

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

Case No. 2:20-cv-09965-AH-(ASx) Date November 20, 2025
Title Center For Biological Diversity v. Armando Quintero

Present: The Honorable Anne Hwang, United States District Judge

Yolanda Skipper
Deputy Clerk

Not Reported
Court Reporter

Attorney(s) Present for Plaintiff(s):
None Present

Attorney(s) Present for Defendant(s):
None Present

**Proceedings: (IN CHAMBERS) ORDER GRANTING PLAINTIFF’S MOTION FOR
SUMMARY JUDGMENT (DKT. NO. 61)**

Before the Court is Plaintiff Center for Biological Diversity’s (“Plaintiff”) Motion for Summary Judgment. Dkt. No. 61. Defendant Armando Quintero, in his official capacity as Director of California Department of Parks and Recreation (“Defendant”), opposes. *Id.* Plaintiff filed a reply. Dkt. No. 62. The Court heard oral argument on November 19, 2025. For the following reasons, the Motion is GRANTED.

I. BACKGROUND

The following summarized facts are relevant to the instant Motion. *See generally* Joint Appendix of Facts (“JAF”), Dkt. No. 61-2.¹

¹ The facts set forth below are taken from the Parties’ JAF and the submitted evidence. *See generally* JAF. To the extent that any of the relevant facts were allegedly disputed by the opposing party, the Court discusses those facts below or concludes that no actual dispute exists or that the adopted language resolves the dispute.

The California Department of Parks and Recreation (“State Parks”) operates the Oceano Dunes State Vehicular Recreation Area (“Oceano Dunes SVRA”) in San Luis Obispo County. JAF 1, 3. State Parks permits off-highway vehicle (“OHV”) use and vehicular camping within the dunes portion of the Oceano Dunes SVRA. JAF 4. State Parks also permits beach driving by street-legal vehicles within the beach portion of the Oceano Dunes SVRA. JAF 5. The U.S. Fish and Wildlife Service (the “Service”) designated portions of the Oceano Dunes SVRA, including those open to permitted motorized vehicle use, as a “critical habitat” for the western snowy plover (*Charadrius nivosus nivosus*). JAF 6, 8.

The snowy plover is a small, sand-colored shorebird which is designated as a threatened species under the Endangered Species Act (“ESA”). JAF 9, 6. Snowy plovers nest and breed within the Oceano Dunes SVRA between March and September. JAF 7. Around 2001 or 2002, State Parks began developing a Habitat Conservation Plan (“Draft HCP”) pursuant to Section 10(a)(1)(B) of the ESA to obtain incidental take coverage for snowy plovers. JAF 14. State Parks has not finalized its HCP and has not obtained an incidental take permit. JAF 15. State Parks maintains a natural resources management program intended to address impacts to snowy plovers and other protected birds at the Oceano Dunes SVRA. JAF 16. During State Park’s management, the population of breeding adult snowy plovers has increased from approximately 30 breeding adults in 2002 to over 200 in 2024. JAF 74.

Despite State Parks’ natural resources management program, State Parks has documented incidents in which snowy plovers have been killed and harmed due to motorized vehicle use at the Oceano Dunes SVRA since March 21, 2001. JAF 18. Additionally, in areas of the Oceano Dunes SVRA open to OHVs, vehicles can and do drive through flocks of roosting snowy plovers. Snowy plovers tend to roost in vehicle tracks at the Oceano Dunes SVRA. JAF 41. Snowy plovers at the Oceano Dunes SVRA are flushed from roosts and forced to move or expend energy to avoid vehicles. JAF 42. The Draft HCP notes that motorized vehicle activities, as well as activities other than motorized vehicle use, have the potential to impact snowy plovers, including camping, pedestrian use, bicycling, fishing, and equestrian riding, among others. JAF 84.

Plaintiff provided Defendant with notice of its intent to sue on July 19, 2017, and June 10, 2020. JAF 17. On October 29, 2020, Plaintiff filed this citizen suit under the ESA, 16 U.S.C. §§ 1531-1544, and its implementing regulations. Compl., Dkt. No. 1. Plaintiff “seeks declaratory and injunctive relief to prevent

State Parks from authorizing and permitting activities that take snowy plovers without an incidental take permit issued under the ESA.” JAF 68. On October 15, 2025, Plaintiff filed this Motion. Defendant opposes, arguing Plaintiff lacks standing, and seeks summary judgment in its favor.

