

# **EXHIBIT 1**

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9 *Attorneys for Proposed Intervenor-Defendants*  
CALIFORNIA SEA URCHIN COMMISSION,  
10 PETER HALMAY, HARRY LIQUORNIK,  
11 CALIFORNIA ABALONE ASSOCIATION, AND  
SONOMA COUNTY ABALONE NETWORK

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14

15 THE OTTER PROJECT; ENVIRONMENTAL )  
16 DEFENSE CENTER, )

17 Plaintiffs, )

18 vs. )

19 KEN SALAZAR, *et al.*, )

20 Defendants. )

Case No: 5:09-cv-04610-JW

) **CALIFORNIA SEA URCHIN COMMISSION,**  
) **PETER HALMAY, HARRY LIQUORNIK,**  
) **CALIFORNIA ABALONE ASSOCIATION,**  
) **AND SONOMA COUNTY ABALONE**  
) **NETWORK'S [PROPOSED] ANSWER IN**  
) **INTERVENTION**

) [Filed Concurrently With:

) 1) Declaration of California Sea Urchin  
) Commission;

) 2) Declaration of Peter Halmay;

) 3) Declaration of Harry Liquornik;

) 4) Declaration of California Abalone Association;

) 5) Declaration of Sonoma County Abalone  
) Network; and

) 6) [Proposed] Order]

) Hearing Date: March 8, 2010

) Time: 9:00 a.m.

) Courtroom: 8, 4<sup>th</sup> Floor

1 **ANSWER IN INTERVENTION**

2 The California Sea Urchin Commission, Peter Halmay, Harry Liquornik, California Abalone  
3 Association, and Sonoma County Abalone Network (“Proposed Intervenors”), by and through counsel,  
4 answer Plaintiffs’ Complaint as follows.

5 1. The allegations in paragraph 1 of Plaintiffs’ Complaint consist of a characterization of  
6 Plaintiff’s action to which no response is required. To the extent a response is required, Proposed  
7 Intervenors deny the allegations. Proposed Intervenors specifically deny any allegation that the  
8 translocation and management rule for the southern sea otter has failed.

9  
10 2. With respect to the allegations in the first, third, and fourth sentences of paragraph 2,  
11 Proposed Intervenors answer that the documents referenced best speak for themselves. Proposed  
12 Intervenors deny the allegations contained in the second sentence of paragraph 2.

13 3. With respect to the allegations in the first sentence of paragraph 3, Proposed Intervenors  
14 admit only that the fishing industry was concerned about sea otter predation on shellfish and the  
15 resulting impact on the viability of shellfish populations. With respect to the allegations in the second  
16 sentence of paragraph 3, Proposed Intervenors assert that the referenced document best speaks for itself.  
17 Proposed Intervenors deny the allegations in the third and fourth sentences of paragraph 3.

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19 4. Proposed Intervenors deny the allegations in paragraph 4, except Proposed Intervenors  
20 admit that in 1991 the Fish and Wildlife Service (“FWS”) stopped translocating sea otters to San Nicolas  
21 Island.

22 5. With respect to the allegations contained in paragraph 5, Proposed Intervenors answer  
23 that the referenced document best speaks for itself.

24 6. Proposed Intervenors deny the allegations in paragraph 6, except Proposed Intervenors  
25 admit that FWS has conducted periodic assessments of the relocation program which documents best  
26 speak for themselves.  
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1           7.       Proposed Intervenor deny the allegations of the first two sentences of paragraph 7,  
2 except to admit that southern sea otters have migrated into the no otter zone. With respect to the  
3 allegations contained in the third, fourth, and fifth sentences of paragraph 7, Proposed Intervenor  
4 answer that the referenced documents best speak for themselves.

5           8.       Proposed Intervenor deny the allegations of paragraph 8.

6           9.       The allegations contained in paragraph 9 constitute conclusions of law to which no  
7 response is required.  
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9           10.      The allegations contained in paragraph 10 constitute conclusions of law to which no  
10 response is required.

11          11.      Proposed Intervenor lack knowledge and information sufficient to admit or deny the  
12 allegations contained in paragraph 11.

13          12.      Proposed Intervenor lack knowledge and information sufficient to admit or deny the  
14 allegations contained in paragraph 12.

15          13.      Proposed Intervenor lack knowledge and information sufficient to admit or deny the  
16 allegations contained in paragraph 13.

17          14.      Proposed Intervenor lack knowledge and information sufficient to admit or deny the  
18 allegations contained in paragraph 14, except Proposed Intervenor deny the allegation that there are  
19 violations of law.  
20

21          15.      Proposed Intervenor lack knowledge and information sufficient to admit or deny the  
22 allegations contained in paragraph 15, except Proposed Intervenor deny the allegation that there are  
23 violations of law.

