

State rules may ban Bahia dredge

BY MARY CONNELL
Advance Editor

Even if federal environmental officials approve the permit application for the Bahia lock/dredge project, state regulations could bar any such work.

In a September letter to the Bahia HOA, the U.S. Fish & Wildlife Service, which must approve any application before a project can go forward, federal officials say that dredging the Bahia Lagoon would remove about 6.5 acres of California clapper rail habitat.

The shy and retiring bird species is a state and federally designated endangered species.

A survey conducted by Avocet Research in Point Reyes during breeding season estimated the presence of three to six pairs in the Bahia West Lagoon in 2003 and seven to 12 pairs this year. Biologists average the data to estimate seven pairs.

Fish & Wildlife biologists say dredging will result in open water dividing habitat

areas and that this fragmentation would have dire effects.

"A large majority, and possibly all, of the clapper rails currently residing within the lagoon would be adversely impacted and likely displaced by the initial dredging along the perimeter of the lagoon," Field Supervisor Wayne White wrote.

Fish & Wildlife has suggested doing preliminary mitigation work to create a habitat for the seven nesting pairs.

But state Department of Fish & Game restrictions allow no "takes" — defined as dead or disturbed birds that are deemed "fully protected."

Last year, in a letter to U.S. Senator Barbara Boxer, state Fish & Game director Robert Hight wrote that dredging the lagoon "would likely result in the loss or 'take' of California clapper rails" and that the department is "prohibited from authorizing 'take' of fully protected species."