II. LEGAL STANDARD

A. Summary Judgment

“A party may move for summary judgment, identifying each claim or defense—or the part of each claim or defense—on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). An issue of fact is “genuine” only if there is sufficient evidence for a reasonable fact finder to find for the nonmoving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A fact is “material” if it may affect the outcome of the case, and the “substantive law [] identif[ies] which facts are material.” *Id.* “Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment.” *Id.*

A party seeking summary judgment bears the initial burden of informing the court of the basis for its motion and identifying those portions of the pleadings, discovery responses, and “affidavits, if any,” that demonstrate the absence of a genuine issue of material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986) (internal quotation marks omitted). To carry its burden of production, the moving party must either: (1) produce evidence negating an essential element of the nonmoving party’s claim or defense; or (2) show that there is an absence of evidence to support the nonmoving party’s case. *Nissan Fire & Marine Ins. Co. v. Fritz Cos.*, 210 F.3d 1099, 1102 (9th Cir. 2000). If the moving party meets its initial burden, the nonmoving party must set forth, by affidavit or as otherwise provided in Rule 56, “specific facts showing that there is a genuine issue for trial.” *Anderson*, 477 U.S. at 248 (citation modified). The evidence presented by the parties must be capable of being presented at trial in a form that would be admissible in evidence. *See* Fed. R. Civ. P. 56(c)(2). “In judging evidence at the summary judgment stage, the court does not make credibility determinations or weigh conflicting evidence.” *Soremekun v. Thrifty Payless, Inc.*, 509 F.3d 978, 984 (9th Cir. 2007). The court must draw all reasonable inferences in the nonmoving

party's favor. *In re Oracle Corp. Sec. Litig.*, 627 F.3d 376, 387 (9th Cir. 2010) (citing *Anderson*, 477 U.S. at 255).

B. Standing

The case or controversy requirement under Article III of the U.S. Constitution “limits federal courts’ subject matter jurisdiction by requiring, *inter alia*, that plaintiffs have standing and that claims be ripe for adjudication.” *Chandler v. State Farm Mut. Auto. Ins. Co.*, 598 F.3d 1115, 1121 (9th Cir. 2010) (internal punctuation and citation omitted). The standing of an organization “turns on whether at least one of its members would otherwise have standing to sue in their own right.” *Ctr. for Bio. Diversity v. U.S. Bureau of Land Mgmt.*, 141 F.4th 976, 1007 (9th Cir. 2025) (citation modified). Additionally, “the interests [the organization] seeks to protect [must be] germane to the organization’s purpose” and “neither the claim asserted nor the relief requested [must] require[] the participation of individual members in the lawsuit.” *Hunt v. Wash. State Apple Advert. Comm’n*, 432 U.S. 333, 343 (1977). For an individual member to have standing, “the irreducible constitutional minimum of standing contains three elements.” *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992).

First, the plaintiff must have suffered an injury in fact—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be fairly traceable to the challenged action of the defendant and not the result of the independent action of some third party not before the court. Third, it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.

Id. at 560-61 (internal punctuation and citations omitted). At the summary judgment stage, the plaintiff “must set forth by affidavit or other evidence specific facts” to show standing. *Id.* at 561 (citation modified). The party invoking federal jurisdiction bears the burden of establishing standing. *Id.*

III. DISCUSSION

Defendant argues Plaintiff lacks Article III standing, and that given this, “the Court need not address the merits.” Joint. Br. at 2, Dkt. No. 61-1. Plaintiff

maintains it has standing and that it is entitled to summary judgment because Defendant's authorization of motorized vehicle activity in the Oceano Dunes SVRA "takes" snowy plovers under the ESA section 9; specifically, Plaintiff argues "Defendant's ongoing authorization of activities have harassed, harmed and killed, and continue to harass, harm and kill, federally protected snowy plovers." *Id.* at 1, 16.

