



Sea Otter Critical Habitat *in Southwest Alaska*

On October 8, 2009, the U.S. Fish and Wildlife Service (Service) finalized designation of 15,164 km² (5,855 mi²) of critical habitat for the threatened northern sea otter in southwest Alaska. This designation is essentially the same areas we proposed on December 16, 2008 (73 FR 76454). The final rule and final economic analysis can be viewed at <http://alaska.fws.gov/fisheries/mmm/seaotters/criticalhabitat.htm>.

What is “critical habitat?”

“Critical habitat” is a term in the Endangered Species Act (ESA) that identifies geographic areas that contain the specific habitat elements essential for the conservation of a threatened or endangered species, and which may require special management considerations or protection. Federal agencies that undertake, fund or permit activities that may affect critical habitat are required to consult with the Service to ensure such actions do not adversely modify or destroy designated critical habitat.

Where is the critical habitat located?

The southwest Alaska distinct population segment (DPS) of the northern sea otter range is from the end of the Aleutian Islands to lower western Cook Inlet, and includes the Kodiak Archipelago. The critical habitat is designated in five discrete units considered important to the recovery of the northern sea otter. From west to east, these are: (1) Western Aleutian Unit; (2) Eastern Aleutian Unit; (3) South Alaska Peninsula Unit; (4) Bristol Bay Unit, and (5) Kodiak, Kamishak, Alaska Peninsula Unit. Within these five discrete units, critical habitat occurs in nearshore marine waters ranging from the mean high tide line seaward for a distance of 100 meters, or to a water depth of 20 meters (see map).

How will designation of critical habitat impact human activities in southwest Alaska?

Now that critical habitat has been designated, federal agencies that undertake, fund or permit activities (a Federal nexus) that may affect critical



Sea otters are often found in shallow, nearshore marine waters.

habitat are required to consult with the Service to ensure such actions do not adversely modify or destroy critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands or limit public access to public or private lands and waters.

Activities with no Federal connection are not subject to these consultation requirements. For example, oil and gas development within critical habitat would, if federal permitting or federal funding were involved, require consultation with the U.S. Fish and Wildlife Service. However, if no Federal permits or funds were involved in such a project, consultation with the Service would not be required. Since August 2005, when sea otters were listed as threatened, consultations have not stopped any human activities in southwest Alaska.

Why is critical habitat being designated now?

Critical habitat for the southwest Alaska DPS of the northern sea otter was not determinable when it was originally listed in August 2005.

When the Service requested public comments on the proposed listing, we also requested information regarding features and specific areas that might have helped us designate critical habitat. The Service did not receive sufficient information at that time to designate critical habitat. When critical habitat is not determinable, the Service has 1 year from the time of listing to propose designation of critical habitat. That 1-year period has passed, and we are now required to designate critical habitat for this population of the northern sea otter.

Will the designation of critical habitat close commercial fishing in southwest Alaska, similar to what happened with Steller sea lions?

We do not expect that this designation of critical habitat for the southwest Alaska DPS of the northern sea otter will result in closure of commercial fishing in southwest Alaska. Although there is some overlap in the range of the Steller sea lion and the southwest Alaska DPS of the northern sea otter, the two species are very different. Steller sea lions eat fish, and they congregate in large numbers at specific sites known as haulouts and rookeries but feed in open waters.

Sea otters eat primarily benthic (bottom-dwelling) invertebrates; for example, in the Aleutians their diet consists mostly of sea urchins, crabs, octopus, and some bottom fishes. They require cover and shelter from marine predators, especially killer whales. The areas sea otters requires for food and cover are primarily shallow (less than 20 meters deep), nearshore (within 100 meters of the mean tide line) waters.

