



# Sea Otter Critical Habitat *in Southwest Alaska*

On December 16, 2008, the U.S. Fish and Wildlife Service (Service) published a proposal to designate critical habitat for the threatened northern sea otter in southwest Alaska.

## What does the term “critical habitat” mean?

“Critical habitat” is a term in the Endangered Species Act (ESA) that identifies geographic areas that contain the specific habitat elements essential for the conservation of a threatened or endangered species, and which may require special management considerations or protection. Federal agencies that undertake, fund or permit activities that may affect critical habitat are required to consult with the Service to ensure such actions do not adversely modify or destroy designated critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands or limit public access to public or private lands and waters.

## Where is the proposed critical habitat?

The southwest Alaska distinct population segment (DPS) of the northern sea otter range is from the end of the Aleutian Islands to lower western Cook Inlet, and includes the Kodiak Archipelago. The Service proposes critical habitat in five discrete units considered important to the recovery of the northern sea otter. From west to east, these are: (1) Western Aleutian Unit; (2) Eastern Aleutian Unit; (3) South Alaska Peninsula Unit; (4) Bristol Bay Unit, and (5) Kodiak, Kamishak, Alaska Peninsula Unit. Within these five discrete units, critical habitat is proposed for nearshore marine waters ranging from the mean high tide line seaward for a distance of 100 meters, or to a water depth of 20 meters (see map).

## What will happen after proposal to designate critical habitat is published in the *Federal Register*?

Publication of this proposal will not change anything right away. There



*Sea otters are often found in shallow, nearshore marine waters.*

is a 60-day public comment period during which people may submit comments on the proposed designation. All comments will then be read and evaluated. Critical habitat would not be officially designated until a Final Rule is published in the *Federal Register* in the fall of 2009.

## How can I participate in the process?

Comments can be submitted by mail or hand-delivered to the Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203 or at the Federal eRulemaking Portal at <http://www.regulations.gov>). The Final Rule, published in the *Federal Register*, will include a “Comments and Response” section that will address the major points raised during the public comment period.

## How will designation of critical habitat impact human activities in southwest Alaska?

Once critical habitat has been designated, federal agencies that undertake, fund or permit activities (a Federal nexus) that may affect critical habitat are required to consult with the Service to ensure such actions do not adversely modify or destroy designated critical habitat. The designation of

critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands or limit public access to public or private lands and waters.

Activities with no Federal nexus are not subject to the critical habitat consultation requirements. For example, oil and gas development within critical habitat would, if federal permitting or federal funding were involved, require consultation with the U.S. Fish and Wildlife Service. However, if no Federal permits or funds were involved in such a project, consultation with the Service would not be required. Since August 2005 when sea otters were first listed as threatened, section 7 consultations have not stopped a single human activity in southwest Alaska.

## Why was critical habitat not proposed in the Final Rule listing the species in 2005?

Critical habitat for the southwest Alaska DPS of the northern sea otter was not determinable at the time of listing. When the Service requested public comments on the Proposed Rule, it requested information regarding features and specific areas that might

have helped designate critical habitat. The Service did not receive sufficient information at that time to designate critical habitat. When critical habitat is not determinable, the Service has 1 year from the time of listing to propose designation of critical habitat. That 1-year period has passed, and we are now required to designate critical habitat for this population of the northern sea otter.

**Would the designation of critical habitat close commercial fishing in southwest Alaska, similar to what happened with Steller sea lions?**

