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Sea Otter Population Decline Continues, Extinction Imminent; Conservationist's Lawsuit Demands That Bush Administration Put Protection Before Politics

CONTROVERSIAL ASSISTANT SECRETARY CRAIG MANSON TO BE SERVED WITH LAWSUIT DURING VISIT TO SAN FRANCISCO

San Francisco- The Bush administration's Assistant Secretary for Fish, Wildlife, and Parks will be served with a lawsuit filed today for failing to take actions to protect an endangered population of Alaskan sea otters. The lawsuit, Center for Biological Diversity v. Manson, filed on behalf of the Center for Biological Diversity and Turtle Island Restoration Network, was filed today in federal court in San Francisco, as the Assistant Secretary visits San Francisco to deliver a speech that aims to undermine support for our Nation's most important conservation laws.

After the fur trade nearly pushed the sea otter over the precipice of extinction, the sea otter was saved by an international treaty banning the sea otter fur trade. The Alaska sea otter population made a remarkable comeback, and by 1985 it comprised over 80% of the world's total sea otter population. Unfortunately in the past 18 years, the sea otters have declined from a high of approximately 90,000 to just a few thousand individuals today.

Despite having a completed proposal to protect these animals under the Endangered Species Act and a dedicated funding source to formally protect the sea otters, the Secretary has refused to give the sea otters the protections scientists have indicated they desperately need, delaying implementation of these protections for over two years. During that time, thousands of sea otters have been lost.

"This population was once the largest sea otter population on Earth, and it has been an important component of our biological and cultural history for centuries," said Brent Plater, an attorney with the Center for Biological Diversity who represents the Center and Turtle Island Restoration Network in this case. "Yet the Bush administration is sitting on

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its hands instead of working to protect this species. The sea otter is now paying the price of the Administration's brinksmanship with extinction."

Assistant Secretary Craig Manson will be visiting San Francisco to deliver a speech entitled "Bush Administration Perspectives on the ESA." The Assistant Secretary has generated enormous controversy in recent months delivering similar talks around the country. In this speech, the Secretary baldly states that protecting endangered species "is not a priority" of the Bush Administration. He also questions the wisdom of protecting endangered species, stating that "if we are saying that the loss of species in and of itself is inherently bad, I don't think we know enough about how the world works to say that." (see attached LA Times Article below).

Assistant Secretary Manson uses these speeches to perpetuate the myth that the Endangered Species Act is "broken." Manson has cited the influence of citizen petitions and litigation, an alleged budget crisis, and the provisions of the ESA that protect habitat to support this myth. "It's time for the Bush Administration to stop playing politics with our endangered wildlife and protect these otters from extinction. The case of the Alaskan sea otters directly contradicts each of the assertions that Assistant Secretary Manson makes about the ESA, and exposes the truth about the Bush Administration's policy of extinction," said Todd Steiner, Director of the Turtle Island Restoration Network.

MYTH: The Bush Administration does not have enough funds to pay for protecting imperiled species.

FACT: The Bush Administration has known that protecting all imperiled species under the ESA would cost between \$120 and \$160 million dollars. Yet it purposefully requests far less than this to fund the endangered species protection program. Rather than requesting the amount the administration knows is necessary to fund the protection programs, the Bush administration only requests the bare minimum necessary to cover protection actions mandated by courts, so that no money will be left over to protect recently imperiled species.

This Administration has not been shy in requesting and spending money: it has never vetoed a single appropriations bill, and the budget deficit is at a record high. The problem is not lack of funding, but the lack of political will to appropriate the modest amounts necessary to fund the Act. Courts have begun to recognize this and have found that the Administration's alleged budget crisis is a crisis "of its own making."

Again the case of the sea otter explodes this myth. In a letter dated February 4, 2002, the Fish and Wildlife Service confirmed that it received sufficient funding to propose sea otter protections in 2002. However, after the funding was appropriated and the proposals sent to the Bush administration, the administration refused to sign the proposal, an action that would cost no additional money. The failure of the Bush Administration to protect species is not about money, but about politics.

MYTH: Petitions to list species and litigation to enforce the Endangered Species Act are preventing the Bush Administration from providing on the ground conservation to endangered species.

FACT: The Bush administration has placed fewer plants and animals on the endangered species list than any other in the act's 30-year history. Bush has listed 20 species since taking office. President Clinton listed 211 during his first three years in office. The Bush Administration has never protected an endangered species on its own accord. Each of the 20 species protected were protected only after citizens forced the Administration to comply with the law. Absent citizen petitions and litigation, not a single species would have been protected since Bush took office.

