

111TH CONGRESS
1ST SESSION

H. R. 2055

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2009

Mr. THOMPSON of California (for himself, Mr. DICKS, Mr. SIMPSON, Mr. GEORGE MILLER of California, Mrs. CAPPS, Mr. INSLEE, Mr. BLUMENAUER, and Mrs. TAUSCHER) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish a Salmon Stronghold Partnership program to protect 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”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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. Conditions relating to salmon stronghold conservation projects.
- Sec. 10. Administrative provisions.
- Sec. 11. Acquisition of real property interests.
- Sec. 12. Limitations.
- Sec. 13. Reports to Congress.
- Sec. 14. Authorization of appropriations.

1 **SEC. 2. FINDINGS; PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

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

14 (2) Salmon are a keystone species, sustaining
15 more than 180 other species in freshwater and ma-
16 rine ecosystems. They are also an indicator of eco-
17 system health and potential impacts of climate
18 change.

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

1 (4) Economic activities relating to salmon gen-
2 erate billions of dollars of economic activity and pro-
3 vide thousands of jobs.

4 (5) During the anticipated future rapid environ-
5 mental change, maintaining key ecosystem processes
6 and functions, population abundance, and genetic in-
7 tegrity will be vital to ensuring the health and long-
8 term viability of salmon populations.

9 (6) Salmon strongholds provide critical produc-
10 tion zones for commercial, recreational, and subsist-
11 ence fisheries.

12 (7) Taking into consideration the frequency
13 with which fisheries have collapsed before the enact-
14 ment of this Act, use of scientific research to cor-
15 rectly identify and conserve core centers of abun-
16 dance, productivity, and diversity is vital to sustain
17 salmon populations and fisheries in the future.

18 (8) Measures being undertaken as of the date
19 of the enactment of this Act to recover threatened
20 or endangered salmon stocks, such as Federal,
21 State, and local programs to restore habitat, are
22 vital. These measures will be complemented and en-
23 hanced by identifying and sustaining core centers of
24 abundance, productivity, and diversity in the health-

1 iest remaining salmon ecosystems throughout the
2 range of salmon species.

3 (9) The effects of climate change are affecting
4 salmon habitat at all life history stages, and future
5 habitat conservation must consider climate change
6 projections to safeguard natural systems under fu-
7 ture climate conditions.

8 (10) Greater coordination between public and
9 private entities can assist salmon strongholds by
10 marshaling and focusing resources on scientifically
11 supported, high priority conservation actions.

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

13 (1) to expand Federal support and resources
14 for the protection and restoration of the healthiest
15 remaining salmon strongholds in North America to
16 sustain core centers of salmon abundance, produc-
17 tivity, and diversity in order to ensure the long-term
18 viability of salmon populations—

19 (A) in the States of California, Idaho, Or-
20 egon, and Washington, by focusing resources on
21 cooperative, incentive-based efforts to conserve
22 the roughly 20 percent of salmon habitat that
23 supports approximately two-thirds of salmon
24 abundance; and

1 (B) in the State of Alaska, a regional
2 stronghold that produces more than one-third
3 of all salmon, by increasing resources available
4 to public and private organizations working co-
5 operatively to conserve regional core centers of
6 salmon abundance and diversity;

7 (2) to maintain and enhance economic benefits
8 related to fishing or associated with healthy salmon
9 stronghold habitats, or both, including flood protec-
10 tion, recreation, water quantity and quality, carbon
11 sequestration, climate change mitigation and adapta-
12 tion, and other ecosystem services; and

13 (3) to complement and add to existing Federal,
14 State, and local salmon recovery efforts by using
15 sound science to identify and sustain core centers of
16 salmon abundance, productivity, and diversity in the
17 healthiest remaining salmon ecosystems throughout
18 their range.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) ADMINISTRATOR.—The term “Adminis-
22 trator” means the Assistant Administrator for the
23 National Marine Fisheries Service of the National
24 Oceanic and Atmospheric Administration.

1 (2) BOARD.—The term “Board” means the
2 Salmon Stronghold Partnership Board established
3 under section 4(a)(3).

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

6 (4) DIRECTOR.—The term “Director” means
7 the Director of the United States Fish and Wildlife
8 Service.

9 (5) ECOSYSTEM SERVICES.—The term “eco-
10 system services” means an ecological benefit gen-
11 erated from a healthy, functioning ecosystem, includ-
12 ing clean water, pollutant filtration, regulation of
13 river flow, prevention of soil erosion, regulation of
14 climate, and fish production.