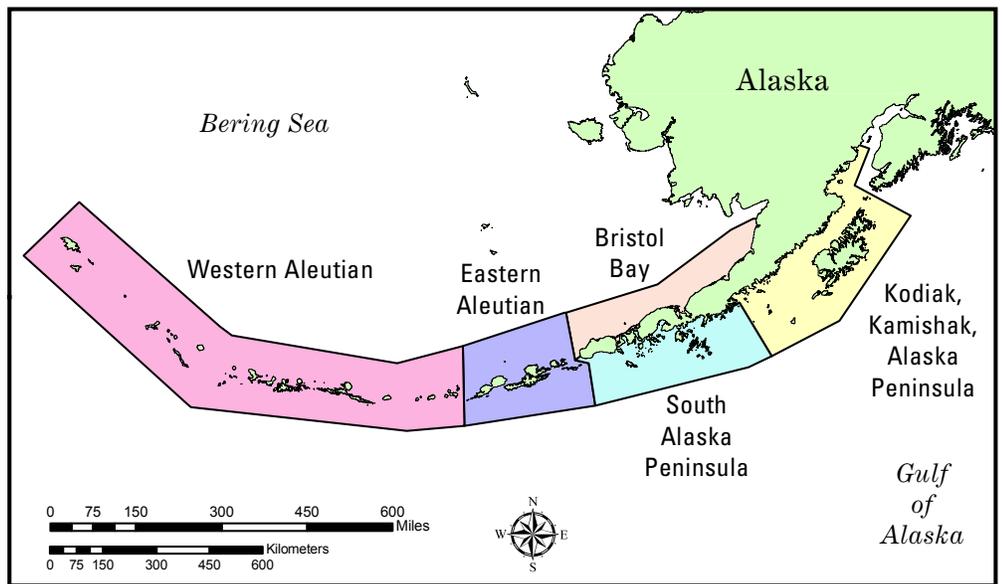
In addition, the area that we have designated as critical habitat for sea otters is only 4% of the area designated for Steller sea lions. Much of the designated sea otter critical habitat is contained within existing Steller sea lion critical habitat.

What are some of the theories about why the sea otter population has declined?

In the Aleutian Islands, where the bulk of research on the sea otter decline has occurred, there is no evidence that the decline has been caused by starvation, disease, or contaminants. The weight of evidence suggests that increased predation by killer whales (*Orcinus orca*) is the most likely cause of the decline. There is some disagreement within the scientific community regarding why killer whales may have increased their predation of sea otters, however.

Why would killer whales have started eating sea otters?

In a paper published in the October 16, 1998 issue of *Science*, researchers hypothesized that killer whales may have begun eating sea otters in response to declines in other prey items, specifically harbor seals and Steller sea lions. Declines in those species are believed to be due to changes in the composition and abundance of forage fish, possibly as a result of commercial fishing practices and environmental changes. The role of climate change in the sea otter decline is unknown.



Location of critical habitat units. Only areas that meet the definition of critical habitat within these units is actually designated as critical habitat.

If killer whales are the cause of the decline, how does this critical habitat designation address the problem?

Surveys over the past several years indicate that the majority of the sea otters that remain in the Aleutian Islands are found close to shore in shallow water or dense kelp beds. These areas may provide sea otters with protection from predators, such as killer whales. By protecting these areas from modification or destruction, we can ensure that the remaining sea otters have places where they can go to escape from predators.

Are sea otters hunted today?

Yes, to a limited extent. The Marine Mammal Protection Act of 1972 (MMPA) prohibits the “take” of marine mammals, which includes sea otters. Under the MMPA, take is defined as “hunt, harass, capture, or kill.” The MMPA provides an exemption for Alaska Natives, who

are allowed to hunt marine mammals for subsistence purposes and to create and sell authentic articles of handicraft and clothing made from marine mammal parts. The ESA also includes a provision that would allow Alaska Native residents of coastal villages to conduct subsistence harvesting of sea otters from the southwest Alaska DPS.

Will subsistence hunting be affected by this action?

No. The ESA (like the MMPA) has a provision that allows Alaska Natives to harvest listed species for subsistence purposes. This provision does not constitute a Federal connection, so there is no consultation required under the ESA.

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