A. Standing²

1. Injury in Fact

"In environmental cases, Article III standing requires injury to the plaintiff, not the environment." *Ctr. for Bio. Diversity*, 141 F.4th at 1007 (citing *Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc.*, 528 U.S. 167, 181 (2000)). The Supreme Court has recognized that "the desire to use or observe an animal species, even for purely esthetic purposes, is undeniably a cognizable interest for purpose of standing" as long as "the party seeking review [is] himself among the injured." *Lujan*, 504 U.S. at 562-63 (citations omitted); *see also Friends of the Earth*, 528 U.S. at 183 ("We have held that environmental plaintiffs adequately allege injury in fact when they aver that they use the affected area and are persons for whom the aesthetic and recreational values of the area will be lessened by the challenged activity." (internal quotation marks and citation omitted)). "But when these interests are tied to a particular area of land, generalized averments about using that land in the future are 'simply not enough.' To show imminent injury, a plaintiff must describe 'concrete plans' for being in the area where the use or observation interest will be harmed." *Ctr. for Bio. Diversity*, 141 F.4th at 1007 (citing *Lujan*, 504 U.S. at 564).

Here, Plaintiff submitted evidence that two of its members, Jeffrey Kirk Miller and Ileene Anderson, have "personal, professional, aesthetic, and spiritual

² Defendant does not dispute that the interests at stake are germane to Plaintiff's purpose or that neither the claim asserted nor the relief requested require the participation of individual members. *See* Joint Br. at 24-25 (describing how the interests at stake are germane to Plaintiff's purpose and that neither the ESA claims at issue nor the relief sought would require the participation of Plaintiff's individual members); *id.* at 25 (describing elements on individual standing). The only dispute between the parties is whether Plaintiff's members have standing to sue in their own right.

interests in Oceano Dunes and the snowy plovers.” Declaration of Jeffrey Kirk Miller ¶ 25, JAE Ex. 29, Dkt. No. 61-3; *see also* Declaration of Ileene Anderson ¶ 6, JAE Ex. 30 (“I gain great aesthetic pleasure seeing snowy plovers foraging and loafing at Oceano SVRA. I enjoy recreationally watching the snowy plovers as they move around the landscape . . .”). For example, Mr. Miller has a years-long interest in snowy plovers and other shorebirds and wildlife at the Oceano Dunes SVRA. Miller Decl. ¶¶ 12-15. He frequently visits, including 19 times in 2019, 21 times in 2019, 47 times in 2020, 28 times in 2021, and numerous other times to date. *Id.* ¶¶ 13-15. His ability to enjoy, photograph, and study snowy plovers is directly impaired by Defendant’s continued authorization of motor vehicle use in snowy plover habitat. *Id.* ¶¶ 17-18. Similarly, Ms. Anderson has a long-standing interest in snowy plovers and the coastal habitat. Anderson Decl. ¶ 6. She has visited the Oceano Dunes SVRA regularly. *Id.* Her enjoyment and study of snowy plovers is also diminished by Defendant’s authorization of motor vehicle use in the habitat. *Id.* ¶ 9.

In addition, Mr. Miller has plans to return to the Oceano Dunes SVRA “in December of 2025 and January 2026,” Miller Decl. ¶ 15, and Ms. Anderson has plans to return in “late October 2026 and . . . annually at a minimum,” Anderson Decl. ¶ 6; *cf. Lujan*, 504 U.S. at 564 (“Some day intentions—without any description of concrete plans, or indeed even any specification of *when* the some day will be—do not support a finding of the actual or imminent injury that our cases require.” (citation modified)). Accordingly, Plaintiff has shown a concrete and imminent injury in fact.

Defendant argues Plaintiff has not shown injury in fact as to Ms. Anderson because her testimony “confirm[s] she never experienced the alleged injury (harm to snowy plovers) ‘in a personal and individual way.’” Joint. Br. at 27 (citation omitted). Defendant maintains “[h]er experiences at ODSVRA while viewing and experiencing snowy plovers [were] generally positive, and she has not witnessed harm or mortality to snowy plovers personally firsthand.” *Id.* Rather, “[t]he alleged harm Ms. Anderson suffered occurred from her reading reports and looking at photographs of injured or deceased snowy plovers.” *Id.* at 27-28. Additionally, Defendant argues “[t]here is no indication . . . to suggest [Ms. Anderson] will not be able to experience snowy plovers at ODSVRA in the future just as she has in the past.” *Id.* at 26.

