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**CONSERVATION GROUPS BRING LAWSUIT CHALLENGING  
GOVERNMENT'S FAILURE TO PROTECT SOUTHERN SEA OTTERS**

Santa Barbara/San Jose, CA-The Otter Project and the Environmental Defense Center (EDC) filed a lawsuit in federal district court against the U.S. Fish and Wildlife Service today, in response to the Service's failure to issue a final decision repealing the no otter zone--an outdated rule prohibiting southern sea otters from reestablishing historic populations in California waters south of Point Conception. The suit was filed during Sea Otter Awareness Week, which has been officially recognized by the California state legislature.

The southern sea otter, listed as threatened under the Endangered Species Act, once ranged throughout the California coast. Southern sea otters are today largely restricted to the central coast, and expansion of this range into historic southern California habitats is recognized by the Service as the single most important action necessary to recover the species.

Despite this fact, the agency has failed to repeal its 22 year old rule designating the entire southern California bight as a "no otter zone." Once otters swim into the "no otter zone" they are no longer fully protected by the ESA, which means they become more susceptible to harassment, illegal killings, and other harmful actions.

"Southern sea otters are a vital part of southern California's natural heritage, and the Fish and Wildlife Service recognizes that the return of the otter to these historic habitats is essential to its recovery," stated Allison Ford, Executive Director of the Otter Project. "We've been pushing this rock uphill for a while now, with no agency action to show for it. It is long past time for the agency to repeal its outdated rule declaring southern California as a 'no otter zone'."

The 1987 rule grew out of a Service proposal to artificially establish a new, "experimental", population of sea otters at San Nicolas Island, 60 miles off of the southern California coast and controlled by the U.S. Navy. The proposal engendered significant opposition from the shellfish industry, and as a result the Service issued a "compromise" rule allowing the translocation but prohibiting otters from all other southern California waters. The translocation effort failed, however, and a sustainable population of otters has never been established at San Nicolas.

“The role of the U.S. Fish and Wildlife Service is to facilitate the recovery of the southern sea otter, yet for at least 16 years the agency has recognized the threat posed by the ‘no otter zone’ without taking definitive and final action to abolish its own harmful rule” stated Brian Segee, staff attorney with EDC. “It is our hope that the lawsuit will finally compel this long-overdue action.”

From its beginning in August 1987, the translocation effort was plagued with difficulty, and after the fourth year of translocation only 10 percent of the 140 translocated otters remained at San Nicolas Island. The remaining 90 percent died during translocation, attempted to swim back north of Point Conception, or moved into the no otter zone and were removed. In 1991, FWS stopped translocating otters to the island, due to its concerns that the effort was resulting in unacceptable levels of mortality.

The decision to sue the Service comes after recent news that the sea otter population is once again in decline. Otters are dying of a variety of causes, many of which can be attributed to poor water quality from urban and agricultural runoff. The highest rates of mortality occur in areas near agricultural and urban centers. Scientists also speculate that food limitation in the middle of the otter range could be contributing to otter mortality.

“Otters are dying,” said Ford, “and that’s all the more reason to allow for natural range expansion. It’s unrealistic to expect all the members of a struggling population to stay in a small, increasingly polluted patch of the ocean. They’re going to spread out naturally, and it’s the Service’s job to make sure that they are fully protected when they get where they’re going.”

Santa Barbara has long been the next stop in the otters’ expanding range. A raft of about 100 otters moved south of Point Conception in 1998, causing FWS to readdress the no otter zone. Despite the fact that the Service has issued numerous draft proposals declaring the effort a failure since 1992, after a nearly two decade delay the agency has still yet to issue its required final decision.

The Otter Project and EDC have filed suit to bring about a final ruling, ending the no otter zone and restoring protections to otters in the no otter zone. While both organizations are fully committed to following through on the case legally, both hope that its filing will prompt the Service to take action without further delay.

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*The Otter Project exists to promote the rapid recovery of the California sea otter, an indicator of near shore ocean health and a keystone species, through science based policy and advocacy. Founded in 1998, The Otter Project has worked to facilitate research and communicate research results to the general public and policy makers and to offer policy recommendations for action leading to sea otter recovery and improved ocean health.*

*The Environmental Defense Center protects and enhances the local environment through education, advocacy, and legal action and works primarily within Santa Barbara, Ventura and San Luis Obispo counties. Since 1977, EDC has empowered community based organizations to advance environmental protection. Program areas include protecting coast and ocean resources, open spaces and wildlife, and human and environmental health. For more information, please see [www.EnvironmentalDefenseCenter.org](http://www.EnvironmentalDefenseCenter.org).*