

111TH CONGRESS  
1ST SESSION

# H. R. 556

To establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2009

Mr. FARR (for himself, Mrs. CAPPS, Mr. HINCHEY, Mr. KENNEDY, Ms. LEE of California, Mr. HONDA, and Ms. ESHOO) introduced the following bill; which was referred to the Committee on Natural Resources

---

## A BILL

To establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Southern Sea Otter  
5 Recovery and Research Act”.

6 **SEC. 2. SOUTHERN SEA OTTER RECOVERY AND RESEARCH**  
7 **PROGRAM.**

8 (a) IN GENERAL.—The Secretary of the Interior, act-  
9 ing through the United States Fish and Wildlife Service,

1 shall carry out a recovery and research program for south-  
2 ern sea otter populations along the coast of California, in-  
3 formed by the prioritized research recommendations of the  
4 Final Revised Recovery Plan for the southern sea otter  
5 (*Enhydra lutris nereis*) published by the United States  
6 Fish and Wildlife Service and dated February 24, 2003,  
7 the Research Plan for California Sea Otter Recovery  
8 issued by the United States Fish and Wildlife Service  
9 Southern Sea Otter Recovery Implementation Team and  
10 dated March 2, 2007, and any other recovery or research  
11 plan adopted by the United States Fish and Wildlife Serv-  
12 ice after the date of enactment of this Act in accordance  
13 with otherwise applicable law. The Recovery and Research  
14 Program shall include the following:

15           (1) Monitoring, analysis, and assessment of  
16           southern sea otter population demographics, health,  
17           causes of mortality, and life history parameters, in-  
18           cluding range-wide population surveys.

19           (2) Development and implementation of meas-  
20           ures to reduce or eliminate potential factors limiting  
21           southern sea otter populations that are related to  
22           marine ecosystem health or human activities.

23           (b) SOUTHERN SEA OTTER RESEARCH AND RECOV-  
24           ERY GRANTS.—

1           (1) GRANT AUTHORITY.—The Secretary shall  
2           establish a peer-reviewed, merit-based process to  
3           award competitive grants for research regarding  
4           southern sea otters and for projects assisting the re-  
5           covery of southern sea otter populations.

6           (2) RESEARCH GRANT SUBJECTS.—Research  
7           funded with grants under this subsection shall be in  
8           accordance with the research goals recommended by  
9           the Committee under section 3, and may include the  
10          following topics:

11                   (A) Causes of sea otter mortality.

12                   (B) Southern sea otter demographics and  
13                   natural history.

14                   (C) Effects and sources of pollutants, nu-  
15                   trients, and toxicants on southern sea otters  
16                   and sequestration of contaminants.

17                   (D) Effects and sources of infectious dis-  
18                   eases and parasites affecting southern sea ot-  
19                   ters.

20                   (E) Limitations on the availability of food  
21                   resources for southern sea otters and the im-  
22                   pacts of food limitation on southern sea otter  
23                   carrying capacity.

1 (F) Interactions between southern sea ot-  
2 ters and coastal fisheries and other human ac-  
3 tivities in the marine environment.

4 (G) Assessment of the keystone ecological  
5 role of sea otters in southern and central Cali-  
6 fornia's coastal marine ecosystems, including  
7 both the direct and indirect effects of sea otter  
8 predation, especially as these effects influence  
9 human welfare, resource utilization, and eco-  
10 system services.

11 (H) Assessment of the adequacy of emer-  
12 gency response and contingency plans.

13 (3) RECOVERY PROJECT SUBJECTS.—Recovery  
14 projects funded with grants under this subsection  
15 shall be conducted in accordance with recovery goals  
16 recommended by the Southern Sea Otter Scientific  
17 Advisory Committee established under section 3 and  
18 approved by the Secretary, and may include projects  
19 to—

20 (A) protect and recover southern sea ot-  
21 ters;

22 (B) reduce, mitigate, or eliminate potential  
23 factors limiting southern sea otter populations  
24 that are related to human activities, including  
25 projects to—

1 (i) reduce, mitigate, or eliminate fac-  
2 tors contributing to mortality, adversely af-  
3 fecting health, or restricting distribution  
4 and abundance; and

5 (ii) reduce, mitigate, or eliminate fac-  
6 tors that harm or reduce the quality of  
7 southern sea otter habitat or the health of  
8 coastal marine ecosystems; and

9 (C) implement emergency response and  
10 contingency plans.

11 (4) RECOMMENDATION OF GRANTS BY SOUTH-  
12 ERN SEA OTTER SCIENTIFIC ADVISORY COM-  
13 MITTEE.—The Secretary—

14 (A) shall submit each grant proposal sub-  
15 mitted under this subsection to the Southern  
16 Sea Otter Scientific Advisory Committee estab-  
17 lished under section 3; and

18 (B) may not make a grant under this sec-  
19 tion unless the grant proposal has been re-  
20 viewed by the Committee.

