

Marine Mammal Commission
4340 East-West Highway, Room 905
Bethesda, MD 20814

3 January 2006

Ms. Diane K. Noda
Field Supervisor
U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003-7726

Dear Ms. Noda:

On 7 October 2005 the U.S. Fish and Wildlife Service published in the *Federal Register* a notice requesting comments on a draft Supplemental Environmental Impact Statement on the Translocation of Southern Sea Otters. The draft SEIS evaluates options for continuing, revising, or terminating the southern sea otter translocation program that began in 1987 and describes the direct, indirect, and cumulative environmental effects of each alternative. The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors, has reviewed the draft SEIS and offers the following comments and recommendations.

Based on information obtained over the 18 years since the inception of the southern sea otter translocation program, the Service has determined that the translocation program has failed to fulfill its primary purpose as a recovery action and that the recovery and management goals for the species cannot be met by continuing the program. The Service proposes to terminate the translocation program based on a failure determination pursuant to 50 C.F.R. § 17.84(d) and not to remove sea otters residing within the translocation or management zone at the time the decision to terminate is made. The Marine Mammal Commission agrees that the removal of the remaining sea otters from San Nicolas Island and the continued maintenance of a “no-otter” management zone would compromise the ability of the species to recover. Capture and relocation of sea otters would expose them to increased risks of mortality and could result in widespread disruption of the southern sea otter population as a whole. Zonal management also artificially restricts the range of the southern sea otter and perpetuates the species’ vulnerability to the adverse effects of oil spills, disease, and stochastic events. Accordingly, the Marine Mammal Commission recommends that the Service take appropriate steps to implement the proposed management action to retain the population of otters at San Nicolas Island and not to remove otters from the “no-otter” management zone.

The proposed action, however, presents a serious dilemma for resource managers trying to manage sea otters (a threatened species nearly extirpated by human hunting) and at least two abalone species that have declined significantly. These abalone species are prey of sea otters and also were valuable fishery resources. The proposed preferred alternative (and, realistically, the no-action alternative) to maintain the population at San Nicolas Island and allow sea otters to expand their range would benefit otters but would further exacerbate the decline of white abalone (listed as

endangered) and black abalone (a candidate for listing). The draft SEIS discusses the effects of the proposed action on white and black abalone. It concludes that the effects on white abalone would likely be minor because (1) sea otter range expansion is expected to be gradual, and it would likely be many decades before sea otters reoccupy areas in the southern portion of the Southern California Bight identified as key recovery areas for white abalone; and (2) the white abalone and sea otter foraging depth ranges overlap only marginally, and the highest abundances of white abalone occur at offshore banks that are not known to be used by sea otters. The draft SEIS also concludes that the effect on black abalone is uncertain, but that the recolonization process is likely to be gradual, allowing time for the black abalone to recover from the effects of human harvest and disease in the absence of predation pressure from sea otters.

These conclusions are questionable. The rate of sea otter range expansion is relevant only if the expansion rate is slow enough relative to white abalone recovery to ensure that white abalones recover before otters occupy the same habitat. This is unlikely. The assumption that the white abalone's primary habitat is in water too deep for the otters to forage is also questionable. Initially white abalones were most abundant in shallow, protected areas. As they were extirpated, the fishery moved into deeper water into what is probably a suboptimal habitat but the last refuge from human exploitation. The SEIS' conclusion with respect to black abalone also relies on the unlikely assumption that the species' recovery will proceed faster than sea otter range expansion, as well as on an assumption that sea otters do not forage in the intertidal zone.

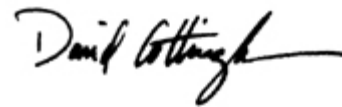
Given that the white abalone is listed as endangered under the Endangered Species Act and that the black abalone is a candidate species for listing, the Marine Mammal Commission recommends that the Service consult with the National Marine Fisheries Service under section 7 of the Act on the potential impacts of the proposed action to these species. The Marine Mammal Commission further recommends that the Service seek the views of the California Department of Fish and Game on the potential impacts of sea otter range expansion on abalone species. In addition, the Commission recommends that the Service work with these agencies and the Abalone Recovery Team to monitor the impacts of the proposed action on protected abalone populations.

Finally, the Commission notes that the draft SEIS does not adequately analyze the long-term socioeconomic consequences of the Service's preferred alternative to discontinue its management of sea otter range expansion. It is likely that the southward movement of sea otters will seriously affect all shellfish fisheries in southern California. Currently, the sea urchin, sea cucumber, and lobster fisheries are sustainable and represent important economic assets. Assuming a northward, as well as southward, expansion of the sea otter range, the Oregon and California sea otter subpopulations will eventually meet in northern California, likely affecting the Dungeness crab fishery as well. Thus, the abandonment of sea otter range management could, over the long term, lead to the elimination of virtually all of the shellfish fisheries along the West Coast; these fisheries have long been major economic and cultural assets over the entire region. Consistent with the requirements of the National Environmental Policy Act, the Service needs to consider these possible consequences in the final SEIS. Further in this regard, the Service needs to continue to engage commercial and recreational fishermen in recovery efforts as sea otters expand their range.

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I hope that these comments and recommendations are helpful. If you or your staff have questions, please call.

Sincerely,

A handwritten signature in black ink that reads "David Cottingham". The signature is written in a cursive style with a long horizontal flourish extending to the right.

David Cottingham
Executive Director