

Calendar No. 306

112TH CONGRESS
2D SESSION

S. 1401

[Report No. 112-140]

To conserve wild Pacific salmon, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2011

Ms. CANTWELL (for herself, Ms. MURKOWSKI, Mrs. BOXER, Mr. BEGICH, Mrs. MURRAY, Mr. MERKLEY, Mr. WYDEN and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JANUARY 30, 2012

Reported by Mr. ROCKEFELLER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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 2011”.

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

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

3 **SEC. 2. PURPOSES.**

4 The purposes of this Act are—

5 (1) to expand Federal support and resources
 6 for the protection and restoration of the healthiest
 7 remaining salmon strongholds in North America to
 8 sustain core centers of salmon abundance, produc-
 9 tivity, and diversity in order to ensure the long-term
 10 viability of salmon populations—

11 (A) in the States of California, Idaho, Or-
 12 egon, and Washington, by focusing resources on
 13 cooperative, incentive-based efforts to conserve
 14 the roughly 20 percent of salmon habitat that
 15 supports approximately two-thirds of salmon
 16 abundance; and

17 (B) in the State of Alaska, a regional
 18 stronghold that produces more than one-third
 19 of all salmon, by increasing resources available
 20 to public and private organizations working co-

1 operatively to conserve regional core centers of
2 salmon abundance and diversity;

3 ~~(2)~~ to maintain billions of dollars in economic
4 activity and tens of thousands of jobs from salmon
5 related activities that rely on healthy salmon popu-
6 lations and salmon stronghold habitats;

7 ~~(3)~~ 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 (4) 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 gorbuscha*);

24 (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 mykiss*).

6 (8) SALMON STRONGHOLD.—The term “salmon
7 stronghold” means status conferred to a defined
8 geographical unit which meets biological criteria for
9 abundance, productivity, diversity (genetic and life
10 history), habitat quality, or other biological at-
11 tributes important to sustaining viable populations
12 of salmon throughout their range, as defined by the
13 Board under section 4(g)(3).

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) One 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) One representative from the natural
15 resources staff of the office of the Governor or
16 of 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 on species, as appointed by such Indian tribes
 3 or tribal commissions, in consultation with the
 4 Board.

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

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

12 (2) FAILURE TO APPOINT.—If a representative
 13 described in subparagraph (B), (C), (D), or (E) of
 14 paragraph (1) is not appointed to the Board or oth-
 15 erwise fails to participate in the Board, the Board
 16 shall carry out its functions until such representative
 17 is appointed or joins in such participation.

18 (c) MEETINGS.—

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

23 (2) NOTICE.—Prior to each meeting, the Board
 24 shall give timely notice of the meeting to the public,
 25 the government of each county, and tribal govern-

1 ments in which a salmon stronghold is identified by
2 the Board.

3 (d) BOARD CONSULTATION.—The Board shall seek
4 expertise from fisheries experts, as appropriate.

5 (e) CHAIRPERSON.—The Board shall nominate and
6 select a Chairperson from among the members of the
7 Board.

8 (f) COMMITTEE.—The Board shall establish a stand-
9 ing science advisory committee to assist the Board in the
10 development, collection, evaluation, and peer review of sta-
11 tistical, biological, economic, social, and other scientific in-
12 formation.

13 (g) CHARTER.—The Board shall develop a written
14 charter that—

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

17 (2) may be signed by a broad range of partners,
18 to reflect a shared understanding of the purposes,
19 intent, and governance framework of the Salmon
20 Stronghold Partnership; and

21 (3) includes—

22 (A) the defining criteria for a salmon
23 stronghold;

24 (B) the process for identifying salmon
25 strongholds; and

1 (C) the process for reviewing and awarding
2 grants under the program, including—

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

5 (ii) the process for renewing such a
6 grant;

7 (iii) the eligibility requirements for
8 such a grant;

9 (iv) the reporting requirements for
10 projects awarded such a grant; and

11 (v) the criteria for evaluating the suc-
12 cess of a project carried out with such a
13 grant.

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

17 **SEC. 5. INFORMATION AND ASSESSMENT.**

18 The Administrator shall carry out specific informa-
19 tion and assessment functions associated with salmon
20 strongholds, in coordination with other regional salmon ef-
21 forts, including—

22 (1) triennial assessment of status and trends in
23 salmon strongholds;

24 (2) geographic information system and mapping
25 support to facilitate conservation planning;

1 (3) projections of climate change impacts on
2 habitats and life history stages of salmon;

3 (4) development and application of models and
4 other tools to identify salmon conservation actions
5 projected to have the greatest positive impacts on
6 salmon abundance, productivity, or diversity within
7 salmon strongholds; and

8 (5) measurement of the effectiveness of the
9 Salmon Stronghold Partnership activities.