15 (6) PROGRAM.—Except as otherwise provided,
16 the term “program” means the salmon stronghold
17 watershed grants and technical assistance program
18 established under section 6(a).

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

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

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

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

1 (D) chinook salmon (Oncorhynchus
2 tshawytscha);

3 (E) coho salmon (Oncorhynchus kisutch);

4 and

5 (F) steelhead trout (Oncorhynchus
6 mykiss).

7 (8) SALMON STRONGHOLD.—The term “salmon
8 stronghold” means any area that meets biological
9 criteria for abundance, productivity, diversity (life
10 history and run timing), habitat quality, or other bi-
11 ological attributes important to sustaining viable
12 populations of salmon throughout their range, as de-
13 fined by the Board.

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

18 (10) SECRETARY.—Except as otherwise pro-
19 vided, the term “Secretary” means the Secretary of
20 Commerce.

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

22 (a) IN GENERAL.—

23 (1) ESTABLISHMENT.—The Secretary shall es-
24 tablish a Salmon Stronghold Partnership that is a
25 cooperative, incentive-based, public-private partner-

1 ship among appropriate Federal, State, tribal, and
2 local governments, private landowners, and non-
3 governmental organizations working across political
4 boundaries, government jurisdictions, and land own-
5 erships to identify and conserve salmon strongholds.

6 (2) MEMBERSHIP.—To the extent possible, the
7 membership of the Salmon Stronghold Partnership
8 shall include each entity described under subsection
9 (b).

10 (3) LEADERSHIP.—The Salmon Stronghold
11 Partnership shall be managed by the Salmon
12 Stronghold Partnership Board established under
13 subsection (b).

14 (b) SALMON STRONGHOLD PARTNERSHIP BOARD.—

15 (1) IN GENERAL.—The Secretary shall establish
16 the Salmon Stronghold Partnership Board for pur-
17 poses of this Act.

18 (2) MEMBERSHIP.—The Board shall consist of
19 individuals with strong scientific or technical creden-
20 tials and expertise, appointed as follows:

21 (A) One representative from each of—

22 (i) the National Marine Fisheries
23 Service, appointed by the Administrator;

24 (ii) the United States Fish and Wild-
25 life Service, appointed by the Director;

1 (iii) the Forest Service, appointed by
2 the Chief of the Forest Service;

3 (iv) the Environmental Protection
4 Agency, appointed by the Administrator of
5 such agency;

6 (v) the Bonneville Power Administra-
7 tion, appointed by the Administrator of
8 such administration;

9 (vi) the Bureau of Land Management,
10 appointed by the Director of such bureau;
11 and

12 (vii) the Northwest Power and Con-
13 servation Council, appointed by such coun-
14 cil.

15 (B) One representative from the natural
16 resources staff of the office of the Governor or
17 of an appropriate natural resource agency of a
18 State, appointed by the Governor of that State,
19 from each of the States of—

20 (i) Alaska;

21 (ii) California;

22 (iii) Idaho;

23 (iv) Oregon; and

24 (v) Washington.

1 (C) Not less than 3 and not more than 5
2 representatives from Indian tribes or tribal
3 commissions selected by the Board and located
4 within the range of salmon, as appointed by
5 such Indian tribes or tribal commissions.

6 (D) One representative from each of 3
7 nongovernmental organizations with salmon
8 conservation and management expertise, as se-
9 lected by the Board.

10 (E) One national or regional representative
11 from an association of counties, as selected by
12 the Board.

13 (F) Representatives of any other entities
14 with significant resources regionally dedicated
15 to the protection of salmon ecosystems that the
16 Board determines are appropriate, as selected
17 by the Board.

18 (3) FAILURE TO APPOINT.—If a representative
19 described in subparagraph (B), (C), (D), (E), or (F)
20 of paragraph (1) is not appointed to the Board or
21 fails to otherwise participate in the Board, the
22 Board shall carry out its functions until the rep-
23 resentative is appointed or joins in such participa-
24 tion.

25 (c) MEETINGS.—

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

5 (2) NOTICE.—Prior to each meeting the Board
6 shall give timely notice of the meeting to the public,
7 and to each county or tribal government with juris-
8 diction over all or part of a salmon stronghold iden-
9 tified by the Board.

10 (d) BOARD CONSULTATION.—The Board shall seek
11 expertise from fisheries experts from agencies, colleges, or
12 universities as appropriate.

13 (e) CHAIRPERSON.—The Board shall nominate and
14 select a Chairperson from among the members of the
15 Board.

