listed as an endangered species. On information and belief, Respondents have not yet conducted  
27 a status review since January 1, 2011 as is required by § 2077.

28 ///

1 89. The Thorne's buckwheat was listed as an endangered species in September 1979. It  
2 remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 90. The San Mateo woolly sunflower was listed as an endangered species in June 1992.  
5 It remains listed as an endangered species. On information and belief, Respondents have not yet  
6 conducted a status review since January 1, 2011 as is required by § 2077.

7 91. The San Diego button-celery was listed as an endangered species in July 1979. It  
8 remains listed as an endangered species. On information and belief, Respondents have not yet  
9 conducted a status review since January 1, 2011 as is required by § 2077.

10 92. The Loch Lomond button-celery was listed as an endangered species in January 1987.  
11 It remains listed as an endangered species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 93. The Delta button-celery was listed as an endangered species in August 1981. It remains  
14 listed as an endangered species. On information and belief, Respondents have not yet conducted  
15 a status review since January 1, 2011 as is required by § 2077.

16 94. The Contra Costa wallflower was listed as an endangered species in November 1978.  
17 It remains listed as an endangered species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 95. The Menzies' wallflower was listed as an endangered species in September 1984. It  
20 remains listed as an endangered species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 96. The Santa Cruz wallflower was listed as an endangered species in August 1981. It  
23 remains listed as an endangered species. On information and belief, Respondents have not yet  
24 conducted a status review since January 1, 2011 as is required by § 2077.

25 97. The Roderick's fritillary was listed as an endangered species in November 1979. It  
26 remains listed as an endangered species. On information and belief, Respondents have not yet  
27 conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 98. The San Clemente Island bedstraw was listed as an endangered species in April 1982.  
2 It remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 99. The Boggs Lake hedge-hyssop was listed as an endangered species in November 1978.  
5 It remains listed as an endangered species. On information and belief, Respondents have not yet  
6 conducted a status review since January 1, 2011 as is required by § 2077.

7 100. The Algodones Dunes sunflower was listed as an endangered species in November  
8 1979. It remains listed as an endangered species. On information and belief, Respondents have  
9 not yet conducted a status review since January 1, 2011 as is required by § 2077.

10 101. The Santa Cruz cypress was listed as an endangered species in November 1979. It  
11 remains listed as an endangered species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 102. The Butano Ridge cypress was listed as an endangered species in November 1979.  
14 It remains listed as an endangered species. On information and belief, Respondents have not yet  
15 conducted a status review since January 1, 2011 as is required by § 2077.

16 103. The Lake County western flax was listed as an endangered species in August 1981.  
17 It remains listed as an endangered species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 104. The Santa Cruz tarplant was listed as an endangered species in September 1979. It  
20 remains listed as an endangered species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 105. The Burke's goldfields was listed as an endangered species in September 1979. It  
23 remains listed as an endangered species. On information and belief, Respondents have not yet  
24 conducted a status review since January 1, 2011 as is required by § 2077.

25 106. The beach layia was listed as an endangered species in January 1990. It remains listed  
26 as an endangered species. On information and belief, Respondents have not yet conducted a status  
27 review since January 1, 2011 as is required by § 2077.

28 ///

1 107. The San Francisco lessingia was listed as an endangered species in January 1990. It  
2 remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 108. The western lily was listed as an endangered species in January 1982. It remains listed  
5 as an endangered species. On information and belief, Respondents have not yet conducted a status  
6 review since January 1, 2011 as is required by § 2077.

7 109. The Pitkin Marsh lily was listed as an endangered species in November 1978. It  
8 remains listed as an endangered species. On information and belief, Respondents have not yet  
9 conducted a status review since January 1, 2011 as is required by § 2077.

10 110. The Parish's meadowfoam was listed as an endangered species in July 1979. It  
11 remains listed as an endangered species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 111. The Point Reyes meadowfoam was listed as an endangered species in April 1982. It  
14 remains listed as an endangered species. On information and belief, Respondents have not yet  
15 conducted a status review since January 1, 2011 as is required by § 2077.

16 112. The Butte County meadowfoam was listed as an endangered species in February 1982.  
17 It remains listed as an endangered species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 113. The Sebastopol meadowfoam was listed as an endangered species in November 1979.  
20 It remains listed as an endangered species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 114. The San Clemente Island woodland star was listed as an endangered species in  
23 February 1982. It remains listed as an endangered species. On information and belief,  
24 Respondents have not yet conducted a status review since January 1, 2011 as is required by § 2077.

