



**THE HUMANE SOCIETY
OF THE UNITED STATES.**



March 6, 2006

Field Supervisor
U.S. Fish and Wildlife Service
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, CA 96003

**Re: Draft Supplemental Environmental Impact Statement on the
Translocation of Southern Sea Otters (October 7, 2005).**

Dear Field Supervisor:

Friends of the Sea Otter, Defenders of Wildlife, the Sea Otter Defense Initiative, a project of Earth Island Institute's International Marine Mammal Program, The Humane Society of the United States, and The Ocean Conservancy (collectively "conservation organizations"), respectfully submit the attached comments on the U.S. Fish and Wildlife Service's (FWS or Service) Draft Supplemental Environmental Impact Statement (DSEIS) on the Translocation of Southern Sea Otters and its Draft Evaluation of the Southern Sea Otter Translocation Program 1987-2004. The conservation organizations strongly support Alternative 3C, the Proposed Action, as the only alternative that will satisfy the mandates and further the goals of the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA), and the original intent of the translocation program itself – to provide for the recovery of southern sea otters. We agree with the recommendations of the 2003 Revised Southern Sea Otter Recovery Plan that the zonal management program should be terminated and that sea otters should be allowed to stay where they are and expand their range naturally.

Alternative 3C, the Proposed Action, would end the removal of southern sea otters from the management zone and allow those sea otters currently residing both in the management zone and the translocation zone on San Nicolas Island to remain there. This alternative would also treat all southern sea otters, regardless of location, as members of the same population for purposes of the ESA and MMPA. As stated in the DEIS, "[t]his alternative represents the most favorable option for the accomplishment of sea otter recovery goals because it allows for natural range expansion and would likely increase the resiliency of the species in the event of a catastrophic oil spill or similar event in a portion of its range." DSEIS at 217. Although the attached comments cover in detail the history and intent of the translocation program, as well as the legal, economic, and biological reasons why the zonal management program should be declared a failure and Alternative 3C should be implemented by the Service, we also here briefly address the particular failings of the other alternatives discussed in the DSEIS.

The Service's 2000 Biological Opinion found that capture and removal of sea otters from the management zone was jeopardizing the continued existence of the species based on 1) "the effects of capture transport, and release of large numbers of southern sea otters," on both individual sea otters and the parent population that must assimilate them, and 2) the need for range expansion to insulate the species from the adverse effects of oil spills, disease and stochastic events. 2000 Biological Opinion at 37. The 2000 Biological Opinion further found that there were no "reasonable and prudent alternatives" to the program that would avoid jeopardy to the species. Id.

Alternatives 1 and 2 would both retain zonal management and the bifurcated regulatory status for southern sea otters, with different levels of legal protection depending on where they are found, and as such, would violate the ESA jeopardy prohibition. Alternative 1 is, in fact, identical to the action found to cause jeopardy to the continued existence of the species in the 2000 Biological Opinion. See DSEIS at 138. The DSEIS further finds that "Alternative 1 would make it difficult, if not impossible, to reach" the MMPA's requirement of optimum sustainable population (OSP) "for sea otters in California, even under the most optimistic scenario..." Id. at 138. For these reasons, Alternative 1 clearly may not be implemented.

Alternative 2, which would implement a modified management zone, also will not provide for the long term survival and recovery of the species and similarly must be rejected. According to the DSEIS, sea otters are "expected to reach carrying capacity along the coastline from Point Conception to Santa Barbara in the next 10 years..." DSEIS at 193. Therefore, according to FWS' analysis, although the first 10 years under

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this program would allow for range expansion, after that time sea otters would be subject to the same "risky" management strategy (removing sea otters from a management zone and placing them in the mainland range)" as in Alternative 1. Id. at 144 (emphasis added). The DSEIS makes clear that this "risky" management strategy "is essentially the same as that evaluated in the 2000 biological opinion," and this alternative also could "hinder or prevent the achievement of OSP because of insufficient habitat." Id. at 151.

Alternatives 3A and 3B, which would declare the translocation a failure, yet remove and relocate to the mainland the sea otters currently residing on San Nicolas Island, also must be rejected because of the negative effects they would have on relocated individuals and the parent population. Although the DSEIS finds Alternative 3A and 3B "far more likely to result in achievement" of the ESA and MMPA's mandates to recover the species and allow it to achieve its OSP than either Alternatives 1 or 2, the removal of sea otters from San Nicolas Island and their placement into the mainland range would likely be extremely disruptive, if not harmful, to the animals removed, and disruptive also to the animals in the receiving population. DEIS at 174 (emphasis added). Overall, each of these alternatives is expected to have a negative effect on the population within 10 years, and therefore must be rejected.

Finally, we must emphasize that the time for action to end the zonal management program is now. Although the No Action Alternative is evaluated in the DSEIS, and shown not to cause many of the adverse effects that make all but Alternative 3C unacceptable for the future of southern sea otters, this positive evaluation is only because of the affirmative steps FWS took to discontinue maintenance of the management zone after it was found to cause jeopardy to the species in 2000. Six years have passed since that determination was made, and while we applaud the Service for publishing its DSEIS and taking steps to finalize the end of this management regime, we urge you to keep moving in an expeditious manner, not only in the direction of avoiding jeopardy, but in taking the steps found essential to recovering this species.

We thank you for your consideration of our comments and look forward to continued work with the Service to help recover the southern sea otter. Please feel free to contact any of the below listed signatories if you have any questions or would like to discuss our comments further.

Thank you.



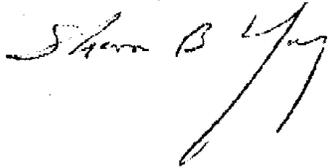
Jim Curland, Marine Program Associate, Defenders of Wildlife



Kim Delfino, Director of California Programs, Defenders of Wildlife



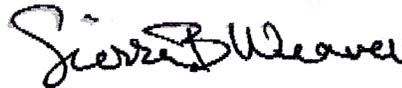
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