21 (c) REPORT.—The Secretary shall—

22 (1) within 12 months after the date of enact-  
23 ment of this Act, report to Congress on—

24 (A) the status of southern sea otter popu-  
25 lations;

1 (B) implementation of the Recovery and  
2 Research Program and the grant program; and

3 (C) any relevant formal consultations con-  
4 ducted under section 7 of the Endangered Spe-  
5 cies Act of 1973 (16 U.S.C. 1536) with respect  
6 to the southern sea otter; and

7 (2) within 24 months after the date of enact-  
8 ment of this Act and every 5 years thereafter, and  
9 in consultation with the Southern Sea Otter Sci-  
10 entific Advisory Committee established under section  
11 3, report to Congress and the public on—

12 (A) an evaluation of southern sea otter  
13 health, causes of southern sea otter mortality,  
14 and the interactions of southern sea otters with  
15 California’s coastal marine ecosystems;

16 (B) an evaluation of actions taken to im-  
17 prove southern sea otter health, reduce south-  
18 ern sea otter mortality, and improve southern  
19 sea otter habitat; and

20 (C) recommendation for actions, pursuant  
21 to current law, to improve southern sea otter  
22 health, reduce the occurrence of human-related  
23 mortality, and improve the health of such coast-  
24 al marine ecosystems.

1 **SEC. 3. SOUTHERN SEA OTTER SCIENTIFIC ADVISORY COM-**  
2 **MITTEE.**

3 (a) ESTABLISHMENT.—The Secretary shall establish  
4 and appoint the members of a Southern Sea Otter Sci-  
5 entific Advisory Committee in accordance with this sec-  
6 tion. The Federal Advisory Committee Act (5 App.  
7 U.S.C.) shall not apply to the Committee.

8 (b) FUNCTIONS.—The Committee shall advise the  
9 Secretary on—

10 (1) research goals and priorities for the Recov-  
11 ery and Research Program;

12 (2) overall recovery actions necessary to imple-  
13 ment the Recovery and Research Program;

14 (3) revisions to the Final Revised Recovery  
15 Plan referred to in section 2(a) as new information  
16 is obtained or unexpected conservation issues requir-  
17 ing additional research arise;

18 (4) scientific merit and quality of southern sea  
19 otter research proposals submitted for grants under  
20 section 2(b) in response to a request by the Sec-  
21 retary for proposals, based on the research and re-  
22 covery goals and priorities recommended by the  
23 Committee; and

24 (5) proposals that merit funding with such  
25 grants.

1 (c) MEMBERSHIP.—The Secretary shall appoint as  
2 members of the Committee—

3 (1) the Executive Director of the Marine Mam-  
4 mal Commission (or his or her designee); and

5 (2) in consultation with the Marine Mammal  
6 Commission, no more than 9 individuals with a doc-  
7 torate, graduate degrees, or knowledge and experi-  
8 ence in marine science; sea otter science; conserva-  
9 tion and management; sea otter veterinary, pathol-  
10 ogy, and husbandry practices; fishing practices; fish-  
11 ery science; nearshore and intertidal ecology; or  
12 other related disciplines or issue areas.

13 (d) TERMS.—

14 (1) IN GENERAL.—Except as provided in para-  
15 graph (2), the term of a member of the Committee  
16 shall be 3 years.

17 (2) INITIAL APPOINTMENTS.—Of the members  
18 first appointed as members of the Committee—

19 (A) 3 shall be appointed to an initial term  
20 of 1 year; and

21 (B) 3 shall be appointed to an initial term  
22 of 2 years.

23 (e) CONFLICTS OF INTEREST.—A member of the  
24 Committee who participated in the development of a pro-  
25 posal may not participate in the review and recommenda-



1 tion, by the Committee under this section, of grants with  
2 respect to the proposal.

3 **SEC. 4. DEFINITIONS.**

4 In this Act:

5 (1) COMMITTEE.—The term “Committee”  
6 means the Southern Sea Otter Scientific Advisory  
7 Committee established under section 3.

8 (2) RECOVERY AND RESEARCH PROGRAM.—The  
9 term “Recovery and Research Program” means the  
10 recovery and research program under section 2(a).

11 (3) SECRETARY.—The term “Secretary” means  
12 the Secretary of the Interior, acting through the  
13 United States Fish and Wildlife Service.

14 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There is authorized to be appro-  
16 priated to the Secretary to carry out this Act \$5,000,000  
17 for each of fiscal years 2010 through 2015 of which—

18 (1) no less than 30 percent shall be for research  
19 grants under section 2(b)(2); and

20 (2) no less than 30 percent shall be for recovery  
21 projects under section 2(b)(3).

22 (b) ADMINISTRATIVE EXPENSES.—Of amounts avail-  
23 able each fiscal year to carry out this Act, the Secretary

1 may expend not more than 7 percent to pay the adminis-  
2 trative expenses necessary to carry out this Act.

○