25 115. The Nipomo Mesa lupine was listed as an endangered species in January 1987. It  
26 remains listed as an endangered species. On information and belief, Respondents have not yet  
27 conducted a status review since January 1, 2011 as is required by § 2077.

28 ///



1 116. The Tidestrom's lupine was listed as an endangered species in January 1987. It  
2 remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 117. The San Clemente Island bush-mallow was listed as an endangered species in  
5 February 1982. It remains listed as an endangered species. On information and belief,  
6 Respondents have not yet conducted a status review since January 1, 2011 as is required by § 2077.

7 118. The Santa Cruz Island bush-mallow was listed as an endangered species in November  
8 1979. It remains listed as an endangered species. On information and belief, Respondents have  
9 not yet conducted a status review since January 1, 2011 as is required by § 2077.

10 119. The willow monardella was listed as an endangered species in November 1979. It  
11 remains listed as an endangered species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 120. The many-flowered navarretia was listed as an endangered species in November 1979.  
14 It remains listed as an endangered species. On information and belief, Respondents have not yet  
15 conducted a status review since January 1, 2011 as is required by § 2077.

16 121. The Colusa grass was listed as an endangered species in November 1979. It remains  
17 listed as an endangered species. On information and belief, Respondents have not yet conducted  
18 a status review since January 1, 2011 as is required by § 2077.

19 122. The Amargosa nitrophila was listed as an endangered species in November 1979. It  
20 remains listed as an endangered species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 123. The Dehesa nolina was listed as an endangered species in November 1979. It remains  
23 listed as an endangered species. On information and belief, Respondents have not yet conducted  
24 a status review since January 1, 2011 as is required by § 2077.

25 124. The Antioch Dunes evening-primrose was listed as an endangered species in November  
26 1978. It remains listed as an endangered species. On information and belief, Respondents have  
27 not yet conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 125. The Bakersfield cactus was listed as an endangered species in January 1990. It  
2 remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 126. The California Orcutt grass was listed as an endangered species in September 1979.  
5 It remains listed as an endangered species. On information and belief, Respondents have not yet  
6 conducted a status review since January 1, 2011 as is required by § 2077.

7 127. The San Joaquin Valley Orcutt grass was listed as an endangered species in September  
8 1979. It remains listed as an endangered species. On information and belief, Respondents have  
9 not yet conducted a status review since January 1, 2011 as is required by § 2077.

10 128. The hairy Orcutt grass was listed as an endangered species in September 1979. It  
11 remains listed as an endangered species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 129. The slender Orcutt grass was listed as an endangered species in September 1979. It  
14 remains listed as an endangered species. On information and belief, Respondents have not yet  
15 conducted a status review since January 1, 2011 as is required by § 2077.

16 130. The Sacramento Orcutt grass was listed as an endangered species in July 1979. It  
17 remains listed as an endangered species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 131. The Baja California birdbush was listed as an endangered species in May 2001. It  
20 remains listed as an endangered species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 132. The Geysers panicum was listed as an endangered species in September 1978. It  
23 remains listed as an endangered species. On information and belief, Respondents have not yet  
24 conducted a status review since January 1, 2011 as is required by § 2077.

25 133. The white-rayed pentachaeta was listed as an endangered species in June 1992. It  
26 remains listed as an endangered species. On information and belief, Respondents have not yet  
27 conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 134. The Lyon's pentachaeta was listed as an endangered species in January 1990. It  
2 remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 135. The Yreka phlox was listed as an endangered species in January 1987. It remains  
5 listed as an endangered species. On information and belief, Respondents have not yet conducted  
6 a status review since January 1, 2011 as is required by § 2077.

7 136. The San Francisco popcorn flower was listed as an endangered species in September  
8 1979. It remains listed as an endangered species. On information and belief, Respondents have  
9 not yet conducted a status review since January 1, 2011 as is required by § 2077.

10 137. The Napa blue grass was listed as an endangered species in July 1979. It remains  
11 listed as an endangered species. On information and belief, Respondents have not yet conducted  
12 a status review since January 1, 2011 as is required by § 2077.

13 138. The San Diego mesa mint was listed as an endangered species in July 1979. It remains  
14 listed as an endangered species. On information and belief, Respondents have not yet conducted  
15 a status review since January 1, 2011 as is required by § 2077.

