

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

28 April 2006

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

Dear Mr. Hall:

In Title II of the Marine Mammal Protection Act, Congress charged the Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, with the responsibility of conducting “a continuing review of the condition of the stocks of marine mammals.” The 1994 amendments to the Act provided explicit guidance for preparation of stock assessment reports to further that purpose. Section 118(a) of the Act states that “Not later than August 1, 1994, the Secretary shall, in consultation with the appropriate regional scientific review group established under subsection (d) of this section, prepare a draft stock assessment for each marine mammal stock which occurs in waters under the jurisdiction of the United States.” Section 118(c)(1) states that “The Secretary shall review stock assessments in accordance with this subsection—

- (A) at least annually for stocks which are specified as strategic stocks;
- (B) at least annually for stocks for which significant new information is available; and
- (C) at least once every 3 years for all other stocks.”

The U.S. Fish and Wildlife Service developed and published stock assessment reports for the California and Washington stocks of sea otters in 1995, but has not updated those reports since then. Such revision is important not only to comply with the schedule imposed by the Act, but also because a considerable amount of significant new information (e.g., estimates of abundance and takes in fisheries) has been collected in the past 10 years. That information not only is pertinent to management of these stocks, but also is important to other agencies, organizations, and stakeholders with interests in sea otter status and recovery.

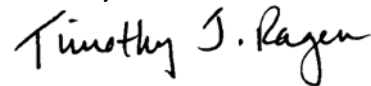
The Pacific Scientific Review Group has repeatedly recommended to the Service that it update and revise sea otter stock assessment reports for the group’s review and for publication. In a letter to the Service dated 17 February 2005, the Marine Mammal Commission also recommended that the Service revise the stock assessment reports for the California and Washington sea otter stocks as soon as possible. In its 24 March 2005 response, the Service indicated that it intended to publish draft revised stock assessments for both California and Washington sea otter stocks in 2005. Although draft reports were provided to the Pacific Scientific Review Group at its January 2005 meeting, those reports have not yet been published.

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The Marine Mammal Commission has worked closely with the Fish and Wildlife Service on recovery of the sea otter in California and Washington. We understand that management of the sea otter has at times been controversial and demanding. We also recognize that the Service is charged with managing many conservation issues. Nonetheless, the Marine Mammal Commission recommends that the Service take immediate action to revise these reports as required by section 118(a) of the Act, make them available for public review as required by section 118(b)(1), and publish them as required by section 118(b)(3). If the Service is unable to do so, then we would appreciate an opportunity to meet personally with you and your staff to discuss possible means for updating these reports. The Commission believes revising these reports will facilitate recovery and conservation of these populations.

If you have any questions about this recommendation, please contact Tim Ragen, the Commission's Scientific Program Director.

Sincerely,



-for-

John E. Reynolds III  
Chairman

cc: Mr. David Allen  
Ms. Mamie Parker  
Michael Scott, Ph.D.  
Mr. Steve Thompson