

110TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Ms. CANTWELL introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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 2008”.

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. Establishment of Salmon Stronghold Partnership Board.
- Sec. 5. Information and assessment.
- Sec. 6. Salmon stronghold watershed grants and technical assistance program.
- Sec. 7. Conservation of salmon strongholds on Federal land.

- Sec. 8. Conditions relating to salmon stronghold conservation projects.
- Sec. 9. Allocation of amounts.
- Sec. 10. Accountability and reporting.
- Sec. 11. Regulations.
- Sec. 12. Limitations.
- Sec. 13. Private property protection.

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

2 (a) FINDINGS.—Congress finds that—

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

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

9 (3) during the anticipated rapid environmental  
10 change during the several decade period beginning  
11 on the date of enactment of this Act, maintaining  
12 key ecosystem processes and functions, population  
13 abundance, and genetic integrity are vital to ensur-  
14 ing the health of salmon populations;

15 (4) salmon strongholds provide critical produc-  
16 tion zones for commercial and recreational fisheries;

17 (5) taking into consideration the frequency of  
18 fisheries collapses during the period immediately  
19 preceding the date of enactment of this Act, con-  
20 serving core centers of abundance, productivity, and  
21 diversity is vital to sustain salmon populations and  
22 fisheries into the future;

1           (6) measures being undertaken as of the date  
2 of enactment of this Act to recover threatened or en-  
3 dangered salmon stocks are vital, but must be com-  
4 plemented by identifying and sustaining core centers  
5 of abundance, productivity, and diversity in the  
6 healthiest remaining salmon ecosystems throughout  
7 the salmon range; and

8           (7) greater coordination between public and pri-  
9 vate actors can assist salmon strongholds by mar-  
10 shaling and focusing resources on high priority pro-  
11 tection and restoration actions.

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

13           (1) to expand Federal support for the protec-  
14 tion and restoration of the healthiest remaining  
15 salmon strongholds in North America to sustain core  
16 centers of salmon abundance, productivity, and di-  
17 versity in order to prevent decline of salmon popu-  
18 lations—

19           (A) in the States of Washington, Idaho,  
20 Oregon, and California, by focusing resources  
21 on cooperative, incentive-based efforts to pro-  
22 tect the roughly 20 percent of salmon habitat  
23 that supports approximately  $\frac{2}{3}$  of salmon abun-  
24 dance; and

1 (B) in the State of Alaska, a regional  
2 stronghold that produces over  $\frac{1}{3}$  of all Pacific  
3 salmon, by increasing resources available to  
4 public and private organizations working coop-  
5 eratively to protect regional core centers of  
6 salmon abundance and diversity;

7 (2) to obtain long-term funding for implementa-  
8 tion of salmon stronghold strategies, including the  
9 bundling and delivery of incentive-based conservation  
10 measures;

11 (3) to promote economic co-benefits associated  
12 with healthy and restored salmon stronghold habitat,  
13 including flood protection, recreation, water quantity  
14 and quality, climate benefits, and other ecosystem  
15 services; and

16 (4) to accelerate as applicable the implementa-  
17 tion of recovery plans for salmon populations listed  
18 as threatened or endangered under the Endangered  
19 Species Act of 1973 (16 U.S.C. 1531 et seq.) within  
20 salmon strongholds.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) ADMINISTRATOR.—The term “Adminis-  
24 trator” means the Assistant Administrator for the

1 National Marine Fisheries Service of the National  
2 Oceanic and Atmospheric Administration.

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

6 (3) CHARTER.—The term “Charter” means the  
7 charter developed under section 4(g).

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

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

17 (6) PROGRAM.—The term “program” means  
18 the salmon stronghold watershed grants and tech-  
19 nical assistance program established under section  
20 6(a).

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

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

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

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

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

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

7 and

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

10 (8) SALMON STRONGHOLD.—The term “salmon  
11 stronghold” means all or part of a watershed that  
12 meets biological criteria for abundance, productivity,  
13 diversity (life history and run timing), habitat qual-  
14 ity, or other biological attributes important to sus-  
15 taining viable populations of salmon throughout the  
16 salmon range.