16 139. The Santa Lucia mint was listed as an endangered species in November 1979. It  
17 remains listed as an endangered species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 140. The Otay Mesa mint was listed as an endangered species in January 1987. It remains  
20 listed as an endangered species. On information and belief, Respondents have not yet conducted  
21 a status review since January 1, 2011 as is required by § 2077.

22 141. The Scotts Valley polygonum was listed as an endangered species in October 2004.  
23 It remains listed as an endangered species. On information and belief, Respondents have not yet  
24 conducted a status review since January 1, 2011 as is required by § 2077.

25 142. The Hickman's cinquefoil was listed as an endangered species in September 1979. It  
26 remains listed as an endangered species. On information and belief, Respondents have not yet  
27 conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 143. The Hartweg's golden sunburst was listed as an endangered species in August 1981.  
2 It remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 144. The San Joaquin abode sunburst was listed as an endangered species in January 1987.  
5 It remains listed as an endangered species. On information and belief, Respondents have not yet  
6 conducted a status review since January 1, 2011 as is required by § 2077.

7 145. The Tahoe yellow cress was listed as an endangered species in April 1982. It remains  
8 listed as an endangered species. On information and belief, Respondents have not yet conducted  
9 a status review since January 1, 2011 as is required by § 2077.

10 146. The small-leaved rose was listed as an endangered species in October 1989. It remains  
11 listed as an endangered species. On information and belief, Respondents have not yet conducted  
12 a status review since January 1, 2011 as is required by § 2077.

13 147. The Lake County stonecrop was listed as an endangered species in January 1990. It  
14 remains listed as an endangered species. On information and belief, Respondents have not yet  
15 conducted a status review since January 1, 2011 as is required by § 2077.

16 148. The Owens Valley checkerbloom was listed as an endangered species in July 1979.  
17 It remains listed as an endangered species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 149. The Kenwood Marsh checkerbloom was listed as an endangered species in January  
20 1982. It remains listed as an endangered species. On information and belief, Respondents have  
21 not yet conducted a status review since January 1, 2011 as is required by § 2077.

22 150. The bird-foot checkerbloom was listed as an endangered species in January 1982. It  
23 remains listed as an endangered species. On information and belief, Respondents have not yet  
24 conducted a status review since January 1, 2011 as is required by § 2077.

25 151. The Scadden Flat checkerbloom was listed as an endangered species in January 1982.  
26 It remains listed as an endangered species. On information and belief, Respondents have not yet  
27 conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 152. The Red Mountain catchfly was listed as an endangered species in April 1982. It  
2 remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 153. The Tiburon jewelflower was listed as an endangered species in February 1990. It  
5 remains listed as an endangered species. On information and belief, Respondents have not yet  
6 conducted a status review since January 1, 2011 as is required by § 2077.

7 154. The slender-petaled thelypodium was listed as an endangered species in February  
8 1982. It remains listed as an endangered species. On information and belief, Respondents have  
9 not yet conducted a status review since January 1, 2011 as is required by § 2077.

10 155. The Monterey clover was listed as an endangered species in November 1979. It  
11 remains listed as an endangered species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 156. The Crampton's tuctoria (Solano Grass) was listed as an endangered species in July  
14 1979. It remains listed as an endangered species. On information and belief, Respondents have  
15 not yet conducted a status review since January 1, 2011 as is required by § 2077.

16 **Threatened Plants (22 species)**

17 157. The Munz's onion was listed as a threatened species in January 1990. It remains listed  
18 as a threatened species. On information and belief, Respondents have not yet conducted a status  
19 review since January 1, 2011 as is required by § 2077.

20 158. The Clara Hunt's milk-vetch was listed as a threatened species in January 1990. It  
21 remains listed as a threatened species. On information and belief, Respondents have not yet  
22 conducted a status review since January 1, 2011 as is required by § 2077.

23 159. The Tiburon mariposa-lily was listed as a threatened species in May 1987. It remains  
24 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
25 status review since January 1, 2011 as is required by § 2077.

26 160. The tree-anemone was listed as a threatened species in January 1990. It remains listed  
27 as a threatened species. On information and belief, Respondents have not yet conducted a status  
28 review since January 1, 2011 as is required by § 2077.

1 161. The Tiburon paintbrush was listed as a threatened species in January 1990. It remains  
2 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
3 status review since January 1, 2011 as is required by § 2077.

