



PRESS RELEASE

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Contacts:

Steve Shimek, The Otter Project, (831) 663-9460 or (831) 241-8984 (cell)

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

Liz Crosson, Los Angeles Waterkeeper, (310) 394-6162 x100

ENVIRONMENTAL GROUPS ANNOUNCE OPPOSITION TO LAWSUIT THREATENING SEA OTTER RECOVERY

THE OTTER PROJECT, ENVIRONMENTAL DEFENSE CENTER AND LOS ANGELES WATERKEEPER ANNOUNCE MOVE TO DEFEND U.S. FISH AND WILDLIFE SERVICE DECISION TO END “NO OTTER ZONE” FROM LEGAL CHALLENGE FILED BY COMMERCIAL FISHING GROUPS

Three groups, including the Environmental Defense Center (EDC), The Otter Project, and Los Angeles Waterkeeper have mobilized to intervene in a lawsuit challenging the U.S. Fish and Wildlife Service’s (FWS) December, 2012 decision officially ending the ‘no-otter zone.’ This important FWS decision allowed sea otters to begin to regain a foothold in their natural range in Southern California – an outcome vital to the recovery of the species. This new lawsuit, filed by four fishing organizations, dangerously seeks resumption of the no-otter zone.

FWS’s December 2012 decision to end the no-otter zone was made pursuant to a 2010 legal agreement reached by The Otter Project and EDC with the FWS after the groups sued to end the agency’s 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delay in making a required decision on whether or not to terminate the ‘Southern Sea Otter Translocation Program’--an outdated rule from 1987 prohibiting threatened southern sea otters from California waters south of Point Conception (Santa Barbara County to the Mexican border).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.

“Our groups have been preparing for the fishermen’s lawsuit for months and we will soon file our papers to intervene,” said Steve Shimek, Executive Director of The Otter Project. “In recent days other groups have similarly announced their support for sea otters and we look forward to working with them.”

The essence of the fishing groups’ lawsuit is that the southern sea otter must be prevented from re-inhabiting southern California waters because otters will compete for urchins and abalone. In fact urchins and abalone are more threatened by disease and overfishing than by natural predation by the southern sea otter. FWS estimates that “the California abalone fisheries may have contributed up to a

99 percent reduction in black abalone abundance” (74 Fed. Reg. 1941 (Jan. 14, 2009)), and notes that the California white abalone fishery was closed in 1996, due to “serial depletion” of the species by fishing, “thereby eliminating the factor most responsible for the species’ decline.” (66 Fed. Reg. 29046 (May 29, 2001)).

“It’s a simple fact that sea otters, abalone, and sea urchins coexisted for thousands of years. There just aren’t hundreds of otters waiting in Morro Bay, ready to swim south. Over the next hundred years, otters will slowly return and will change the system back to what it once was, with bigger healthier kelp forests and more fin-fish,” said Shimek.

“The lawsuit is a desperate attempt to revive the failed no-otter zone, based on unsubstantiated concerns by commercial fishing groups,” stated Brian Segee, Staff Attorney with EDC. “These organizations would require the Fish and Wildlife Service to move sea otters from their natural range, a practice that has resulted in the death and disappearance of otters in the past.”

“Our marine ecosystem has been out of balance for decades. Removing the no-otter zone, restoring kelp forests, and establishing marine protected areas are critical actions for reversing this degradation,” said Liz Crosson, Executive Director of Los Angeles Waterkeeper. “The science shows that our fisheries will be much more robust once our habitats are protected and the natural balance of the food chain is restored.”

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 now have the same protections under the 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 failure of the FWS to protect the otters in this area led to the lawsuit filed by The Otter Project and Environmental Defense Center.

“Ending the no-otter zone was an important victory for marine life and the endangered species act,” said Brian Segee. “Our three organizations are determined to support the Fish and Wildlife Service and to ensure this misguided lawsuit does not stand in the way of a full recovery for California’s beloved sea otter.”

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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.*

*Founded in 1993, **Los Angeles Waterkeeper's** mission is to protect and restore Santa Monica Bay, San Pedro Bay, and adjacent waters through enforcement, fieldwork, and community action. We work to achieve this goal through litigation and regulatory programs that ensure water quality protections in waterways throughout L.A. County. LA Waterkeeper's Litigation & Advocacy, Marine, and Water Quality teams conduct interconnected projects that serve this mission. Learn more about LA Waterkeeper at www.lawaterkeeper.org.*