As to Mr. Miller, Defendant similarly argues “he alleges nothing to establish he is unable to presently or in the future visit ODSVRA and experience the snowy

plover as he sees fit,” and “his single reference to seeing a snowy plover deceased in tire tracks” is insufficient because it lacks “important details” such as “how the snowy plover died.” *Id.* at 27.

However, Plaintiff’s members’ injury is not from “the idea or thought that any snowy plover is harmed by OHV use at ODSVRA,” *id.*; rather, they have articulated an aesthetic interest to observe snowy plovers at the Oceano Dunes SVRA, and Defendant’s ongoing authorization of OHV use causes harassment, harm, and death to snowy plovers there. JAF 18, 40-42. Mr. Miller avers that he uses the Oceano Dunes SVRA for recreation, to “stimulat[e] his scientific curiosity,” and “for birdwatching and wildlife and bird photography.” Miller Decl. ¶¶ 15, 17. He further avers that vehicles at the Oceano Dunes SVRA “results in pulverized wrack and kelp in beach areas where plovers forage.” *Id.* ¶ 20. Thus, “[k]illing and harassment of snowy plovers . . . and off-road vehicle damage to their habitats injures [his] professional, recreational, aesthetic and spiritual enjoyment of the” Oceano Dunes SVRA. *Id.* ¶ 22. Similarly, Ms. Anderson visits the Oceano Dunes SVRA and has observed vehicles “driving close enough to snowy plovers” which “scare[s] and bother[s] the birds.” Anderson Decl. ¶ 9. This is sufficient to establish that Mr. Miller and Ms. Anderson “use the affected area,” the Oceano Dunes SVRA, and their “aesthetic and recreational values” in that area are “lessened” by Defendant’s authorization of OHVs, because the OHVs interfere with snowy plovers. *Friends of the Earth*, 528 U.S. at 183; *see also, e.g., Coho Salmon v. Pac. Lumber Co.*, 30 F. Supp. 2d 1231, 1242-43 (N.D. Cal. 1998) (“Clearly, if [defendant’s] logging operations result in a ‘take’ of coho salmon, then the organizations’ members’ aesthetic and scientific interests in coho salmon would obviously be concretely affected.”).

2. Causation and Redressability

“An injury is fairly traceable to a challenged action as long as the links in the proffered chain of causation are not hypothetical or tenuous and remain plausible.” *Ass’n of Irrigated Residents v. U.S. Env’t Prot. Agency*, 10 F.4th 937, 943-44 (9th Cir. 2021) (citation modified). “Similarly, a plaintiff can meet the redressability requirement by showing that it is likely, although not certain, that his injury can be redressed by a favorable decision. Neither part of the test demands absolute certainty.” *Id.* (citation modified).

Both Mr. Miller and Ms. Anderson describe how their injuries are caused by Defendant’s authorization of motorized vehicle recreation in areas where snowy

plovers forage and nest, and how a favorable decision would redress these injuries. Miller Decl. ¶¶ 18, 22-23; Anderson Decl. ¶¶ 8-9. Defendant argues that Plaintiff must show the snowy plover deaths either personally observed by Mr. Miller or in reports read by Ms. Anderson were caused by OHV use. Joint. Br. at 29-30. But Defendant does not dispute that “State Parks has documented incidents in which snowy plovers have been killed and harmed due to motorized vehicle use at the Oceano Dunes SVRA since March 21, 2001.” JAF 18. It is plausible that absent Defendant’s authorization of OHVs, *see* JAF 4, OHVs would not cause the level of harm and disruption to snowy plovers that is currently occurring at the Oceano Dunes SVRA. Plaintiff’s members’ aesthetic, recreational, and scientific injuries are thus fairly traceable to Defendant’s authorization of OHV activities within snowy plover habitat, which foreseeably results in the take of the snowy plover.

