Written Statement of
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Chairwoman Bordallo, Ranking Member Brown, Members of the Subcommittee, and staff. Thank you very much for the opportunity to testify on "The Southern Sea Otter Recovery and Research Act" (H.R. 3639). My name is Jim Curland. I am the marine program associate for Defenders of Wildlife. I am based in the Monterey Bay area in California and have been working on sea otter conservation issues for 10 years and studied sea otters as part of my graduate work another 9 years before that. Defenders of Wildlife is dedicated to the protection and restoration of native animals and plants in their natural communities. We represent more than 1 million members and supporters nationwide.

Defenders of Wildlife is committed to conserving and recovering the southern sea otter. We work closely with researchers to identify the best conservation science and needs to promote the recovery of the sea otter. We also work to educate the public about the threats currently facing the sea otter. For example, through an annual Sea Otter Awareness Week, we engage public, schools, research institutions, federal and state agencies, zoos and aquariums, and others through a series of events highlighting the sea otter and its importance to the nearshore ecosystem it occupies.

This statement represents a coalition of conservation groups that work on sea otter conservation issues: Defenders of Wildlife, Friends of the Sea Otter, The Humane Society of the United States, The Ocean Conservancy, and Oceans Public Trust Initiative, a project of Earth Island Institute's International Marine Mammal Project. Collectively, the conservation community has been working to protect and conserve sea otters for 40 years, and we represent over ten million members.

First, let me thank you for the opportunity to submit these written comments. This hearing highlights the importance of pending federal legislation, which, if enacted, would provide critical funding for the recovery of the southern, or California sea otter. "The Southern Sea Otter Recovery and Research Act" was introduced by Congressman Sam Farr in December 2003. Our organizations strongly support H.R. 3639 and believe that passage of this legislation is vital to the implementation of the Southern Sea Otter Recovery Plan, issued by

the U.S. Fish and Wildlife Service in 2003.

BACKGROUND

The southern sea otter, *Enhydra lutris nereis*, once ranged from Baja California to the Pacific Northwest. Estimates of the historical population of southern sea otters in California are 16,000, and range-wide at 150,000 to 300,000, and possibly more than a million animals.

During the 1700s and 1800s, commercial hunters nearly exterminated the sea otters, which were captured for their pelts. By 1900, it was widely believed that the population had become extinct. In 1938, however, an estimated 50 survivors were discovered near the Bixby Bridge off of the Big Sur coast.

Southern sea otters currently inhabit the shallow coastal wasters along San Mateo, Santa Cruz, Monterey, San Luis Obispo, and Santa Barbara Counties, and at San Nicolas Island in the Channel Islands. Under the protections of the International Fur Seal Treaty of 1911, which banned the hunting of sea otters and fur seals on the high seas, the southern sea otter population began to slowly grow larger. Additionally, in 1913, the California State legislature passed legislation to "ensure continued sea otter existence" as the sea otter was listed in California Fish and Game Code section 4700, which prohibits the intentional take of these animals except for scientific research.

The 1970s, however, saw a continued lack of species recovery, increased scientific understanding, and the upsurge of human activities that placed the sea otters at risk. In addition, the relatively new Marine Mammal Protection Act (MMPA) of 1972, 16 U.S.C. § 1361 *et seq*. and Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531, provided new tools for species protection and to facilitate species recovery.

On May 22, 1975, the Fund for Animals, Inc., requested that the U.S. Fish and Wildlife Service (Service) list as endangered 216 taxa of plants and animals under the ESA. Among the species requested for listing was the southern sea otter. The majority of the taxa were listed as endangered species by the Service in the Federal Register of June 14, 1976. The southern sea otter, however, was not among the species listed. The Service stated at the time that there was still a substantial amount of data that still had to be analyzed, and that the determination of the species' status under the ESA would have to be delayed.