4 162. The Howell's spineflower was listed as a threatened species in January 1987. It  
5 remains listed as a threatened species. On information and belief, Respondents have not yet  
6 conducted a status review since January 1, 2011 as is required by § 2077.

7 163. The surf thistle was listed as a threatened species in February 1990. It remains listed  
8 as a threatened species. On information and belief, Respondents have not yet conducted a status  
9 review since January 1, 2011 as is required by § 2077.

10 164. The La Graciosa thistle was listed as a threatened species in February 1990. It  
11 remains listed as a threatened species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 165. The beach spectaclepod was listed as a threatened species in February 1990. It  
14 remains listed as a threatened species. On information and belief, Respondents have not yet  
15 conducted a status review since January 1, 2011 as is required by § 2077.

16 166. The Laguna Beach dudleya was listed as a threatened species in January 1987. It  
17 remains listed as a threatened species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 167. The striped adobe-lily was listed as a threatened species in January 1987. It remains  
20 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
21 status review since January 1, 2011 as is required by § 2077.

22 168. The Monterey gilia was listed as a threatened species in January 1987. It remains  
23 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
24 status review since January 1, 2011 as is required by § 2077.

25 169. The Orcutt's hazardia was listed as a threatened species in August 2002. It remains  
26 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
27 status review since January 1, 2011 as is required by § 2077.

28 ///

1 170. The Marin western flax was listed as a threatened species in June 1992. It remains  
2 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
3 status review since January 1, 2011 as is required by § 2077.

4 171. The Mariposa lupine was listed as a threatened species in January 1990. It remains  
5 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
6 status review since January 1, 2011 as is required by § 2077.

7 172. The Milo Baker's lupine was listed as a threatened species in January 1987. It remains  
8 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
9 status review since January 1, 2011 as is required by § 2077.

10 173. The Gambel's water cress was listed as a threatened species in January 1990. It  
11 remains listed as a threatened species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 174. The few-flowered navarretia was listed as a threatened species in January 1990. It  
14 remains listed as a threatened species. On information and belief, Respondents have not yet  
15 conducted a status review since January 1, 2011 as is required by § 2077.

16 175. The Calistoga popcornflower was listed as a threatened species in January 1990. It  
17 remains listed as a threatened species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 176. The North Coast semaphore grass was listed as a threatened species in August 2002.  
20 It remains listed as a threatened species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 177. The Red Hills vervain was listed as a threatened species in August 1994. It remains  
23 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
24 status review since January 1, 2011 as is required by § 2077.

25 178. The big-leaved crownbeard was listed as a threatened species in January 1990. It  
26 remains listed as a threatened species. On information and belief, Respondents have not yet  
27 conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 **Endangered Animals (45 species)**

2 179. The Shasta crayfish was listed as an endangered species on February 26, 1988. It  
3 remains listed as an endangered species. On information and belief, Respondents have not yet  
4 conducted a status review since January 1, 2011 as is required by § 2077.

5 180. The California freshwater shrimp was listed as an endangered species on October 2,  
6 1980. It remains listed as an endangered species. On information and belief, Respondents have  
7 not yet conducted a status review since January 1, 2011 as is required by § 2077.

8 181. The Mohave tui chub was listed as an endangered species on June 27, 1971. It  
9 remains listed as an endangered species. On information and belief, Respondents have not yet  
10 conducted a status review since January 1, 2011 as is required by § 2077.

11 182. The Owens tui chub was listed as an endangered species on January 10, 1974. It  
12 remains listed as an endangered species. On information and belief, Respondents have not yet  
13 conducted a status review since January 1, 2011 as is required by § 2077.

14 183. The Bonytail was listed as an endangered species on January 10, 1974. It remains  
15 listed as an endangered species. On information and belief, Respondents have not yet conducted  
16 a status review since January 1, 2011 as is required by § 2077.

17 184. The Colorado pikeminnow was listed as an endangered species on June 27, 1971. It  
18 remains listed as an endangered species. On information and belief, Respondents have not yet  
19 conducted a status review since January 1, 2011 as is required by § 2077.

20 185. The Modoc sucker was listed as an endangered species on October 2, 1980. It remains  
21 listed as an endangered species. On information and belief, Respondents have not yet conducted  
22 a status review since January 1, 2011 as is required by § 2077.

