

111TH CONGRESS
1ST SESSION

S. 817

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. FEINSTEIN, Mrs. BOXER, Mr. WYDEN, Mr. MERKLEY, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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”.

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. Acquisition and transfer of real property interests.
- Sec. 10. Administrative provisions.
- Sec. 11. Limitations.
- Sec. 12. Reports to Congress.
- Sec. 13. 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 bi-lateral 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 rapid environmental
5 change during the period beginning on the date of
6 the enactment of this Act, maintaining key eco-
7 system processes and functions, population abun-
8 dance, and genetic integrity will be vital to ensuring
9 the health of salmon populations.

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

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

20 (8) Measures being undertaken as of the date
21 of the enactment of this Act to recover threatened
22 or endangered salmon stocks, including Federal,
23 State, and local programs to restore salmon habitat,
24 are vital. These measures will be complemented and
25 enhanced by identifying and sustaining core centers

1 of abundance, productivity, and diversity in the
2 healthiest remaining salmon ecosystems throughout
3 the range of salmon species.

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

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

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

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

20 (A) in the States of California, Idaho, Or-
21 egon, and Washington, by focusing resources on
22 cooperative, incentive-based efforts to conserve
23 the roughly 20 percent of salmon habitat that
24 supports approximately two-thirds of salmon
25 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, including flood protection,
10 recreation, water quantity and quality, carbon se-
11 questration, 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.

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 all or part of a watershed or that
9 meets biological criteria for abundance, productivity,
10 diversity (life history and run timing), habitat qual-
11 ity, or other biological attributes important to sus-
12 taining viable populations of salmon throughout
13 their range, as defined 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 a Board estab-
12 lished by the Secretary to be known as the Salmon
13 Stronghold Partnership Board.

14 (b) SALMON STRONGHOLD PARTNERSHIP BOARD.—

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

18 (A) 1 representative from each of—

19 (i) the National Marine Fisheries
20 Service, as appointed by the Administrator;

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

23 (iii) the Forest Service, as appointed
24 by the Chief of the Forest Service;

1 (iv) the Environmental Protection
2 Agency, as appointed by the Administrator
3 of the Environmental Protection Agency;

4 (v) the Bonneville Power Administra-
5 tion, as appointed by the Administrator of
6 the Bonneville Power Administration;

7 (vi) the Bureau of Land Management,
8 as appointed by the Director of the Bureau
9 of Land Management; and

10 (vii) the Northwest Power and Con-
11 servation Council, as appointed by the
12 Northwest Power and Conservation Coun-
13 cil.

14 (B) 1 representative from the natural re-
15 sources staff of the office of the Governor or of
16 an appropriate natural resource agency of a
17 State, as appointed by the Governor, from each
18 of the States of—

19 (i) Alaska;

20 (ii) California;

21 (iii) Idaho;

22 (iv) Oregon; and

23 (v) Washington.

24 (C) Not less than 3 and not more than 5
25 representatives from Indian tribes or tribal

1 commissions located within the range of a salmon
2 species, as appointed by such Indian tribes
3 or tribal commissions, in consultation with the
4 Board.

5 (D) 1 representative from each of 3 non-
6 governmental organizations with salmon con-
7 servation and management expertise, as se-
8 lected by the Board.

9 (E) 1 national or regional representative
10 from an association of counties, as selected by
11 the Board.

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

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

24 (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 the government of each county, and tribal govern-
8 ment in which a salmon stronghold is identified by
9 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—

17 (1) shall establish a standing science advisory
18 committee to assist the Board in the development,
19 collection, evaluation, and peer review of statistical,
20 biological, economic, social, and other scientific in-
21 formation; and

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

24 (g) CHARTER.—The Board shall develop a written
25 charter that—

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

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

7 (3) includes—

8 (A) the defining criteria for a salmon
9 stronghold;

10 (B) the process for identifying salmon
11 strongholds; and

12 (C) the process for reviewing and awarding
13 grants under the program, including—

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

16 (ii) the process for renewing such a
17 grant;

18 (iii) the eligibility requirements for
19 such a grant;

20 (iv) the reporting requirements for
21 projects awarded such a grant; and

22 (v) the criteria for evaluating the suc-
23 cess of a project carried out with such a
24 grant.

