

## Local Fishermen, EDC Join Lawsuit Over No-Otter Zone

After the federal government ended the "no-otter zone" in Southern California last year, California fishing organizations are fighting to bring it back over fears of losing shellfish fisheries to the marine mammals' voracious appetites.

A federal Fish & Wildlife Service statute developed the no-otter zone in the 1980s as a compromise when they tried to establish a sea otter colony on San Nicolas Island.

It's unknown what happened to at least half of them, and the agency stopped relocating otters there in 1991.

The sea otter's official habitat ranges from Half Moon Bay to Point Conception, and the otter-free zone was designated between Point Conception and the Mexican border.

Otters are listed as depleted under the Marine Mammal Protection Act, and a spring 2012 census survey by the USGS Western Ecological Research Center found a three-year average of 2,792 otters on California's coast.

The Otter Project and Santa Barbara-based Environmental Defense Center sued the Fish & Wildlife Service to make a decision on the translocation program's success and end the no-otter zone.

The Fish & Wildlife Service analyzed the program and terminated the no-otter zone after the legal settlement last year, but fishing groups are challenging that decision in federal court.

Pacific Legal Foundation attorneys are representing the California Sea Urchin Commission, the California Abalone Association, the California Lobster and Trap Fishermen's Association, and the Commercial Fishermen of Santa Barbara in a lawsuit filed July 30.

In the complaint, attorneys argue that the otter has recovered since the early 20th century, when they had been hunted nearly to extinction, and south-moving populations would ravage shellfish fisheries.

They also argue that ending the no-otter zone was a violation of the compromise in 1986, to establish otters on San Nicolas Island while declaring the rest of Southern California off limits. The goal is to get injunctive relief and bring back the no-otter zone.

The translocation program had 140 otters released at San Nicolas Island, and as of 2011, there were 48 adult sea otters living on the island, which are all offspring of the original relocated population, according to the Pacific Legal Foundation.

The Commercial Fishermen of Santa Barbara is "gravely concerned about unregulated otter expansion, both due to otter depletion of shellfish and other fisheries, as well as the legal risks of fishery harvest causing illegal 'take' of otter."

Their concerns come from the otters' voracious appetites: Sea otters eat an average of 25 percent of their body weight per day in food, so a 60-pound otter eats 15 pounds of invertebrates such as urchins, abalone, crabs, clams and squid every day.

Harvesting sea urchin is the state's fifth largest fishery, and brings in about \$40 million per year, according to the lawsuit.

State Department of Fish & Wildlife data show that Santa Barbara brought in 4 million pounds of urchin in 2011, at a value around \$2.6 million, and the larger Santa Barbara area brought in 6.4 million pounds that year.

"Without the management zone, shellfish sustainability, associated economic vitality and an important California culture is at risk," said Chris Voss, a spokesman for Commercial Fishermen of Santa Barbara.

"The law that established the management zone mandates certain protections to fishermen when interacting with the sea otter, and these protections are an integral part of the balance that Congress intended," he said in a statement.

In response to the lawsuit, the EDC, The Otter Project and Los Angeles Waterkeeper announced plans to intervene and become part of the legal fight. They have to show a separate interest in the case than the Fish and Wildlife Service.

Since the agencies had to sue the Fish and Wildlife Service to make it evaluate the management zone, they obviously have a different interest in the outcome, said Steve Shimek, head of The Otter Project in Monterey.

He and the EDC support the ending of the no-otter zone, and Shimek said treating parts of the ocean differently is "biologically unsound."

"Unless you intend to go out and kill sea otters, you can't keep otters from extending their range into Southern California, and the zone showed us that," he said. "It had a line across the ocean and it didn't work; The otters didn't see the line and certainly didn't care."

Translocations for otters don't have a good record and remove large numbers of animals from the parent populations, he said.

"It's a hard pill to swallow when you're dealing with an endangered species and you don't have certainty that it's going to work."

Before otters were hunted, the Channel Islands were home to one-third of the sea otter population, so the area off Santa Barbara's coast is important to the future recovery of the species, Shimek said.

Fisheries have concerns about losing shellfish to the otters, but Northern California fisheries had to adapt when sea otter ranges and populations expanded, he added. Areas with otters have less shellfish but more fin fish, he noted.

"I do expect some otters to be shot and some to be run over by boats and I do expect there to be hard feelings," he said.

He expects otters to move south unless people stop them, but very slowly over many decades.

"Otters will move, otters will be killed and people will adjust. It's not like this gloom and doom scenario that people talk about – it's more about adjustment."

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