10 **SEC. 6. SALMON STRONGHOLD WATERSHED GRANTS AND**
11 **TECHNICAL ASSISTANCE PROGRAM.**

12 (a) **IN GENERAL.**—The Administrator, in consulta-
13 tion with the Director, shall establish a salmon stronghold
14 watershed grants and technical assistance program, as de-
15 scribed in this section.

16 (b) **PURPOSE.**—The purpose of the program shall be
17 to support salmon stronghold protection and restoration
18 activities, including—

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

21 (2) to encourage cooperation among the entities
22 represented on the Board, local authorities, and pri-
23 vate entities to establish a network of salmon strong-
24 holds, and assist locally in specific actions that sup-
25 port the Salmon Stronghold Partnership;

1 (3) to support entities represented on the
2 Board—

3 (A) to develop strategies focusing on salmon
4 on conservation actions projected to have the
5 greatest positive impacts on abundance, produc-
6 tivity, or diversity in salmon strongholds; and

7 (B) to provide financial assistance to the
8 Salmon Stronghold Partnership to increase
9 local economic opportunities and resources for
10 actions or practices that provide long-term or
11 permanent conservation and that maintain key
12 ecosystem services in salmon strongholds;

13 (4) to maintain a forum to share best practices
14 and approaches; employ consistent and comparable
15 metrics; forecast and address climate impacts; and
16 monitor, evaluate, and report regional status and
17 trends of salmon ecosystems in coordination with re-
18 lated 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 accelerate the implementation of recovery
24 plans in salmon strongholds that have salmon popu-
25 lations listed as threatened or endangered under the

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

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

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

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

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

20 (i) the National Fish and Wildlife
21 Foundation, in consultation with the
22 Board, shall provide program funds to the
23 State; and

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

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

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

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

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

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

24 ~~(B) the National Fish and Wildlife Foun-~~
 25 ~~dation, in consultation with the Board, shall se-~~

1 lect and administer such projects to be carried
2 out, in accordance with subsection (d).

3 ~~(d) CRITERIA FOR APPROVAL.—~~

4 ~~(1) CRITERIA DEVELOPED BY THE BOARD.—~~

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

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

16 ~~(i) contributes to the conservation of~~
17 salmon;

18 ~~(ii) meets the criteria for eligibility es-~~
19 tablished in the charter;

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

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

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

7 (v) has the potential for conservation
8 benefits and broadly applicable results; and

9 (vi) meets the requirements for—

10 (I) cost sharing described in sub-
11 section (e); and

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

15 (C) SCHEDULE FOR DEVELOPMENT.—The
16 Board shall—

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

21 (ii) revise such criteria not less often
22 than once each year.

23 (e) COST SHARING.—

24 (1) FEDERAL SHARE.—

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

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

13 (2) ~~NON-FEDERAL SHARE.~~—

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

20 (B) ~~BONNEVILLE POWER ADMINISTRA-~~
21 ~~TION.~~—Any amounts provided by the Bonneville
22 Power Administration directly or through a
23 grant to another entity used to carry out a
24 project that receives assistance under the pro-

1 gram shall be credited toward the non-Federal
2 share of the cost of the project.

3 (f) ADMINISTRATIVE EXPENSES.—

4 (1) LIMIT ON STATE AND NATIONAL FISH AND
5 WILDLIFE FOUNDATION EXPENDITURES.—Of the
6 amount available to a State or the National Fish
7 and Wildlife Foundation under the program for each
8 fiscal year, such State and the National Fish and
9 Wildlife Foundation shall not expend more than 5
10 percent of such amount for administrative and re-
11 porting expenses necessary to carry out this section.

12 (2) LIMIT ON NATIONAL OCEANIC AND ATMOS-
13 PHERIC ADMINISTRATION EXPENDITURES.—Of the
14 amount available to the National Oceanic and At-
15 mospheric Administration under the program for
16 each fiscal year, the National Oceanic and Atmos-
17 pheric Administration shall not expend more than 5
18 percent of such amount for administrative and re-
19 porting expenses necessary to carry out this section.