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

4 **SEC. 5. INFORMATION AND ASSESSMENT.**

5 The Administrator shall carry out specific informa-
6 tion and assessment functions associated with salmon
7 strongholds, in coordination with other regional salmon ef-
8 forts, including—

9 (1) triennial assessment of status and trends in
10 salmon strongholds;

11 (2) geographic information system and mapping
12 support to facilitate conservation planning;

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

15 (4) development and application of models and
16 other tools to identify salmon conservation actions
17 projected to have the greatest positive impacts on
18 salmon abundance, productivity, or diversity within
19 salmon strongholds; and

20 (5) measurement of the effectiveness of the
21 Salmon Stronghold Partnership activities.

22 **SEC. 6. SALMON STRONGHOLD WATERSHED GRANTS AND**
23 **TECHNICAL ASSISTANCE PROGRAM.**

24 (a) IN GENERAL.—The Administrator, in consulta-
25 tion with the Director, shall establish a salmon stronghold

1 watershed grants and technical assistance program, as de-
2 scribed in this section.

3 (b) PURPOSE.—The purpose of the program shall be
4 to support salmon stronghold protection and restoration
5 activities, including—

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

8 (2) to encourage cooperation among the entities
9 represented on the Board, local authorities, and pri-
10 vate entities to establish a network of salmon strong-
11 holds, and assist locally in specific actions that sup-
12 port the Salmon Stronghold Partnership;

13 (3) to support entities represented on the
14 Board—

15 (A) to develop strategies focusing on salm-
16 on conservation actions projected to have the
17 greatest positive impacts on abundance, produc-
18 tivity, or diversity in salmon strongholds; and

19 (B) to provide financial assistance to the
20 Salmon Stronghold Partnership to increase
21 local economic opportunities and resources for
22 actions or practices that provide long-term or
23 permanent conservation and that maintain key
24 ecosystem services in salmon strongholds, in-
25 cluding—

1 (i) payments for ecosystem services;

2 and

3 (ii) demonstration projects designed

4 for specific salmon strongholds;

5 (4) to maintain a forum to share best practices

6 and approaches, employ consistent and comparable

7 metrics, forecast and address climate impacts, and

8 monitor, evaluate, and report regional status and

9 trends of salmon ecosystems in coordination with re-

10 lated regional and State efforts;

11 (5) to carry out activities and existing conserva-

12 tion programs in, and across, salmon strongholds on

13 a regional scale to achieve the goals of the Salmon

14 Stronghold Partnership;

15 (6) to accelerate the implementation of recovery

16 plans in salmon strongholds that have salmon popu-

17 lations listed as threatened or endangered under the

18 Endangered Species Act of 1973 (16 U.S.C. 1531 et

19 seq.);

20 (7) to develop and make information available

21 to the public pertaining to the Salmon Stronghold

22 Partnership; and

23 (8) to conduct education outreach to the public,

24 in coordination with other programs, to encourage

25 increased stewardship of salmon strongholds.

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

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

7 (A) STATE SELECTION.—If a State has a
8 competitive grant process relating to salmon
9 conservation in effect as of the date of enact-
10 ment of this Act and has a proven record of im-
11 plementing an efficient, cost-effective, and com-
12 petitive grant program for salmon conservation
13 or has a viable plan to provide accountability
14 under the program—

15 (i) the National Fish and Wildlife
16 Foundation, in consultation with the
17 Board, shall provide program funds to the
18 State; and

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

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

1 (i) the Administrator, in consultation
2 with the Director, shall provide funds to
3 the National Fish and Wildlife Founda-
4 tion; and

5 (ii) the National Fish and Wildlife
6 Foundation, in consultation with the
7 Board, shall select and administer projects
8 to be carried out in such State, in accord-
9 ance with subsection (d).

10 (2) MULTISITE AND PROGRAMMATIC INITIA-
11 TIVES.—For a project that will be carried out with
12 assistance from the program in more than 1 State
13 or that is a programmatic initiative that affect more
14 than 1 State—

15 (A) the Administrator, in consultation with
16 the Director, shall provide funds to the Na-
17 tional Fish and Wildlife Foundation; and

18 (B) the National Fish and Wildlife Foun-
19 dation, in consultation with the Board, shall se-
20 lect and administer such projects to be carried
21 out, in accordance with subsection (d).

