

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

11 June 2008

Mr. Ken Berg, Manager
Western Washington Fish and Wildlife Office
U.S. Fish and Wildlife Service
510 Desmond Drive, S.E., Suite 102
Lacey, Washington 98503

Dear Mr. Berg:

In response to the Fish and Wildlife Service's 17 April 2008 *Federal Register* notice, the Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the draft revised marine mammal stock assessment report for the northern sea otter stock in Washington State. We offer the following recommendations and comments.

RECOMMENDATIONS

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

- adopt the revised marine mammal stock assessment report for the sea otter stock in Washington state, subject to modifications that (a) clarify that the next revision of this assessment will be prepared within three years and (b) revise estimates of the minimum population size and the potential biological removal level to reflect results of the 2007 survey of sea otters in Washington, and
- consult with the National Marine Fisheries Service, tribal authorities, and other relevant groups to arrange for the placement of observers aboard trap and gillnet fishing vessels that may pose a significant risk of incidentally taking sea otters within their range in Washington State.

RATIONALE

The draft revised report states (page 1, paragraph 2) that the report will be revised again if the range of the Washington sea otter stock expands southward into Oregon or northward into British Columbia. The Marine Mammal Protection Act requires that stock assessment reports be updated at least once every three years for all marine mammal stocks not listed as a strategic stock. The Washington sea otter population is not listed as a strategic stock. The Commission agrees that the Service should update its assessment sooner than three years if the stock expands into Oregon or British Columbia or undergoes any other significant change in its status. However, even if these events do not occur, a revised assessment will be necessary within three years to incorporate new information on the stock's status. The assessment for the Washington sea otter stock has not been revised since it was first prepared in 1995, despite the Act's provisions clearly specifying the time frame for revisions. Accordingly, the Marine Mammal Commission recommends that the Fish and Wildlife Service revise and expand the second sentence of this paragraph to read something like the following:

However, if the stock expands southward into Oregon or northward into British Columbia or otherwise undergoes a significant change within the next three years, a revised stock assessment would be prepared to identify those changes before the next scheduled revision required under provisions of the Marine Mammal Protection Act (recommended additions underlined).

The report also notes that the stock's minimum population size is 790 otters based on the results of a population survey in 2006. Since this assessment was drafted, a 2007 population survey counted 1,125 otters (Jameson and Jeffries, unpublished report). This is a substantial increase in abundance, and the Marine Mammal Commission recommends that the draft stock assessment be revised to reflect the 2007 population count as the minimum population estimate and that information from the 2007 count be used to modify Figure 2 and the subsequent calculation of the stock's potential biological removal level. Citations for both the 2006 and the 2007 survey results should be provided in the references section. Because these are unpublished reports, the citations should indicate where readers can obtain copies.

In the discussion of fisheries information, the draft report references a table indicating that at least two sea otters were taken in the Makah Tribe's set gillnet fishery between 2002 and 2007. It also states that such takes are likely to occur in Areas 4 and 4A when this fishery is active. The discussion should clarify where these areas are and when this fishery was last active. With regard to Table 1, it is not clear what is meant by "1-11 net days observed." The footnote provided is not adequate and should be revised to explain what these data mean. In addition, the table column for fishing effort should indicate either how many "net days" were fished for each year listed on this table or that information in this regard is not available. Describing effort as "yes" or "no" is not helpful. If data on overall fishing effort are not available, the accompanying text should note that fact and indicate that it is not possible to extrapolate a total bycatch estimate from the available information.

The draft report indicates that since 1994 no marine mammal observer coverage has been provided for other trap and gillnet fisheries with a potential to take sea otters in Washington. It notes that, in lieu of observer efforts, the National Marine Fisheries Service collects data on marine mammals taken incidentally in treaty and non-treaty fisheries through a self-reporting system and that the Fish and Wildlife Service has received no reports of sea otters taken from these fisheries. As currently written, the report does not clearly indicate whether the National Marine Fisheries Service has not received any reports of sea otter takes or whether reports submitted to that agency simply have not been provided to the Fish and Wildlife Service. Presumably, it is the former. If so, this section should be revised to note that the National Marine Fisheries Service has received no reports of incidental takes involving sea otters in Washington and specify the corresponding time frame. The paragraph also states that "...the information provided by the NMFS is not sufficient to provide a more accurate estimate of annual mortality..." Given the apparent lack of voluntary reports of sea otter takes and the unreliability of voluntary reporting schemes in general, the word "more" should be removed in the referenced sentence and a sentence should be added to note that a

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useful estimate of fishing mortality will require instituting observer coverage and obtaining data on overall effort for these fisheries.

The draft report concludes that available information is not adequate for making a reliable assessment of incidental take levels or risks for this population. Experience in California and other areas clearly indicates that incidental taking in gillnets and traps can pose a significant conservation issue for small sea otter populations, such as the one in Washington, and that proper management to address those threats will require reliable information on incidental take levels in the state's trap and gillnet fisheries. As noted in this section, the likelihood of incidental taking in fisheries will increase as this population grows and its range expands. Therefore, the Marine Mammal Commission recommends that the Fish and Wildlife Service consult with the National Marine Fisheries Service, tribal authorities, and other relevant groups to arrange for the placement of observers aboard trap and gillnet fishing vessels that may pose a significant risk of incidentally taking sea otters within their range in Washington State.

I hope these comments and recommendations are helpful. If you or your staff has questions about any of them, please call.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director

Literature Cited

Jameson, R. J., and S. Jeffries. Unpubl. Results of the 2007 survey of the reintroduced sea otter population in Washington State. Washington Department of Fish and Wildlife. Tacoma, WA. 7 pp.