23 186. The Shortnose sucker was listed as an endangered species on January 10, 1974. It  
24 remains listed as an endangered species. On information and belief, Respondents have not yet  
25 conducted a status review since January 1, 2011 as is required by § 2077.

26 187. The Lost River sucker was listed as an endangered species on January 10, 1974. It  
27 remains listed as an endangered species. On information and belief, Respondents have not yet  
28 conducted a status review since January 1, 2011 as is required by § 2077.



1 188. The Razorback sucker was listed as an endangered species on January 10, 1974. It  
2 remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 189. The Delta smelt was listed as an endangered species on January 20, 2010. It remains  
5 listed as an endangered species. On information and belief, Respondents have not yet conducted  
6 a status review since January 1, 2011 as is required by § 2077.

7 190. The Coho Salmon - south of Punta Gorda was listed as an endangered species on  
8 March 30, 2005. It remains listed as an endangered species. On information and belief,  
9 Respondents have not yet conducted a status review since January 1, 2011 as is required by § 2077.

10 191. The Chinook salmon - winter-run was listed as an endangered species on  
11 September 22, 1989. It remains listed as an endangered species. On information and belief,  
12 Respondents have not yet conducted a status review since January 1, 2011 as is required by § 2077.

13 192. The Bull trout was listed as an endangered species on October 2, 1980. It remains  
14 listed as an endangered species. On information and belief, Respondents have not yet conducted  
15 a status review since January 1, 2011 as is required by § 2077.

16 193. The Desert pupfish was listed as an endangered species on October 2, 1980. It  
17 remains listed as an endangered species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 194. The Owens pupfish was listed as an endangered species on June 27, 1971. It remains  
20 listed as an endangered species. On information and belief, Respondents have not yet conducted  
21 a status review since January 1, 2011 as is required by § 2077.

22 195. The Unarmored threespine stickleback was listed as an endangered species on  
23 June 27, 1971. It remains listed as an endangered species. On information and belief, Respondents  
24 have not yet conducted a status review since January 1, 2011 as is required by § 2077.

25 196. The Santa Cruz long-toed salamander was listed as an endangered species on  
26 June 27, 1971. It remains listed as an endangered species. On information and belief, Respondents  
27 have not yet conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 197. The Desert slender salamander was listed as an endangered species on June 27, 1971.  
2 It remains listed as an endangered species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 198. The Coachella Valley fringe-toed lizard was listed as an endangered species on  
5 October 2, 1980. It remains listed as an endangered species. On information and belief,  
6 Respondents have not yet conducted a status review since January 1, 2011 as is required by § 2077.

7 199. The Blunt-nosed leopard lizard was listed as an endangered species on June 27, 1971.  
8 It remains listed as an endangered species. On information and belief, Respondents have not yet  
9 conducted a status review since January 1, 2011 as is required by § 2077.

10 200. The San Francisco garter snake was listed as an endangered species on June 27, 1971.  
11 It remains listed as an endangered species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 201. The California condor was listed as an endangered species on June 27, 1971. It  
14 remains listed as an endangered species. On information and belief, Respondents have not yet  
15 conducted a status review since January 1, 2011 as is required by § 2077.

16 202. The Bald eagle was listed as an endangered species on October 2, 1980. It remains  
17 listed as an endangered species. On information and belief, Respondents have not yet conducted  
18 a status review since January 1, 2011 as is required by § 2077.

19 203. The California clapper rail was listed as an endangered species on June 27, 1971. It  
20 remains listed as an endangered species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 204. The Light-footed clapper rail was listed as an endangered species on June 27, 1971.  
23 It remains listed as an endangered species. On information and belief, Respondents have not yet  
24 conducted a status review since January 1, 2011 as is required by § 2077.

25 205. The Marbled murrelet was listed as an endangered species on March 12, 1992. It  
26 remains listed as an endangered species. On information and belief, Respondents have not yet  
27 conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 206. The Western yellow-billed cuckoo was listed as an endangered species on March 26,  
2 1988. It remains listed as an endangered species. On information and belief, Respondents have  
3 not yet conducted a status review since January 1, 2011 as is required by § 2077.

4 207. The Elf fisher was listed as an endangered species on October 2, 1980. It remains  
5 listed as an endangered species. On information and belief, Respondents have not yet conducted  
6 a status review since January 1, 2011 as is required by § 2077.