16 (f) COMMITTEES.—The Board shall establish a
17 standing science advisory committee to assist it in the de-
18 velopment, collection, evaluation, and peer review of statis-
19 tical, biological, economic, social, and other scientific in-
20 formation, and may establish additional standing or ad
21 hoc committees as necessary.

22 (g) CHARTER.—The Board shall develop a written
23 Charter that—

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

1 (2) may be signed by a broad range of partners,
2 to reflect a shared understanding of the purposes,
3 intent, and governance framework of the Salmon
4 Stronghold Partnership; and

5 (3) includes—

6 (A) the defining criteria for salmon strong-
7 holds;

8 (B) the process for identifying salmon
9 strongholds; and

10 (C) the process for awarding salmon
11 stronghold watershed grants under section 6,
12 including—

13 (i) the number of years for which such
14 grants may be awarded;

15 (ii) the process for renewing such
16 grants;

17 (iii) the eligibility requirements for
18 such grants;

19 (iv) the process by which eligible
20 projects may be individually ranked in pri-
21 ority for such grants according to the mag-
22 nitude and extent of their positive impacts
23 on salmon abundance, productivity or di-
24 versity, or any combination thereof, that

1 lead to increased viability for salmon popu-
2 lations;

3 (v) reporting requirements for
4 projects awarded such grants; and

5 (vi) criteria for evaluating the success
6 of projects awarded such grants.

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

10 **SEC. 5. INFORMATION AND ASSESSMENT.**

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

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

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

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

21 (4) development and application of models and
22 other tools to identify the salmon conservation ac-
23 tions projected to have the greatest positive impacts
24 on abundance, productivity, or diversity (or any
25 combination thereof) within salmon strongholds; and

1 (5) measurement of the effectiveness of Salmon
2 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 the
22 salmon conservation actions projected to have—

23 (i) the greatest positive impacts on
24 salmon abundance, productivity, or diver-

1 sity, or any combination thereof, in salmon
2 strongholds; and

3 (ii) the greatest positive impacts on
4 long-term salmon habitat and population
5 viability in salmon strongholds; and

6 (B) to provide financial assistance to the
7 Salmon Stronghold Partnership to increase
8 local economic opportunities and resources for
9 actions or practices that provide long-term or
10 permanent protection for and maintain key eco-
11 system services in salmon strongholds, includ-
12 ing—

13 (i) payments for ecosystem services;

14 (ii) placement of conservation ease-
15 ments, including those described in 26
16 U.S.C. 170(h); and

17 (iii) demonstration projects designed
18 for specific salmon strongholds;

19 (4) to maintain a forum to share best practices
20 and approaches, employ consistent and comparable
21 metrics, forecast and address climate impacts, and
22 monitor, evaluate, and report regional status and
23 trends of salmon ecosystems in coordination with re-
24 lated regional and State efforts;

1 (5) to work cooperatively with existing salmon
2 conservation programs in and across salmon strong-
3 holds to achieve the goals of the Salmon Stronghold
4 Partnership on a regional scale;

5 (6) to accelerate the implementation of recovery
6 plans in salmon strongholds that have salmon popu-
7 lations listed as threatened or endangered under the
8 Endangered Species Act of 1973 (16 U.S.C. 1531 et
9 seq.);

10 (7) to develop and make information available
11 to the public pertaining to the Salmon Stronghold
12 Partnership; and

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

16 (c) ADMINISTRATION.—

17 (1) IN GENERAL.—Projects that will be carried
18 out with assistance from the program shall be ad-
19 ministered as follows:

20 (A) SITE-BASED PROJECTS.—A project
21 that will be carried out with assistance from the
22 program within 1 State shall be selected as fol-
23 lows:

24 (i) STATE PROJECTS.—If a State has
25 a competitive grant process relating to

1 salmon conservation in effect as of the
2 date of enactment of this Act and has a
3 proven record of implementing an efficient,
4 cost-effective, and competitive grant pro-
5 gram for salmon conservation or has a via-
6 ble plan to provide accountability under
7 the program—

8 (I) the Administrator, in con-
9 sultation with the Director, shall pro-
10 vide funds to the National Fish and
11 Wildlife Foundation;

12 (II) the National Fish and Wild-
13 life Foundation shall, pursuant to a
14 request by the State for funding
15 under this section, provide program
16 funds to the State for selected
17 projects, as directed by the Board in
18 accordance with paragraph (2); and

19 (III) the State shall administer
20 projects to be carried out in such
21 State with the assistance of the pro-
22 gram.

