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Suit threatened over alleged bird harassment at Dunes

David Sneed

An environmental group has notified the California Department of Parks and Recreation that it intends to file a lawsuit alleging the harassment and perhaps death of a federally protected shorebird during a race last year at Oceano Dunes State Vehicular Recreation Area.

The Center for Biological Diversity in San Francisco claims that wildlife monitors witnessed several violations of the federal Endangered Species Act during a race at the park Oct. 11-12. Those alleged violations involved the threatened snowy plover, a sparrow-sized shorebird that lives year-round in the park. One wildlife monitor reported finding in tire tracks a dead plover that "appeared to have been hit by something." Other monitors reported numerous plovers being "terrorized" and "flushed" by riders during the event.

Killing or harassing a federally listed species constitutes a "taking," which is a violation of the Endangered Species Act, said John Buse, a senior attorney with the group.

The law requires that an agency be notified of a pending lawsuit and given at least 60 days to rectify the problem before the suit is filed. Park Superintendent Andy Zilke said he was aware of the notification but did not know if any settlement negotiations had begun. Buse said it is up to the State Parks officials to propose a way to settle the pending lawsuit.

Every October, the Central Coast Motorcycle Association holds a fundraising race in the park for motorcycles and all-terrain vehicles. This will be the second time the Center for Biological Diversity has sued over the race.

As a result of the first suit, park managers agreed to post monitors to observe potential effects on wildlife and hold the event away from vegetated areas.

It was the monitors who observed the alleged plover harassment and taking.

The group believes the damage to plovers will occur again if the race is allowed to continue without further protections.

"This take is the direct and proximate consequence of the department's management of the Oceano Dunes SVRA and its authorization of motorized vehicle use within occupied snowy plover habitat," Buse said in his notification to State Parks. Zilke said he is confident that the park fulfilled the requirements of the first settlement.

"I think we're good from that standpoint," he said. "It's just one of those things. We'll have to see how things shake out from here."

Reach David Sneed at 781-7930.

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