

Union Calendar No. 92

111TH CONGRESS
1ST SESSION

H. R. 556

[Report No. 111-175]

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

JUNE 23, 2009

Additional sponsors: Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Ms. HIRONO, Mr. FILNER, Mr. HODES, Mr. MCNERNEY, Mr. ROTHMAN of New Jersey, Mr. CONNOLLY of Virginia, Mr. SCHIFF, Mr. BERMAN, Mr. WAXMAN, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. VAN HOLLEN, Mr. McDERMOTT, Mr. BLUMENAUER, Mr. NEAL of Massachusetts, Mr. NADLER of New York, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. SESTAK, Mr. HOLT, Mr. SMITH of New Jersey, Ms. ZOE LOFGREN of California, and Ms. HARMAN

JUNE 23, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 15, 2009]

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

1 (1) *Monitoring, analysis, and assessment of*
2 *southern sea otter population demographics, health,*
3 *causes of mortality, and life history parameters, in-*
4 *cluding range-wide population surveys.*

5 (2) *Development and implementation of meas-*
6 *ures to reduce or eliminate potential factors limiting*
7 *southern sea otter populations that are related to ma-*
8 *rine ecosystem health or human activities.*

9 (b) *REAPPOINTMENT OF RECOVERY IMPLEMENTATION*
10 *TEAM.*—*Not later than one year after the date of enactment*
11 *of this Act, the Secretary shall appoint persons to a south-*
12 *ern sea otter recovery implementation team as authorized*
13 *under section 4(f)(2) of the Endangered Species Act of 1973*
14 *(16 U.S.C. 1533(f)(2)).*

15 (c) *SOUTHERN SEA OTTER RESEARCH AND RECOVERY*
16 *GRANTS.*—

17 (1) *GRANT AUTHORITY.*—*The Secretary shall es-*
18 *tablish a peer-reviewed, merit-based process to award*
19 *competitive grants for research regarding southern sea*
20 *otters and for projects assisting the recovery of south-*
21 *ern sea otter populations.*

22 (2) *PEER REVIEW PANEL.*—*The Secretary shall*
23 *establish as necessary a peer review panel to provide*
24 *scientific advice and guidance to prioritize proposals*
25 *for grants under this subsection.*

1 (3) *RESEARCH GRANT SUBJECTS.*—*Research*
2 *funded with grants under this subsection shall be in*
3 *accordance with the research recommendations of any*
4 *plan referred to in subsection (a), and may include*
5 *the following topics:*

6 (A) *Causes of sea otter mortality.*

7 (B) *Southern sea otter demographics and*
8 *natural history.*

9 (C) *Effects and sources of pollutants, nutri-*
10 *ents, and toxicants on southern sea otters and se-*
11 *questration of contaminants.*

12 (D) *Effects and sources of infectious diseases*
13 *and parasites affecting southern sea otters.*

14 (E) *Limitations on the availability of food*
15 *resources for southern sea otters and the impacts*
16 *of food limitation on southern sea otter carrying*
17 *capacity.*

18 (F) *Interactions between southern sea otters*
19 *and coastal fisheries and other human activities*
20 *in the marine environment.*

21 (G) *Assessment of the keystone ecological*
22 *role of sea otters in southern and central Califor-*
23 *nia's coastal marine ecosystems, including both*
24 *the direct and indirect effects of sea otter preda-*
25 *tion, especially as these effects influence human*

1 welfare, resource utilization, and ecosystem serv-
2 ices.

3 (H) *Assessment of the adequacy of emer-*
4 gency response and contingency plans.

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

10 (A) *protect and recover southern sea otters;*

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

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

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

23 (C) *implement emergency response and con-*
24 *tingency plans.*

25 (d) *REPORT.*—*The Secretary shall—*

1 (1) *within 12 months after the date of enactment*
2 *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 Species*
9 *Act of 1973 (16 U.S.C. 1536) with respect to the*
10 *southern sea otter; and*

11 (2) *within 24 months after the date of enactment*
12 *of this Act and every 5 years thereafter, and in con-*
13 *sultation with a southern sea otter recovery imple-*
14 *mentation team (if any) that is otherwise being uti-*
15 *lized by the Secretary under section 4(f) of the En-*
16 *dangered Species Act of 1973 (16 U.S.C. 1533(f)), re-*
17 *port 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 southern*
24 *sea otter mortality, and improve southern sea*
25 *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 coastal
5 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 administra-
4 tive expenses necessary to carry out this Act.

5 **SEC. 5. TERMINATION.**

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

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