

Calendar No. 642

111TH CONGRESS
2D SESSION**S. 817****[Report No. 111–348]**

To establish a Salmon Stronghold Partnership program to conserve wild
Pacific salmon, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2009

Ms. CANTWELL (for herself, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. FEIN-
STEIN, Mrs. BOXER, Mr. WYDEN, Mr. MERKLEY, and Mr. BEGICH) in-
troduced the following bill; which was read twice and referred to the Com-
mittee on Commerce, Science, and Transportation

NOVEMBER 17, 2010

Reported by Mr. ROCKEFELLER, without amendment

A BILL

To establish a Salmon Stronghold Partnership program to
conserve wild Pacific salmon, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Pacific Salmon Stronghold Conservation Act of 2009”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; purposes.
- Sec. 3. Definitions.
- Sec. 4. Salmon Stronghold Partnership.
- Sec. 5. Information and assessment.
- Sec. 6. Salmon stronghold watershed grants and technical assistance program.
- Sec. 7. Interagency cooperation.
- Sec. 8. International cooperation.
- Sec. 9. Acquisition and transfer of real property interests.
- Sec. 10. Administrative provisions.
- Sec. 11. Limitations.
- Sec. 12. Reports to Congress.
- Sec. 13. Authorization of appropriations.

3 **SEC. 2. FINDINGS; PURPOSES.**

4 (a) FINDINGS.—Congress makes the following find-
 5 ings:

6 (1) Several species of salmon native to the riv-
 7 ers of the United States are highly migratory, inter-
 8 acting with salmon originating from Canada, Japan,
 9 Russia, and South Korea and spending portions of
 10 their life history outside of the territorial waters of
 11 the United States. Recognition of the migratory and
 12 transboundary nature of salmon species has led
 13 countries of the North Pacific to seek enhanced co-
 14 ordination and cooperation through multilateral and
 15 bi-lateral agreements.

16 (2) Salmon are a keystone species, sustaining
 17 more than 180 other species in freshwater and ma-
 18 rine ecosystems. They are also an indicator of eco-

1 system health and potential impacts of climate
2 change.

3 (3) Salmon are a central part of the culture,
4 economy, and environment of Western North Amer-
5 ica.

6 (4) Economic activities relating to salmon gen-
7 erate billions of dollars of economic activity and pro-
8 vide thousands of jobs.

9 (5) During the anticipated rapid environmental
10 change during the period beginning on the date of
11 the enactment of this Act, maintaining key eco-
12 system processes and functions, population abun-
13 dance, and genetic integrity will be vital to ensuring
14 the health of salmon populations.

15 (6) Salmon strongholds provide critical produc-
16 tion zones for commercial, recreational, and subsist-
17 ence fisheries.

18 (7) Taking into consideration the frequency
19 with which fisheries have collapsed during the period
20 preceding the date of the enactment of this Act,
21 using scientific research to correctly identify and
22 conserve core centers of abundance, productivity,
23 and diversity is vital to sustain salmon populations
24 and fisheries in the future.

1 (8) Measures being undertaken as of the date
2 of the enactment of this Act to recover threatened
3 or endangered salmon stocks, including Federal,
4 State, and local programs to restore salmon habitat,
5 are vital. These measures will be complemented and
6 enhanced by identifying and sustaining core centers
7 of abundance, productivity, and diversity in the
8 healthiest remaining salmon ecosystems throughout
9 the range of salmon species.

10 (9) The effects of climate change are affecting
11 salmon habitat at all life history stages and future
12 habitat conservation must consider climate change
13 projections to safeguard natural systems under fu-
14 ture climate conditions.

15 (10) Greater coordination between public and
16 private entities can assist salmon strongholds by
17 marshaling and focusing resources on scientifically
18 supported, high priority conservation actions.