20 (g) REPORTS.—

21 (1) REPORTS TO STATES OR NFWF.—Each per-
22 son who receives assistance through a State or the
23 National Fish and Wildlife Foundation under the
24 program for a project shall provide periodic reports
25 to the State or the National Fish and Wildlife Foun-

1 dation, as appropriate, that include the information
2 required by the State or the National Fish and
3 Wildlife Foundation to evaluate the progress and
4 success of the project.

5 (2) REPORTS TO THE ADMINISTRATION.—Not
6 less frequently than once every 3 years, each State
7 that is provided program funds under subsection
8 (c)(1)(A) and the National Fish and Wildlife Foun-
9 dation shall provide reports to the Administrator
10 that include the information required by the Admin-
11 istrator to evaluate the implementation of the pro-
12 gram.

13 **SEC. 7. INTERAGENCY COOPERATION.**

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

20 (1) to conserve the salmon strongholds; and

21 (2) to effectively coordinate and streamline

22 Salmon Stronghold Partnership activities and deliv-
23 ery of overlapping, incentive-based programs that af-
24 fect the salmon stronghold.

1 **SEC. 8. INTERNATIONAL COOPERATION.**

2 (a) **AUTHORITY TO COOPERATE.**—The Administrator
3 and the Board may share status and trends data, innova-
4 tive conservation strategies, conservation planning meth-
5 odologies, and other information with North Pacific coun-
6 tries, including Canada, Japan, Russia, and South Korea,
7 and appropriate international entities to promote con-
8 servation of salmon and salmon habitat.

9 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
10 gress that the Administrator and the Board, or entities
11 that are members of the Board, should and are encour-
12 aged to provide information to North Pacific countries, in-
13 cluding Canada, Japan, Russia, and South Korea, and ap-
14 propriate international entities to support the development
15 of a network of salmon strongholds across the nations of
16 the North Pacific.

17 **SEC. 9. ACQUISITION AND TRANSFER OF REAL PROPERTY**
18 **INTERESTS.**

19 (a) **USE OF REAL PROPERTY.**—No project that will
20 result in the acquisition by the Secretary or the Secretary
21 of the Interior of any land or interest in land, in whole
22 or in part, may receive funds under this Act unless the
23 project is consistent with the purposes of this Act.

24 (b) **PRIVATE PROPERTY PROTECTION.**—No Federal
25 funds made available to carry out this Act may be used
26 to acquire any real property or any interest in any real

1 property without the written consent of each owner of the
2 property or interest in property.

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

9 (1) the Secretary of the Interior determines
10 that the State, agency, or entity is committed to
11 manage, in accordance with this Act and the pur-
12 poses of this Act, the property being transferred;
13 and

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

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

1 **SEC. 10. ADMINISTRATIVE PROVISIONS.**

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

4 (1) consistent with a recommendation of the
5 Board and notwithstanding sections 6304 and 6305
6 of title 31, United States Code, and the Federal Fi-
7 nancial Assistance Management Improvement Act of
8 1999 (31 U.S.C. 6101 note), enter into cooperative
9 agreements, contracts, and grants;

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

13 (3) make funds available to any Federal agency
14 or department to be used by the agency or depart-
15 ment to award financial assistance for any salmon
16 stronghold protection, restoration, or enhancement
17 project that the Secretary determines to be con-
18 sistent with this Act.

19 (b) **DONATIONS.**—

20 (1) **IN GENERAL.**—The Secretary may—

21 (A) enter into an agreement with any orga-
22 nization described in section 501(c)(3) of the
23 Internal Revenue Code of 1986 to authorize the
24 organization to carry out activities under this
25 Act; and

1 ~~(B)~~ accept donations of funds or services
2 for use in carrying out this Act.

3 ~~(2)~~ PROPERTY.—The Secretary of the Interior
4 may accept donations of property for use in carrying
5 out this Act.

6 ~~(3)~~ USE OF DONATIONS.—Donations accepted
7 under this section—

8 (A) shall be considered to be gifts or be-
9 quests to, or for the use of, the United States;
10 and

11 (B) may be used directly by the Secretary
12 (or, in the case of donated property under para-
13 graph ~~(2)~~, the Secretary of the Interior) or pro-
14 vided to other Federal agencies or departments
15 through interagency agreements.

16 ~~(c)~~ INTERAGENCY FINANCING.—The Secretary may
17 participate in interagency financing, including receiving
18 appropriated funds from other agencies or departments to
19 carry out this Act.