7 208. The Great gray owl was listed as an endangered species on October 2, 1980. It  
8 remains listed as an endangered species. On information and belief, Respondents have not yet  
9 conducted a status review since January 1, 2011 as is required by § 2077.

10 209. The Gila woodpecker was listed as an endangered species on March 17, 1988. It  
11 remains listed as an endangered species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 210. The Gilded flicker was listed as an endangered species on March 17, 1988. It remains  
14 listed as an endangered species. On information and belief, Respondents have not yet conducted  
15 a status review since January 1, 2011 as is required by § 2077.

16 211. The Willow flycatcher was listed as an endangered species on January 2, 1991. It  
17 remains listed as an endangered species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 212. The Arizona Bell's vireo was listed as an endangered species on March 17, 1988. It  
20 remains listed as an endangered species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 213. The Least Bell's vireo was listed as an endangered species on October 2, 1980. It  
23 remains listed as an endangered species. On information and belief, Respondents have not yet  
24 conducted a status review since January 1, 2011 as is required by § 2077.

25 214. The Inyo California towhee was listed as an endangered species on October 2, 1980.  
26 It remains listed as an endangered species. On information and belief, Respondents have not yet  
27 conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1           215. The Belding's savannah sparrow was listed as an endangered species on January 10,  
2 1974. It remains listed as an endangered species. On information and belief, Respondents have  
3 not yet conducted a status review since January 1, 2011 as is required by § 2077.

4           216. The Morro Bay kangaroo rat was listed as an endangered species on June 27, 1971.  
5 It remains listed as an endangered species. On information and belief, Respondents have not yet  
6 conducted a status review since January 1, 2011 as is required by § 2077.

7           217. The Giant kangaroo rat was listed as an endangered species on October 2, 1980. It  
8 remains listed as an endangered species. On information and belief, Respondents have not yet  
9 conducted a status review since January 1, 2011 as is required by § 2077.

10          218. The Tipton kangaroo rat was listed as an endangered species on June 11, 1989. It  
11 remains listed as an endangered species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13          219. The Fresno kangaroo rat was listed as an endangered species on October 2, 1980. It  
14 remains listed as an endangered species. On information and belief, Respondents have not yet  
15 conducted a status review since January 1, 2011 as is required by § 2077.

16          220. The Amargosa vole was listed as an endangered species on October 2, 1980. It  
17 remains listed as an endangered species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19          221. The Salt-marsh harvest mouse was listed as an endangered species on June 27, 1971.  
20 It remains listed as an endangered species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22          222. The Riparian brush rabbit was listed as an endangered species on May 29, 1994. It  
23 remains listed as an endangered species. On information and belief, Respondents have not yet  
24 conducted a status review since January 1, 2011 as is required by § 2077.

25          223. The Sierra Nevada bighorn sheep was listed as an endangered species on August 27,  
26 1999. It remains listed as an endangered species. On information and belief, Respondents have  
27 not yet conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 **Threatened Animals (34 species)**

2 224. The Trinity bristle snail was listed as a threatened species on October 2, 1980. It  
3 remains listed as a threatened species. On information and belief, Respondents have not yet  
4 conducted a status review since January 1, 2011 as is required by § 2077.

5 225. The Longfin smelt was listed as a threatened species on April 5, 2009. It remains  
6 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
7 status review since January 1, 2011 as is required by § 2077.

8 226. The Coho salmon - Punta Gorda to the northern border of California was listed as a  
9 threatened species on March 30, 2005. It remains listed as a threatened species. On information  
10 and belief, Respondents have not yet conducted a status review since January 1, 2011 as is required  
11 by § 2077.

12 227. The Chinook salmon - spring-run was listed as a threatened species on February 5,  
13 1999. It remains listed as a threatened species. On information and belief, Respondents have not  
14 yet conducted a status review since January 1, 2011 as is required by § 2077.

15 228. The Cottonball Marsh pupfish was listed as a threatened species on January 10, 1974.  
16 It remains listed as a threatened species. On information and belief, Respondents have not yet  
17 conducted a status review since January 1, 2011 as is required by § 2077.

18 229. The Rough sculpin was listed as a threatened species on January 10, 1974. It remains  
19 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
20 status review since January 1, 2011 as is required by § 2077.

21 230. The California tiger salamander was listed as a threatened species on August 19, 2010.  
22 It remains listed as a threatened species. On information and belief, Respondents have not yet  
23 conducted a status review since January 1, 2011 as is required by § 2077.