19 (b) PURPOSES.—The purposes of this Act are—

20 (1) to expand Federal support and resources
21 for the protection and restoration of the healthiest
22 remaining salmon strongholds in North America to
23 sustain core centers of salmon abundance, produc-
24 tivity, and diversity in order to ensure the long-term
25 viability of salmon populations—

1 (A) in the States of California, Idaho, Or-
2 egon, and Washington, by focusing resources on
3 cooperative, incentive-based efforts to conserve
4 the roughly 20 percent of salmon habitat that
5 supports approximately two-thirds of salmon
6 abundance; and

7 (B) in the State of Alaska, a regional
8 stronghold that produces more than one-third
9 of all salmon, by increasing resources available
10 to public and private organizations working co-
11 operatively to conserve regional core centers of
12 salmon abundance and diversity;

13 (2) to maintain and enhance economic benefits
14 related to fishing or associated with healthy salmon
15 stronghold habitats, including flood protection,
16 recreation, water quantity and quality, carbon se-
17 questration, climate change mitigation and adapta-
18 tion, and other ecosystem services; and

19 (3) to complement and add to existing Federal,
20 State, and local salmon recovery efforts by using
21 sound science to identify and sustain core centers of
22 salmon abundance, productivity, and diversity in the
23 healthiest remaining salmon ecosystems throughout
24 their range.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Assistant Administrator for the
5 National Marine Fisheries Service of the National
6 Oceanic and Atmospheric Administration.

7 (2) BOARD.—The term “Board” means the
8 Salmon Stronghold Partnership Board established
9 under section 4.

10 (3) CHARTER.—The term “charter” means the
11 charter of the Board developed under section 4(g).

12 (4) DIRECTOR.—The term “Director” means
13 the Director of the United States Fish and Wildlife
14 Service.

15 (5) ECOSYSTEM SERVICES.—The term “eco-
16 system services” means an ecological benefit gen-
17 erated from a healthy, functioning ecosystem, includ-
18 ing clean water, pollutant filtration, regulation of
19 river flow, prevention of soil erosion, regulation of
20 climate, and fish production.

21 (6) PROGRAM.—Except as otherwise provided,
22 the term “program” means the salmon stronghold
23 watershed grants and technical assistance program
24 established under section 6(a).

(7) SALMON.—The term “salmon” means any of the wild anadromous *Oncorhynchus* species that occur in the Western United States, including—

(A) chum salmon (*Oncorhynchus keta*);

(B) pink salmon (*Oncorhynchus gorbuscha*);

(C) sockeye salmon (*Oncorhynchus nerka*);

(D) chinook salmon (*Oncorhynchus tshawytscha*);

(E) coho salmon (*Oncorhynchus kisutch*);

and

(F) steelhead trout (*Oncorhynchus mykiss*).

(8) SALMON STRONGHOLD.—The term “salmon stronghold” means all or part of a watershed or that meets biological criteria for abundance, productivity, diversity (life history and run timing), habitat quality, or other biological attributes important to sustaining viable populations of salmon throughout their range, as defined by the Board.

(9) SALMON STRONGHOLD PARTNERSHIP.—The term “Salmon Stronghold Partnership” means the Salmon Stronghold Partnership established under section 4(a)(1).

1 (10) SECRETARY.—Except as otherwise pro-
2 vided, the term “Secretary” means the Secretary of
3 Commerce.

4 **SEC. 4. SALMON STRONGHOLD PARTNERSHIP.**

5 (a) IN GENERAL.—

6 (1) ESTABLISHMENT.—The Secretary shall es-
7 tablish a Salmon Stronghold Partnership that is a
8 cooperative, incentive-based, public-private partner-
9 ship among appropriate Federal, State, tribal, and
10 local governments, private landowners, and non-
11 governmental organizations working across political
12 boundaries, government jurisdictions, and land own-
13 erships to identify and conserve salmon strongholds.

14 (2) MEMBERSHIP.—To the extent possible, the
15 membership of the Salmon Stronghold Partnership
16 shall include each entity described under subsection
17 (b).

18 (3) LEADERSHIP.—The Salmon Stronghold
19 Partnership shall be managed by a Board estab-
20 lished by the Secretary to be known as the Salmon
21 Stronghold Partnership Board.

