The Otter Project
www.otterproject.org

March 31, 2008

Kenneth McDermond, Deputy Regional Director, Region 8
US Fish and Wildlife Service
2800 Cottage Way
Sacamento CA 95825

Diane Noda
Ventura Field Office
US Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

Via e-mail

Re: The final Supplemental Environmental Impact Statement (SEIS) regarding the ending of the No Otter Zone

Dear Ms. Noda and Mr. McDermond,

I am writing on behalf of The Otter Project, a Monterey based environmental non-profit that exists to promote the recovery of the California sea otter.

As you may recall, The Otter Project campaigned for the termination of the No-Otter Zone several years ago. We participated in raising public awareness and encouraging our members and the general public to support the Recommended Action C3, which declares the San Nicolas translocation program a failure, ends the no-otter zone, and leaves the otters on the island and in the zone alone.

After this final stage of our involvement, we were told that USFWS would release a final SEIS within the year. That was in 2006. In response to our inquiries, we have been told that the document would be out soon. We are still waiting for this document.

As you may remember, a draft biological opinion and evaluation of the translocation were completed in March 1999.[i] Scoping meetings were held in August 2000. A public register notice of intent to prepare a supplemental EIS was published in July of 2000 along with a proposed schedule to release the final SEIS in fall 2002. In 2005 the Service restarted the process and published a draft SEIS, took public comment into March 2006 and proposed to publish a final SEIS and proposed rule in late 2006 or early 2007

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Well into 2008 we have yet to see the release of the final SEIS. What we *are* seeing is an increasing population of sea otters moving South of Point Conception. A raft of 15 to 25 sea otters rests - today - directly off Coal Oil Point at UC Santa Barbara.

Because of the outdated policy that includes the No Otter Zone, these sea otters are not afforded proper protections. We have heard numerous anecdotal accounts of sea otters being harassed, threatened or even killed simply for being in the No Otter Zone. As the process drags on, there will likely be calls to restart the entire process due to 'changed circumstances' - leading to years of further delays. In addition, we have been told publication of the SEIS and proposed final rule have been split - leading to yet more delays.

We are sympathetic to the complexity of the task of maneuvering the varying needs and interests of all the stakeholders involved in this issue, however USFWS' failure to release a final SEIS is putting sea otters, who have no knowledge of human imposed boundaries, at risk. Although the Service's stated mission is to conserve, protect and enhance wildlife and habitat, the agency's passiveness on this issue is leaving sea otters vulnerable.

I am writing this letter to inform you that we are increasingly concerned with the urgency of this issue. It is our intention to re-launch our campaign to alert our members, members of Congress, and the general public to the situation, and ask them to join us in demanding that your agency complete the task that is mandated to it.

We at The Otter Project came out in strong support of Recommended Action 3C and we rallied strong public turn-out to your comment meetings. We feel the vast and overwhelming public support for the Service's proposed action left you in a strong position to end the zone; every day you delay the support is diluted by time and your position becomes weaker. In the absence of other possibilities, we will focus our energy on re-engaging the public to demand a decision from USFWS.

We would much rather focus the energy of our campaign on a celebration of the end of the No Otter Zone than on badgering the Service that should be sharing in this celebration with us!

Thank you for your consideration.

Sincerely,

Allison Ford
Program Associate

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[1] Southern Sea Otter Translocation Program update, Carl Benz, Channel Islands National Marine Sanctuary Advisory Council meeting, 11/18/99.