24          16.      Proposed Intervenor admit the allegations in paragraph 16.

25          17.      Proposed Intervenor admit the allegations in paragraph 17.

26          18.      Proposed Intervenor admit the allegations in paragraph 18.  
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1           19.     Proposed Intervenors admit the allegations in paragraph 19.

2           20.     The allegations contained in paragraph 20 constitute conclusions of law to which no  
3 response is required.

4           21.     The allegations contained in paragraph 21 constitute conclusions of law to which no  
5 response is required.

6           22.     The allegations contained in paragraph 22 constitute conclusions of law to which no  
7 response is required.

8           23.     The allegations contained in paragraph 23 constitute conclusions of law to which no  
9 response is required.

10          24.     The allegations contained in paragraph 24 constitute conclusions of law to which no  
11 response is required.

12          25.     The allegations contained in paragraph 25 constitute conclusions of law to which no  
13 response is required.

14          26.     The allegations contained in paragraph 26 constitute conclusions of law to which no  
15 response is required.

16          27.     The allegations contained in paragraph 27 constitute conclusions of law to which no  
17 response is required.

18          28.     The allegations contained in paragraph 28 constitute conclusions of law to which no  
19 response is required.

20          29.     The allegations contained in paragraph 29 constitute conclusions of law to which no  
21 response is required.

22          30.     The allegations contained in paragraph 30 constitute conclusions of law to which no  
23 response is required.

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1           31.     The allegations contained in paragraph 31 constitute conclusions of law to which no  
2 response is required.

3           32.     The allegations contained in paragraph 32 constitute conclusions of law to which no  
4 response is required.

5           33.     The allegations contained in paragraph 33 constitute conclusions of law to which no  
6 response is required.

7           34.     The allegations contained in paragraph 34 constitute conclusions of law to which no  
8 response is required.

9           35.     Proposed Intervenors admit the allegations in the first and third sentences of paragraph 35  
10 and deny the allegations in the second sentence of paragraph 35 except to admit that sea otters prey on  
11 shellfish including urchins and abalone.  
12

13           36.     Proposed Intervenors deny the allegations in paragraph 36.

14           37.     Proposed Intervenors deny that sea otters historically numbered between 500,000-  
15 1,000,000 animals but admit the remaining allegations in paragraph 37.  
16

17           38.     Proposed Intervenors admit the allegations in the first and third sentences of paragraph 38  
18 but deny the allegations in the second sentence.

19           39.     Proposed Intervenors deny the allegations in paragraph 39.

20           40.     With respect to the allegations contained in paragraph 40, Proposed Intervenors answer  
21 that the referenced document best speaks for itself, except Proposed Intervenors admit the southern sea  
22 otter was listed as a threatened species in 1977.

23           41.     Proposed Intervenors deny the allegations in the first sentence of paragraph 41. The  
24 allegations contained in the remainder of paragraph 41 constitute conclusions of law to which no  
25 response is required.  
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1           42.     The first sentence of paragraph 42 constitutes conclusions of law to which no response is  
2 required. With respect to the remaining allegations of paragraph 42, Proposed Intervenor answer that  
3 the referenced document best speaks for itself.

4           43.     With respect to the allegations contained in paragraph 43, Proposed Intervenor answer  
5 that the referenced document best speaks for itself.

6           44.     With respect to the allegations contained in paragraph 44, Proposed Intervenor answer  
7 that the referenced document best speaks for itself.

8           45.     With respect to the allegations contained in paragraph 43, Proposed Intervenor answer  
9 that the referenced document best speaks for itself.

10          46.     With respect to the allegations contained in paragraph 46, Proposed Intervenor admit  
11 only that some fishing groups expressed concerns about the significant impact of sea otter expansion and  
12 predation on shellfish fisheries.

13          47.     With respect to the allegations contained in paragraph 47, Proposed Intervenor answer  
14 that the referenced document best speaks for itself.

15          48.     With respect to the allegations contained in paragraph 48, Intervenor answer that the  
16 referenced document best speaks for itself.

17          49.     With respect to the allegations contained in paragraph 49, Proposed Intervenor answer  
18 that the referenced document best speaks for itself.

19          50.     With respect to the allegations contained in paragraph 50, Proposed Intervenor answer  
20 that the referenced document best speaks for itself.

21          51.     With respect to the allegations contained in paragraph 51, Proposed Intervenor answer  
22 that the referenced document best speaks for itself.

23          52.     With respect to the allegations contained in paragraph 52, Proposed Intervenor answer  
24 that the referenced hearings and documents best speak for themselves.  
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1           53.     The allegations contained in paragraph 53 constitute conclusions of law to which no  
2 response is required.