22 (d) CRITERIA FOR APPROVAL.—

23 (1) CRITERIA DEVELOPED BY THE BOARD.—

24 (A) REQUIREMENT TO DEVELOP.—The
25 Board shall develop and provide criteria for the

1 prioritization of projects funded under the pro-
2 gram in a manner that enables projects to be
3 individually ranked in sequential order by the
4 magnitude of the project's positive impacts on
5 salmon abundance, productivity, or diversity.

6 (B) SPECIFIC REQUIREMENTS.—The cri-
7 teria required by subparagraph (A) shall re-
8 quire that a project that receives assistance
9 under the program—

10 (i) contributes to the conservation of
11 salmon;

12 (ii) meets the criteria for eligibility es-
13 tablished in the charter;

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

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

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

1 (v) has the potential for conservation
2 benefits and broadly applicable results; and

3 (vi) meets the requirements for—

4 (I) cost sharing described in sub-
5 section (e); and

6 (II) the limitation on administra-
7 tive expenses described in subsection
8 (f).

9 (C) SCHEDULE FOR DEVELOPMENT.—The
10 Board shall—

11 (i) develop and provide the criteria re-
12 quired by subparagraph (A) prior to the
13 initial solicitation of projects under the
14 program; and

15 (ii) revise such criteria not less often
16 than once each year.

17 (e) COST SHARING.—

18 (1) FEDERAL SHARE.—

19 (A) NON-FEDERAL LAND.—For any fiscal
20 year, the Federal share of the cost of a project
21 that receives assistance under the program and
22 that is carried out on land that is not owned by
23 the United States shall not exceed 50 percent
24 of the total cost of the project.

1 (B) FEDERAL LAND.—For any fiscal year,
2 the Federal share of the cost of a project that
3 receives assistance under the program and that
4 is carried out on land that is owned by the
5 United States, including the acquisition of
6 inholdings, may be up to 100 percent of the
7 total cost of the project.

8 (2) NON-FEDERAL SHARE.—

9 (A) IN GENERAL.—Subject to subpara-
10 graph (B), the non-Federal share of the cost of
11 a project that receives assistance under the pro-
12 gram may not be derived from Federal grant
13 programs, but may include in-kind contribu-
14 tions.

15 (B) BONNEVILLE POWER ADMINISTRA-
16 TION.—Any amounts provided by the Bonneville
17 Power Administration directly or through a
18 grant to another entity used to carry out a
19 project that receives assistance under the pro-
20 gram shall be credited toward the non-Federal
21 share of the cost of the project.

22 (f) ADMINISTRATIVE EXPENSES.—Of the amount
23 available to a State or the National Fish and Wildlife
24 Foundation under the program for each fiscal year, such
25 State and the National Fish and Wildlife Foundation shall

1 not expend more than 5 percent of such amount for ad-
2 ministrative and reporting expenses necessary to carry out
3 this section.

4 (g) REPORTS.—

5 (1) REPORTS TO STATES OR NFWF.—Each per-
6 son who receives assistance through a State or the
7 National Fish and Wildlife Foundation under the
8 program for a project shall provide periodic reports
9 to the State or the National Fish and Wildlife Foun-
10 dation, as appropriate, that includes the information
11 required by the State or the National Fish and
12 Wildlife Foundation to evaluate the progress and
13 success of the project.

14 (2) REPORTS TO THE ADMINISTRATION.—Not
15 less frequently than once every 3 years, each State
16 that is provided program funds under subsection
17 (c)(1)(A) and the National Fish and Wildlife Foun-
18 dation shall provide reports to the Administrator
19 that include the information required by the Admin-
20 istrator to evaluate the implementation of the pro-
21 gram.

22 **SEC. 7. INTERAGENCY COOPERATION.**

23 The head of each Federal agency or department re-
24 sponsible for acquiring, managing, or disposing of Federal
25 land that is within a salmon stronghold shall, to the extent

1 consistent with the mission of the agency or department
2 and existing law, cooperate with the Administrator and the
3 Director—

4 (1) to conserve the salmon strongholds; and

5 (2) to effectively coordinate and streamline
6 Salmon Stronghold Partnership activities and deliv-
7 ery of overlapping, incentive-based programs that af-
8 fect the salmon stronghold.