In connection with the final rulemaking process, the Service opened the subject to public comment. The Service received 291 comments regarding the southern sea otter during this final rulemaking process. Of these, 289 supported listing the southern sea otter as an endangered species.

Among the threats that were identified were: the possible loss of genetic diversity and impacts on the adaptability of the species; chemical, bacteriological, and metal pollution that had increased in the natural habitat range of the sea otter; the possibility of a major oil spill that could decimate a large portion of the population; and direct human kills. Comments touched on these points, and additionally laid emphasis on the issue of competition for food resources between sea otters and sport and commercial fishing. Rapid human population growth, coupled with heavy sport and commercial pressures depleted the shellfish fisheries upon which the sea otters depend, and contributed to ill feelings toward, and direct kills of,

sea otters. Among the comments supporting an endangered status for the southern sea otter were letters from professors and researchers in biological science fields, and the Director of the California Academy of Sciences. Their letters expressed concern regarding factors such as potential oil spills, pollution, direct killing by man, and the loss of genetic diversity within the southern sea otter population. In addition, the Service was presented with a petition that had been signed by many hundreds of people advocating an endangered designation.

The Marine Mammal Commission (Commission), in a June 1, 1976 letter, provided recommendations to the Service regarding the southern sea otter. The Commission stated that although the exact population size and rate of growth were uncertain, it was known that the population of southern sea otters was increasing in both range and number, and, if permitted, would continue to do so. Thus, the southern sea otter was not considered to be endangered. The identified threats were problems, however, that could potentially place large numbers of the population in jeopardy. The most serious of the identified problems was the threat posed by a potential oil spill, and the large impact that it would have on the population. Taking this into consideration, the Commission recommended that the Service list the southern sea otter as a threatened species under the ESA.

The southern sea otter was listed as a threatened species under the ESA in a final rule in the Federal Register on January 14, 1977. The Service, in its published final rule, evaluated the five factors found in section 4(a) of the Act. The first factor is the present or threatened destruction, modification, or curtailment of the habitat or range of the southern sea otter. The Service found that there was no question that the sea otter's range in 1977 was much reduced from its historical range. With that in mind, the Service noted that a catastrophic event such as an oil spill in that area could have devastating effects on sea otters. At the same time, the sea otter had made a comeback, seemed relatively dense in its occupied area, and did not seem in any immediate danger. The second factor is the over utilization of sea otters for commercial, sporting, scientific, or educational purpose. The Service noted that the original decline of sea otters was due to over utilization through commercial hunting, but noted that through State, Federal, and International protection, this factor was no longer a problem. The third factor is disease and predation, and the Service found that there was not evidence that supported this as a serious threat at that time. The fourth factor is the inadequacy of existing regulations. The Service found that while State, Federal and International laws protected sea otters from direct taking, no protection was given to their habitat, and this situation would be improved through an application of section 7 of the ESA. The fifth and final factor are other general natural or manmade factors that affect the continued existence of sea otters. The Service here recognized the potential harms of restricted genetic diversity resulting from low population numbers, as well as the serious potential threat of a major spill from an oil tanker or oil unloading facility in making the decision to list the southern sea otter as a threatened species.

THE HISTORY OF THE SOUTHERN SEA OTTER RECOVERY PLAN

The Service formed the Recovery Team and finalized a Recovery Plan (Plan) for the species in 1982, five years following the listing of the southern sea otter as "threatened" under the ESA in 1977. In 1989, the Service reconvened the Recovery Team for the purpose of reviewing and recommending changes to the then-existing Plan.

A draft revised Plan for the southern sea otter was completed in 1991. The Recovery Team lacked information to quantify particular risks to the sea otter population, such as that of major oil spills, and, therefore, recommended that "the threshold for delisting under the ESA be made equivalent to the lower limit of the optimum sustainable population level under the MMPA, which was then believed to be a population size of 5,400 animals with a range extending from Point Conception, California, to the Oregon border." Due to the controversial nature of the Recovery Team's recommendation, the 1991 draft Plan was never finalized.