22 (b) SALMON STRONGHOLD PARTNERSHIP BOARD.—

23 (1) IN GENERAL.—The Board shall consist of
24 representatives with strong scientific or technical
25 credentials and expertise as follows:

1 (A) 1 representative from each of—

2 (i) the National Marine Fisheries
3 Service, as appointed by the Administrator;

4 (ii) the United States Fish and Wild-
5 life Service, as appointed by the Director;

6 (iii) the Forest Service, as appointed
7 by the Chief of the Forest Service;

8 (iv) the Environmental Protection
9 Agency, as appointed by the Administrator
10 of the Environmental Protection Agency;

11 (v) the Bonneville Power Administra-
12 tion, as appointed by the Administrator of
13 the Bonneville Power Administration;

14 (vi) the Bureau of Land Management,
15 as appointed by the Director of the Bureau
16 of Land Management; and

17 (vii) the Northwest Power and Con-
18 servation Council, as appointed by the
19 Northwest Power and Conservation Coun-
20 cil.

21 (B) 1 representative from the natural re-
22 sources staff of the office of the Governor or of
23 an appropriate natural resource agency of a
24 State, as appointed by the Governor, from each
25 of the States of—

- 1 (i) Alaska;
- 2 (ii) California;
- 3 (iii) Idaho;
- 4 (iv) Oregon; and
- 5 (v) Washington.

6 (C) Not less than 3 and not more than 5
7 representatives from Indian tribes or tribal
8 commissions located within the range of a salm-
9 on species, as appointed by such Indian tribes
10 or tribal commissions, in consultation with the
11 Board.

12 (D) 1 representative from each of 3 non-
13 governmental organizations with salmon con-
14 servation and management expertise, as se-
15 lected by the Board.

16 (E) 1 national or regional representative
17 from an association of counties, as selected by
18 the Board.

19 (F) Representatives of other entities with
20 significant resources regionally dedicated to the
21 protection of salmon ecosystems that the Board
22 determines are appropriate, as selected by the
23 Board.

24 (2) FAILURE TO APPOINT.—If a representative
25 described in subparagraph (B), (C), (D), (E), or (F)

1 of paragraph (1) is not appointed to the Board or
2 otherwise fails to participate in the Board, the
3 Board shall carry out its functions until such rep-
4 resentative is appointed or joins in such participa-
5 tion.

6 (c) MEETINGS.—

7 (1) FREQUENCY.—Not less frequently than 3
8 times each year, the Board shall meet to provide op-
9 portunities for input from a broader set of stake-
10 holders.

11 (2) NOTICE.—Prior to each meeting, the Board
12 shall give timely notice of the meeting to the public,
13 the government of each county, and tribal govern-
14 ment in which a salmon stronghold is identified by
15 the Board.

16 (d) BOARD CONSULTATION.—The Board shall seek
17 expertise from fisheries experts from agencies, colleges, or
18 universities, as appropriate.

19 (e) CHAIRPERSON.—The Board shall nominate and
20 select a Chairperson from among the members of the
21 Board.

22 (f) COMMITTEES.—The Board—

23 (1) shall establish a standing science advisory
24 committee to assist the Board in the development,
25 collection, evaluation, and peer review of statistical,

1 biological, economic, social, and other scientific in-
2 formation; and

3 (2) may establish additional standing or ad hoc
4 committees as the Board determines are necessary.

5 (g) CHARTER.—The Board shall develop a written
6 charter that—

7 (1) provides for the members of the Board de-
8 scribed in subsection (b);

9 (2) may be signed by a broad range of partners,
10 to reflect a shared understanding of the purposes,
11 intent, and governance framework of the Salmon
12 Stronghold Partnership; and

13 (3) includes—

14 (A) the defining criteria for a salmon
15 stronghold;

16 (B) the process for identifying salmon
17 strongholds; and

18 (C) the process for reviewing and awarding
19 grants under the program, including—

20 (i) the number of years for which such
21 a grant may be awarded;

22 (ii) the process for renewing such a
23 grant;

24 (iii) the eligibility requirements for
25 such a grant;

1 (iv) the reporting requirements for
2 projects awarded such a grant; and

3 (v) the criteria for evaluating the suc-
4 cess of a project carried out with such a
5 grant.

6 (h) FEDERAL ADVISORY COMMITTEE ACT.—The
7 Federal Advisory Committee Act (5 U.S.C. App.) shall not
8 apply to the Board.