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

23 **SEC. 11. LIMITATIONS.**

24 Nothing in this Act may be construed—

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

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

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

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

15 (5) to authorize the Secretary or the Secretary
16 of the Interior to control or regulate hunting or fish-
17 ing under State law;

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

22 (7) to diminish or affect the ability of the Sec-
23 retary or the Secretary of the Interior to join the ad-
24 judication of rights to the use of water pursuant to
25 subsections (a), (b), or (c) of section 208 of the De-

1 partment of Justice Appropriation Act, 1953 (43
2 U.S.C. 666).

3 **SEC. 12. REPORTS TO CONGRESS.**

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

10 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

11 (a) *SHORT TITLE.*—This Act may be cited as the “Pa-
12 cific Salmon Stronghold Conservation Act of 2011”.

13 (b) *TABLE OF CONTENTS.*—The table of contents for
14 this Act is as follows:

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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.

15 **SEC. 2. PURPOSES.**

16 The purposes of this Act are—

17 (1) to expand Federal support and resources for
18 the protection and restoration of the healthiest re-
19 maining salmon strongholds in North America to sus-
20 tain core centers of salmon abundance, productivity,

1 *and diversity in order to ensure the long-term viabil-*
2 *ity of salmon populations—*

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

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

15 *(2) to maintain billions of dollars in economic*
16 *activity and tens of thousands of jobs from salmon re-*
17 *lated activities that rely on healthy salmon popu-*
18 *lations and salmon stronghold habitats;*

19 *(3) to maintain and enhance economic benefits*
20 *related to fishing or associated with healthy salmon*
21 *stronghold habitats, including flood protection, recre-*
22 *ation, water quantity and quality, carbon sequestra-*
23 *tion, climate change mitigation and adaptation, and*
24 *other ecosystem services; and*

1 (4) to complement and add to existing Federal,
2 State, tribal, and local salmon recovery efforts by
3 using sound science to identify and sustain core cen-
4 ters of salmon abundance, productivity, and diversity
5 in the healthiest remaining salmon ecosystems
6 throughout their range.

7 **SEC. 3. DEFINITIONS.**

8 *In this Act:*

9 (1) *ADMINISTRATOR.*—The term “Adminis-
10 trator” means the Assistant Administrator for the
11 National Marine Fisheries Service of the National
12 Oceanic and Atmospheric Administration.

13 (2) *BOARD.*—The term “Board” means the
14 Salmon Stronghold Partnership Board established
15 under section 4.

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

18 (4) *DIRECTOR.*—The term “Director” means the
19 Director of the United States Fish and Wildlife Serv-
20 ice.

21 (5) *ECOSYSTEM SERVICES.*—The term “ecosystem
22 services” means an ecological benefit generated from
23 a healthy, functioning ecosystem, including clean
24 water, pollutant filtration, regulation of river flow,

1 *prevention of soil erosion, regulation of climate, and*
 2 *fish production.*

3 (6) *PROGRAM.*—*Except as otherwise provided,*
 4 *the term “program” means the salmon stronghold wa-*
 5 *tershed grants and technical assistance program es-*
 6 *tablished under section 6(a).*

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

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

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

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

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

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

16 *and*

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

18 (8) *SALMON STRONGHOLD.*—*The term “salmon*
 19 *stronghold” means status conferred to a defined geo-*
 20 *graphical unit which meets biological criteria for*
 21 *abundance, productivity, diversity (genetic and life*
 22 *history), habitat quality, or other biological attributes*
 23 *important to sustaining viable populations of salmon*
 24 *throughout their range, as defined by the Board under*
 25 *section 4(g)(3).*

1 (9) *SALMON STRONGHOLD PARTNERSHIP.*—*The*
 2 *term “Salmon Stronghold Partnership” means the*
 3 *Salmon Stronghold Partnership established under sec-*
 4 *tion 4(a)(1).*

5 (10) *SECRETARY.*—*Except as otherwise provided,*
 6 *the term “Secretary” means the Secretary of Com-*
 7 *merce.*

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

9 (a) *IN GENERAL.*—

10 (1) *ESTABLISHMENT.*—*The Secretary shall estab-*
 11 *lish a Salmon Stronghold Partnership that is a coop-*
 12 *erative, incentive-based, public-private partnership*
 13 *among appropriate Federal, State, tribal, and local*
 14 *governments, private landowners, and nongovern-*
 15 *mental organizations working across political bound-*
 16 *aries, government jurisdictions, and land ownerships*
 17 *to identify and conserve salmon strongholds.*