Based on public comments received on the 1991 draft Plan, the Recovery Team used a population viability analysis to develop delisting criteria for the species as required by the ESA. This approach required additional information on oil spills and how they affect sea otters. Between 1992 and 1995, experts were contracted by the Service to model oil spill scenarios and evaluate risk to sea otters. In 1995, the Service assembled a diverse group of stakeholders as technical consultants to review and comment on the recovery criteria and objectives developed by the Recovery Team.

A second revised draft of the Plan was completed in early 1995. The draft was released for public comment in July 1996. Two significant findings were reported after release of the draft revision: "First, the number of dead sea otters stranded on the beach increased significantly from previous years. This increase in dead strandings coincided with a decline in southern sea otter population counts starting about 1995 and continuing through 1999. Second, large numbers of sea otters were reported near Point Conception at the southern end of the range." As of July 1996, the Service and the Recovery Team believed that a major oil spill would be a primary factor in influencing whether sea otters were present in California. Therefore, two approaches were identified that would lead to delisting the southern sea otter under the ESA: "1) increasing the range of sea otters in California to lessen the risk of a single oil spill event reducing the otter population below a viable level, and 2) decreasing the likelihood of a major oil spill event within the sea otter's range."

Based on public comments received on the 1996 draft Plan, the Service requested that the Recovery Team review and make recommendations on the Plan a third time.

Another draft was released to the public in January 2000. The Recovery Team reviewed the draft in January 2001, and changes based on these comments were incorporated into the Final Revised Recovery Plan of 2003. As part of the Service's response to these comments, the Recovery Team was asked to "complete a trend analysis to determine the population size that would be robust enough for us to detect a declining trend in abundance reliably prior to the population reaching the threshold for endangered status." In April 2002, the Service solicited comments from peer reviewers on the methodology used in the trend analysis. On April 3, 2003, the Service issued the *Final Revised Recovery Plan for the Southern Sea Otter (Enhydra lutris nereis)*.

The Service listed the main threats to the sea otter population as habitat degradation (including oil spills and other environmental contaminants) and human take (including shooting, entanglement in fishing gear, and harassment). While the reasons for recent declines in the population remain unknown, the Service found that they may be related to one or more of the following: 1) infectious disease resulting from increased immune

deficiencies or elevated parasite and pathogen exposure; 2) incidental mortality caused by commercial fishing activities; or 3) food resource limitation. The Service reiterated the recovery objective for southern sea otters. To meet the objective of delisting the southern sea otter and returning it to a sustainable population level, the Service proposed a series of actions required, including monitoring, protection, research, and criteria evaluation for the southern sea otter. The Service outlined their present strategy for sea otter recovery as 1) determining the cause of increased sea otter mortality; 2) mitigating that cause(s), and 3) allowing the number and range of sea otters to increase to a size such that enough survivors will exist to recolonize the range without a loss of genetic diversity in the event of a major oil spill, and that the population will be large enough to support the expectation that the Service will be able to detect a declining trend in abundance before the population levels reach the threshold for endangered status. The Service identified their recovery strategy as "creat[ing] the conditions that will enable the southern sea otter population to increase to a size that allows the species to persist following most natural or human-caused perturbations."

THE ENVIRONMENTAL COMMUNITY PLAN FOR SEA OTTER RECOVERY – THE NEED TO ADRESS CURRENT THREATS

The southern sea otter plays a pivotal role in shaping the nearshore California marine ecosystem. A threatened species under the ESA, the southern sea otter has suffered significant declines during the late 1990s; and in recent years the population might be stabilizing and even showing signs of small increases in the three-year running averages for the annual Spring counts. However, the overall growth trends are not consistent and the health of southern sea otters is an immediate concern. Infectious diseases and parasites consistently account for 40-50% of southern sea otter mortality. Many of these diseases appear to be newly introduced and are related to human activities and forms of pathogen pollution. Until we better understand avenues for disease transmission and the root cause of the previous declines, the prognosis for recovery of the southern sea otter is poor. Southern sea otters are sentinels, so the same diseases that kill sea otters are a threat to human health, the viability of shellfish resources, the long-term health and viability of California's nearshore ecosystems, and the health and viability of businesses that rely on a clean ocean.