3           54.     The allegations contained in paragraph 54 constitute conclusions of law to which no  
4 response is required.

5           55.     Proposed Intervenors deny the allegations contained in paragraph 55.

6           56.     With respect to the allegations contained in paragraph 56, Proposed Intervenors answer  
7 that the referenced document best speaks for itself.  
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9           57.     With respect to the allegations contained in paragraph 57, Proposed Intervenors answer  
10 that the referenced document best speaks for itself.

11           58.     With respect to the allegations contained in paragraph 58, Proposed Intervenors answer  
12 that the referenced document best speaks for itself. Proposed Intervenors deny the allegations contained  
13 in the last sentence of paragraph 58.

14           59.     The allegations contained in paragraph 59 constitute conclusions of law to which no  
15 response is required.

16           60.     The allegations contained in paragraph 60 constitute conclusions of law to which no  
17 response is required.  
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19           61.     With respect to the allegations contained in paragraph 61, Proposed Intervenors answer  
20 that the referenced document best speaks for itself.

21           62.     With respect to the allegations contained in paragraph 62, Proposed Intervenors answer  
22 that the referenced document best speaks for itself.

23           63.     With respect to the allegations contained in paragraph 63, Proposed Intervenors answer  
24 that the referenced document best speaks for itself.

25           64.     With respect to the allegations contained in paragraph 64, Proposed Intervenors answer  
26 that the referenced document best speaks for itself.  
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1           65.     With respect to the allegations contained in paragraph 65, Proposed Intervenor answer  
2 that the referenced document best speaks for itself. The allegations contained in the second sentence of  
3 paragraph 65 constitute conclusions of law to which no response is required.

4           66.     The allegations contained in paragraph 66 constitute conclusions of law to which no  
5 response is required.

6           67.     The allegations contained in paragraph 67 constitute conclusions of law to which no  
7 response is required.

8           68.     The allegations contained in paragraph 68 constitute conclusions of law to which no  
9 response is required.

10          69.     The allegations contained in paragraph 69 constitute conclusions of law to which no  
11 response is required.

12          70.     The allegations contained in paragraph 70 constitute conclusions of law to which no  
13 response is required.

14          71.     The allegations contained in paragraph 71 constitute conclusions of law to which no  
15 response is required.

16          72.     The allegations contained in paragraph 72 constitute conclusions of law to which no  
17 response is required.

18          73.     The allegations contained in paragraph 73 constitute conclusions of law to which no  
19 response is required.

20          74.     With respect to the allegations contained in paragraph 74, Proposed Intervenor answer  
21 that the referenced document best speaks for itself.

22          75.     With respect to the allegations contained in paragraph 75, Proposed Intervenor answer  
23 that the referenced document best speaks for itself.  
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1           76.     With respect to the allegations contained in paragraph 76, Proposed Intervenor answer  
2 that the referenced document best speaks for itself.

3           77.     With respect to the allegations contained in paragraph 77, Proposed Intervenor answer  
4 that the referenced document best speaks for itself.

5           78.     With respect to the allegations contained in paragraph 78, Proposed Intervenor answer  
6 that the referenced document best speaks for itself, except that Proposed Intervenor deny the allegations  
7 in the last sentence of paragraph 78.

8           79.     With respect to the allegations contained in paragraph 79 Intervenor answer that the  
9 referenced document best speaks for itself.

10          80.     With respect to the allegations contained in paragraph 80, Proposed Intervenor answer  
11 that the referenced document best speaks for itself.

12          81.     With respect to the allegations contained in paragraph 81, Proposed Intervenor answer  
13 that the referenced document best speaks for itself.

14          82.     With respect to the allegations contained in paragraph 82, Proposed Intervenor answer  
15 that the referenced document best speaks for itself. Proposed Intervenor deny the allegations contained  
16 in the second sentence of paragraph 82.

17          83.     With respect to the allegations contained in paragraph 83, Proposed Intervenor answer  
18 that the referenced document best speaks for itself.

19          84.     With respect to the allegations contained in paragraph 84, Proposed Intervenor answer  
20 that the referenced document best speaks for itself.

21          85.     With respect to the allegations contained in paragraph 85, Proposed Intervenor answer  
22 that the referenced document best speaks for itself.

23          86.     With respect to the allegations contained in paragraph 86, Proposed Intervenor answer  
24 that the referenced document best speaks for itself.

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1           87.     With respect to the allegations contained in paragraph 87, Proposed Intervenor answer  
2 that the referenced document best speaks for itself.

3           88.     With respect to the allegations contained in paragraph 88, Proposed Intervenor answer  
4 that the referenced document best speaks for itself.

