

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 1960
OFFERED BY MS. BROWNLEY OF CALIFORNIA**

At the end of subtitle B of title III, add the following new section:

1 **SEC. 3__.** **MILITARY READINESS AND SOUTHERN SEA**
2 **OTTER CONSERVATION.**

3 (a) ESTABLISHMENT OF THE SOUTHERN SEA OTTER
4 MILITARY READINESS AREAS.—Chapter 631 of title 10,
5 United States Code, is amended by adding at the end the
6 following new section:

7 **“§ 7235. Establishment of the Southern Sea Otter**
8 **Military Readiness Areas**

9 “(a) ESTABLISHMENT.—The Secretary of Defense
10 shall establish areas to be known as ‘Southern Sea Otter
11 Military Readiness Areas’ for national defense purposes.
12 Such areas shall include each of the following:

13 “(1) The area that includes Naval Base Ven-
14 tura County, San Nicolas Island, and Begg Rock
15 and the adjacent and surrounding waters within the
16 following coordinates:

17 “N. Latitude/W. Longitude

18 “33°27.8′/119°34.3′

1 “33°20.5’/119°15.5’

2 “33°13.5’/119°11.8’

3 “33°06.5’/119°15.3’

4 “33°02.8’/119°26.8’

5 “33°08.8’/119°46.3’

6 “33°17.2’/119°56.9’

7 “33°30.9’/119°54.2’;

8 “(2) That area that includes Naval Base Coro-
9 nado, San Clemente Island and the adjacent and
10 surrounding waters running parallel to shore to 3
11 nautical miles from the high tide line designated by
12 33 C.F.R. part 165 on May 20, 2010, as the San
13 Clemente Island 3NM Safety Zone.

14 “(b) ACTIVITIES WITHIN THE SOUTHERN SEA
15 OTTER MILITARY READINESS AREAS.—

16 “(1) INCIDENTAL TAKINGS UNDER ENDAN-
17 GERED SPECIES ACT OF 1973.—Sections 4 and 9 of
18 the Endangered Species Act of 1973 (16 U.S.C.
19 1533, 1538) shall not apply with respect to the inci-
20 dental taking of any southern sea otter in the South-
21 ern Sea Otter Military Readiness Areas in the
22 course of conducting a military readiness activity.

23 “(2) INCIDENTAL TAKINGS UNDER MARINE
24 MAMMAL PROTECTION ACT OF 1972.—Sections 101
25 and 102 of the Marine Mammal Protection Act of

1 1972 (16 U.S.C. 1371, 1372) shall not apply with
2 respect to the incidental taking of any southern sea
3 otter in the Southern Sea Otter Military Readiness
4 Areas in the course of conducting military readiness
5 activities.

6 “(3) TREATMENT AS SPECIES PROPOSED TO BE
7 LISTED.—For purposes of any military readiness ac-
8 tivity, any southern sea otter while within the South-
9 ern Sea Otter Military Readiness Areas shall be
10 treated for the purposes of section 7 of the Endan-
11 gered Species Act of 1973 (16 U.S.C. 1536) as a
12 member of a species that is proposed to be listed as
13 an endangered species or a threatened species under
14 section 4 of the Endangered Species Act of 1973 (16
15 U.S.C. 1533).

16 “(c) REMOVAL.—Nothing in this section or any other
17 Federal law shall be construed to require that any south-
18 ern sea otter located within the Southern Sea Otter Mili-
19 tary Readiness Areas as of the effective date of this sec-
20 tion or thereafter be removed from the Areas.

21 “(d) REVISION OR TERMINATION OF EXCEPTIONS.—
22 The Secretary of the Interior may revise or terminate the
23 application of subsection (b) if the Secretary, in consulta-
24 tion with the Secretary of the Navy, determines that mili-
25 tary activities authorized under subsection (b) are imped-

1 ing southern sea otter conservation or the return of south-
2 ern sea otters to optimum sustainable population levels.

3 “(e) MONITORING.—

4 “(1) IN GENERAL.—The Secretary of the Navy
5 shall conduct monitoring and research within the
6 Southern Sea Otter Military Readiness Areas to de-
7 termine the effects of military readiness activities on
8 the growth or decline of the sea otter population and
9 on the near-shore eco-system. Monitoring and re-
10 search parameters and methods shall be determined
11 in consultation with the service.

12 “(2) REPORTS.—Within 24 months after the ef-
13 fective date of this section and every three years
14 thereafter, the Secretary of the Navy shall report to
15 Congress and the public on monitoring undertaken
16 pursuant to paragraph (1).

17 “(f) DEFINITIONS.—In this section:

18 “(1) INCIDENTAL TAKING.—The term ‘inci-
19 dental taking’ means any take of a southern sea
20 otter that is incidental to, and not the purpose of,
21 the carrying out of an otherwise lawful activity.

22 “(2) OPTIMUM SUSTAINABLE POPULATION.—
23 The term ‘optimum sustainable population’ means,
24 with respect to any population stock, the number of
25 animals that will result in the maximum productivity

1 of the population or the species, keeping in mind the
2 carrying capacity of the habitat and the health of
3 the ecosystem of which they form a constituent ele-
4 ment.

5 “(3) SOUTHERN SEA OTTER.—The term ‘south-
6 ern sea otter’ means any member of the subspecies
7 *Enhydra lutris nereis*.

8 “(4) TAKE.—The term ‘take’—

9 “(A) when used in reference to activities
10 subject to regulation by the Endangered Species
11 Act of 1973 (16 U.S.C. 1531–1544) shall have
12 the meaning given such term in that statute;
13 and

14 “(B) when used in reference to activities
15 subject to regulation by the Marine Mammal
16 Protection Act of 1972 (16 U.S.C. 1361–
17 1423h), shall have the meaning given such term
18 in that statute.

19 “(5) MILITARY READINESS ACTIVITY.—The
20 term ‘military readiness activity’ has the meaning
21 given that term in section 315(f) of the Bob Stump
22 National Defense Authorization Act for Fiscal Year
23 2003 (Public Law 107–314; 116 Stat. 2509; 16
24 U.S.C. 703 note), and includes all training and oper-
25 ations of the Armed Forces that relate to combat,

1 and the adequate and realistic testing of military
2 equipment, vehicles, weapons, and sensors for proper
3 operation and suitability for combat use.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter is amended by adding
6 at the end the following:

“7235. Establishment of the Southern Sea Otter Military Readiness Areas.”.

7 (c) CONFORMING AMENDMENT.—Section 1 of Public
8 Law 99–625 (16 U.S.C. 1536 note) is repealed.

