



MARINE MAMMAL COMMISSION

3 September 2013

Mr. Timothy J. Van Norman
Chief, Branch of Permits
Division of Management Authority
Fish and Wildlife Service
4401 North Fairfax Drive
Arlington, VA 22203

Re: Application No. 0566B
(Bristol Bay Native Association)

Dear Mr. Van Norman:

The Marine Mammal Commission (the MMC), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced permit application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA). The Bristol Bay Native Association (BBNA) proposed to conduct research on northern sea otters in Alaska during a two-year period.

RECOMMENDATION

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

- encourage BBNA to reassess the estimated number of takes by Level B harassment and, if appropriate, increase that number before issuance of the permit; and
- provide explicit criteria to BBNA, and other permit holders, stipulating when a sea otter is to be considered taken during vessel-based surveys and specify in the permit that vessel-based survey activities must be suspended for the remainder of the year once the authorized number of Level B harassment takes for those surveys has been reached.

RATIONALE

BBNA proposes to conduct research on northern sea otters in Port Heiden, Chignik Lagoon, Chignik Lake, and other nearby waters during spring and fall 2014 and 2015. The purpose is to (1) ground-truth sea otter distribution and habitat-use data obtained from traditional knowledge interviews and surveys of those areas and (2) correlate any changes to environmental or behavioral factors. BBNA is collaborating with the University of Alaska-Fairbanks, The Alaska Sea Otter and Steller Sea lion Commission (TASSC), and the Tribal Councils of Chignik Lagoon and Port Heiden for the study.

BBNA would harass up to 40 sea otters of either sex and any age each year during the line-transect vessel surveys. Researchers propose to conduct a line-transect survey during a three-day period in spring and fall at both the Port Heiden and Chignik sites. They would approach the sea

Mr. Timothy J. Van Norman
3 September 2013
Page 2

otters no closer than 100 m using small boats (less than 15 m in length) to determine the number of otters in a group and to observe their behavior. TASSC and the Fish and Wildlife Service's (the FWS) Marine Mammals Management (MMM) would review and modify BBNA's research protocols, as needed, and MMM would conduct safety and on-water survey training with the researchers. To minimize disturbance, boats would approach the otters downwind. If any otter exhibits extremely evasive or high-energy behaviors, they would cease their activities. Researchers also would retreat if they encounter a female-pup pair.

BBNA based its estimate of Level B harassment of up to 40 sea otters per year on the numbers of sea otters reported to be harassed in previous vessel-based surveys. However, it is unclear what criteria were used for the harassment determination during those previous surveys or what criteria will be used by the researchers for the proposed surveys. The MMC wants to ensure that BBNA and the FWS's permit office has appropriately assessed the potential for harassing otters during the proposed vessel-based surveys such that the BBNA does not risk exceeding the annual authorization or having to suspend the surveys part way through the year. Accordingly, the MMC recommends that the FWS encourage BBNA to reassess the estimated number of takes by Level B harassment and, if appropriate, increase that number before issuance of the permit. The MMC further recommends that the FWS provide explicit criteria to BBNA, and other permit holders, stipulating when a sea otter is to be considered taken during vessel-based surveys and specify in the permit that vessel-based survey activities must be suspended for the remainder of the year once the authorized number of Level B harassment takes for those surveys has been reached.

The MMC encourages and supports collaborative projects involving Native communities, regulatory agencies, and academia that integrate traditional knowledge and scientific research. In addition, the MMC believes that the activities for which it has recommended approval are consistent with the purposes and policies of the MMPA.

The MMC appreciates the opportunity to comment on this permit application. Kindly contact me if you have any questions concerning the MMC's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director