In addition, the southern sea otter still faces many of the same threats that were applicable at its listing: habitat degradation, from oil spills and other contaminants; incidental and intentional take by entanglement in fishing gear and shooting; and disease. Because of low numbers and limited range, this population is especially vulnerable to the extinction risk posed by potential oil spills along the central California coast, and a single spill could cause catastrophic declines from which the population may be unable to recover. In addition, contaminant levels may be contributing to decreased disease resistance and reduced reproductive rates, thereby further hampering the population's ability to recover. Finally, there is strong indication that food availability is a limiting factor in population growth, with habitat destruction, regime shifts, possible effects from climate change, and fishery practices as factors affecting prey abundance.

If the southern sea otter is to recover, it is imperative that its numbers and range increase. Given the southern sea otter's current status and previous decline, there must be stronger and immediate actions to implement recovery efforts. The ability to make effective management decisions about this population depends on having the most current and

complete information available on abundance and distribution, overall health, and factors that may be hindering recovery. The 2003 Recovery Plan estimates that it will take more than $10 million dollars over 20 years to recover this species—we believe that this is a gross underestimate. Our organizations along with the scientific community have documented the need for an estimated 5 million dollars annually for the implementation of the priority activities in the recovery plan. These funds are needed to:

- continue population surveys to determine size, rate of change, and distribution, and to conduct investigations of food web interactions and affects of possible food limitations;
- assess the health of the population and conduct research on the sources and levels of contaminants in sea otters and their habitat and how this might be contributing to the decline;
- continue monitoring and enforcement activities to eliminate intentional take;
- continue efforts to reduce incidental mortality due to commercial fishing, including funding for observers in coastal gillnet fisheries and investigations of the degree to which incidental take in trap and pot fisheries are affecting the population; and
- implement management and contingency/response plans to reduce the risk to sea otters from oil spills.

Long-term conservation of the southern sea otter, as well as recovery itself, will require research on several key issues discussed below. This is where support for the Southern Sea Otter Recovery and Research Act rises up in great importance.

Actions Necessary for Recovery

Our organizations support the Recommended Recovery Actions in the 2003 Recovery Plan. Subsequently, these recovery actions have been evaluated by the sea otter research and conservation community to accurately reflect the present situation. Specific recovery actions of priority are listed below.

Disease

The Service, in coordination with the appropriate experts, must determine infection rates, and how and to what degree infections are communicable. Completion of a five-year intensive necropsy study to evaluate the rates of disease exposure, identification of key factors in the disease cycles, assessments of immune function, and development of comparative data with more vigorous sea otter populations are all critical. Continuation of a mortality monitoring system is critical, and the Service should consult with experts, utilizing a 2007 research plan developed by the Scientific Advisory group to the Southern Sea Otter Recovery Implementation Team, to collect and analyze tissues for evidence of stress or disease, determine sources of disease agents and stress, and minimize factors causing stress and disease.

Incidental Take In Fishing Gear

The Service, in coordination with the appropriate experts, must continue to evaluate causes of sea otter mortality; monitor incidental take in commercial fisheries; evaluate the effectiveness of fishing regulations to prevent sea otter take; evaluate incidental take in trap/pot fisheries; and determine and take possible steps to reduce or eliminate sea otter mortality incidental to fisheries. The Service must also fully implement the incidental take provisions of the MMPA to conduct stock assessments, estimate bycatch in fisheries, and

mitigate any bycatch. We recommend that the Service fulfill its obligations under this section and complete the required stock assessments and estimates of bycatch.

