

MARINE MAMMAL COMMISSION
4340 EAST-WEST HIGHWAY, ROOM 905
BETHESDA, MD 20814

23 November 2007

H. Dale Hall, Director
U.S. Fish and Wildlife Service
1849 C Street, NW, Room 3256
Washington, DC 20240

Dear Mr. Hall:

At its 28–30 August 2007 annual meeting in Vancouver, Washington, the Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals reviewed information on the status and conservation of southern and northern sea otters in the coastal waters of California and Washington, respectively. Representatives of the Fish and Wildlife Service directly involved in protecting both populations participated in our meeting and provided helpful information. We are very grateful for their efforts to prepare and present such useful briefings. Although both populations are increasing slowly, they remain small and vulnerable to the effects of oil spills, pollution, disease, fisheries, and other human impacts. The recent oil spill in San Francisco Bay serves as an unfortunate reminder of potential risks to marine life, including southern sea otters. Based on information presented at our meeting, we offer the following recommendations to ensure continued recovery of both populations.

RECOMMENDATIONS

With regard to southern sea otters, which are currently listed as threatened under the Endangered Species Act, the Marine Mammal Commission recommends that the Fish and Wildlife Service—

- ensure that funding and other support necessary to continue annual counts of the mainland and San Nicolas Island sea otter populations and the sea otter stranding response program are maintained at current levels;
- ensure that research funding is adequate to investigate the role of contaminants, biotoxins, and pathogens in the mortality of stranded sea otters and to conduct complementary studies of sea otter foraging;
- complete and publish the environmental impact statement and record of decision on the future of the San Nicolas Island translocation program as soon as possible;
- take immediate steps to review and adopt a revised southern sea otter stock assessment report that is long overdue and required by section 117 of the Marine Mammal Protection Act; and
- consult with the National Marine Fisheries Service to ensure adequate observer coverage of fisheries likely to take southern sea otters incidentally, particularly fisheries in areas to the immediate north and south of the population's mainland range.

With regard to northern sea otters in Washington state, the Marine Mammal Commission recommends that the Fish and Wildlife Service—

- consult with the National Marine Fisheries Service, National Park Service, Washington Department of Fish and Wildlife, and tribal authorities to organize and expand a cooperative volunteer stranding network along the Olympic Peninsula to retrieve and analyze carcasses and tissue samples from stranded sea otters and other marine mammals;
- consult with the Washington Department of Fish and Wildlife, the Coast Guard, regional shipping interests, and others to establish necessary caches of stranding-related equipment within the Washington sea otter population's range and to make arrangements with appropriate facilities and personnel for the expeditious treatment and care of oiled otters;
- take immediate steps to review and adopt a long overdue revised stock assessment report for the northern sea otter stock in Washington state as required under section 117 of the Marine Mammal Protection Act; and
- consult with the National Marine Fisheries Service, tribal authorities, and other relevant groups to ensure adequate oversight of gillnet and trap fishing efforts within the range of the Washington sea otter population, and for placing observers aboard fishing vessels that may pose a significant risk of incidentally taking sea otters.

RATIONALE

Southern Sea Otters in California

Population Monitoring: The small size of the southern sea otter population makes it imperative that southern sea otter mortality and population trends be monitored closely to detect conservation problems and assess progress toward recovery. The U.S. Geological Survey has counted sea otters throughout their range each spring and fall. The Fish and Wildlife Service, together with the U.S. Geological Survey, the California Department of Fish and Game, and other cooperating agencies and organizations have responded to stranded sea otters and recovered and necropsied dead stranded otters. The spring count in 2007 totaled 3,026 otters, the highest count to date, and the population appears to be increasing at a rate of 2.4 percent per year. The 2007 survey also indicated slow range expansion north of Santa Cruz and south of Point Conception. Annual counts at San Nicolas Island, where a new sea otter population was established by translocating otters from the mainland population, increased steadily from 15 to 37 otters between 1998 and 2006, but then declined to 26 in 2007.

