



PRESS RELEASE

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Contacts:

Steve Shimek, The Otter Project, (831) 646-8837 x115

Brian Segee, Environmental Defense Center, (805) 963-1622 x109

THE 'NO-OTTER ZONE' IS NO MORE

FWS TERMINATES SOUTHERN SEA OTTER TRANSLOCATION PROGRAM, FULFILLS 2009
LEGAL SETTLEMENT WITH THE OTTER PROJECT AND ENVIRONMENTAL DEFENSE CENTER

Today, the U.S. Fish and Wildlife Service (FWS) published a final rule officially ending the 'no-otter zone' encompassing nearly all of the sea otter's natural range in southern California. In 2009, the Environmental Defense Center (EDC) sued the FWS on behalf of The Otter Project and itself, challenging FWS' decades-long delay in making a required decision on whether or not to terminate the 'Southern Sea Otter Translocation Program'--an outdated rule from 1987 prohibiting threatened southern sea otters from California waters south of Point Conception (Santa Barbara County to the Mexican border). Allowing otters to once again inhabit southern California waters is considered critical to the recovery of the species. Under a 2010 legal settlement reached by The Otter Project and EDC with the FWS, the agency was required to make a final decision on the fate of the program by December 2012. Publication of the final rule is the last step of the settlement between the FWS and the two environmental groups.

"Trying to tell a marine mammal to stay on one side of an imaginary line across the water was a dumb idea," said Steve Shimek, Executive Director of The Otter Project. "This rule will not only protect sea otters from harm, but because of the otters' critical role in the environment, it will also help restore our local ocean ecosystem."

"Southern sea otters have been largely absent from their historic southern California habitat for far too long," stated Brian Segee, EDC Staff Attorney and lead attorney in the litigation and subsequent settlement. "This decision is a critical step in efforts to recover southern sea otters, by formally allowing this charismatic and intelligent species to naturally return to waters south of Point Conception."

Under the decision, sea otters are now legally free to float the sunny southern California waters without the threat of being trapped and 'deported' to northern California. Sea otters in southern California will have the same protections under the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) as otters to the north, including being protected from harm from any new development plans that could impact their recovery.

The southern sea otter population numbers around 2,800 in a range that once supported 12,000 to 16,000 sea otters and is listed as 'threatened' under the ESA and 'depleted' under the MMPA. Sea otter recovery is impossible with the 'no-otter zone' in place.

Beginning in 1987, when the 'no-otter zone' was established, the FWS moved 140 southern sea otters to San Nicolas Island, the most remote of California's Channel Islands, in an attempt to establish a reserve population and protect the small and struggling mainland population from a catastrophic event, such as an oil spill. Shellfish fishermen, the offshore oil industry, and the Navy objected to the plan and as a result the 'no-otter zone' (officially called the 'management zone') was established. Unfortunately, the relocation plan failed immediately when all but about 11 of the 140 otters swam away from San Nicolas Island and back to their home waters or perished. In spite of the failure, the 'no-otter zone' stayed in place and wandering otters were trapped and deported for many years.

The mainland population began to expand its range into 1995 and in 1998 152 otters swam nearly en masse across the line. Fishermen sued the FWS, demanding the otters be trapped and removed. That lawsuit failed. In 2001 the FWS declared that it would no longer move otters out of the zone but left the lower level of protection of sea otters in the zone in place. The failure of the FWS to protect the otters in this area led to the lawsuit filed by The Otter Project and EDC.

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The Otter Project protects our watersheds and coastal oceans for the benefit of California sea otters and humans through science-based policy and advocacy. Founded in 1998, The Otter Project has worked to improve nearshore ocean health and resolve the barriers to sea otter recovery. Learn more about The Otter Project at www.otterproject.org.

The Environmental Defense Center, a non-profit law firm, 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. Learn more about EDC at www.EnvironmentalDefenseCenter.org.