18 (2) *MEMBERSHIP.*—*To the extent possible, the*
 19 *membership of the Salmon Stronghold Partnership*
 20 *shall include each entity described under subsection*
 21 *(b).*

22 (3) *LEADERSHIP.*—*The Salmon Stronghold*
 23 *Partnership shall be managed by a Board established*
 24 *by the Secretary to be known as the Salmon Strong-*
 25 *hold Partnership Board.*

1 **(b) SALMON STRONGHOLD PARTNERSHIP BOARD.—**

2 **(1) IN GENERAL.—***The Board shall consist of*
3 *representatives with strong scientific or technical cre-*
4 *dentials and expertise as follows:*

5 **(A) 1 representative from each of—**

6 **(i) the National Marine Fisheries Serv-**
7 *ice, as appointed by the Administrator;*

8 **(ii) the United States Fish and Wild-**
9 *life Service, as appointed by the Director;*

10 **(iii) the Forest Service, as appointed**
11 *by the Chief of the Forest Service;*

12 **(iv) the Environmental Protection**
13 *Agency, as appointed by the Administrator*
14 *of the Environmental Protection Agency;*

15 **(v) the Bonneville Power Administra-**
16 *tion, as appointed by the Administrator of*
17 *the Bonneville Power Administration;*

18 **(vi) the Bureau of Land Management,**
19 *as appointed by the Director of the Bureau*
20 *of Land Management; and*

21 **(vii) the Northwest Power and Con-**
22 *servaion Council, as appointed by the*
23 *Northwest Power and Conservaion Council.*

24 **(B) 1 representative from the natural re-**
25 *sources staff of the office of the Governor or of an*

1 *appropriate natural resource agency of a State,*
2 *as appointed by the Governor, from each of the*
3 *States of—*

- 4 *(i) Alaska;*
5 *(ii) California;*
6 *(iii) Idaho;*
7 *(iv) Oregon; and*
8 *(v) Washington.*

9 *(C) Not less than 3 and not more than 5*
10 *representatives from Indian tribes or tribal com-*
11 *missions located within the range of a salmon*
12 *species, as appointed by such Indian tribes or*
13 *tribal commissions, in consultation with the*
14 *Board.*

15 *(D) 1 representative from each of 3 non-gov-*
16 *ernmental organizations with salmon conserva-*
17 *tion and management expertise, as selected by*
18 *the Board.*

19 *(E) 1 national or regional representative*
20 *from an association of counties, as selected by the*
21 *Board.*

22 *(2) FAILURE TO APPOINT.—If a representative*
23 *described in subparagraph (B), (C), (D), or (E) of*
24 *paragraph (1) is not appointed to the Board or other-*
25 *wise fails to participate in the Board, the Board shall*

1 *carry out its functions until such representative is*
2 *appointed or joins in such participation.*

3 (c) *MEETINGS.*—

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

8 (2) *NOTICE.*—*Prior to each meeting, the Board*
9 *shall give timely notice of the meeting to the public,*
10 *the government of each county, and tribal govern-*
11 *ments in which a salmon stronghold is identified by*
12 *the Board.*

13 (d) *BOARD CONSULTATION.*—*The Board shall seek ex-*
14 *pertise from fisheries experts, as appropriate.*

15 (e) *CHAIRPERSON.*—*The Board shall nominate and se-*
16 *lect a Chairperson from among the members of the Board.*

17 (f) *COMMITTEE.*—*The Board shall establish a standing*
18 *science advisory committee to assist the Board in the devel-*
19 *opment, collection, evaluation, and peer review of statis-*
20 *tical, biological, economic, social, and other scientific infor-*
21 *mation.*

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, in-*
3 *tent, and governance framework of the Salmon*
4 *Stronghold Partnership; and*

5 (3) *includes—*

6 (A) *the defining criteria for a salmon*
7 *stronghold;*

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

10 (C) *the process for reviewing and awarding*
11 *grants under the program, including—*

12 (i) *the number of years for which such*
13 *a grant may be awarded;*

14 (ii) *the process for renewing such a*
15 *grant;*

16 (iii) *the eligibility requirements for*
17 *such a grant;*

18 (iv) *the reporting requirements for*
19 *projects awarded such a grant; and*

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

23 (h) *FEDERAL ADVISORY COMMITTEE ACT.—The Fed-*
24 *eral Advisory Committee Act (5 U.S.C. App.) shall not*
25 *apply to the Board.*