9 **SEC. 5. INFORMATION AND ASSESSMENT.**

10 The Administrator shall carry out specific informa-
11 tion and assessment functions associated with salmon
12 strongholds, in coordination with other regional salmon ef-
13 forts, including—

14 (1) triennial assessment of status and trends in
15 salmon strongholds;

16 (2) geographic information system and mapping
17 support to facilitate conservation planning;

18 (3) projections of climate change impacts on all
19 habitats and life history stages of salmon;

20 (4) development and application of models and
21 other tools to identify salmon conservation actions
22 projected to have the greatest positive impacts on
23 salmon abundance, productivity, or diversity within
24 salmon strongholds; and

1 (5) measurement of the effectiveness of the
2 Salmon Stronghold Partnership activities.

3 **SEC. 6. SALMON STRONGHOLD WATERSHED GRANTS AND**
4 **TECHNICAL ASSISTANCE PROGRAM.**

5 (a) IN GENERAL.—The Administrator, in consulta-
6 tion with the Director, shall establish a salmon stronghold
7 watershed grants and technical assistance program, as de-
8 scribed in this section.

9 (b) PURPOSE.—The purpose of the program shall be
10 to support salmon stronghold protection and restoration
11 activities, including—

12 (1) to fund the administration of the Salmon
13 Stronghold Partnership in carrying out the charter;

14 (2) to encourage cooperation among the entities
15 represented on the Board, local authorities, and pri-
16 vate entities to establish a network of salmon strong-
17 holds, and assist locally in specific actions that sup-
18 port the Salmon Stronghold Partnership;

19 (3) to support entities represented on the
20 Board—

21 (A) to develop strategies focusing on salm-
22 on conservation actions projected to have the
23 greatest positive impacts on abundance, produc-
24 tivity, or diversity in salmon strongholds; and

1 (B) to provide financial assistance to the
2 Salmon Stronghold Partnership to increase
3 local economic opportunities and resources for
4 actions or practices that provide long-term or
5 permanent conservation and that maintain key
6 ecosystem services in salmon strongholds, in-
7 cluding—

8 (i) payments for ecosystem services;
9 and

10 (ii) demonstration projects designed
11 for specific salmon strongholds;

12 (4) to maintain a forum to share best practices
13 and approaches, employ consistent and comparable
14 metrics, forecast and address climate impacts, and
15 monitor, evaluate, and report regional status and
16 trends of salmon ecosystems in coordination with re-
17 lated regional and State efforts;

18 (5) to carry out activities and existing conserva-
19 tion programs in, and across, salmon strongholds on
20 a regional scale to achieve the goals of the Salmon
21 Stronghold Partnership;

22 (6) to accelerate the implementation of recovery
23 plans in salmon strongholds that have salmon popu-
24 lations listed as threatened or endangered under the

1 Endangered Species Act of 1973 (16 U.S.C. 1531 et
2 seq.);

3 (7) to develop and make information available
4 to the public pertaining to the Salmon Stronghold
5 Partnership; and

6 (8) to conduct education outreach to the public,
7 in coordination with other programs, to encourage
8 increased stewardship of salmon strongholds.

9 (c) SELECTION.—Projects that will be carried out
10 with assistance from the program shall be selected and
11 administered as follows:

12 (1) SITE-BASED PROJECTS.—A project that will
13 be carried out with assistance from the program
14 within 1 State shall be selected as follows:

15 (A) STATE SELECTION.—If a State has a
16 competitive grant process relating to salmon
17 conservation in effect as of the date of enact-
18 ment of this Act and has a proven record of im-
19 plementing an efficient, cost-effective, and com-
20 petitive grant program for salmon conservation
21 or has a viable plan to provide accountability
22 under the program—

23 (i) the National Fish and Wildlife
24 Foundation, in consultation with the

1 Board, shall provide program funds to the
2 State; and

3 (ii) the State shall select and admin-
4 ister projects to be carried out in such
5 State, in accordance with subsection (d).

6 (B) NATIONAL FISH AND WILDLIFE FOUN-
7 DATION SELECTION.—If a State does not meet
8 the criteria described in subparagraph (A)—

9 (i) the Administrator, in consultation
10 with the Director, shall provide funds to
11 the National Fish and Wildlife Founda-
12 tion; and

13 (ii) the National Fish and Wildlife
14 Foundation, in consultation with the
15 Board, shall select and administer projects
16 to be carried out in such State, in accord-
17 ance with subsection (d).