23 (ii) NATIONAL FISH AND WILDLIFE
24 FOUNDATION PROJECTS.—If a State does

1 not meet the criteria described in clause

2 (i)—

3 (I) the Administrator, in con-
4 sultation with the Director, shall pro-
5 vide funds to the National Fish and
6 Wildlife Foundation;

7 (II) the National Fish and Wild-
8 life Foundation shall administer se-
9 lected projects to be carried out in
10 such State with the assistance of the
11 program, as directed by the Board in
12 accordance with paragraph (2).

13 (B) MULTISITE AND PROGRAMMATIC INI-
14 TIATIVES.—For a project that will be carried
15 out with assistance from the program in more
16 than 1 State or that is a programmatic initia-
17 tive that affects more than 1 State—

18 (i) the Administrator, in consultation
19 with the Director, shall provide funds to
20 the National Fish and Wildlife Founda-
21 tion; and

22 (ii) the National Fish and Wildlife
23 Foundation shall administer selected
24 projects to be carried out with the assist-

1 ance of the program, as directed by the
2 Board in accordance with paragraph (2).

3 (2) PROJECT SELECTION.—

4 (A) IN GENERAL.—Subject to subsection
5 (d), a project is eligible to receive assistance
6 under the program if the project—

7 (i) contributes to the conservation of
8 salmon;

9 (ii) meets the eligibility criteria set
10 forth by the Board in its Charter under
11 section 4(g);

12 (iii)(I) addresses a factor limiting or
13 threatening to limit abundance, produc-
14 tivity, diversity, habitat quality, or other
15 biological attributes important to sus-
16 taining viable salmon populations within a
17 salmon stronghold; or

18 (II) is a programmatic action that
19 supports the Salmon Stronghold Partner-
20 ship;

21 (iv) addresses limiting factors to
22 healthy ecosystem processes or sustainable
23 fisheries management;

24 (v) has the potential for conservation
25 benefits and broadly applicable results; and

1 (vi) meets the requirements for cost
2 sharing described in paragraph (3).

3 (B) PRIORITIZATION.—

4 (i) IN GENERAL.—The Board shall
5 prioritize individual projects eligible for
6 funding under the program in accordance
7 with the process for such prioritization es-
8 tablished in its Charter under section
9 4(g)—

10 (I) not less often than once each
11 fiscal year; and

12 (II) following the solicitation of
13 projects for funding with amounts
14 available under this Act for the fiscal
15 year.

16 (ii) REVISION.—The Board shall de-
17 velop or revise, or both, the criteria nec-
18 essary to prioritize projects eligible for
19 funding under the program—

20 (I) not less often than once each
21 fiscal year; and

22 (II) prior to the prioritization of
23 projects to be funded with amounts
24 available under this Act for that fiscal
25 year.

1 (3) COST SHARING.—

2 (A) FEDERAL SHARE.—

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

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

18 (B) NON-FEDERAL SHARE.—

19 (i) IN GENERAL.—Subject to clause
20 (ii), the non-Federal share of the cost of a
21 project that receives assistance under the
22 program may not be derived from Federal
23 grant programs, but may include in-kind
24 contributions.

1 (ii) BONNEVILLE POWER ADMINISTRA-
2 TION.—Any amounts provided by the Bon-
3 neville Power Administration directly or
4 through a grant to another entity used to
5 carry out a project that receives assistance
6 under the program shall be credited toward
7 the non-Federal share of the cost of the
8 project.

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

16 (e) REPORTS.—

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

1 (2) REPORTS TO THE ADMINISTRATION.—Not
2 less frequently than once every three years, each
3 State that is provided program funds under sub-
4 section (c)(1)(A)(i) and the National Fish and Wild-
5 life Foundation shall provide reports to the Adminis-
6 trator that include the information required by the
7 Administrator to evaluate the implementation of the
8 program.

9 **SEC. 7. INTERAGENCY COOPERATION.**

10 The head of each Federal agency or department re-
11 sponsible for acquiring, managing, or disposing of Federal
12 land that is within a salmon stronghold shall, to the extent
13 consistent with the mission of the agency or department
14 and existing law, cooperate with the Administrator and the
15 Director to—

- 16 (1) conserve the salmon stronghold; and
17 (2) effectively coordinate and streamline Salm-
18 on Stronghold Partnership activities and delivery of
19 overlapping, incentive-based programs that affect the
20 salmon stronghold.

