

MARINE MAMMAL COMMISSION
4340 East-West Highway, Room 700
Bethesda, MD 20814-4447

26 May 2009

Mr. Mike McCrary
Ventura Fish and Wildlife Office
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

Attention: 5-Year Review

Dear Mr. McCrary:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the Fish and Wildlife Service's 25 March 2009 *Federal Register* notice (74 Fed. Reg. 12878) announcing initiation of a 5-year review of the status of southern sea otters under the Endangered Species Act. The notice requests information on the population's status and recommendations on additional actions and studies that would benefit the species in the future and that would be appropriate to include in an update of the population's recovery plan. The Commission offers the following comments and recommendations.

RECOMMENDATIONS

The Marine Mammal Commission recommends that the Fish and Wildlife Service—

- retain the current listing of the southern sea otter population as threatened; and
- add the following studies and actions to any update of the southern sea otter recovery plan:
 - conduct annual counts of the mainland and San Nicolas Island sea otter populations;
 - maintain the sea otter stranding response program;
 - continue investigations into the role of contaminants, biotoxins, and pathogens in the deaths of stranded sea otters and the addition of complementary studies of sea otter foraging;
 - annually review and update the southern sea otter stock assessment report; and
 - consult with the National Marine Fisheries Service to ensure adequate observer coverage of fisheries likely to take sea otters incidentally, particularly fisheries in areas immediately north and south of the mainland range of southern sea otters.

RATIONALE

Population Status: The southern sea otter population is currently listed as threatened. The recovery plan for the population recommends that the Service consider removing the population from the list of endangered and threatened species if the three-year running average of population counts exceeds 3,090 otters and consider reclassifying its status from threatened to endangered if it falls below 1,850 otters. Recent population counts indicate that the population's slow growth has leveled off and that the most recent three-year average count (2,826 otters) falls between the recovery plan levels identified for considering delisting or endangered status. In addition, it is

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important to bear in mind that delisting involves more than just counts or estimates of population size. For example, to delist southern sea otters, the Service would need to be assured that current and future threats are both identified and properly controlled. In this regard, ongoing studies mentioned in the enclosed letter suggest that southern sea otters are experiencing a higher rate of mortality than other sea otter populations, possibly because of effects of contaminants and disease from land-based runoff that reaches sea otters through local food chains. Thus, effective measures to control contaminants and disease, which are among the factors to be considered in listing determinations, do not appear to be in place but would need to be for a delisting action to be warranted. Therefore, the Marine Mammal Commission recommends that the Fish and Wildlife Service retain the current listing of the southern sea otter population as threatened.

Recovery Plan Actions: By letter of 23 November 2007 to the Fish and Wildlife Service (copy enclosed), the Marine Mammal Commission recommended actions to monitor the southern sea otter population; investigate the impacts of contaminants, biotoxins, and disease; and mitigate fishery interactions. The need for such actions has not changed since our 2007 letter. Therefore, the Marine Mammal Commission recommends that the Fish and Wildlife Service consider adding the actions and studies listed earlier in its 23 November 2007 to any update of the southern sea otter recovery plan.

I hope these recommendations are helpful. If you or your staff has any questions, please contact me.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director

Enclosure