

Endangered Species Updated - December 1996 - Vol. 13, No 12

The Role of Friends of the Sea Otter in Resource Protection

Ellen Faurot-Daniels and Donald C. Baur

Non-governmental organizations (NGOs) can make significant contributions to research and management discussions, planning, plan implementation, negotiations, political lobbying, funding procurement, education, and legal and citizen actions. Because they are not bound by the legal and regulatory encumbrances that government agencies often work under, NGOs are uniquely positioned to catalyze action, suggest and promote solutions to problems, and use the political process to achieve goals that often cannot be achieved by those working within government agencies.

This paper will focus on how Friends of the Sea Otter (FSO), as one example of an NGO, has operated in its effective and singular role as a conservation advocate. The paper looks briefly at the history of the organization, how it operates, and FSO's accomplishments and current focus.

How and why Friends of the Sea Otter was started

Friends of the Sea Otter began in 1968. It was born of the commitment of two people, Margaret Owings and Jim Mattison, Jr., to protect the southern sea otter against the threat of further endangerment or extinction. In the late 1960s the southern sea otter population was small, located only along a 150 mile band of central California coastline, and subject to strong competition from the commercial abalone fishery. There was a lack of knowledge about the behavior and biology of sea otters, and the range and seriousness of perceived threats to their populations. The focus of FSO's founders was to alert the public and elected officials to the pressures sea otter recovery was facing. The founders thought that the organization would be able to complete the task of sea otter protection within two years. What started as a two-person, grassroots effort has grown over the years into a well-established, highly respected conservation organization and the only advocacy group in the world exclusively dedicated to sea otters.

FSO currently has a staff of 5 full-time professionals, a 10 member Board of Trustees, a 15 member Scientific Advisory Council, and a membership of 4,000 that represents all 50 states and 20 foreign countries. In addition to work in the conservation policy realm, FSO has established an educational outreach program, responds to requests for information on sea otters, sponsors work with university interns studying sea otters, operates a retail/education Sea Otter Center, and operates a program for the identification and training of oil spill response volunteers (the COAST program).

Many of the issues that led to the formation of FSO have persisted in type and intensity, although varying in specifics. While the sea otter population is recovering in numbers, their range along the central California coast is still limited, and the threats from oil spills, human interactions, and environmental contamination are still very much present.

General operating principles

As a result of all the communications and actions required to put together cogent policy positions, FSO commonly is in the middle of a communications "node." This access to information and issues allows us to function effectively as a citizen-based action group.

Because FSO's focus is on the marine environment, for which the state and federal governments are the sole "landlords," it tends to look toward affecting government policy. FSO also puts a premium on collaboration with other non-profit organizations, government agencies, and scientific institutions. FSO can and does enlist the help of environmental lawyers in determining the best possible policy course to take; while lawsuits are used as a last resort, FSO will pursue that avenue if necessary.

FSO is sometimes consulted by institution and agency scientists and managers, and asked to participate in construction of management policy. Without exception, these instances of cooperative work have always benefited all parties. Because of this, there seems to be a slow awakening by other management agencies and institutions to the positive role NGOs can play if they are approached early in the decision-making process. Many conservation NGOs have access to excellent scientists, policy makers and lawyers, all of them conscious of the need to utilize the best possible evaluative tools available in reviewing a contentious issue.

FSO's contributions to sea otter conservation

Friends of the Sea Otter examines issues of fisheries utilization and conservation, plans for oil spill prevention and response, follows research on environmental contaminants, and endeavors to increase scientific and public understandings of fluctuations in sea otter numbers, distribution, and habitat utilization. FSO is involved in a variety of sea otter science and policy issues throughout the North Pacific, in negotiations of national and international environmental legislation, and in consultations for recovery planning for the southern sea otter. Some policy actions have been almost exclusively the province of FSO action, for example the listing of southern sea otters under the federal Endangered Species Act (ESA), and lobbying for restrictions on California coastal gillnets. Without the efforts of a focused advocacy group such as Friends of the Sea Otter, many of those accomplishments could not have been achieved. More important, perhaps, NGOs can choose to identify and implement appropriate solutions, not stopping with a simple acknowledgment and notification of a problem.