1 **SEC. 5. INFORMATION AND ASSESSMENT.**

2 *The Administrator shall carry out specific information*
3 *and assessment functions associated with salmon strong-*
4 *holds, in coordination with other regional salmon efforts,*
5 *including—*

6 (1) *triennial assessment of status and trends in*
7 *salmon strongholds;*

8 (2) *geographic information system and mapping*
9 *support to facilitate conservation planning;*

10 (3) *projections of climate change impacts on*
11 *habitats and life history stages of salmon;*

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

17 (5) *measurement of the effectiveness of the Salm-*
18 *on Stronghold Partnership activities.*

19 **SEC. 6. SALMON STRONGHOLD WATERSHED GRANTS AND**
20 **TECHNICAL ASSISTANCE PROGRAM.**

21 (a) *IN GENERAL.—The Administrator, in consultation*
22 *with the Director, shall establish a salmon stronghold wa-*
23 *tershed grants and technical assistance program, as de-*
24 *scribed in this section.*

1 (b) *PURPOSE.*—*The purpose of the program shall be*
2 *to support salmon stronghold protection and restoration ac-*
3 *tivities, including—*

4 (1) *to fund the administration of the Salmon*
5 *Stronghold Partnership in carrying out the charter;*

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

11 (3) *to support entities represented on the*
12 *Board—*

13 (A) *to develop strategies focusing on salmon*
14 *conservation actions projected to have the great-*
15 *est positive impacts on abundance, productivity,*
16 *or diversity in salmon strongholds; and*

17 (B) *to provide financial assistance to the*
18 *Salmon Stronghold Partnership to increase local*
19 *economic opportunities and resources for actions*
20 *or practices that provide long-term or permanent*
21 *conservation and that maintain key ecosystem*
22 *services in salmon strongholds;*

23 (4) *to maintain a forum to share best practices*
24 *and approaches, employ consistent and comparable*
25 *metrics, forecast and address climate impacts, and*

1 *monitor, evaluate, and report regional status and*
2 *trends of salmon ecosystems in coordination with re-*
3 *lated regional and State efforts;*

4 *(5) to carry out activities and existing conserva-*
5 *tion programs in, and across, salmon strongholds on*
6 *a regional scale to achieve the goals of the Salmon*
7 *Stronghold Partnership;*

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

13 *(7) to develop and make information available to*
14 *the public pertaining to the Salmon Stronghold Part-*
15 *nership.*

16 *(c) SELECTION.—Projects that will be carried out with*
17 *assistance from the program shall be selected and adminis-*
18 *tered as follows:*

19 *(1) SITE-BASED PROJECTS.—A project that will*
20 *be carried out with assistance from the program with-*
21 *in 1 State shall be selected as follows:*

22 *(A) STATE SELECTION.—If a State has a*
23 *competitive grant process relating to salmon con-*
24 *servation in effect as of the date of enactment of*
25 *this Act and has a proven record of imple-*

1 *menting an efficient, cost-effective, and competi-*
 2 *tive grant program for salmon conservation or*
 3 *has a viable plan to provide accountability*
 4 *under the program—*

5 *(i) the National Fish and Wildlife*
 6 *Foundation, in consultation with the*
 7 *Board, shall provide program funds to the*
 8 *State; and*

9 *(ii) the State shall select and admin-*
 10 *ister projects to be carried out in such*
 11 *State, in accordance with subsection (d).*

12 *(B) NATIONAL FISH AND WILDLIFE FOUN-*
 13 *DATION SELECTION.—If a State does not meet*
 14 *the criteria described in subparagraph (A)—*

15 *(i) the Administrator, in consultation*
 16 *with the Director, shall provide funds to the*
 17 *National Fish and Wildlife Foundation;*
 18 *and*

19 *(ii) the National Fish and Wildlife*
 20 *Foundation, in consultation with the*
 21 *Board, shall select and administer projects*
 22 *to be carried out in such State, in accord-*
 23 *ance with subsection (d).*

24 *(2) MULTISITE AND PROGRAMMATIC INITIA-*
 25 *TIVES.—For a project that will be carried out with*

1 assistance from the program in more than 1 State or
 2 that is a programmatic initiative that affects more
 3 than 1 State—

4 (A) the Administrator, in consultation with
 5 the Director, shall provide funds to the National
 6 Fish and Wildlife Foundation; and

7 (B) the National Fish and Wildlife Founda-
 8 tion, in consultation with the Board, shall select
 9 and administer such projects to be carried out,
 10 in accordance with subsection (d).