18 (2) MULTISITE AND PROGRAMMATIC INITIA-
19 TIVES.—For a project that will be carried out with
20 assistance from the program in more than 1 State
21 or that is a programmatic initiative that affect more
22 than 1 State—

23 (A) the Administrator, in consultation with
24 the Director, shall provide funds to the Na-
25 tional Fish and Wildlife Foundation; and

1 (B) the National Fish and Wildlife Foun-
 2 dation, in consultation with the Board, shall se-
 3 lect and administer such projects to be carried
 4 out, in accordance with subsection (d).

5 (d) CRITERIA FOR APPROVAL.—

6 (1) CRITERIA DEVELOPED BY THE BOARD.—

7 (A) REQUIREMENT TO DEVELOP.—The
 8 Board shall develop and provide criteria for the
 9 prioritization of projects funded under the pro-
 10 gram in a manner that enables projects to be
 11 individually ranked in sequential order by the
 12 magnitude of the project's positive impacts on
 13 salmon abundance, productivity, or diversity.

14 (B) SPECIFIC REQUIREMENTS.—The cri-
 15 teria required by subparagraph (A) shall re-
 16 quire that a project that receives assistance
 17 under the program—

18 (i) contributes to the conservation of
 19 salmon;

20 (ii) meets the criteria for eligibility es-
 21 tablished in the charter;

22 (iii)(I) addresses a factor limiting or
 23 threatening to limit abundance, produc-
 24 tivity, diversity, habitat quality, or other
 25 biological attributes important to sus-

1 taining viable salmon populations within a
2 salmon stronghold; or

3 (II) is a programmatic action that
4 supports the Salmon Stronghold Partner-
5 ship;

6 (iv) addresses limiting factors to
7 healthy ecosystem processes or sustainable
8 fisheries management;

9 (v) has the potential for conservation
10 benefits and broadly applicable results; and

11 (vi) meets the requirements for—

12 (I) cost sharing described in sub-
13 section (e); and

14 (II) the limitation on administra-
15 tive expenses described in subsection
16 (f).

17 (C) SCHEDULE FOR DEVELOPMENT.—The
18 Board shall—

19 (i) develop and provide the criteria re-
20 quired by subparagraph (A) prior to the
21 initial solicitation of projects under the
22 program; and

23 (ii) revise such criteria not less often
24 than once each year.

25 (e) COST SHARING.—

1 (1) FEDERAL SHARE.—

2 (A) NON-FEDERAL LAND.—For any fiscal
3 year, the Federal share of the cost of a project
4 that receives assistance under the program and
5 that is carried out on land that is not owned by
6 the United States shall not exceed 50 percent
7 of the total cost of the project.

8 (B) FEDERAL LAND.—For any fiscal year,
9 the Federal share of the cost of a project that
10 receives assistance under the program and that
11 is carried out on land that is owned by the
12 United States, including the acquisition of
13 inholdings, may be up to 100 percent of the
14 total cost of the project.

15 (2) NON-FEDERAL SHARE.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (B), the non-Federal share of the cost of
18 a project that receives assistance under the pro-
19 gram may not be derived from Federal grant
20 programs, but may include in-kind contribu-
21 tions.

22 (B) BONNEVILLE POWER ADMINISTRA-
23 TION.—Any amounts provided by the Bonneville
24 Power Administration directly or through a
25 grant to another entity used to carry out a

1 project that receives assistance under the pro-
2 gram shall be credited toward the non-Federal
3 share of the cost of the project.

4 (f) ADMINISTRATIVE EXPENSES.—Of the amount
5 available to a State or the National Fish and Wildlife
6 Foundation under the program for each fiscal year, such
7 State and the National Fish and Wildlife Foundation shall
8 not expend more than 5 percent of such amount for ad-
9 ministrative and reporting expenses necessary to carry out
10 this section.

11 (g) REPORTS.—

12 (1) REPORTS TO STATES OR NFWF.—Each per-
13 son who receives assistance through a State or the
14 National Fish and Wildlife Foundation under the
15 program for a project shall provide periodic reports
16 to the State or the National Fish and Wildlife Foun-
17 dation, as appropriate, that includes the information
18 required by the State or the National Fish and
19 Wildlife Foundation to evaluate the progress and
20 success of the project.