9 **SEC. 8. INTERNATIONAL COOPERATION.**

10 (a) **AUTHORITY TO COOPERATE.**—The Adminis-
11 trator and the Board may share status and trends data,
12 innovative conservation strategies, conservation planning
13 methodologies, and other information with North Pacific
14 countries, including Canada, Japan, Russia, and South
15 Korea, and appropriate international entities to promote
16 conservation of salmon and salmon habitat.

17 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
18 gress that the Administrator and the Board, or entities
19 that are members of the Board, should and are encour-
20 aged to provide information to North Pacific countries, in-
21 cluding Canada, Japan, Russia, and South Korea, and ap-
22 propriate international entities to support the development
23 of a network of salmon strongholds across the nations of
24 the North Pacific.

1 **SEC. 9. ACQUISITION AND TRANSFER OF REAL PROPERTY**
2 **INTERESTS.**

3 (a) USE OF REAL PROPERTY.—No project that will
4 result in the acquisition by the Secretary or the Secretary
5 of the Interior of any land or interest in land, in whole
6 or in part, may receive funds under this Act unless the
7 project is consistent with the purposes of this Act.

8 (b) PRIVATE PROPERTY PROTECTION.—No Federal
9 funds made available to carry out this Act may be used
10 to acquire any real property or any interest in any real
11 property without the written consent of the 1 or more own-
12 ers of the property or interest in property.

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

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

24 (2) the deed or other instrument of transfer
25 contains provisions for the reversion of the title to
26 the property to the United States if the State, agen-

1 cy, or entity fails to manage the property in accord-
2 ance with this Act and the purposes of this Act.

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

8 **SEC. 10. ADMINISTRATIVE PROVISIONS.**

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

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

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

21 (3) make funds available to any Federal agency
22 or department to be used by the agency or depart-
23 ment to award financial assistance for any salmon
24 stronghold protection, restoration, or enhancement

1 project that the Secretary determines to be con-
2 sistent with this Act.

3 (b) DONATIONS.—

4 (1) IN GENERAL.—The Secretary may—

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

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

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

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

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

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

9 Nothing in this Act may be construed—

10 (1) to create a reserved water right, express or
11 implied, in the United States for any purpose, or af-
12 fect the management or priority of water rights
13 under State law;

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

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

19 (4) to affect the authority, jurisdiction, or re-
20 sponsibility of any agency or department of the
21 United States or of a State to manage, control, or
22 regulate fish and resident wildlife under a Federal or
23 State law or regulation;

1 (5) to authorize the Secretary or the Secretary
2 of the Interior to control or regulate hunting or fish-
3 ing under State law;

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

8 (7) to diminish or affect the ability of the Sec-
9 retary or the Secretary of the Interior to join the ad-
10 judication of rights to the use of water pursuant to
11 subsections (a), (b), or (c) of section 208 of the De-
12 partment of Justice Appropriation Act, 1953 (43
13 U.S.C. 666).

14 **SEC. 12. REPORTS TO CONGRESS.**

15 Not less frequently than once every 3 years, the Ad-
16 ministrator, in consultation with the Director, shall submit
17 to Congress a report describing the activities carried out
18 under this Act, including the recommendations of the Ad-
19 ministrator, if any, for legislation relating to the Salmon
20 Stronghold Partnership.

21 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) GRANTS.—

23 (1) IN GENERAL.—There is authorized to be
24 appropriated to the Administrator, to be distributed
25 by the National Fish and Wildlife Foundation as a

1 fiscal agent, to provide grants under the program,
2 \$30,000,000 for each of fiscal years 2009 through
3 2013.

4 (2) BOARD.—The National Fish and Wildlife
5 Foundation shall, from the amount appropriated
6 pursuant to the authorization of appropriations in
7 paragraph (1), make available sufficient funds to the
8 Board to carry out its duties under this Act.

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

13 (c) AVAILABILITY OF FUNDS.—Amounts appro-
14 priated pursuant to an authorization of appropriations in
15 this section are authorized to remain available until ex-
16 pended.

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