Over the years, the specific tasks and accomplishments of FSO have fallen into several different categories. The first is scientific research and monitoring. Examples include:

- establishing a scientific advisory council (including representatives from U.C. Santa Cruz and Stanford University);
- initiating studies on sea otter biology and behavior by providing financial support to field scientists;
- tracking fisheries monitoring and enforcement efforts of California Department of Fish and Game (CDFG) and U.S. Fish and Wildlife Service;
- participating in sea otter censuses on the mainland and San Nicolas Island; and
- establishing COAST (a volunteer oil spill response program).

A second area of FSO tasks and accomplishments is in the area of advocacy and lobbying, for example:

- testifying on California commercial fisheries legislation;
- providing Congressional testimony on marine mammal protective legislation;
- participating in reauthorizations of the Marine Mammal Protection Act, Endangered Species Act, Clean Water Act, and Magnuson Fisheries Act;
- providing legal challenges to Native Alaskan hunting rights;
- acquiring restrictions on use of coastal gill and trammel nets; and
- supporting establishment of the Monterey Bay National Marine Sanctuary.

Establishing funding for sea otter protection is another area of tasks, which include:

- procuring ongoing funding for CDFG marine enforcement programs;
- securing salary and operating funds for Russian sea otter biologists; and
- securing reallocation of federal funds to National Biological Service biologists.

Finally, FSO is involved with public education efforts, including:

- working with film producers, photographers and authors to relay the sea otter story;
- writing and circulating sea otter issue papers; and
- meeting with resource interest groups, industry, environmentalists, scientists, agency managers, politicians to discuss issues related to sea otter population or habitat protection.

Extensive effort is often expended on a particular issue. For instance, the 1977 listing of southern sea otters as threatened under the ESA and the 1986 restriction on use of coastal gill nets both involved extensive petitioning and meetings with agencies and politicians, in addition to preparation of political briefing and public education materials. The translocation of sea otters to San Nicolas Island (see Benz, Attempts to Reintroduce, this issue) involved 3 years of meetings, report reviews, and numerous phone and meeting conversations in addition to actual participation in the translocation effort and follow-up activities, which continue today. Work on designation of the Monterey Bay National Marine Sanctuary (see Saunders, this issue) involved a steady 10 year effort, and continues today with ongoing participation in conservation working groups, and review of Sanctuary regulations and proposed exemptions. The 1994 negotiations over the reauthorization of the Marine Mammal Protection Act involved several multi-day meetings, drafts and redrafts of language, conference calls to negotiation participants, and action alerts to members. Similarly, work involving the second southern sea otter recovery plan requires extensive efforts on the part of our science, policy, and legal experts spanning months or even years; efforts to implement our recommendations take even longer.

FSO's current focus

The recently released draft revised southern sea otter recovery plan (U.S. Fish and Wildlife Service 1996; see Benz, Recovery Plan, this issue) provides a timely example of how FSO identifies and resolves issues. FSO has a number of concerns with the second recovery plan, which fall into the following two categories.

Technical concerns

These are primarily based on the narrow focus of the recovery plan. The emphasis on calculating the number of sea otters needed to provide a margin of safety following a major oil spill downplays or ignores several other important considerations that need to be comprehensively addressed. These include the limited range and remaining threats within the range. Also, better oil spill prevention policies are needed to protect essential habitat. FSO believes that finding at least one tangible and significant oil spill prevention technique to formalize and implement will be the only way to effectively protect the coast and its resources.

A second area of concern is with the sea otter population health. Data from the past 5 years indicate that nearly 40% of the dead sea otters examined had an infection at the time of death (see Thomas and Cole, this issue). While the types of diseases have been catalogued, we know little about how sea otters encounter these diseases, if they are encountering them at greater rates than in the past, or whether their resistance to natural or new types of infections has changed. Research is necessary to determine sea otter infection rates, how and to what degree infections are communicable, and the incidence and impact of environmental contaminants, toxins, and parasites on sea otters and their critical habitat.