17 (9) SALMON STRONGHOLD PARTNERSHIP.—The  
18 term “Salmon Stronghold Partnership” means a co-  
19 operative, incentive-based, public-private partnership  
20 between Federal, State, tribal, private, and non-gov-  
21 ernmental organizations working across political  
22 boundaries, government jurisdictions, and land own-  
23 erships to identify and protect salmon strongholds.

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

4   **SEC. 4. ESTABLISHMENT OF SALMON STRONGHOLD PART-**  
5                                   **nership Board.**

6           (a) ESTABLISHMENT.—There is established a Board  
7           to be known as the “Salmon Stronghold Partnership  
8           Board”.

9           (b) MEMBERSHIP.—The members of the Board shall  
10          include members from Federal, State, tribal, and non-gov-  
11          ernmental organizations, and other entities with signifi-  
12          cant resources regionally dedicated to protection of wild  
13          salmon ecosystems, including—

14                 (1) one representative from each of—

15                         (A) the National Oceanic and Atmospheric  
16                         Administration;

17                         (B) the United States Fish and Wildlife  
18                         Service;

19                         (C) the Forest Service;

20                         (D) the Environmental Protection Agency;

21                         (E) the Bonneville Power Administration;

22                         (F) the Bureau of Land Management; and

23                         (G) the Northwest Power and Conservation  
24                         Council;

1           (2) State representatives from the Governor's  
2           Office or the appropriate natural resource agencies,  
3           as determined by the Board, from each of the States  
4           of—

- 5                   (A) Oregon;
- 6                   (B) Washington;
- 7                   (C) California;
- 8                   (D) Idaho; and
- 9                   (E) Alaska;

10           (3) three representatives from West Coast In-  
11           dian tribes;

12           (4) one representative from each of 3 non-gov-  
13           ernmental organizations selected by the Board; and

14           (5) any other members that the Board deter-  
15           mines are appropriate.

16           (c) BOARD CONSULTATION.—The Board may seek  
17           expertise from fisheries experts from appropriate agencies  
18           or universities.

19           (d) MEETINGS.—

20                   (1) FREQUENCY.—Not less frequently than 3  
21           times each year, the Board shall hold Salmon  
22           Stronghold Partnership meetings to provide opportu-  
23           nities for input from a broader set of stakeholders.

24                   (2) NOTICE.—Prior to each Salmon Stronghold  
25           Partnership meeting, the Board shall give timely no-





- 1 (iii) a description of grant eligibility;
- 2 (iv) reporting requirements for se-
- 3 lected projects; and
- 4 (v) criteria for evaluation of the suc-
- 5 cess of a project.

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 the network

12 of salmon strongholds, in coordination with other regional

13 salmon efforts, including—

14 (1) triennial assessment of status and trends in

15 network sites;

16 (2) geographic information system and mapping

17 support to facilitate conservation planning;

18 (3) development and application of models and

19 other tools to identify highest value conservation ac-

20 tions within salmon strongholds; and

21 (4) measurement of the effectiveness of the

22 Salmon Stronghold Partnership activities.

1 **SEC. 6. SALMON STRONGHOLD WATERSHED GRANTS AND**  
2 **TECHNICAL ASSISTANCE PROGRAM.**

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

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

10 (1) to fund the administration of the Salmon  
11 Stronghold Partnership in carrying out the Charter;

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

17 (3) to work with entities represented on the  
18 Board—

19 (A) to develop strategies focusing on the  
20 highest value salmon conservation actions in  
21 salmon strongholds; and

22 (B) in addition to protection actions, in-  
23 cluding voluntary acquisitions and easements,  
24 to provide financial assistance to the Salmon  
25 Stronghold Partnership to develop innovative fi-  
26 nancial mechanisms to increase local economic

1 opportunities and resources for actions or prac-  
2 tices that provide long-term or permanent pro-  
3 tection and maintain key ecosystem services in  
4 salmon strongholds, including—

5 (i) approaches to explore a payment  
6 for ecosystem services model that values  
7 and compensates individuals or groups for  
8 actions taken, or not taken, and that pre-  
9 serves, increases, or maintains key eco-  
10 system services; and

11 (ii) carrying out several demonstration  
12 projects designed for specific salmon  
13 strongholds;

14 (4) to maintain a forum to share best practices  
15 and approaches, employ consistent and comparable  
16 metrics, and monitor, evaluate, and report regional  
17 status and trends of salmon ecosystems in coordina-  
18 tion with related regional and State efforts;

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

23 (6) to develop and make information available  
24 to the public pertaining to the Salmon Stronghold  
25 Partnership; and

1           (7) to conduct education outreach to the public  
2 to encourage increased stewardship of salmon  
3 strongholds.