24 231. The Siskiyou Mountains salamander was listed as a threatened species on June 27,  
25 1971. It remains listed as a threatened species. On information and belief, Respondents have not  
26 yet conducted a status review since January 1, 2011 as is required by § 2077.

27 ///

28 ///

1 232. The Scott Bar salamander was listed as a threatened species on June 27, 1971. It  
2 remains listed as a threatened species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 233. The Tehachapi slender salamander was listed as a threatened species on June 27, 1971.  
5 It remains listed as a threatened species. On information and belief, Respondents have not yet  
6 conducted a status review since January 1, 2011 as is required by § 2077.

7 234. The Kern Canyon slender salamander was listed as a threatened species on June 27,  
8 1971. It remains listed as a threatened species. On information and belief, Respondents have not  
9 yet conducted a status review since January 1, 2011 as is required by § 2077.

10 235. The Shasta salamander was listed as a threatened species on June 27, 1971. It remains  
11 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
12 status review since January 1, 2011 as is required by § 2077.

13 236. The Limestone salamander was listed as a threatened species on June 27, 1971. It  
14 remains listed as a threatened species. On information and belief, Respondents have not yet  
15 conducted a status review since January 1, 2011 as is required by § 2077.

16 237. The Black toad was listed as a threatened species on June 27, 1971. It remains listed  
17 as a threatened species. On information and belief, Respondents have not yet conducted a status  
18 review since January 1, 2011 as is required by § 2077.

19 238. The Desert tortoise was listed as a threatened species on August 3, 1989. It remains  
20 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
21 status review since January 1, 2011 as is required by § 2077.

22 239. The Barefoot banded gecko was listed as a threatened species on October 2, 1980. It  
23 remains listed as a threatened species. On information and belief, Respondents have not yet  
24 conducted a status review since January 1, 2011 as is required by § 2077.

25 240. The Southern rubber boa was listed as a threatened species on June 27, 1971. It  
26 remains listed as a threatened species. On information and belief, Respondents have not yet  
27 conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 241. The Alameda whipsnake was listed as a threatened species on June 27, 1971. It  
2 remains listed as a threatened species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 242. The Giant garter snake was listed as a threatened species on June 27, 1971. It remains  
5 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
6 status review since January 1, 2011 as is required by § 2077.

7 243. The California black rail was listed as a threatened species on June 27, 1971. It  
8 remains listed as a threatened species. On information and belief, Respondents have not yet  
9 conducted a status review since January 1, 2011 as is required by § 2077.

10 244. The Yuma clapper rail was listed as a threatened species on February 22, 1978. It  
11 remains listed as a threatened species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 245. The Greater sandhill crane was listed as a threatened species on April 17, 1983. It  
14 remains listed as a threatened species. On information and belief, Respondents have not yet  
15 conducted a status review since January 1, 2011 as is required by § 2077.

16 246. The Scripp's murrelet was listed as a threatened species on December 22, 2004. It  
17 remains listed as a threatened species. On information and belief, Respondents have not yet  
18 conducted a status review since January 1, 2011 as is required by § 2077.

19 247. The Guadalupe murrelet was listed as a threatened species on December 22, 2004. It  
20 remains listed as a threatened species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 248. The Bank swallow was listed as a threatened species on June 11, 1989. It remains  
23 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
24 status review since January 1, 2011 as is required by § 2077.

25 249. The Nelson's antelope squirrel was listed as a threatened species on October 2, 1980.  
26 It remains listed as a threatened species. On information and belief, Respondents have not yet  
27 conducted a status review since January 1, 2011 as is required by § 2077.

28 ///

1 250. The Mohave ground squirrel was listed as a threatened species on June 27, 1971. It  
2 remains listed as a threatened species. On information and belief, Respondents have not yet  
3 conducted a status review since January 1, 2011 as is required by § 2077.

4 251. The Stephens' kangaroo rat was listed as a threatened species on June 27, 1971. It  
5 remains listed as a threatened species. On information and belief, Respondents have not yet  
6 conducted a status review since January 1, 2011 as is required by § 2077.

7 252. The Island fox was listed as a threatened species on June 27, 1971. It remains listed  
8 as a threatened species. On information and belief, Respondents have not yet conducted a status  
9 review since January 1, 2011 as is required by § 2077.