The second recovery plan recognizes the need to research the impact of sea otters on shellfish resources, but there is no identification of a similar need to study the abundance, distribution, and quality of food resources available to the sea otters. If sea otters within their current range become food-limited as a result of human overharvest of shellfish, or as a result of contamination of the food supply, then recovery levels sufficient for ESA delisting, and ongoing population stability, cannot be assured.

Legal concerns

The chief legal concern with the second recovery plan is the failure of the oil spill risk analysis to adopt the conservative approach required by the ESA. The efficacy of the second recovery plan relies upon the prediction that a 250,000 barrel oil spill would contact sea otters at least 10% of the time and result in no more than 800 otter deaths. This estimate does not comport with the legal intent that the ESA be administered in a conservative manner (i.e., to give the benefit of the doubt to the species).

A second area of concern is that the second recovery plan does not adequately address the full range of threats that caused the species to be listed as threatened in 1977. The risk posed by oil spills clearly was the greatest threat at the time. But all of the following threats also were identified: (1) increasing chemical, bacteriological and metal pollution; (2) inadequate habitat protection under existing law; (3) direct killings by shooting and collision with boats; and (4) restricted genetic diversity due to the severely reduced state of the population. As a matter of law, even if the second recovery plan established delisting criteria to address all of the original threats, the species could not be determined recovered unless any new threats also had been fully analyzed, addressed, and resolved.

Conclusion and recommendations

The next five years will be pivotal for sea otter research and recovery. The southern sea otter population has apparently done just well enough in terms of population growth to move it down the priority list in terms of U.S. Fish and Wildlife Service (FWS) management efforts and dollars. Ironically, federal management tends to be reduced just as species are on the brink of full recovery. With the ESA under attack, federal mandates for species' recovery at an all time high, and budgets for recovery efforts being cut, we are concerned that FWS involvement with sea otters has been lessened. However, FSO believes that we can utilize persistence, creativity and cooperative efforts among state and federal agencies, academic institutions, research facilities, industry, and conservation groups to successfully complete the task of southern sea otter recovery under the ESA.

We recommend two broad actions. First, the ESA needs to survive its next reauthorization with its basic protective tenets intact. This will involve extensive negotiations over at least the next year. FSO expects to be intensively involved in this effort.

Second, the most recent draft of the second southern sea otter recovery plan needs to be updated significantly as it moves toward its final form, and must be made to reflect new concerns over sea otter population health, and the need to provide more definitive habitat protection from oil spills. Equally important, mechanisms for implementing the final recommendations of the second recovery plan must be identified. Given the greatly decreased resources and efforts of the FWS directed toward southern sea otter recovery, cooperative linkages with other responsible research and policy partners must be forged and supported by the FWS. Toward that end, FSO will over the next year be working with institutions and agencies to (1) identify ESA pre-delisting goals; (2) identify policy development linkages; (3) conduct strategic planning for future research, keyed to the pre-delisting goals; (4) lobby to have consensus-based strategic planning and timetables become part of the second southern sea otter recovery plan; and (5) procure additional funding and policy support to achieve these goals.

Implementing these revisions would not only set the southern sea otter on a track for recovery on a reasonable schedule, but could serve as an example for other recovery plans on how to achieve agreement among interested parties. We encourage FWS to take advantage of this opportunity to

demonstrate just how effectively a recovery planning process under the ESA can work when a consultative process is used and proper consideration is given to the needs of the affected species. The second southern sea otter recovery plan can illustrate the necessity of a well-managed, adequately funded recovery planning process that calls upon the expertise of all affected parties.

It is in just these types of endeavors that NGOs such as FSO can be extremely effective. Partnered with the efforts of agencies and institutions, FSO can serve to ally disparate entities and catalyze positive change.

Literature Cited

U.S. Fish and Wildlife Service. 1996. Southern sea otter recovery plan, 1996 draft. Ventura, California. 41 pp.

Ellen Faurot-Daniels is Science Director with Friends of the Sea Otter. She previously served with the California Department of Fish and Game and the U.S. Fish and Wildlife Service on numerous sea otter research and habitat evaluation programs. Don Baur is a partner with the law firm of Perkins Coie. He has served as General Counsel of the Marine Mammal Commission and as an attorney in the Solicitor's Office of the Department of the Interior.

[back to index](#)