



PRESS RELEASE

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COURT REJECTS FISHING INDUSTRY LAWSUIT TO REVIVE 'NO OTTER ZONE'

Los Angeles, CA—The Otter Project, Environmental Defense Center, and Los Angeles Waterkeeper celebrated a court decision yesterday rejecting a fishing industry lawsuit challenging the U.S. Fish and Wildlife Service's (FWS) December, 2012 decision officially ending the "no-otter zone." This important FWS decision allows threatened southern sea otters to begin to regain a foothold in their natural range in Southern California—an outcome vital to the recovery of the species. The lawsuit, filed by the California Sea Urchin Commission (CSUC), alleged that FWS did not have authority to end the "no-otter zone." In dismissing CSUC's lawsuit yesterday, Judge Gee found that the lawsuit was in fact a direct challenge to a 1987 rule requiring FWS to end the program if it met several specific criteria, and thus was brought 20 years too late.

"Sea otters increase ocean productivity and biological diversity, both critical to our coast's ability to adapt to climate change. The urchin fishermen wished to create an artificial ecosystem for their personal profit by creating imaginary lines across the water and trying to keep otters out. It doesn't work," said Steve Shimek, Executive Director of The Otter Project.

"Judge Gee's decision is an important win for sea otters, eliminating the threatened return of the disastrous and often fatal, "no-otter zone," said Brian Segee, Senior Attorney, with the Environmental Defense Center. "This is a big day for the southern sea otter which hopefully marks the end of the attempts to keep this important, endangered species from returning to its native range."

"Our marine ecosystem has been out of balance for decades. The court's decision to uphold protections for sea otters is a critical action for reversing this degradation," said Liz Crosson, Executive Director of Los Angeles Waterkeeper. "The science shows that our fisheries will be much more robust now that our habitats will be protected and the natural balance of the food chain will be restored."

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delay in making a required decision on whether or not to terminate the 'Southern Sea Otter Translocation Program'--an outdated rule from 1987 prohibiting threatened southern sea otters from California waters south of Point Conception (Santa Barbara County to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.

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 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 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** 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. 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.*