

108TH CONGRESS
1ST SESSION

H. R. 3545

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 2003

Mr. FARR introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish a program of research 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. FINDINGS.**

7 The Congress finds the following:

8 (1) Sea otters were hunted to near extinction in
9 the 18th and 19th centuries along the west coast of
10 the United States. Today a small population of

1 southern sea otters exists along the California coast-
2 line.

3 (2) Southern sea otters are listed as a threat-
4 ened species under the Endangered Species Act of
5 1973, and are recognized as depleted under the Ma-
6 rine Mammal Protection Act of 1972.

7 (3) Southern sea otters have educational, eco-
8 nomic, ecological, and scientific importance to the
9 people of California and the Nation.

10 (4) Recent studies have—

11 (A) determined that an elevated level of
12 mortality, particularly in adult southern sea ot-
13 ters, is limiting recovery of the population; and

14 (B) determined that the major threats to
15 the southern sea otter are largely due to de-
16 graded marine ecosystems, including infectious
17 diseases, sequestration of contaminants, food
18 resource limitations, and coastal oil spills.

19 (5) Enactment of provisions to implement the
20 United States Fish and Wildlife Service document
21 entitled “Final Revised Recovery Plan for the South-
22 ern Sea Otter (*Enhydra lutris nereis*”) could lead to
23 delisting of the southern sea otter under the Endan-
24 gered Species Act of 1973.

1 (6) Research underlies every aspect of recov-
2 ering southern sea otter populations, educating citi-
3 zens and stakeholders, and restoring coastal eco-
4 systems.

5 **SEC. 3. SOUTHERN SEA OTTER RECOVERY PROGRAM.**

6 (a) IN GENERAL.—The Secretary of the Interior, act-
7 ing through the United States Fish and Wildlife Service
8 (in this Act referred to as the “Secretary”), shall carry
9 out a recovery program for southern sea otter populations
10 along the coast of California. The recovery program shall
11 include the following:

12 (1) Monitoring and analysis of southern sea
13 otter population demographics and life history pa-
14 rameters, including a biannual population census.

15 (2) Protection of southern sea otter popu-
16 lations.

17 (3) Reduction or elimination of potential factors
18 limiting southern sea otter populations that are re-
19 lated to human activities.

20 (4) Assessment of southern sea otter health in
21 accordance with the Southern Sea Otter Health As-
22 sessment Plan developed under subsection (c).

23 (5) Education and outreach to the public about
24 southern sea otters and their survival.

1 (b) ANNUAL REPORT.—The Secretary shall annually
2 submit to the Congress a report on the status of southern
3 sea otter populations.

4 (c) HEALTH ASSESSMENT PLAN.—The Secretary
5 shall—

6 (1) in consultation with the Southern Sea Otter
7 Recovery Implementation Team established under
8 section 5, develop a Southern Sea Otter Health As-
9 sessment Plan;

10 (2) collect and analyze tissue samples from
11 southern sea otters;

12 (3) after such analysis, submit the tissue sam-
13 ples to the Secretary of Commerce for inclusion in
14 the National Marine Mammal Tissue Bank provided
15 for under section 407 of the Marine Mammal Pro-
16 tection Act of 1972 (16 U.S.C. 1421f) to allow for
17 managed access to the tissues by other researchers;
18 and

19 (4) review progress on the implementation of
20 the Southern Sea Otter Health Assessment Plan de-
21 veloped under paragraph (1) and report the status
22 of the plan as part of the report under subsection
23 (b).

1 (d) CONTENTS OF PLAN.—The Southern Sea Otter
2 Health Assessment Plan developed under subsection
3 (a)(1) shall include—

4 (1) mechanisms to assess and evaluate, among
5 other matters, the immunology, virology, toxicology,
6 parasitology, endocrinology, and nutritional status of
7 southern sea otters; and

8 (2) identification of centers of expertise and re-
9 sources to implement the plan.

10 (e) PROMOTION OF ECOSYSTEM SUSTAINABILITY.—
11 In implementing this section, the Secretary shall seek to
12 promote ecosystem sustainability, in cooperation with the
13 Secretary of Commerce and State fisheries management
14 agencies.

15 **SEC. 4. SOUTHERN SEA OTTER RESEARCH PROGRAM.**

16 (a) GRANT AUTHORITY.—The Secretary of the Inte-
17 rior shall award competitive grants to support research re-
18 garding southern sea otters.

19 (b) RESEARCH SUBJECTS.—Research funded with
20 grants under this section—

21 (1) shall be in accordance with the research
22 goals established by the Sea Otter Recovery Imple-
23 mentation Team under section 5; and

24 (2) shall include the following topics:

1 (A) Southern sea otter demographics and
2 natural history.

3 (B) Contaminant sequestration.

4 (C) Infectious diseases and parasites af-
5 fecting southern sea otters.

6 (D) Limitations on the availability of food
7 resources for southern sea otters.

8 (c) RECOMMENDATION OF GRANTS BY ADVISORY
9 BOARD REQUIRED.—The Secretary—

10 (1) shall submit each grant proposal submitted
11 under this section to the Southern Sea Otter Recov-
12 ery Implementation Team established under section
13 5; and

14 (2) may not make a grant under this section
15 unless the grant proposal has been recommended by
16 such Team.

17 **SEC. 5. SOUTHERN SEA OTTER RECOVERY IMPLEMENTA-**
18 **TION TEAM.**

19 (a) ESTABLISHMENT.—The Secretary of the Interior
20 shall establish the Southern Sea Otter Recovery Imple-
21 mentation Team (in this section referred to as the
22 “Team”). The Federal Advisory Committee Act (5 App.
23 U.S.C.) shall not apply to the Team.