Oil Spills

The Service, in coordination with the appropriate experts, should work to implement and monitor the United States Coast Guard's vessel management plan; assess current risk of tanker accidents and other sources of oil spills, including off-shore oil platforms, pipelines, and marine terminals; and implement an oil spill contingency plan that includes a sea otter response plan. In addition, a report by Dr. Deborah French, Applied Sciences Associates, prepared as comments to the draft 2000 Recovery Plan acknowledges in its conclusion that "a catastrophic oil spill could impact a majority (>50%) of the southern sea otter population." The author concludes that the risk of such an event occurring has not been adequately quantified in the Recovery Plan. Furthermore, Dr. French concludes that the Recovery Plan does not adequately address the additional and interacting stresses of biological factors and human-interaction on the risks to the population.

Contaminants

The Service, in coordination with the appropriate experts, must determine sources (non-point and point) of environmental contaminants and biological toxins. It must also evaluate their role in sea otter mortality by determining contaminant levels in sea otter prey and habitat, analyzing tissues from southern sea otters for environmental contaminants, and archiving tissues for future analysis. The Service, in coordination with the appropriate experts, must work together with the appropriate water quality agencies (State Water Resources Control Board, Regional Water Quality Boards, and the California Environmental Protection Agency) to ensure that municipal sewage treatment facilities and municipal stormwater permits in Monterey, Santa Cruz and San Luis Obispo counties contain adequate management measures to address threats to sea otter health from contaminants, and that existing water quality monitoring programs such as Mussel Watch and SWAMP (Surface Water Ambient Monitoring Program) are funded to efficiently collect the needed data. In addition, given the critical impacts that biological pathogen contamination has on southern sea otters, it is critical that a monitoring program for biological pathogens be established.

Food Limitations

Recent studies and reports from Bentall (2005) and Tinker et al. (2007) have identified that food limitations may be affecting the growth of the southern sea otter population. Research conducted to date has shown a high degree of dietary specializations among individuals and differences in foraging behavior of sea otters in central California. According to researchers, this variation is so pronounced that different individuals in the same place and time can have completely non-overlapping diets. Current information further indicates that these patterns are long-term features of individual sea otters; behaviors are transmitted matrilineally across generations; and the development of individuality in dietary specializations and foraging behavior may be a manifestation of food resource limitation. In addition, selection of certain prey types may expose sea otters to infective or toxic doses of disease organisms, algal toxins, or contaminants subject to spatial and temporal influences, and may kill outright or predispose individual sea otters to an early death. The Service, in coordination with the appropriate experts, must further research this issue. This research should pay particular attention to the potential importance of dietary specialization in the ontogeny of behavior during pup dependency, the post-weaning success of young mothers of different behavioral

types, and the potential relationships between diet and disease susceptibility. Such information will help to clarify the ecological significance of individuality in sea otters.

Other

The Service, in coordination with the appropriate experts, must consider prey availability (resource limitations) and thus indirect effects of commercial shellfish fisheries as it relates to prey competition. Specifically, it should evaluate the impacts of abalone, urchin, crab, and lobster fisheries on sea otters. It should also determine the impact of nets and strong lights used (at night) in the squid fishery in proximity to kelp beds inhabited by sea otters. The Service should consider the importance of squid as a food source for sea otters, and impacts of commercial squid fishing on food availability. Finally, the Service should look at the sustainability of kelp harvesting and evaluate its impact on sea otters, invertebrate and fish populations.

The above recovery actions direct the Service to undertake these steps, but the reality, as discussed earlier, is that the Service has no funding. So, the scientists, conservationists, and other stakeholders that comprise the sea otter coalition in California will be responsible, mostly to seeing that these recovery goals are achieved.