5           89.     With respect to the allegations contained in paragraph 89, Proposed Intervenor answer  
6 that the referenced document and people best speak for themselves.

7           90.     With respect to the allegations contained in paragraph 90, Proposed Intervenor answer  
8 that the referenced document best speaks for itself.

9           91.     Proposed Intervenor deny the allegations in paragraph 91.

10          92.     With respect to the allegations contained in paragraph 92, Proposed Intervenor answer  
11 that the referenced document best speaks for itself.

12          93.     With respect to the allegations contained in paragraph 93, Proposed Intervenor answer  
13 that the referenced document best speaks for itself.

14          94.     With respect to the allegations contained in paragraph 94, Proposed Intervenor answer  
15 that the referenced document best speaks for itself.

16          95.     With respect to the allegations contained in paragraph 95, Proposed Intervenor answer  
17 that the referenced document best speaks for itself.

18          96.     With respect to the allegations contained in paragraph 96, Proposed Intervenor answer  
19 that the referenced document best speaks for itself.

20          97.     With respect to the allegations contained in paragraph 97, Proposed Intervenor answer  
21 that the referenced document best speaks for itself.

22          98.     With respect to the allegations contained in paragraph 98, Proposed Intervenor answer  
23 that the referenced document best speaks for itself.

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1           99.     With respect to the allegations contained in paragraph 99, Proposed Intervenors answer  
2 that the referenced document best speaks for itself.

3           100.   With respect to the allegations contained in paragraph 100, Proposed Intervenors answer  
4 that the referenced document best speaks for itself.

5           101.   With respect to the allegations contained in paragraph 101, Proposed Intervenors answer  
6 that the referenced document best speaks for itself.

7           102.   With respect to the allegations contained in paragraph 102, Proposed Intervenors answer  
8 that the referenced document best speaks for itself.

9           103.   With respect to the allegations contained in paragraph 103, Proposed Intervenors answer  
10 that the referenced document best speaks for itself.

11           104.   With respect to the allegations contained in paragraph 104 Proposed Intervenors answer  
12 that the referenced document best speaks for itself.

13           105.   With respect to the allegations contained in paragraph 105, Proposed Intervenors answer  
14 that the referenced document best speaks for itself.

15           106.   With respect to the allegations contained in paragraph 106, Proposed Intervenors answer  
16 that the referenced document best speaks for itself.

17           107.   With respect to the allegations contained in paragraph 107, Proposed Intervenors answer  
18 that the referenced document best speaks for itself.

19           108.   Proposed Intervenors deny the allegations in paragraph 108.

20           109.   With respect to the allegations contained in paragraph 109, Proposed Intervenors answer  
21 that the referenced document best speaks for itself.

22           110.   With respect to the allegations contained in paragraph 110, Proposed Intervenors answer  
23 that the referenced document best speaks for itself.

24           110.   With respect to the allegations contained in paragraph 110, Proposed Intervenors answer  
25 that the referenced document best speaks for itself.

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1           111. With respect to the allegations contained in paragraph 111, Proposed Intervenors answer  
2 that the referenced document best speaks for itself.

3           112. With respect to the allegations contained in paragraph 112, Proposed Intervenors answer  
4 that the referenced document best speaks for itself.

5           113. With respect to the allegations contained in paragraph 113, Proposed Intervenors answer  
6 that the referenced document best speaks for itself.

7           114. With respect to the allegations contained in paragraph 114, Proposed Intervenors answer  
8 that the referenced document best speaks for itself.

9           115. With respect to the allegations contained in paragraph 115, Proposed Intervenors answer  
10 that the referenced document best speaks for itself.

11           116. With respect to the allegations contained in paragraph 116, Proposed Intervenors answer  
12 that the referenced document best speaks for itself.

13           117. Proposed Intervenors deny the allegations in paragraph 117.

14           118. Proposed Intervenors incorporate by reference, repeat, and respond as if fully set forth in  
15 this place, each and every response contained in paragraphs 1 through 117 inclusive.  
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17           119. The allegations contained in paragraph 119 constitute conclusions of law to which no  
18 response is required.

19           120. The allegations contained in paragraph 120 constitute conclusions of law to which no  
20 response is required.

21           121. The allegations contained in paragraph 121 constitute conclusions of law to which no  
22 response is required.

23           122. The allegations contained in paragraph 122 constitute conclusions of law to which no  
24 response is required.  
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1 Dated: December 17, 2009

Respectfully submitted,

2 NOSSAMAN LLP  
3 BENJAMIN Z. RUBIN  
4 GEORGE J. MANNINA, JR., *pro hac vice*

5 /s/  
6 Benjamin Z. Rubin

7 *Attorneys for Proposed Intervenor-Defendants*  
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