

111TH CONGRESS
1ST SESSION

H. R. 556

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:

Clerk.

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