21 (2) REPORTS TO THE ADMINISTRATION.—Not
22 less frequently than once every 3 years, each State
23 that is provided program funds under subsection
24 (c)(1)(A) and the National Fish and Wildlife Foun-
25 dation shall provide reports to the Administrator

1 that include the information required by the Admin-
2 istrator to evaluate the implementation of the pro-
3 gram.

4 **SEC. 7. INTERAGENCY COOPERATION.**

5 The head of each Federal agency or department re-
6 sponsible for acquiring, managing, or disposing of Federal
7 land that is within a salmon stronghold shall, to the extent
8 consistent with the mission of the agency or department
9 and existing law, cooperate with the Administrator and the
10 Director—

- 11 (1) to conserve the salmon strongholds; and
12 (2) to effectively coordinate and streamline
13 Salmon Stronghold Partnership activities and deliv-
14 ery of overlapping, incentive-based programs that af-
15 fect the salmon stronghold.

16 **SEC. 8. INTERNATIONAL COOPERATION.**

17 (a) **AUTHORITY TO COOPERATE.**—The Adminis-
18 trator and the Board may share status and trends data,
19 innovative conservation strategies, conservation planning
20 methodologies, and other information with North Pacific
21 countries, including Canada, Japan, Russia, and South
22 Korea, and appropriate international entities to promote
23 conservation of salmon and salmon habitat.

24 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
25 gress that the Administrator and the Board, or entities

1 that are members of the Board, should and are encour-
 2 aged to provide information to North Pacific countries, in-
 3 cluding Canada, Japan, Russia, and South Korea, and ap-
 4 propriate international entities to support the development
 5 of a network of salmon strongholds across the nations of
 6 the North Pacific.

7 **SEC. 9. ACQUISITION AND TRANSFER OF REAL PROPERTY**
 8 **INTERESTS.**

9 (a) USE OF REAL PROPERTY.—No project that will
 10 result in the acquisition by the Secretary or the Secretary
 11 of the Interior of any land or interest in land, in whole
 12 or in part, may receive funds under this Act unless the
 13 project is consistent with the purposes of this Act.

14 (b) PRIVATE PROPERTY PROTECTION.—No Federal
 15 funds made available to carry out this Act may be used
 16 to acquire any real property or any interest in any real
 17 property without the written consent of the 1 or more own-
 18 ers of the property or interest in property.

19 (c) TRANSFER OF REAL PROPERTY.—No land or in-
 20 terest in land, acquired in whole or in part by the Sec-
 21 retary of the Interior with Federal funds made available
 22 under this Act to carry out a salmon stronghold conserva-
 23 tion project may be transferred to a State, other public
 24 agency, or other entity unless—

1 (1) the Secretary of the Interior determines
2 that the State, agency, or entity is committed to
3 manage, in accordance with this Act and the pur-
4 poses of this Act, the property being transferred;
5 and

6 (2) the deed or other instrument of transfer
7 contains provisions for the reversion of the title to
8 the property to the United States if the State, agen-
9 cy, or entity fails to manage the property in accord-
10 ance with this Act and the purposes of this Act.

11 (d) REQUIREMENT.—Any real property interest con-
12 veyed under subsection (c) shall be subject to such terms
13 and conditions as will ensure, to the maximum extent
14 practicable, that the interest will be administered in ac-
15 cordance with this Act and the purposes of this Act.

16 **SEC. 10. ADMINISTRATIVE PROVISIONS.**

17 (a) CONTRACTS, GRANTS, AND TRANSFERS OF
18 FUNDS.—In carrying out this Act, the Secretary may—

19 (1) consistent with a recommendation of the
20 Board and notwithstanding sections 6304 and 6305
21 of title 31, United States Code, and the Federal Fi-
22 nancial Assistance Management Improvement Act of
23 1999 (31 U.S.C. 6101 note; Public Law 106–107),
24 enter into cooperative agreements, contracts, and
25 grants;

1 (2) notwithstanding any other provision of law,
2 apply for, accept, and use grants from any person to
3 carry out the purposes of this Act; and

4 (3) make funds available to any Federal agency
5 or department to be used by the agency or depart-
6 ment to award financial assistance for any salmon
7 stronghold protection, restoration, or enhancement
8 project that the Secretary determines to be con-
9 sistent with this Act.