4           (c) SELECTION.—

5           (1) ADMINISTRATION AND SELECTION.—The  
6 Administrator, in consultation with the Board, shall  
7 establish a process to select grant applicants and ad-  
8 minister the grants made under this section.

9           (2) CRITERIA FOR APPROVAL.—Subject to sub-  
10 section (d), a project may be approved to receive a  
11 grant under this section if—

12                   (A) the project contributes to the protec-  
13 tion and restoration of salmon;

14                   (B) the project meets criteria regarding ge-  
15 ographic and programmatic parameters for  
16 strategic investments in Salmon Strongholds, as  
17 identified and periodically revised by the Board  
18 preceding each grant review process; and

19                   (C) the project—

20                           (i)(I) addresses a key factor limiting  
21 or threatening to limit abundance, produc-  
22 tivity, diversity, habitat quality, or other  
23 biological attributes important to sus-  
24 taining viable wild salmon populations  
25 within a Salmon Stronghold; or

- 1 (II) a programmatic action that sup-  
2 ports the Salmon Stronghold Partnership;  
3 (ii) addresses major limiting factors to  
4 healthy ecosystem processes or sustainable  
5 fisheries management; and  
6 (iii) has the potential for major con-  
7 servation benefits and potentially export-  
8 able results.

9 (d) ACQUISITION OF REAL PROPERTY INTERESTS.—  
10 No project that will result in the acquisition by the Sec-  
11 retary or the Secretary of the Interior of any land or inter-  
12 est in land, in whole or in part, may receive funds under  
13 this Act unless the project is consistent with the purposes  
14 of this Act.

15 (e) PROJECT REPORTING.—Each grantee under this  
16 section shall provide periodic reports to the Administrator  
17 that include such information as the Administrator may  
18 require to evaluate the progress and success of the project.

19 (f) STAFF.—Subject to the availability of appropria-  
20 tions, the Administrator may hire such additional full-time  
21 employees as are necessary to carry out this Act.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) GRANTS.—There is authorized to be appro-  
24 priated to the Administrator, to be distributed by  
25 the National Fish and Wildlife Foundation as a fis-

1 cal agent, to provide grants under this section  
2 \$15,000,000 for each of fiscal years 2009 through  
3 2013, to remain available until expended.

4 (2) TECHNICAL ASSISTANCE.—For each of fis-  
5 cal years 2009 through 2013, there is authorized to  
6 be appropriated to the Administrator an additional  
7 \$300,000 to carry out this section and section 5, to  
8 remain available until expended.

9 **SEC. 7. CONSERVATION OF SALMON STRONGHOLDS ON**  
10 **FEDERAL LAND.**

11 The head of each Federal agency responsible for ac-  
12 quiring, managing, or disposing of Federal land in salmon  
13 strongholds shall, to the extent consistent with the mission  
14 of the agency and existing statutory authorities, cooperate  
15 with the Administrator and the Director to—

16 (1) conserve salmon strongholds; and

17 (2) effectively coordinate and streamline deliv-  
18 ery of overlapping incentive-based programs affect-  
19 ing salmon strongholds within the land of each agen-  
20 cy.