11 (d) *CRITERIA FOR APPROVAL.*—

12 (1) *CRITERIA DEVELOPED BY THE BOARD.*—

13 (A) *REQUIREMENT TO DEVELOP.*—The
 14 Board shall develop and provide criteria for the
 15 prioritization of projects funded under the pro-
 16 gram in a manner that enables projects to be in-
 17 dividually ranked in sequential order by the
 18 magnitude of the project's positive impacts on
 19 salmon abundance, productivity, or diversity.

20 (B) *SPECIFIC REQUIREMENTS.*—The cri-
 21 teria required by subparagraph (A) shall require
 22 that a project that receives assistance under the
 23 program—

24 (i) contributes to the conservation of
 25 salmon;

1 (ii) meets the criteria for eligibility es-
2 tablished in the charter;

3 (iii)(I) addresses a factor limiting or
4 threatening to limit abundance, produc-
5 tivity, diversity, habitat quality, or other
6 biological attributes important to sus-
7 taining viable salmon populations within a
8 salmon stronghold; or

9 (II) is a programmatic action that
10 supports the Salmon Stronghold Partner-
11 ship;

12 (iv) addresses limiting factors to
13 healthy ecosystem processes or sustainable
14 fisheries management;

15 (v) has the potential for conservation
16 benefits and broadly applicable results; and

17 (vi) meets the requirements for—

18 (I) cost sharing described in sub-
19 section (e); and

20 (II) the limitation on administra-
21 tive expenses described in subsection
22 (f).

23 (C) SCHEDULE FOR DEVELOPMENT.—The
24 Board shall—

1 (i) develop and provide the criteria re-
2 quired by subparagraph (A) prior to the
3 initial solicitation of projects under the pro-
4 gram; and

5 (ii) revise such criteria not less often
6 than once each year.

7 (e) *COST SHARING.*—

8 (1) *FEDERAL SHARE.*—

9 (A) *NON-FEDERAL LAND.*—For any fiscal
10 year, the Federal share of the cost of a project
11 that receives assistance under the program and
12 that is carried out on land that is not owned by
13 the United States shall not exceed 50 percent of
14 the total cost of the project.

15 (B) *FEDERAL LAND.*—For any fiscal year,
16 the Federal share of the cost of a project that re-
17 ceives assistance under the program and that is
18 carried out on land that is owned by the United
19 States may be up to 100 percent of the total cost
20 of the project.

21 (2) *NON-FEDERAL SHARE.*—

22 (A) *IN GENERAL.*—Subject to subparagraph
23 (B), the non-Federal share of the cost of a project
24 that receives assistance under the program may

1 *not be derived from Federal grant programs, but*
2 *may include in-kind contributions.*

3 (B) *BONNEVILLE POWER ADMINISTRATION.—Any amounts provided by the Bonneville*
4 *Power Administration directly or through a*
5 *grant to another entity used to carry out a*
6 *project that receives assistance under the pro-*
7 *gram shall be credited toward the non-Federal*
8 *share of the cost of the project.*

9
10 (f) *ADMINISTRATIVE EXPENSES.—*

11 (1) *LIMIT ON STATE AND NATIONAL FISH AND*
12 *WILDLIFE FOUNDATION EXPENDITURES.—Of the*
13 *amount available to a State or the National Fish and*
14 *Wildlife Foundation under the program for each fis-*
15 *cal year, such State and the National Fish and Wild-*
16 *life Foundation shall not expend more than 5 percent*
17 *of such amount for administrative and reporting ex-*
18 *penses necessary to carry out this section.*

19 (2) *LIMIT ON NATIONAL OCEANIC AND ATMOS-*
20 *PHERIC ADMINISTRATION EXPENDITURES.—Of the*
21 *amount available to the National Oceanic and Atmos-*
22 *pheric Administration under the program for each*
23 *fiscal year, the National Oceanic and Atmospheric*
24 *Administration shall not expend more than 5 percent*

1 of such amount for administrative and reporting ex-
2 penses necessary to carry out this section.

3 (g) *REPORTS.*—

4 (1) *REPORTS TO STATES OR NFWF.*—Each per-
5 son who receives assistance through a State or the Na-
6 tional Fish and Wildlife Foundation under the pro-
7 gram for a project shall provide periodic reports to
8 the State or the National Fish and Wildlife Founda-
9 tion, as appropriate, that include the information re-
10 quired by the State or the National Fish and Wildlife
11 Foundation to evaluate the progress and success of the
12 project.