21 **SEC. 8. INTERNATIONAL COOPERATION.**

22 (a) AUTHORITY TO COOPERATE.—The Adminis-
23 trator and the Board may share status and trends data,
24 innovative conservation strategies, conservation planning
25 methodologies, and other information with North Pacific

1 countries including Canada, Japan, Russia, and South
2 Korea, and appropriate international entities, to promote
3 salmon conservation and habitat.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the Administrator and the Board, or entities
6 that are members of the Board, should and are encour-
7 aged to provide information to North Pacific countries in-
8 cluding Canada, Japan, Russia, and South Korea, and ap-
9 propriate international entities, to support the develop-
10 ment of a network of salmon strongholds across the na-
11 tions of the North Pacific.

12 **SEC. 9. CONDITIONS RELATING TO SALMON STRONGHOLD**
13 **CONSERVATION PROJECTS.**

14 (a) IN GENERAL.—No land or interest in land, ac-
15 quired in whole or in part by the Secretary of the Interior
16 with Federal funds made available under this Act to carry
17 out a salmon stronghold conservation project may be
18 transferred to a State, other public agency, or other entity
19 unless—

20 (1) the Secretary of the Interior determines
21 that the State, agency, or entity is committed to
22 manage, in accordance with this Act and the pur-
23 poses of this Act, the property being transferred;
24 and

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

6 (b) REQUIREMENT.—Any real property interest con-
7 veyed under this section shall be subject to such terms
8 and conditions as will ensure, to the maximum extent
9 practicable, that the interest will be administered in ac-
10 cordance with this Act and the purposes of this Act.

11 **SEC. 10. ADMINISTRATIVE PROVISIONS.**

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

14 (1) consistent with a recommendation of the
15 board and notwithstanding sections 6304 and 6305
16 of title 31, United States Code, and the Federal Fi-
17 nancial Assistance Management Improvement Act of
18 1999 (31 U.S.C. 6101 note; Public Law 106–107),
19 enter into cooperative agreements, contracts, and
20 grants;

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

24 (3) make funds available to any Federal agency
25 to be used by the agency to award financial assist-

1 ance for any salmon stronghold protection, restora-
2 tion, or enhancement project that the Secretary de-
3 termines to be consistent with this Act.

4 (b) DONATIONS.—

5 (1) IN GENERAL.—The Secretary may—

6 (A) enter into an agreement with any orga-
7 nization described in section 501(c)(3) of the
8 Internal Revenue Code of 1986 to authorize the
9 organization to carry out activities under this
10 Act; and

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

13 (2) PROPERTY.—The Secretary of the Interior
14 may accept donations of property for use in carrying
15 out this Act.

16 (3) USE OF DONATIONS.—Donations accepted
17 under this section—

18 (A) shall be considered to be gifts or be-
19 quests to, or for the use of, the United States;
20 and

21 (B) may be used directly by the Secretary
22 (or, in the case of donated property under para-
23 graph (2), the Secretary of the Interior) or pro-
24 vided to other Federal agencies or departments
25 through interagency agreements.

1 (c) INTERAGENCY FINANCING.—The Secretary may
2 participate in interagency financing, including receiving
3 appropriated funds from other agencies or departments to
4 carry out this Act.

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

8 **SEC. 11. ACQUISITION OF REAL PROPERTY 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 **SEC. 12. LIMITATIONS.**

20 Nothing in this Act may be construed—

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

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

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

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

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

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

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

1 **SEC. 13. REPORTS TO CONGRESS.**

2 Not less frequently than once every 3 years, the Ad-
3 ministrator, in consultation with the Director, shall submit
4 to Congress a report describing the activities carried out
5 under this Act, including the recommendations of the Ad-
6 ministrator, if any, for legislation relating to the Salmon
7 Stronghold Partnership.

8 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) GRANTS.—

10 (1) IN GENERAL.—There is authorized to be
11 appropriated to each of the Administrator and Di-
12 rector, to be distributed or administered, or both, by
13 the National Fish and Wildlife Foundation as a fis-
14 cal agent, to provide grants under the program
15 \$15,000,000 for each of fiscal years 2009 through
16 2013.

17 (2) BOARD.—The National Fish and Wildlife
18 Foundation shall, from the amount appropriated
19 pursuant to the authorization in paragraph (1),
20 make available sufficient funds to the Board to carry
21 out its duties under this Act.

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

1 (c) AVAILABILITY OF FUNDS.—Amounts appro-
2 priated pursuant to an authorization of appropriations in
3 this section are authorized to remain available until ex-
4 pended.

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