Moreover, Plaintiff’s injury would likely be redressed if Defendant were enjoined from authorizing OHVs because the requested injunction would prevent some of the undisputed harm to snowy plovers. Defendant argues Plaintiff cannot establish redressability because its requested relief would not ensure that no snowy plover takes occur. Joint. Br. at 30-31. Specifically, Defendant argues that factors other than OHV use, such as “walking, jogging, exercising pets, [and] horseback riding,” may harm snowy plovers. *Id.* at 31 (citation omitted). Defendant also argues that takes will still occur after Defendant procures an incidental take permit (“ITP”), which will likely occur in the next few months. *Id.*; *see also id.* at 8-9. However, as Plaintiff clarifies in its Reply, it “does not ask this Court to compel State Parks to obtain an ITP (or adopt a habitat conservation plan (‘HCP’) necessary for the issuance of such ITP). Rather, the Center seeks . . . injunctive relief to enjoin State Parks’ authorization of activities that ‘take’ snowy plovers without an ITP,” as well as declaratory relief. Reply at 8; *see also, e.g., Coho Salmon*, 30 F. Supp. 2d at 1236, 1244 (finding a redressable injury to organization’s members’ “aesthetic and scientific interests as a result of the ‘take’ of coho salmon” while “the approval of the HCP and the issuance of the ITP [were] . . . pending”).

Redressability does not require “that a favorable decision will relieve [the plaintiff’s] every injury.” *Massachusetts v. E.P.A.*, 549 U.S. 497, 525 (2007) (quoting *Larson v. Valente*, 456 U.S. 228, 244 n.15 (1982)) (emphasis in *Larson*). Here, for standing purposes, it is not necessary for Plaintiff to show that its requested relief will end all takes at the Oceano Dunes SVRA; rather, it is sufficient to show that Plaintiff “personally would benefit in a tangible way from the court’s intervention.” *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 103

n.5 (1998) (citation omitted); *see also, e.g., Coho Salmon*, 30 F. Supp. 2d at 1244 (“[Defendant] frames the scope of the relief sought by plaintiffs too broadly. While it is without question that plaintiffs would like to see increased coho salmon populations in the watersheds at issue, at root, the organizations seek only to enhance their aesthetic enjoyment and use of coho salmon by halting the illegal ‘takes’ caused by PALCO’s logging activities.”). Plaintiff has made such a showing, even if it is only until, as Defendant argues, an ITP is issued.

B. Merits

As the Ninth Circuit has explained,

[s]ection 9 of the ESA makes it unlawful for anyone to “take” an endangered or threatened species. 16 U.S.C. § 1538(a)(1)(B). The ESA defines “take” as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” *Id.* § 1532(19). To prove “harm” under the ESA, citizen-suit plaintiffs must prove that the defendant is committing, or will commit, “an act which actually kills or injures wildlife.” 50 C.F.R. § 17.3.

Cascadia Wildlands v. Scott Timber Co., 105 F.4th 1144, 1156 (9th Cir. 2024). “[A] citizen-suit plaintiff must prove that the injury to identifiable members of the protected species is of a type covered by the ESA and that the relationship between the challenged activity and the injury meet the standards of proximate causation.” *Id.*

Plaintiff seeks a declaration that “Defendant has violated and continues to violate the Endangered Species Act, 16 U.S.C. §§ 1531-1544, and its implementing regulations by authorizing motorized vehicle activity at Oceano Dunes State Vehicular Recreation Area that results in the take of federally protected western snowy plovers. 16 U.S.C. § 1538(a)(1)(B), (G); *id.* § 1538(g); 50 C.F.R. §§ 17.11(h), 17.21(c), 17.31(a).” *See* Proposed Order ¶ 1, Dkt. No. 61-4.

Defendant “acknowledges it is likely incidental ‘takes’ of snowy plovers occurred over the years despite its best efforts to prevent such events from occurring given the inherent conflicts that exist between users of ODSVRA and the snowy plovers that travel to the area occupied by park users.” Joint. Br. at 21. Indeed, Defendant largely does not dispute the many examples of “takes” of snowy plovers provided by Plaintiff, including specifically by vehicle collisions. *See* JAF

18-39. It is further undisputed that Defendant has authorized motorized vehicle use at the Oceano Dunes SVRA resulting in the take of snowy plovers. JAF 18, 4, 5. In addition, defendant does not dispute Plaintiff's position that "government authorization of third-party conduct that enables take can render the authorizing agency liable under Section 9 of the ESA." Joint. Br. at 16. Finally, it is also undisputed that additional "take" is reasonably and foreseeably likely to occur in the future. *Id.* at 28-29. In light of these undisputed facts and Defendant's non-opposition on the issue of liability, the Court grants Plaintiff's Motion for Summary Judgment.

IV. CONCLUSION

For the foregoing reasons, the Motion for Summary Judgment is granted.

IT IS SO ORDERED.