13 (2) *REPORTS TO THE ADMINISTRATION.*—Not
14 less frequently than once every 3 years, each State
15 that is provided program funds under subsection
16 (c)(1)(A) and the National Fish and Wildlife Founda-
17 tion shall provide reports to the Administrator that
18 include the information required by the Adminis-
19 trator to evaluate the implementation of the program.

20 **SEC. 7. INTERAGENCY COOPERATION.**

21 The head of each Federal agency or department respon-
22 sible for acquiring, managing, or disposing of Federal land
23 that is within a salmon stronghold shall, to the extent con-
24 sistent with the mission of the agency or department and

1 *existing law, cooperate with the Administrator and the Di-*
2 *rector—*

3 (1) *to conserve the salmon strongholds; and*
4 (2) *to effectively coordinate and streamline*
5 *Salmon Stronghold Partnership activities and deliv-*
6 *ery of overlapping, incentive-based programs that af-*
7 *fect the salmon stronghold.*

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

9 (a) *AUTHORITY TO COOPERATE.—The Administrator*
10 *and the Board may share status and trends data, innova-*
11 *tive conservation strategies, conservation planning meth-*
12 *odologies, and other information with North Pacific coun-*
13 *tries, including Canada, Japan, Russia, and South Korea,*
14 *and appropriate international entities to promote conserva-*
15 *tion of salmon and salmon habitat.*

16 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
17 *that the Administrator and the Board, or entities that are*
18 *members of the Board, should and are encouraged to provide*
19 *information to North Pacific countries, including Canada,*
20 *Japan, Russia, and South Korea, and appropriate inter-*
21 *national entities to support the development of a network*
22 *of salmon strongholds across the nations of the North Pa-*
23 *cific.*

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 each owner of the
12 property or interest in property.

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

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

23 (2) the deed or other instrument of transfer con-
24 tains provisions for the reversion of the title to the
25 property to the United States if the State, agency, or

1 *entity fails to manage the property in accordance*
2 *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 prac-*
6 *ticable, that the interest will be administered in accordance*
7 *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), enter into cooperative*
16 *agreements, contracts, and grants;*

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

20 *(3) make funds available to any Federal agency*
21 *or department to be used by the agency or department*
22 *to award financial assistance for any salmon strong-*
23 *hold protection, restoration, or enhancement project*
24 *that the Secretary determines to be consistent with*
25 *this Act.*

1 **(b) DONATIONS.**—

2 **(1) IN GENERAL.**—*The Secretary may—*

3 **(A)** *enter into an agreement with any orga-*
4 *nization described in section 501(c)(3) of the In-*
5 *ternal Revenue Code of 1986 to authorize the or-*
6 *ganization to carry out activities under this Act;*
7 *and*

8 **(B)** *accept donations of funds or services for*
9 *use in carrying out this Act.*

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

13 **(3) USE OF DONATIONS.**—*Donations accepted*
14 *under this section—*

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

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

23 **(c) INTERAGENCY FINANCING.**—*The Secretary may*
24 *participate in interagency financing, including receiving*

1 *appropriated funds from other agencies or departments to*
2 *carry out this Act.*

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

6 **SEC. 11. LIMITATIONS.**

7 *Nothing in this Act may be construed—*

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

12 *(2) to affect existing water rights under Federal*
13 *or State law;*

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

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

22 *(5) to authorize the Secretary or the Secretary of*
23 *the Interior to control or regulate hunting or fishing*
24 *under State law;*

1 (6) to abrogate, abridge, affect, modify, super-
2 sede, or otherwise alter any right of a federally recog-
3 nized Indian tribe under any applicable treaty, or
4 Federal or tribal law or regulation; or

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

11 **SEC. 12. REPORTS TO CONGRESS.**

12 Not less frequently than once every 3 years, the Admin-
13 istrator, in consultation with the Director, shall submit to
14 Congress a report describing the activities carried out under
15 this Act, including the recommendations of the Adminis-
16 trator, if any, for legislation relating to the Salmon Strong-
17 hold Partnership.

Calendar No. 306

112TH CONGRESS
2^D SESSION

S. 1401

[Report No. 112-140]

A BILL

To conserve wild Pacific salmon, and for other purposes.

JANUARY 30, 2012

Reported with an amendment