10 253. The San Joaquin kit fox was listed as a threatened species on June 27, 1971. It  
11 remains listed as a threatened species. On information and belief, Respondents have not yet  
12 conducted a status review since January 1, 2011 as is required by § 2077.

13 254. The Sierra Nevada red fox was listed as a threatened species on October 2, 1980. It  
14 remains listed as a threatened species. On information and belief, Respondents have not yet  
15 conducted a status review since January 1, 2011 as is required by § 2077.

16 255. The Guadalupe fur seal was listed as a threatened species on June 27, 1971. It remains  
17 listed as a threatened species. On information and belief, Respondents have not yet conducted a  
18 status review since January 1, 2011 as is required by § 2077.

19 256. The North American wolverine was listed as a threatened species on June 27, 1971.  
20 It remains listed as a threatened species. On information and belief, Respondents have not yet  
21 conducted a status review since January 1, 2011 as is required by § 2077.

22 257. The Peninsular bighorn sheep (distinct population segment) was listed as a threatened  
23 species on June 27, 1971. It remains listed as a threatened species. On information and belief,  
24 Respondents have not yet conducted a status review since January 1, 2011 as is required by § 2077.

25 **FIRST CAUSE OF ACTION**

26 **(CCP § 1085—Violation of the California Endangered Species Act)**

27 258. Petitioner realleges, as though set forth in full, each and every allegation contained  
28 in paragraphs 1 through 257 inclusive.



1 259. Respondents have a mandatory and nondiscretionary duty under the CESA to review  
2 listed species at least every five years. § 2077.

3 260. The species noted in paragraphs 25 through 257 of this Petition have been listed as  
4 either “threatened” or “endangered” under the CESA since January 1, 2011, but Respondents have  
5 failed to review any of these species within the last five years as required by § 2077.

6 261. Respondents’ failure to conduct a status review of any of these listed species violates  
7 the CESA and is unlawful.

8 **SECOND CAUSE OF ACTION**  
9 **(CCP § 1085—Abuse of discretion)**

10 262. Petitioner realleges, as though set forth in full, each and every allegation contained  
11 in paragraphs 1 through 261 inclusive.

12 263. Respondents have a mandatory and nondiscretionary duty under the CESA to review  
13 species listed as “threatened” or “endangered” under the CESA at least every five years. § 2077.

14 264. The species noted in paragraphs 25 through 257 of this Petition have been listed since  
15 January 1, 2011, but Respondents have failed to review any of these species.

16 265. Respondents abused their discretion, and acted arbitrarily and capriciously without  
17 evidentiary support, by failing to conduct status reviews as mandated by § 2077.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Petitioner prays for judgment as follows:

- 20 1. For a writ of mandate declaring that Respondents violated § 2077 and abused their  
21 discretion by failing to conduct mandatory status reviews of the species list in  
22 paragraphs 25 through 257.
- 23 2. For a writ of mandate directing the Respondents to conduct the status reviews  
24 mandated by § 2077, including an order that the Respondents file a proposed  
25 schedule for completion of the mandatory status reviews for the court to approve  
26 as a mandatory deadline for completion.
- 27 3. For costs of suit, including reasonable attorneys’ fees; and

28 ///

PACIFIC LEGAL FOUNDATION  
930 G Street  
Sacramento, CA 95814  
(916) 419-7111 FAX (916) 419-7747

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4. For any such other equitable or legal relief that the Court deems just and appropriate.

DATED: February 24, 2016.

Respectfully submitted,  
DAMIEN M. SCHIFF  
ANTHONY L. FRANÇOIS  
WENCONG FA  
Pacific Legal Foundation

By \_\_\_\_\_  
WENCONG FA

Attorneys for Petitioner

VERIFICATION

1  
2 I, Billy Gatlin, am the Executive Vice President of the California Cattlemen’s Association  
3 and am authorized to execute this verification on its behalf. I have read the foregoing Petition and  
4 am familiar with its contents. I am informed and believe and, on that ground, allege that the  
5 matters stated in this Petition are true.

6 I declare under penalty of perjury under the laws of the State of California that the  
7 foregoing is true and correct.

8 DATED: February \_\_\_\_\_, 2016.  
9

10 By \_\_\_\_\_  
11 BILLY GATLIN

PACIFIC LEGAL FOUNDATION  
930 G Street  
Sacramento, CA 95814  
(916) 419-7111 FAX (916) 419-7747

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28