

111TH CONGRESS  
1ST SESSION

# H. R. 556

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IN THE SENATE OF THE UNITED STATES

JULY 29, 2009

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. SOUTHERN SEA OTTER RECOVERY AND RESEARCH**  
5 **PROGRAM.**

6 (a) IN GENERAL.—The Secretary of the Interior, act-  
7 ing through the United States Fish and Wildlife Service  
8 and the United States Geological Survey, shall carry out  
9 a recovery and research program for southern sea otter  
10 populations along the coast of California, informed by the  
11 prioritized research recommendations of the Final Revised  
12 Recovery Plan for the southern sea otter (*Enhydra lutris*  
13 *neréis*) published by the United States Fish and Wildlife  
14 Service and dated February 24, 2003, the Research Plan  
15 for California Sea Otter Recovery issued by the United  
16 States Fish and Wildlife Service Southern Sea Otter Re-  
17 covery Implementation Team and dated March 2, 2007,  
18 and any other recovery, research, or conservation plan  
19 adopted by the United States Fish and Wildlife Service  
20 after the date of enactment of this Act in accordance with  
21 otherwise applicable law. The Recovery and Research Pro-  
22 gram shall include the following:

23 (1) Monitoring, analysis, and assessment of  
24 southern sea otter population demographics, health,  
25 causes of mortality, and life history parameters, in-  
26 cluding range-wide population surveys.

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

5           (b) REAPPOINTMENT OF RECOVERY IMPLEMENTA-  
6           TION TEAM.—Not later than one year after the date of  
7           enactment of this Act, the Secretary shall appoint persons  
8           to a southern sea otter recovery implementation team as  
9           authorized under section 4(f)(2) of the Endangered Spe-  
10          cies Act of 1973 (16 U.S.C. 1533(f)(2)).

11          (c) SOUTHERN SEA OTTER RESEARCH AND RECOV-  
12          ERY GRANTS.—

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

18           (2) PEER REVIEW PANEL.—The Secretary shall  
19           establish as necessary a peer review panel to provide  
20           scientific advice and guidance to prioritize proposals  
21           for grants under this subsection.

22           (3) RESEARCH GRANT SUBJECTS.—Research  
23           funded with grants under this subsection shall be in  
24           accordance with the research recommendations of

1 any plan referred to in subsection (a), and may in-  
2 clude the following topics:

3 (A) Causes of sea otter mortality.

4 (B) Southern sea otter demographics and  
5 natural history.

6 (C) Effects and sources of pollutants, nu-  
7 trients, and toxicants on southern sea otters  
8 and sequestration of contaminants.

9 (D) Effects and sources of infectious dis-  
10 eases and parasites affecting southern sea ot-  
11 ters.

12 (E) Limitations on the availability of food  
13 resources for southern sea otters and the im-  
14 pacts of food limitation on southern sea otter  
15 carrying capacity.

16 (F) Interactions between southern sea ot-  
17 ters and coastal fisheries and other human ac-  
18 tivities in the marine environment.

19 (G) Assessment of the keystone ecological  
20 role of sea otters in southern and central Cali-  
21 fornia's coastal marine ecosystems, including  
22 both the direct and indirect effects of sea otter  
23 predation, especially as these effects influence  
24 human welfare, resource utilization, and eco-  
25 system services.

1 (H) Assessment of the adequacy of emer-  
2 gency response and contingency plans.

3 (4) RECOVERY PROJECT SUBJECTS.—Recovery  
4 projects funded with grants under this subsection  
5 shall be conducted in accordance with recovery rec-  
6 ommendations of any plan referred to in subsection  
7 (a), and may include projects to—

8 (A) protect and recover southern sea ot-  
9 ters;

10 (B) reduce, mitigate, or eliminate potential  
11 factors limiting southern sea otter populations  
12 that are related to human activities, including  
13 projects to—

14 (i) reduce, mitigate, or eliminate fac-  
15 tors contributing to mortality, adversely af-  
16 fecting health, or restricting distribution  
17 and abundance; and

18 (ii) reduce, mitigate, or eliminate fac-  
19 tors that harm or reduce the quality of  
20 southern sea otter habitat or the health of  
21 coastal marine ecosystems; and

22 (C) implement emergency response and  
23 contingency plans.

24 (d) REPORT.—The Secretary shall—

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

3                   (A) the status of southern sea otter popu-  
4                   lations;

5                   (B) implementation of the Recovery and  
6                   Research Program and the grant program; and

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

11           (2) within 24 months after the date of enact-  
12           ment of this Act and every 5 years thereafter, and  
13           in consultation with a southern sea otter recovery  
14           implementation team (if any) that is otherwise being  
15           utilized by the Secretary under section 4(f) of the  
16           Endangered Species Act of 1973 (16 U.S.C.  
17           1533(f)), report to Congress and the public on—

18                   (A) an evaluation of southern sea otter  
19                   health, causes of southern sea otter mortality,  
20                   and the interactions of southern sea otters with  
21                   California’s coastal marine ecosystems;

22                   (B) an evaluation of actions taken to im-  
23                   prove southern sea otter health, reduce south-  
24                   ern sea otter mortality, and improve southern  
25                   sea otter habitat;

1 (C) recommendation for actions, pursuant  
2 to current law, to improve southern sea otter  
3 health, reduce the occurrence of human-related  
4 mortality, and improve the health of such coast-  
5 al marine ecosystems; and

6 (D) recommendations for funding to carry  
7 out this Act.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

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

13 (2) SECRETARY.—The term “Secretary” means  
14 the Secretary of the Interior, acting through the  
15 United States Fish and Wildlife Service and the  
16 United States Geological Survey.

17 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

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

21 (1) no less than 30 percent shall be for research  
22 grants under section 2(c)(3); and

23 (2) no less than 30 percent shall be for recovery  
24 projects under section 2(c)(4).

1 (b) ADMINISTRATIVE EXPENSES.—Of amounts avail-  
2 able each fiscal year to carry out this Act, the Secretary  
3 may expend not more than 7 percent to pay the adminis-  
4 trative expenses necessary to carry out this Act.

5 **SEC. 5. TERMINATION.**

6 This Act shall have no force or effect on and after  
7 the date the Secretary (as that term is used in section  
8 4(c)(2) of the Endangered Species Act of 1973 (16 U.S.C.  
9 1533(c)(2)) publishes a determination that the southern  
10 sea otter should be removed from the lists published under  
11 section 4(c) of the Endangered Species Act of 1973 (16  
12 U.S.C. 1533(c)).

Passed the House of Representatives July 28, 2009.

Attest: LORRAINE C. MILLER,  
*Clerk.*