Craig Fleener – Sea Otter Testimony – SB 60

- In 1960 Alaska assumed management authority for sea otters. The management program conducted by the state included the successful reintroduction of sea otters to unoccupied habitat in Southeast Alaska, British Columbia, and Washington.

- The reintroduction was conducted with the intent that the state would retain management authority in perpetuity. However, the MMPA removed management authority from the state in 1972, transferring authority to the USFWS and breaking the commitment made to the state.

- The MMPA, blindly and imprudently, provides all-encompassing protections for every marine mammal irrespective of their abundance, impact to other species, or detrimental impacts to humans.

- The MMPA prohibits the take (i.e., hunting, killing, capture, and /or harassment) of marine mammals, and enacts a moratorium on the import, export, and sale of marine mammal parts and products. However, coastal-dwelling Alaska Natives are provided an exemption to hunt marine mammals for subsistence purposes and the making and selling of authorized handicraft items. There is also an exception for entities that apply for and are granted authorization for the incidental take of marine mammals during the course of an otherwise legal activity (such as incidentally caught otters while commercial fishing).

- Congress found that sea otters should be maintained at their optimal sustainable population level. The MMPA defines OSP as "maximum productivity of the population" and further interpreted by the USFWS as meaning "species which is the largest supportable within the ecosystem to the population level that results in maximum net productivity."

- In 2013, the USFWS found the estimated abundance of sea otters in Southeast Alaska to be over 25,000 individuals, growing at a rate of 12-14% and, based on that rate, is likely nowhere near carrying capacity.

- Sea otters are members of the weasel family (Mustelidae) and are related to mink and river otters. Adult males weigh 70 to 90 pounds (32-41 kg) with some individuals weighing 100 pounds. Females average 40 to 60 pounds (18-27 kg). Adults may reach a length of 4.5 feet (1.4 m).

- Because sea otters don't have an insulating blubber layer, they depend upon air trapped in their fur and require about 25% of their body weight in food each day to help them maintain body temperature. Sea urchins, crabs, clams, mussels, octopus, other marine invertebrates, and fishes make up the normal diet of sea otters. They usually dive to the bottom in up to 300 feet of water and return with several items of food, roll on their backs, place the food on their chests and eat it piece by piece using their forepaws, sometimes with a rock to crack shells.

- A principle part of their diet is shellfish and marine invertebrates including abalone, sea cucumbers, urchins, and geoducks. In recent years, sea otters have been linked to declines in these species to a degree that has led to fisheries restrictions or closures.

- Dive fisheries impacted by sea otters, including Dungeness crab, red sea urchin, California sea cucumber, and geoduck clams, are valued at about 16 million dollars annually. Sea otters also consume, to a lesser degree, other commercially important species, including shrimp, tanner crab, red king crab, and pinto abalone. The dive fisheries in Ketchikan, Craig, Sitka, and Petersburg are likely losing $2 million each year because of sea otter depredation and, if the current trajectory continues, the Guideline Harvest Level (GHL) cannot sustain these fisheries.

- Sea otters are an important element of the Southeast Alaska ecosystem and should be managed under conservation principles that assure long-term health. However, sea otters should not be protected at the expense of other elements of the ecosystem. It is important to manage this species to assure it does not destroy the very ecosystem it depends on for its ultimate survival. Sea otters are having a significant predatory effect on shellfish in Southeast Alaska, especially on sea cucumbers and Dungeness crab.

- The State of Alaska (SOA) has long expressed grave concerns about the devastating impact Southeast Alaska sea otters are having on shellfish populations, subsistence and commercial fishing opportunities.

- Over the past several years the state has considered several options to return Southeast waters to a holistic and more sensible ecosystem-based approach that manages for sustainable shellfish and sea otter populations. These include:

    - Statutory change to ease restrictions on sale of hides.
    - Returning management authority to the SOA under state management mechanisms.
    - Legislative amendments that exempt states from the MMPA for species that states reintroduce.
    - Exempting sea otters in Southeast Alaska from the MMPA.
    - Assisting coastal Alaska Natives in developing MMPA-authorized co-management plans that focuses Alaskan Native sea otter harvest in important fishing areas.
    - Working with coastal Alaska Natives with funding applications that assist in revitalizing a Southeast Alaska cottage industry to promote sustainable economies, enhance availability of sea otter pelts for traditional regalia, and impart harvest, handling, and traditions to the next generation.

- The SOA long-term goals are to:

    - Continue to encourage the USFWS to ease overbearing federal enforcement on subsistence hunters.
    - Work with the USFWS to liberalize federal interpretation of “handicraft” item and “significantly altered” to be more responsive to the customs and traditions of coastal Alaska Natives.
    - Work with Congress to amend components of the Endangered Species Act and MMPA to better reflect the health and abundance of Southeast Alaska sea otter populations.
    - Work closely with Southeast Alaska coastal Natives to develop sea otter management plans that are compliant with the MMPA, encouraging increased sea otter harvest.

- Restore shellfish populations to healthy sustainable levels to meet subsistence needs and provide commercial fishing opportunities.
- Ensure holistic management approaches in Southeast Alaska that ensure the persistence of a fully functional and healthy coastal ecosystem.
- Seek federal reimbursement to commercial fishers for lost economic opportunity.