24 (b) FUNCTIONS.—The Team shall—

1 (1) make recommendations to the Secretary re-
2 garding overall southern sea otter recovery program
3 administration and research goals;

4 (2) serve as a link between the recovery pro-
5 gram and stakeholders;

6 (3) review the recommendations of the Sci-
7 entific Advisory Committee established by section 6;
8 and

9 (4) make recommendations to the Secretary re-
10 garding funding of scientific research under section
11 4.

12 (c) MEMBERSHIP.—

13 (1) IN GENERAL.—The Team shall have bal-
14 anced representation and shall consist of no more
15 than 13 members. The Secretary shall, in consulta-
16 tion with the Marine Mammal Commission, appoint
17 members of the Team from among—

18 (A) individuals who are representatives of
19 Federal, State, or local agencies with expertise
20 in sea otter management;

21 (B) individuals who are representatives of
22 local marine user groups;

23 (C) individuals who are representatives of
24 marine conservation and other public interest
25 organizations;

1 (D) individuals who are representatives of
2 organizations involved in southern sea otter res-
3 cue, rehabilitation, and release; and

4 (E) individuals who are representatives of
5 scientific and educational organizations.

6 (2) CHAIRMAN.—The Team shall elect a mem-
7 ber of the Team as chairman of the Team for a
8 term of 3 years. A member of the Team may not
9 serve more than 2 terms as chairman.

10 (d) CONFLICTS OF INTEREST.—A member of the
11 Team who participated in the development of a proposal
12 may not participate in the review and recommendation of
13 grants under section 4(c) with respect to the proposal by
14 the Team.

15 (e) STAFFING AND ASSISTANCE.—The Secretary may
16 make available to the Team any staff, information, admin-
17 istrative services, or assistance the Secretary determines
18 is reasonably required to enable the Team to carry out
19 its function.

20 (f) ADMINISTRATION.—

21 (1) INTERNAL ADMINISTRATIVE REGULA-
22 TIONS.—The Team shall adopt rules, procedures,
23 and other internal administrative regulations as may
24 be necessary to carry out its functions.

1 (2) SUBSIDIARY BODIES.—The Team may es-
2 tablish such subsidiary bodies as it considers nec-
3 essary to carry out its functions.

4 (g) PUBLIC PARTICIPATION AND PROCEDURAL MAT-
5 TERS.—The following apply with respect to the conduct
6 of business meetings of the Team:

7 (1) Each meeting shall be open to the public,
8 and interested persons shall be allowed to present
9 oral or written statements on items on the agenda.

10 (2) Regular business meetings of the Team
11 shall occur at least once a year. Other extraordinary
12 meetings of the Team may be held at the call of the
13 chairman.

14 (3) Timely notice of each meeting, including the
15 time, place, and agenda of the meeting, shall be pub-
16 lished locally and in the Federal Register.

17 (4) Minutes of each meeting shall be kept, and
18 shall contain a summary of attendees and matters
19 discussed.

20 **SEC. 6. SCIENTIFIC ADVISORY COMMITTEE.**

21 (a) ESTABLISHMENT.—The Secretary shall establish
22 the Southern Sea Otter Recovery Scientific Advisory Com-
23 mittee (in this section referred to as the “Advisory Com-
24 mittee”). The Federal Advisory Committee Act (5 App.
25 U.S.C.) shall not apply to the Advisory Committee.

1 (b) FUNCTIONS.—The Advisory Committee shall—

2 (1) evaluate the scientific merit and quality of
3 southern sea otter research proposals submitted for
4 funding in response to a request by the Secretary for
5 proposals, based on the research goals established by
6 the Secretary; and

7 (2) make recommendations to the Southern Sea
8 Otter Recovery Implementation Team established by
9 section 5 regarding funding of such proposals.

10 (c) MEMBERSHIP.—The Advisory Committee shall
11 have balanced representation, and shall consist of no more
12 than 11 members appointed by the Secretary from among
13 individuals with a doctorate or equivalent education de-
14 gree. The Secretary shall, in consultation with the Marine
15 Mammal Commission and the Sea Otter Recovery Imple-
16 mentation Team established under section 5, appoint
17 members of the Team from among—

18 (1) representatives of Federal, State, or local
19 agencies with expertise in sea otter management;

20 (2) representatives of local marine user groups;

21 (3) representatives of marine conservation and
22 other public interest organizations;

23 (4) representatives of organizations involved in
24 southern sea otter rescue, rehabilitation, and release;
25 and

1 (5) representatives of scientific and educational
2 organizations.

3 (d) TERMS.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the term of a member of the Advisory
6 Committee shall be 3 years.

7 (2) INITIAL APPOINTMENTS.—Of the members
8 first appointed as members of the Advisory Com-
9 mittee—

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

12 (B) 3 shall be appointed to an initial term
13 of 2 years.

14 (e) CONFLICTS OF INTEREST.—A member of the Ad-
15 visory Committee who participated in the development of
16 a proposal may not participate in the review and rec-
17 ommendation of grants under section 4(c) with respect to
18 the proposal by the Advisory Committee.

19 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There is authorized to be appro-
21 priated to the Secretary of the Interior to carry out this
22 Act \$5,000,000 for each of fiscal years 2004 through
23 2009, of which \$2,000,000 each fiscal year shall be for
24 grants under section 4.

1 (b) ADMINISTRATIVE EXPENSES.—Of amounts avail-
2 able each fiscal year to carry out section 6, the Secretary
3 may expend not more than 6 percent or \$80,000, which-
4 ever is greater, to pay the administrative expenses nec-
5 essary to carry out section 6.

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