



February 18, 2004

Laurie Convey
Management Biologist – Species at Risk
Fisheries and Oceans Canada
3225 Stephenson Point Road
Nanaimo, BC, V9T 1K3
Canada

Re: Recovery Action Plan for the Sea Otter (*Enhydra lutris*) in British Columbia

Dear Ms. Convey:

On behalf of our more than one half million members and supporters throughout North America, including nearly 3,000 throughout Canada and an additional 200,000 activists on marine issues, Defenders of Wildlife (Defenders) appreciates the opportunity to comment on Ocean and Fisheries Canada's (DFO) **Draft Recovery Action Plan for the Sea Otter (*Enhydra lutris*) in British Columbia** (Plan). Defenders, established in 1947, is a national non-profit organization, based in the United States, dedicated to the protection of all native wild animals and plants in their natural communities. Defenders focuses its programs on what scientists consider two of the most serious environmental threats to our planet: the accelerating rate of species extinction and associated loss of biological diversity, and habitat alteration and destruction. Long known for its leadership role on endangered species issues, Defenders also advocates new approaches to wildlife conservation that will help prevent species from becoming endangered. Our programs encourage protection of entire ecosystems and interconnected habitats while protecting predators that serve as indicator species for ecosystem health.

This letter provides Defenders' initial comments on the Plan. We understand that there will be further opportunities for public comment when the Plan is posted to the Species at Risk Act (SARA) Public Registry. Defenders' comments are set forth in two sections. In the first section, we provide general comments on the Plan. In the second section, we provide specific comments.

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General Comments

Recovery Strategy Goal and Objectives The Plan states that the approach the Recovery Team has taken in developing a recovery strategy is a "non-interventionist approach." From what we have learned in California, where there have been efforts to limit sea otter range expansion and distribution through the creation of a management zone and translocation efforts, Defenders supports this hands-off approach. Natural range expansion is

critical to the successful growth for this species. Restricting the distribution of sea otters, which is implied in the Plan's statement of identifying a "distribution target" runs counter to what we see as necessary for the survival of this species.

- Due to the extreme risk of oil spill impacts to sea otters, the Plan should be more aggressive in opposing oil and gas exploration and drilling in any areas currently occupied by sea otters. Potential areas where sea otters may expand their range should also be off-limits to these activities.
- It is essential for the Plan to identify multiple resources (private, government, etc.) for locating funding for research and population surveys. Annual population surveys are critical to successfully reaching many goals of the Plan.
- The Plan should emphasize comparative studies between California sea otters and Canadian sea otters on exposure to disease and contaminants. There is extensive data on southern sea otter exposure to various diseases and contaminants.
- The Plan should place a higher priority in the mitigation of fishery-otter conflicts. Everywhere sea otters exist, these conflicts pose serious problems, resulting in the shooting of sea otters and the entrapment of sea otters in nets and traps. It is important to thoroughly address these problems before they occur, and identify existing conflicts.
- The Plan should place a much higher emphasis on outreach and education to Native groups, fisheries groups and the general public to illustrate the importance of the sea otter to the marine ecosystem and to the economy.

Specific Comments

Page 5, Section 2.1, point #1, #2: The oil spill section would benefit by referring to and incorporating the findings of a report by Dr. Deborah French (April, 2000), "*Review of Draft Southern Sea Otter Recovery Plan (Revised) Sections on Oil Spill Risks and Impacts.*" Much of the modeling that Dr. French used is an attempt to update and critique the reports by Ford and Bonnell (1995), "*Potential Impacts of Oil Spills on the Southern Sea Otter Population*", and Brody (1992), "*Using Information About the Impact of the Exxon Valdez Oil Spill on Sea Otters in South-Central Alaska to Assess the Risk of Oil Spills to the Threatened Southern Sea Otter Population.*" While the French report supports much of the modeling work previously done by Ford, Bonnell and Brody, there is one key area in which it differs. The French report calculates that a greater percentage of the sea otter population, than what was considered in the previous oil spill models, would be impacted by larger spills of the magnitude of or greater than the *Exxon Valdez* Oil Spill. The Ford and Bonnell (1995) and Brody (1992) reports are contained as appendices in the final Recovery Plan for the Southern Sea Otter and the French (2000) report can be supplied upon request.

Page 5, Section 2.1, point #5: This section identifies that there is "very little monitoring of Dungeness crab sport fisheries" and later goes on to say that there will be a need to use the "information from fishery monitoring programs and fisheries managers to identify gaps for the development of new monitoring programs." Since the Dungeness crab sport fishery currently

has little monitoring information, it is critical that the Plan place a high priority in developing an observer program for this fishery. There is a great deal of data that demonstrates the negative interactions between sea otters and a variety of trap types. A study conducted at the Monterey Bay Aquarium, *Preliminary Results of an Evaluation of the Potential Threat to Sea Otters Posed by the Nearshore Finfish Trap Fishery* (Brain Hatfield and James Estes 2000), concluded that “many captive sea otters exhibit no reluctance to attempt to enter baited fish traps and if the openings are large enough (or the sea otter is small enough) they can and will enter these traps. Although we don’t know how sea otters in the wild react when encountering trap gear, we have no reason to believe that they would behave in a grossly different manner than they do in captivity.” Dungeness crab traps, used in the Monterey Bay area of California, are currently being examined for modifications that could prevent sea otters from getting entrapped and still allow the fishery to successfully catch crabs.

Page 8, Section 2.2, point #4: As discussed previously under General Comments, specifying a population distribution will create many of the same problems that were encountered when attempting to limit the distribution of sea otters in California. Defenders strongly opposes the creation of a fixed, limited distribution for sea otter populations in Canada.

Page 8, Section 2.3, point #4: For comparison, use as a model the ongoing multi-stakeholder processes to create Marine Protected Areas (such as marine reserves, refuges and conservation areas) in California.

Page 8, Section 2.3, point #6: The U.S. Marine Mammal Protection Act has unclear regulations stating how close you can approach sea otters before “disturbance” or “take” is observed. The National Oceanic and Atmospheric Administration’s National Marine Sanctuary program has developed a draft handbook, “Responsibly Watching California’s Marine Wildlife” that provides many guidelines to protect marine wildlife from human disturbance.

Page 8, Section 2.3, point #7: Create web material; handouts that can be distributed at harbor offices, etc.; and public service announcements that discusses the penalties associated with shooting sea otters and engages the public to be involved in identifying perpetrators of these crimes.

Page 16-18, Table 1: Priority ratings should be changed as follows:

Threat Clarification Research

#5: changed from “N” to “E”

#7: changed from “I” to “N”

Protection

#4: changed from “I” to “N”

Communications

#3: changed from “I” to “N”

Recovery Activities

#5: changed from “N” to “E”

#7: changed from "I" to "E"

Pages 19-20, Evaluation of Costs & Benefits: Defenders has contracted with an ecological economist to review the environmental and socioeconomic benefits associated with sea otters reoccupying habitat in southern California. In assessing impacts from sea otters occupying areas where commercial, recreational, and/or tribal fisheries occur, often times, only the negative impacts are discussed. It is important to counter this with the important ecological benefits (healthy nearshore marine ecosystems) and economic benefits (ecotourism) associated with sea otters. The Plan should identify this as a high priority.

We appreciate this opportunity to comment. Please contact us with any questions or comments that you may have.

Sincerely,

A handwritten signature in black ink that reads "Jim Curland". The signature is written in a cursive, flowing style.

Jim Curland
Marine Program Associate

cc: Donald C. Baur, esq.
Ron Jameson