The case of the Alaskan sea otters is a prime example of the Bush Administration's pro-extinction policy. In 2000 the Center for Biological Diversity filed a petition to list the Alaskan sea otters as endangered after the population suffered a 70% decline over 8 years. The Bush Administration then attempted to thwart the listing by placing it in a special administrative category. The Center then worked with the Fish and Wildlife Service to insure that the listing rule was funded, that the biologists were able to complete a scientifically sound listing rule, and that the sea otters were studied. A final rule listing the sea otter was submitted to the Bush Administration by agency biologists in September of 2002. The Bush Administration has simply refused to sign it for the past 15 months. Meanwhile, the sea otter population declined even further, and now there are only a few thousand sea otters remaining. Absent this lawsuit, the sea otters would never receive protection.

MYTH: Protecting habitat under the ESA is ineffective and burdensome.

FACT: The Bush Administration's own data shows that species that have critical habitat protected are twice as likely to be recovering over those species that do not have critical habitat protected. The science is absolutely clear that species with habitat protections in place are doing better than those without.

For more information, including a report documenting the Bush administration's deliberate attempts to under-fund the ESA, a report showing the benefits of protecting habitat on species recovery, and a report showing the importance of citizen oversight in the conservation and recovery of listed species, please see our website at www.biologicaldiversity.org, or call 510-663-0616.

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THE LOS ANGELES TIMES, THE STATE

Species Protection Act 'Broken'

A top Interior official says the law should be revised to give economic and other interests equal footing with endangered animals and plants.

By Julie Cart

Times Staff Writer

November 14, 2003

SANTA BARBARA - A senior official of the U.S. Interior Department, in a wide-ranging critique of the Endangered Species Act, said Thursday that the needs of an expanding population, agriculture interests and burgeoning development in the West should be given equal consideration with endangered plants and animals.

Attending an endangered species conference in Santa Barbara, Assistant Secretary of Interior Craig Manson criticized the critical-habitat provision of the law, which limits development in areas favored by threatened species, saying such designations aren't necessary for the perpetuation of many plants and animals.

Manson oversees the U.S. Fish and Wildlife Service, the agency responsible for enforcing the Endangered Species Act.

In an interview before his speech here, Manson said the 30-year-old environmental law is "broken" and should no longer be used to give endangered plants and animals priority over human needs.

"The problem is the act was not written with a great deal of flexibility," he said, adding that the interests of developers and private property owners in some cases should prevail over endangered species.

"There are so many things we did not anticipate 30 years ago. It was almost written in a public policy vacuum, without any consideration of the potential impacts of the act on larger and different issues. We didn't anticipate the potential conflicts. We have to recognize that, A, we can't protect everything, and, B, we have to carefully examine whether we should try to protect everything, and at what cost?"

But former Interior Secretary Bruce Babbitt, who also was a speaker Thursday, was sharply critical of the Bush administration's stewardship of endangered and threatened species.

"There is nothing wrong with the Endangered Species Act. It works," said Babbitt, who served during the Clinton administration. "The problem is this administration is not enforcing it and it doesn't want it to work. They want it to fail."

Babbitt said the act can be highly flexible, citing a compromise involving the San Francisco Bay delta. There, state and federal officials came up with a plan for diverting water to San Joaquin Valley farmers and Southern California city dwellers that left enough to sustain native fish in the delta. Babbitt said the agreement is a model of how the act can foster positive change.

But Babbitt agreed with Manson on critical habitat, saying the statute could be struck down today with "no real-world consequences," noting that habitat provisions lie elsewhere in the act.

The Bush administration has placed fewer plants and animals on the endangered species list than any other in the act's 30-year history. Bush has listed 20 species since taking office. President Clinton listed 211 during his first three years in office.

Conservationists note that none of the listings made during Bush's tenure were done voluntarily by the Fish and Wildlife Service. All came as a result of lawsuits or petitions from private groups.

This week, the Senate passed a bill that would exempt military bases from some sections of the act, including the critical-habitat provision. Manson said he supports the bill.

Manson, a former California Superior Court judge, served six years as general counsel for the California Department of Fish and Game.

In a recent interview with The Times, Manson questioned the wisdom of extreme efforts to stave off extinction of all species. "If we decide we are going to spend \$100 million to save a species we've imperiled, why are we doing that? Are we doing that because it serves human interests to do that? Are we doing that for the exercise of saving something that nature can't take care of ... regardless of our efforts? If we are saying that the loss of species in and of itself is inherently bad - I don't think we know enough about how the world works to say that."

The act's purpose, he said, "is not to create a perpetual hospice for threatened or endangered species. It's our responsibility to get them to the point of recovery."

Conservation groups are highly critical of Manson's stance toward critical habitat, citing the Fish and Wildlife Service's own statistics that show endangered species with critical habitat designation are twice as likely to be improving as species without.

"The reason groups like mine pursue protection with critical habitat is that the science is absolutely clear that species with critical habitat are doing better," said Kieran Suckling, executive director of the Center for Biological Diversity.