Although the mainland population is continuing to increase toward the recovery benchmark of 3,100 otters (i.e., the point at which the population may be considered for delisting), the 2.4 percent growth rate is far below the expected rate based on growth rates of other otter populations. In addition, a high proportion of recovered sea otter carcasses have been prime-age animals, which is not expected for a healthy population and suggests one or more underlying threats to this population. For these reasons, the population should be monitored closely. Similarly, the poor growth rate at San Nicolas Island, including the marked drop in numbers in 2007, also warrants

close monitoring. The Marine Mammal Commission therefore recommends that the Service ensure the funding and other support necessary to continue annual counts of the mainland and San Nicolas Island sea otter populations and to maintain the sea otter stranding response program at least at current levels.

Contaminant, Biotxin, and Disease Studies: Recent assessments have implicated exposure to specific pollutants and pathogens as a possible cause for the relatively low growth rate of the southern sea otter population. Persistent pollutants found in the tissues of dead otters may have compromised their immune systems, increasing their vulnerability to various pathogens, parasites, and diseases. To investigate this hypothesis, scientists also are studying foraging patterns to identify differences in prey preferences between and within particular areas inhabited by southern sea otters. These studies are suggestive of links between specific prey preferences in certain areas, exposure to individual pollutants and pathogens, and increased levels of mortality. Further research in these areas is aimed at identifying the effects of specific pollutants on sea otter health and the pathways by which hazardous contaminants, biotoxins, and pathogens are reaching otters. Such information could provide a basis for focused management action to control sources of those pollutants and pathogens. It also could provide the best-documented case to date linking contaminant, biotoxin, and pathogen exposure risks to the health of marine mammals at the individual and population levels.

These studies are being carried out cooperatively by the California Department of Fish and Game, the U.S. Geological Survey, and many other partners using various sources of funding, including grants to the state of California under section 6 of the Endangered Species Act, agency appropriations, and support from various foundation and agency grants. The research is important not only for ensuring sea otter recovery but also for measuring the health of the coastal marine ecosystems for which sea otters serve as a sentinel species. The Marine Mammal Commission therefore recommends that the Fish and Wildlife Service ensure that research funding is adequate to investigate the role of contaminants, biotoxins, and pathogens in the mortality of stranded sea otters and to conduct complementary studies of sea otter foraging.

Future of the San Nicolas Translocation Project: Sea otters were translocated to San Nicolas Island to establish a reserve population that would not be affected by a large oil spill that could threaten the entire mainland population. The translocated population also was intended to serve as a source of otters for replenishing the mainland population after such an event. At the same time, a management zone was created south of Point Conception to exclude otters and thereby avoid conflicts with fisheries in that area. Otters moving into the management zone were to be captured and returned to the mainland population's core range. Early efforts to return such otters and the large number of otters moving into the management zone in some years indicate that maintaining a management zone free of otters is not feasible. For that reason, and because the translocated population at San Nicolas did not grow as expected, the Service has taken steps to declare the translocation project a failure, leave the animals remaining at San Nicolas Island at that site, and discontinue efforts to remove otters from the management zone.

During our meeting, Service representatives indicated that a draft environmental impact statement and record of decision were being finalized on the future of the translocation program and its associated regulations. As noted in our 3 January 2006 letter to the Service on the draft statement, the Commission supports the Service's proposed plan to withdraw regulations for the no-otter zone, leave the remaining otters at San Nicolas Island, and allow the mainland population to expand southward. As also noted in the letter, we believe that the Service should consult with the National Marine Fisheries Service pursuant to section 7 of the Endangered Species Act to consider the potential effects of the sea otter expansion into southern California and measures needed to ensure protection of threatened and endangered abalone species. If that issue can be successfully addressed, then the Marine Mammal Commission recommends that the Service finalize its environmental impact statement and publish a record of decision on the future of the San Nicolas Island translocation program and the management zone to bring an end to this issue and refocus recovery efforts in a more productive direction.

