

4. **ENDANGERED SPECIES: Bush admin proposes critical habitat for Alaskan sea otters** (12/15/2008)

Patrick Reis, *E&ENews PM* reporter

The Fish and Wildlife Service released plans today to declare much of southwestern Alaska's coastline as critical habitat for sea otters, a move that environmentalists say could add regulatory hurdles to proposed oil and gas development there.

The habitat designation is part of a legal settlement with the Center for Biological Diversity, which successfully sued in 2005 to list Alaskan sea otters under the Endangered Species Act and again in 2007 to force FWS to declare critical habitat by October 2009. Studies show that species with critical habitat are twice as likely to recover as those without, the advocacy group said.

The service proposal declares 5,879 square miles as critical habitat, including all waters closer than 100 meters from the shore as well as all shallow-water kelp forests, which otters use for hunting and shelter. After taking public comment during the next 60 days, Interior Department officials will make final modifications to the proposal.

Under the Endangered Species Act, agencies are forbidden from engaging in any action on or near critical habitat that would destroy or diminish its ability to support the endangered animals or plants. Among those agencies is Interior's Minerals Management Service, which has proposed opening Bristol Bay and the North Aleutian Basin to oil and natural gas development in 2011.

While not directly in the proposed otter habitat, the MMS leases would be close enough to put otters at risk of an oil spill or other environmental hazards of energy development, said Brendan Cummings, an attorney for the environmental group. Oil spills would be disastrous to sea otters, which continually clean their fur to keep warm in icy waters. As many as 1,000 sea otters perished because of the Exxon Valdez oil spill in 1989.

"There's many reasons we believe leasing [in Bristol Bay] is not just unlawful but also nonsensical," Cummings said, also noting the area's salmon fisheries and endangered Pacific right whales. "Otter leasing adds further rationale for opposing the leases. I don't see how you can have oil leasing in Bristol Bay without it adversely modifying critical habitat."

The center had hoped the habitat proposal would be larger, including deeper water, Cummings said.

MMS officials were unavailable for comment. But Bruce Woods, a spokesman for FWS in Alaska, said much of the proposed critical habitat was in areas with little or no human activity and that the designation would have little effect on commercial fishing, drilling or oil transport.

"This is what our marine biologists determined the sea otter needed to recover," he said. "I'm not going to argue with someone who says adding more habitat would be more protective, but you have to draw a limit somewhere."

The exact causes of the otters' decline remain unknown, but biologists say an increase in predation from orcas, salmon sharks and other ocean predators is likely responsible. Woods said it's possible, though far from definitive, that the effects of climate change have driven predators away from their traditional hunting grounds and toward otter habitat.

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