The recovery of the southern sea otter will require dedicated funding, which to date has been lacking. The Recovery Plan and the efforts of the sea otter research and conservation community in California can provide a blueprint for action. The Southern Sea Otter Recovery and Research Act, if enacted, may offer the mechanism to provide the funding necessary to undertake this critical research that would direct these actions. Wildlife managers are finding that it is no longer sufficient just to monitor trends and abundance in marine species. Comprehensive conservation and recovery requires a multidisciplinary approach with an evaluation of the health of aquatic species and their ecosystems being a key component. Now, more than ever, human-related threats such as contaminants, over-fishing, and habitat degradation require a strong interface between research and policy to devise mitigation strategies to enhance the survival and health of aquatic species and their ecosystem. With a consistent and adequately funded effort to carry out this environmental community plan, the southern sea otter will be well on the way to recovery.

SOUTHERN SEA OTTER RECOVERY & RESEARCH ACT – WHY THIS IS CRITICAL TO SOUTHERN SEA OTTER RECOVERY

Since the introduction of "The Southern Sea Otter Recovery and Research Act" in 2003, the need for this legislation has only grown stronger.

The southern sea otter has had a rocky road back from the brink of extinction and to recovery; and recovery is still elusive for this imperiled species. The southern sea otter is classified as "threatened" under the Endangered Species Act and "depleted" under the Marine Mammal Protection Act. The sea otter faces a variety of threats in California, which includes food limitations, disease, habitat degradation, potential entrapment in fishing gear, and, potentially, other influences that are impacting this population. In addition, oil spills are an ever-present threat to sea otters. These and other potential threats are not fully understood, and so research to better comprehend them is critical.

As determined by the Southern Sea Otter Recovery Team and set forth in the Recovery Plan, sea otter population growth and range expansion are needed for recovery. Over the last decade, southern sea otters have experienced sluggish to no population growth. During this period, in four of these years, the year-end mortality rate has been at its highest since the bi-annual census began over 25 years ago.

H.R. 3639 would support the research needed for both to 1) identify the reasons why a species that appeared to be on the way to recovery has effectively ceased to improve in its condition, and (2) recommend remedial courses of action.

Unfortunately, funding for research and recovery efforts has been woefully inadequate. You have heard from the other witnesses regarding the history and the current status of the southern sea otter and the research priorities, so I will focus the remainder of my comments on the need for the legislation and shortfalls in existing programs.

Concern for the welfare of southern sea otters and the health of the nearshore marine ecosystem prompted the development of this bill. By consulting constituents and stakeholders, Congressman Farr identified the need to secure funding to support sea otter recovery and research initiatives, develop an organizational framework to grant monies for sea otter research and recovery, and create a structure to implement the Recovery Plan.

Our organizations strongly support the research emphasis of H.R. 3639. Through extraordinary collaborations, the scientific community has identified a variety of diseases that kill sea otters, and, as a result of a concerted and interdisciplinary research program; this collaborative group has made tremendous progress toward understanding the sources and vectors of these diseases. In addition, the scientific community continues to research other threats and impacts to the southern sea otter population. The coalition of researchers, federal and state agencies, conservation groups, and public institutions all work closely and cooperatively to further sea otter recovery in California. And, good work is ongoing to better achieve sea otter recovery.

As a result of this work, members of the scientific community from research institutions, federal and state agencies, and universities developed a document, *Research Plan—California sea otter recovery* in March 2007[1]. This Research Plan highlights the critical research and conservation needs for the southern sea otter, and it calls for an annual budget of $3 million to $5 million/year for a five-year period. It is critical to address first why sea otter populations are not increasing and then work to identify and create effective tools to address the barriers to sea otter recovery.