10 (b) DONATIONS.—

11 (1) IN GENERAL.—The Secretary may—

12 (A) enter into an agreement with any orga-
13 nization described in section 501(c)(3) of the
14 Internal Revenue Code of 1986 to authorize the
15 organization to carry out activities under this
16 Act; and

17 (B) accept donations of funds or services
18 for use in carrying out this Act.

19 (2) PROPERTY.—The Secretary of the Interior
20 may accept donations of property for use in carrying
21 out this Act.

22 (3) USE OF DONATIONS.—Donations accepted
23 under this section—

1 (A) shall be considered to be gifts or be-
2 quests to, or for the use of, the United States;
3 and

4 (B) may be used directly by the Secretary
5 (or, in the case of donated property under para-
6 graph (2), the Secretary of the Interior) or pro-
7 vided to other Federal agencies or departments
8 through interagency agreements.

9 (c) INTERAGENCY FINANCING.—The Secretary may
10 participate in interagency financing, including receiving
11 appropriated funds from other agencies or departments to
12 carry out this Act.

13 (d) STAFF.—Subject to the availability of appropria-
14 tions, the Administrator may hire such additional full-time
15 employees as are necessary to carry out this Act.

16 **SEC. 11. LIMITATIONS.**

17 Nothing in this Act may be construed—

18 (1) to create a reserved water right, express or
19 implied, in the United States for any purpose, or af-
20 fect the management or priority of water rights
21 under State law;

22 (2) to affect existing water rights under Federal
23 or State law;

1 (3) to affect any Federal or State law in exist-
2 ence on the date of enactment of this Act regarding
3 water quality or water quantity;

4 (4) to affect the authority, jurisdiction, or re-
5 sponsibility of any agency or department of the
6 United States or of a State to manage, control, or
7 regulate fish and resident wildlife under a Federal or
8 State law or regulation;

9 (5) to authorize the Secretary or the Secretary
10 of the Interior to control or regulate hunting or fish-
11 ing under State law;

12 (6) to abrogate, abridge, affect, modify, super-
13 sede, or otherwise alter any right of a federally rec-
14 ognized Indian tribe under any applicable Federal or
15 tribal law or regulation; or

16 (7) to diminish or affect the ability of the Sec-
17 retary or the Secretary of the Interior to join the ad-
18 judication of rights to the use of water pursuant to
19 subsections (a), (b), or (c) of section 208 of the De-
20 partment of Justice Appropriation Act, 1953 (43
21 U.S.C. 666).

22 **SEC. 12. REPORTS TO CONGRESS.**

23 Not less frequently than once every 3 years, the Ad-
24 ministrator, in consultation with the Director, shall submit
25 to Congress a report describing the activities carried out

1 under this Act, including the recommendations of the Ad-
2 ministrator, if any, for legislation relating to the Salmon
3 Stronghold Partnership.

4 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) GRANTS.—

6 (1) IN GENERAL.—There is authorized to be
7 appropriated to the Administrator, to be distributed
8 by the National Fish and Wildlife Foundation as a
9 fiscal agent, to provide grants under the program,
10 \$30,000,000 for each of fiscal years 2009 through
11 2013.

12 (2) BOARD.—The National Fish and Wildlife
13 Foundation shall, from the amount appropriated
14 pursuant to the authorization of appropriations in
15 paragraph (1), make available sufficient funds to the
16 Board to carry out its duties under this Act.

17 (b) TECHNICAL ASSISTANCE.—For each of fiscal
18 years 2009 through 2013, there is authorized to be appro-
19 priated to the Administrator \$300,000 to provide technical
20 assistance under the program and to carry out section 5.

21 (c) AVAILABILITY OF FUNDS.—Amounts appro-
22 priated pursuant to an authorization of appropriations in
23 this section are authorized to remain available until ex-
24 pended.

Calendar No. 642

111TH CONGRESS
2D Session

S. 817

[Report No. 111-348]

A BILL

To establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon, and for other purposes.

NOVEMBER, 17, 2010

Reported without amendment