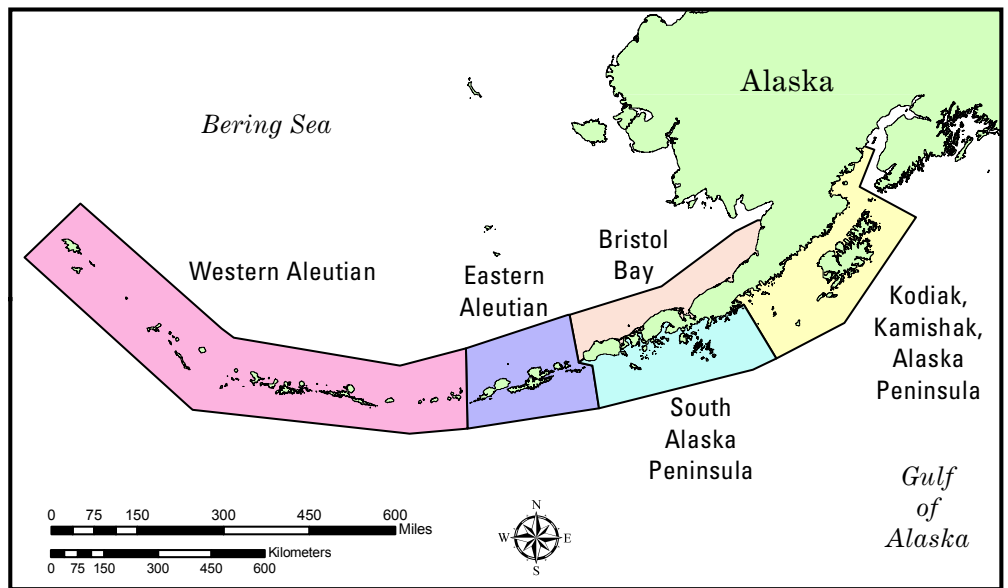
We do not anticipate that designation of critical habitat for the southwest Alaska DPS of the northern sea otter will result in closure of commercial fishing in southwest Alaska. Although there is some overlap in the range of the Steller sea lion and the southwest Alaska DPS of the northern sea otter, the two species are very different. Steller sea lions are fish eaters, and they congregate in large numbers at specific sites known as haulouts and rookeries but feed in open waters.

Sea otters eat primarily benthic (bottom-dwelling) invertebrates; for example, in the Aleutians their diet consists mostly of sea urchins, crabs, octopus, and some bottom fishes. In addition, they require cover and shelter from marine predators, especially killer whales. The areas it requires for food and cover are primarily shallow (less than 20 meters deep), nearshore (within 100 meters of the mean tide line) waters.

In addition, the area that we are proposing to designate as critical habitat for sea otters is only 4% of the area designated for Steller sea lions. Much of the proposed sea otter critical habitat is contained within existing Steller sea lion critical habitat.

**What are some of the theories about why the sea otter population has declined?**

In the Aleutian Islands, where the bulk of research on the sea otter decline has occurred, there is no evidence that the decline has been caused by starvation, disease, or contaminants. The weight of evidence suggests that increased predation by killer whales



*Location of proposed critical habitat units. Only areas that meet the definition of critical habitat within these units would be designated as critical habitat.*

(*Orcinus orca*) is the most likely cause of the decline. There is substantial disagreement within the scientific community regarding why killer whales may have increased their predation of sea otters.

killer whales. By protecting these areas from modification or destruction, we can insure that the remaining sea otters have places where they can go to escape from predators.

**Why would killer whales have started eating sea otters?**

In a paper published in the October 16, 1998 issue of *Science*, researchers hypothesized that killer whales may have begun eating sea otters in response to declines in other prey items, specifically harbor seals and Steller sea lions. Declines in those species are believed to be due to changes in the composition and abundance of forage fish, possibly as a result of commercial fishing practices and environmental changes. The role of climate change in the sea otter decline is unknown.

**Are sea otters hunted today?**

Yes, to a limited extent. The Marine Mammal Protection Act of 1972 (MMPA) prohibits the “take” of marine mammals, which includes sea otters. Under the MMPA, take is defined as “hunt, harass, capture, or kill.” The MMPA provides an exemption for Alaska Natives, who are allowed to hunt marine mammals for subsistence purposes and to create and sell authentic articles of handicraft and clothing made from marine mammal parts. The ESA also includes a provision that would allow Alaska Native residents of coastal villages to conduct subsistence harvesting of listed sea otters.

**If killer whales are the cause of the decline, how does this critical habitat designation address the problem?**

Surveys over the past several years indicate that the majority of the sea otters that remain in the Aleutian Islands are found close to shore in shallow water or dense kelp beds. These areas may provide sea otters with protection from predators, such as

**Will subsistence hunting be affected by this action?**

No. The ESA (like the MMPA) has a provision that allows Alaska Natives to harvest listed species for subsistence purposes. This provision does not constitute a Federal nexus, so there is no consultation required under Section 7 of the ESA.

**U.S. Fish & Wildlife Service**  
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<http://alaska.fws.gov/fisheries/mmm/index.htm>

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