21 **SEC. 8. CONDITIONS RELATING TO SALMON STRONGHOLD**  
22 **CONSERVATION PROJECTS.**

23 (a) IN GENERAL.—No land or interest in land, ac-  
24 quired in whole or in part by 1 or both of the Secretaries  
25 with Federal funds made available under this Act to carry

1 out salmon stronghold conservation projects may be con-  
2 veyed to a State, other public agency, or other entity un-  
3 less—

4 (1) the Secretaries determine that the State,  
5 agency, or other entity is committed to undertake  
6 the management of the property being transferred in  
7 accordance with this Act; and

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

13 (b) REQUIREMENT.—Any real property interest con-  
14 veyed under this section shall be subject to such terms  
15 and conditions as will ensure, to the maximum extent  
16 practicable, that the interest will be administered for the  
17 long-term conservation and management of the applicable  
18 aquatic ecosystem and the fish and wildlife dependent on  
19 that ecosystem.

20 **SEC. 9. ALLOCATION OF AMOUNTS.**

21 (a) FEDERAL SHARE.—

22 (1) NON-FEDERAL LAND.—For any fiscal year,  
23 the Federal share of carrying out a salmon strong-  
24 hold conservation project that receives funds under



1 section 6 on non-Federal land shall not exceed 50  
2 percent of the costs of the project.

3 (2) FEDERAL LAND.—For any fiscal year, the  
4 Federal share of carrying out a salmon stronghold  
5 conservation project that receives funds under sec-  
6 tion 6 on Federal land, including the acquisition of  
7 inholdings, may be up to 100 percent of the costs of  
8 the project.

9 (b) NON-FEDERAL SHARE.—

10 (1) IN GENERAL.—Subject to paragraph (2),  
11 the non-Federal share of the cost of a project that  
12 receives funds under section 6 may not be derived  
13 from Federal grant programs, but may include in-  
14 kind contributions and cash.

15 (2) BONNEVILLE POWER ADMINISTRATION.—  
16 Any amounts provided by the Bonneville Power Ad-  
17 ministration directly or through a grant to another  
18 entity shall be credited toward the non-Federal share  
19 of the cost of the project.

20 (c) PROVISION OF FUNDING.—In carrying out this  
21 Act, the Secretary may—

22 (1) consistent with a recommendation of the  
23 Board and notwithstanding sections 6304 and 6305  
24 of title 31, United States Code, and the Federal Fi-  
25 nancial Assistance Management Improvement Act of

1 1999 (31 U.S.C. 6101 note; Public Law 106-107),  
2 enter into cooperative agreements, contracts, and  
3 grants;

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

7 (3) make funds available to any Federal agency  
8 to be used by the agency to award financial assist-  
9 ance for any salmon stronghold protection, restora-  
10 tion, and enhancement project that the Secretary de-  
11 termines to be consistent with this Act.

12 (d) DONATIONS.—

13 (1) IN GENERAL.—The Secretary may—

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

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

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

24 (3) USE OF DONATIONS.—Donations accepted  
25 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 through inter-  
8 agency agreements.

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

13 **SEC. 10. ACCOUNTABILITY AND REPORTING.**

14 Not less frequently than once every 3 years, the Ad-  
15 ministrator and the Director shall jointly submit to Con-  
16 gress a report describing the activities carried out under  
17 this Act, including any legislative recommendations relat-  
18 ing to the Salmon Stronghold Partnership.

19 **SEC. 11. REGULATIONS.**

20 The Secretary may promulgate regulations to carry  
21 out this Act.

22 **SEC. 12. LIMITATIONS.**

23 Nothing in this Act may be construed—

24 (1) to create a reserved water right, express or  
25 implied, in the United States for any purpose, or af-

1       fect any water right in existence on the date of en-  
2       actment of this Act;

3           (2) 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           (3) 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 (including regulations);

11          (4) to authorize the Secretary or the Secretary  
12      of Interior to control or regulate hunting or fishing  
13      under State law;

14          (5) to abrogate, abridge, affect, modify, super-  
15      sede, or otherwise alter any right of a federally rec-  
16      ognized Indian tribe under any law (including regu-  
17      lations); or

18          (6) to diminish or affect the ability of the Sec-  
19      retary or the Secretary of Interior to join the adju-  
20      dication 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. PRIVATE PROPERTY PROTECTION.**

2       No Federal funds made available to carry out this  
3 Act may be used to acquire any real property or any inter-  
4 est in any real property without the written consent of  
5 the 1 or more owners of the property or interest in prop-  
6 erty.