Funding, however, under the existing authorities has been insufficient and is declining, and does not even come close to the necessary level. Under the U.S. Fish and Wildlife Service budget, the President proposes to reduce the Marine Mammal Program by $459,000 from the FY 08 enacted level of $2.9 million to $2.5 million for FY 09. Funding from U.S. Fish and Wildlife Service includes the salary of one full-time staff member and Section 6 funding under the ESA (that FWS grants to the state, which has amounted to about $60,000 from

[1] U.S. Fish and Wildlife Service, 2007, *Research Plan—California sea otter recovery*, ad hoc research subcommittee report to the Southern Sea Otter Recovery Implementation Team

FY 2006 through FY 2008). Thus, the Service's entire marine mammal budget for FY 08 and proposed for FY 09 is less than what is needed for sea otter research. Current funding for sea otter research and conservation in California is approximately $450,000 under the U.S. Geological Survey's sea otter program, which also includes related-kelp forest studies and full salaries for five staff members. No funding is provided by the State of California for sea otters.

In addition, other sources of funding have come from a newly created Sea Otter Tax Check-Off -- the California Sea Otter Fund -- that demonstrates how much Californians care about the sea otter. This fund gained contributions totaling over $255,000 last year. Thus, the funding from these sources falls short of the $3 million to $5 million needed to research effectively the problems facing this species. Without this bill, the prospects for future funding are uncertain and inadequate. If significant progress on sea otter recovery is to be made, a competitive research grant program, an oversight body such as a Scientific Advisory Subcommittee, and authorization to conduct a grant program are needed. Congressman Farr's bill would accomplish all of these results.

Currently, researchers have to piece funding together, and funding stops and starts, which undermines a variety of research projects (for example, population monitoring, health assessment, foraging studies, and necropsies to determine causes of mortality). By providing stable and reliable funding, "The Southern Sea Otter Recovery and Research Act" will cure this problem.

Once research projects are completed, scientists work closely with governmental agencies and our groups to disseminate research findings to the public and translate them into appropriate regulatory actions, efforts that the executive director of the U.S. Marine Mammal Commission recognized in a letter on Sept. 18, 2007: *The work you and your colleagues are doing to elucidate effects and pathways probably offers the best hope for formulating targeted mitigation strategies (and) could also become one of the best documented cases available linking pollutants and their sources with effects on marine mammal populations.*

We can continue to piece together limited funding from a variety of sources but that both undermines the necessary efforts and is not reliable. That is the mode we are in now without stable funding sources. The current funding picture is well short of properly and effectively implementing research and practical conservation measures and actions. However, the Southern Sea Otter Recovery and Research Act, if enacted, will provide that necessary stable funding source.

Some critics of the legislation maintain that it is not necessary, and that all of the actions called for in H.R. 3639 can be achieved either through the Endangered Species Act or the Marine Mammal Protection Act. However, it is clear that those authorities have not, and cannot, be used to establish a competitive research and recovery grant program, a scientific oversight committee, and a mechanism for stakeholder involvement in research.

PROPOSED CHANGES TO THE BILL

Our only recommended changes to the current language in the bill is to delete section 5, yet keep the focus of section 6, and its proposed creation of a Scientific Advisory Group, intact.

CONCLUSION

In conclusion, Madame Chair, Ranking Member Brown, Members of the Subcommittee, and staff, while a great deal of good work is ongoing, the federal and state sea otter program is limited in its ability to make meaningful progress toward recovery. This limitation is due, in large part, to the lack of funding for projects that address sea otter distribution and abundance, population and environmental monitoring, health, life history, land-sea impacts as it relates to water quality, availability of prey and resulting nutritional inadequacies, and other initiatives that will assist in identifying and responding to the reasons for the overall lack of southern sea otter recovery.

The efforts to recover the southern sea otter will continue in fits and starts until we secure a more stable funding base for the identified research that is essential to many of these actions. Congressman Farr's Southern Sea Otter Recovery and Research Act will provide that secure funding for essential research and free up existing funds for other sea otter conservation purposes and ensure that our efforts to recover southern sea otters remain rooted in sound science. Enactment of H.R. 3639 will greatly facilitate sea otter recovery, and the overall California marine ecosystem will benefit from this effort.

On behalf of Defenders of Wildlife, I want to thank you for the opportunity to share our observations and perspectives on this critical issue, and submit this testimony for the record at this hearing.