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Calif. Sea Otter Legal Agreement ‘Big Win’ for Multiple Threatened Species

Government Won’t Abandon Sea Otters, Agrees to Conduct New Study

Sacramento, Calif. – The California Sea Urchin Commission today announced that a legal agreement has been reached surrounding the future protection of the state’s threatened sea otter population.

The settlement agreement, approved last week by the U.S. District Court for Northern California, requires that the U.S. Fish & Wildlife Service reexamine its efforts to protect threatened California sea otters. Specifically, the Court approved settlement requires the Service to comply with all pertinent laws – including the Endangered Species Act (ESA) – and to conduct a new environmental impact study to scientifically assess all possible implication of future actions to protect the sea otter population.

“This agreement is a big win for the future protection of the California sea otter, as well as both the endangered black and white abalone populations,” declared Harry Liquornik, chairman of the California Sea Urchin Commission and a Santa Barbara sea urchin diver. “This brings an end to the ill-conceived lawsuit aimed at terminating the sea otter recovery program without even so much as updating the old 2005 draft environmental study, which was based on outdated information.”

The terms of the settlement recognize the critical importance of marine resource management which uses a broader ecosystem-wide scale rather than a species-by-species approach. This all-inclusive method recognizes that without a functional ecosystem, all species are at risk, not just a single target species.

The lawsuit, from which the agreement stems, was filed by the Otter Project and the Environmental Defense Center in 2009. The California Sea Urchin Commission, along with the California Abalone Association, the Sonoma County Abalone Network, and individual sea urchin divers Peter Halmay and Liquornik intervened in order to push for ecosystem protections for sea otters.

“We had to intervene because the lawsuit sought to compel the government to ignore the ecosystem effects of dropping their protection program and to overlook the most pressing threat to sea otter well-being, that being water pollution,” added Halmay of San Diego. “Instead of dealing with meaningful, yet difficult, water quality problems the lawsuit wanted simplicity – allow sea otters to go find places to survive on their own.”

Plaintiffs initially sought to force a termination of the government’s 1987 plan as soon as possible and without further ecosystem analysis and apparently without allowing the Fish &

Wildlife Service to comply with the federal ESA. The 1987 plan established a sea otter management zone to protect southern California's shellfish fisheries and sought to establish a new sea otter population at San Nicolas Island. However, the plaintiffs ultimately agreed with the Sea Urchin Commission and its partners on practically all points – that updating the 2005 study was appropriate; all elements of a final decision should in fact depend on a new analysis; the Service should consider impacts to other protected marine species; and it should also consider the negative impact that poor water quality is having on sea otters.

The 1987 plan established a second colony of sea otters at San Nicolas Island as insurance to protect sea otters from oil spills, allowing for improvements to habitat and conditions for the primary sea otter population along the central California coast. In addition, the plan included measures to protect shellfish in California that are critical parts of the ecosystem, and also an important element of many coastal communities and a shrinking seafood industry throughout the State.

“The ESA requires that projects intended to protect a listed species such as otters should also avoid harming other listed species,” continued Liquornik. “In this case, two endangered native abalone species are a primary prey of the threatened sea otters and the abalone depend on a coastal range that will likely be occupied by the otters if the management program is ultimately terminated. A devastating event was avoided by the court’s ruling,” said Liquornik.

“So what did the plaintiffs get for their lawsuit efforts? They got taxpayers to reimburse them \$55,000 in legal fees for an agreement which they could have received with a written request and first-class stamp,” concluded Halmay.

About the California Sea Urchin Commission

The California Sea Urchin Commission is a public governmental agency created under the laws of the State of California. Its purpose is to ensure a sustainable sea urchin resource in the ocean and a reliable supply of quality seafood product for domestic consumption and for export. The Commission seeks to support strong local coastal communities, fair levels of income for the thousands of persons engaged in sea urchin commercial fishing enterprises, and historically significant cultural and community resources within California’s coastal areas. The Department of Food and Agriculture has general authority to oversee the operations of the Commission. The Commission also coordinates with California Department of Fish & Game. Visit the Commission at www.calurchin.org.

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