Fishery Interactions: Sea otters are subject to entanglement and drowning in commercial fishing gear including nets, lines, and traps. To address such interactions with marine mammals, section 117 of the Marine Mammal Protection Act requires that the Fish and Wildlife Service prepare and update stock assessment reports for each marine mammal stock under its jurisdiction in U.S. waters. For strategic stocks, which include species and populations listed as endangered or threatened under the Endangered Species Act, assessments must be updated annually. Despite this requirement, the stock assessment for southern sea otters has not been updated since the initial stock assessment report was prepared in 1995—well more than a decade ago. During our meeting, we were advised that a revised draft stock assessment for southern sea otters had been prepared in 2006, but that it has yet to be released for public review. Failure to update this stock assessment deprives all interested parties of essential information on the southern sea otter, is contrary to the provisions of the Marine Mammal Protection Act, and undermines the Act's goals. We can think of no reasonable explanation for withholding up-to-date information on the status of the southern sea otter. The Marine Mammal Commission therefore recommends that the Fish and Wildlife Service take immediate steps to review and adopt a revised southern sea otter stock assessment report.

Section 118 of the Marine Mammal Protection Act also includes provisions for placing observers aboard fishing vessels likely to take marine mammals incidentally. Although effective steps have been taken to prevent entanglement of sea otters within their current range, sea otters moving north of the current range may be at risk of being taken in fisheries, such as the Dungeness crab fishery, while those moving south of the current range may be caught in trap fisheries for finfish and lobster. Observer coverage of fisheries with a potential to catch otters incidentally would provide a basis for assessing such effects, and the Marine Mammal Commission therefore recommends that the Fish and Wildlife Service consult with the National Marine Fisheries Service to ensure adequate observer coverage of fisheries likely to take sea otters incidentally, particularly fisheries in areas to the immediate north and south of the mainland range of southern sea otters.

Northern Sea Otters in Washington State

Sea otters were extirpated from the coast of Washington by commercial hunters in the 1800s. The current Washington state sea otter population includes offspring of northern sea otters translocated from Alaska in the late 1960s. As a reintroduced population, Washington state sea otters are not listed as threatened. Nevertheless, like southern sea otters, the Washington population is small, its range is limited, and it is vulnerable to a variety of conservation problems. The Service and other cooperating agencies, principally the Washington Department of Fish and Wildlife, conduct annual range-wide counts and attempt to recover and necropsy dead stranded sea otters. The population's principal range is an 80-mile stretch of isolated outer coast along the Olympic Peninsula south of the entrance to Puget Sound. In recent years the sea otter population has increased at an average rate of about 8 percent per year, with a count of 790 otters in 2006, down slightly from the record high of 814 otters in 2005.

Rapid detection of and response to conservation problems are essential for small populations. Information on sources and trends of mortality for Washington sea otters, however, has been severely limited because of insufficient response to stranded animals. The principal constraints are (1) the population's occurrence along remote shorelines and within homelands of the Makah, Quinault, Quilliyute, and Hoh Tribes, where public access is limited, and (2) funding to handle and necropsy sea otter carcasses and analyze tissue samples in a timely manner. Detection and response to causes of mortality affecting this population will require working with tribal and non-tribal residents to develop the area's volunteer stranding response network and providing support for retrieval and analysis of sea otter carcasses. Stranding networks for other marine mammals and wildlife in this area may be subject to similar constraints, and the Marine Mammal Commission therefore recommends that the Service consult with the National Marine Fisheries Service, National Park Service, Washington Department of Fish and Wildlife, and tribal authorities to organize and expand a cooperative volunteer stranding network along the Olympic Peninsula to retrieve and analyze carcasses and tissue samples from stranded sea otters and other marine mammals.

As with California sea otters, however, perhaps the greatest threat to sea otters in Washington may be the grounding or collision of vessels carrying large volumes of oil or fuel. Based on discussions at our annual meeting, however, it appears that little has been done to identify, purchase, or secure commitments for equipment, facilities, and personnel that would be required to respond to an oil spill and meet immediate needs for rescuing and treating otters that may become oiled. Given the amount and proximity of ship traffic to this population's range (i.e., entering and leaving Puget Sound through the Strait of Juan de Fuca), the risk of a major spill affecting sea otters and the need for quick response appear to be high. The Marine Mammal Commission therefore recommends that the Fish and Wildlife Service consult with the Washington Department of Fish and Wildlife, the Coast Guard, regional shipping interests, and others to establish necessary equipment caches within the Washington sea otter population's range and to make arrangements with appropriate facilities and personnel for the expeditious treatment and care of any oiled otters.

Fisheries also pose a threat to sea otters and we discussed two fishery-related issues at our meeting. First, sea otters may be taken in trap and gillnet fisheries along the Olympic Peninsula, but the available information appears to be inadequate to assess the rate of such interactions if they occur. Cooperative observer efforts by the National Marine Fisheries Service and the Makah Tribe in the late 1990s and early 2000s for a tribal gillnet fishery along the outer coast of the Olympic Peninsula reported the taking of a few sea otters, but we received conflicting descriptions of the potential for such takes at our meeting. We also were informed that sea otters in Washington feed on Dungeness crabs in the same areas where a trap fishery for that crab occurs. Although sea otters apparently have been entangled in Dungeness crab traps in California, interactions between sea otters and this fishery off Washington apparently have not been investigated. From discussions at our meeting, it appears that further steps should be taken to evaluate trends in tribal and non-tribal fishing effort within the range of the Washington sea otter population and to better assess whether and where observer coverage of fisheries posing a risk to sea otters may be warranted. To address this need, the Marine Mammal Commission recommends that the Service consult with the National Marine Fisheries Service, tribal authorities, and other relevant groups to assess gillnet and trap fishing effort within the range of the Washington sea otter population, and to place observers aboard fishing vessels that may incidentally take sea otters.

Second, as with southern sea otters, the Service has not updated the stock assessment report required by the Marine Mammal Protection Act for the Washington sea otter population since an initial assessment was adopted in 1995. For populations that are not considered to be strategic stocks, such as Washington otters, the Act requires that such reports be updated at least once every three years. Although we understand a draft update was completed more than a year ago, the draft apparently is still under review within the Service. Here, too, we believe that the conservation framework established in the Marine Mammal Protection Act is rendered ineffective if the Service continues to disregard this statutory requirement, as it has for the past decade. Among other things, information on fishery interactions in these assessments is to provide a basis for determining priorities in the allocation of fishery observer coverage. Therefore, as it has on several past occasions, the Marine Mammal Commission recommends that the Fish and Wildlife Service take immediate steps to complete its review of the draft revised stock assessment report for the sea otter population in Washington state and adopt a final assessment report as required by provisions of the Marine Mammal Protection Act.

Finally we believe that a number of important actions could be accomplished with a relatively small amount of additional funding. For example, working with tribal and non-tribal residents to expand the local stranding response network, purchasing equipment for stranding responders and for analyses of tissue samples, making arrangements to respond quickly in the event of oil spills, and working with the Service and tribal representatives to better monitor and, as necessary, observe local trap and gillnet fisheries might be significantly improved with little additional cost. The Commission also recognizes that the Service must give priority to funding activities for species listed as endangered and threatened. Therefore, to help ensure that everything possible is done to address these needs within the Service's funding constraints, the Commission would be willing to contribute funding to the Service to help defray costs in 2008 for work to

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improve the regional stranding networking, making oil spill response arrangements, and monitoring trends in tribal and non-tribal gillnet and trap fishing effort.

Once again, we are grateful to those Service officials involved in sea otter conservation who participated in our annual meeting. They provided timely and useful information, and they represented the Service well. We hope you will find these comments and recommendations useful. If there is any way we can be of assistance in following up on these recommended actions, please let me know.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director