To require the identification of salmon conservation areas and salmon strongholds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HUFFMAN introduced the following bill; which was referred to the Committee on ________________

A BILL

To require the identification of salmon conservation areas and salmon strongholds, 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.

4 This Act may be cited as the “Salmon Focused In-
5 vestments in Sustainable Habitats Act” or the “Salmon
6 FISH Act”.

7 SEC. 2. FINDINGS.

8 Congress finds the following:
(1) Pacific and Atlantic salmon are important for food, culture, ecology, and the economy.

(2) Salmon are especially important to Indian tribes, many of which consider salmon to be sacred and central to their culture, ceremonies, and subsistence.

(3) Such Indian tribes have significant leadership and expertise with respect to salmon.

SEC. 3. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

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

(A) Atlantic salmon (*Salmo salar*);

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

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

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

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

(F) coho salmon (*Oncorhynchus kisutch*); and
(G) steelhead trout (*Oncorhynchus mykiss*).

(3) **Salmon Conservation Area.**—The term “salmon conservation area” means a watershed, a portion of a watershed, multiple watersheds, or other defined spatial unit that—

(A) is identified as a salmon conservation area under section 4(b);

(B) at the time of the identification described in subparagraph (A), meets the biological criteria (as identified by the Administrator of the National Oceanic and Atmospheric Administration and the Director of the Fish and Wildlife Service in coordination with the relevant Federal agency with jurisdiction over such salmon conservation area) for abundance, productivity, diversity (genetic and life history), habitat quality, or other biological attributes important to sustaining viable populations of salmon throughout the range of such salmon; and

(C) is regionally significant for the conservation of salmon.

(4) **Salmon Stronghold.**—The term “salmon stronghold” means a salmon conservation area that—
(A) is identified as a salmon conservation area under section 4(b); and

(B) at the time of the identification described in subparagraph (A), has—

(i) relatively high anadromous salmonid abundance, productivity, and diversity (life history and run timing), as well as habitat quality or other biological attributes important to sustaining viable populations of wild salmon throughout the range of such salmon;

(ii) populations of salmon that are strong and diverse; and

(iii) salmon habitats that have a high intrinsic potential to support a particular species or suite of species.

(5) **RELEVANT FEDERAL AGENCY.**—The term “relevant Federal agency” means—

(A) the Forest Service;

(B) the Bureau of Land Management;

(C) the National Park Service; and

(D) the Bureau of Indian Affairs.
SEC. 4. IDENTIFICATION OF SALMON CONSERVATION AREAS AND SALMON STRONGHOLDS.

(a) GUIDANCE.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration and the Director of the Fish and Wildlife Service shall jointly issue guidance on the process and biological criteria required to identify salmon conservation areas and salmon strongholds.

(b) PUBLICATION.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration and the Director of the Fish and Wildlife Service, in cooperation with relevant Federal agencies shall publish a list of salmon conservation areas and salmon strongholds.

(2) REVISION.—The Administrator of the National Oceanic and Atmospheric Administration and the Director of the Fish and Wildlife Service, in cooperation with each relevant Federal agency shall not less frequently than once every 5 years after the date of the enactment of this Act, revise the list under paragraph (1)—
(A) to add subsequently identified salmon conservation areas and salmon strongholds in accordance with subsection (d); and

(B) to remove from such list any areas that no longer qualify as salmon conservation areas or salmon strongholds.

(e) CONSULTATION.—In identifying salmon conservation areas and salmon strongholds under subsection (b), the Administrator of the National Oceanic and Atmospheric Administration and the Director of the Fish and Wildlife Service, in cooperation with each relevant Federal agency—

(1) shall consult with—

(A) the State in which such a salmon conservation area or salmon stronghold under consideration are located; and

(B) Indian tribes that have land, fishing rights, or cultural ties to the area in which the salmon conservation area or salmon strongholds will be prospectively located; and

(2) may consult with—

(A) nongovernmental organizations;

(B) non-Federal scientists; and

(C) members of the public.

(d) SUBSEQUENT IDENTIFICATION AND REVISION.—
(1) IN GENERAL.—Not later than 90 days after the date described in subsection (b)(1), an entity described in paragraph (1) or paragraph (2) subsection (e) may nominate to the Administrator of the National Oceanic and Atmospheric Administration and the Director of the Fish and Wildlife Service a salmon conservation area or salmon stronghold for identification under subsection (b).

(2) REVIEW.—In the case of a nomination described in paragraph (1), not later than 180 days after receiving such nomination, the Administrator of the National Oceanic and Atmospheric Administration and the Director of the Fish and Wildlife Service shall jointly determine if the nominated watershed is a salmon conservation area or salmon stronghold and provide to the entity that provided the nomination under paragraph (1) a written explanation with respect to such determination.

(e) WATERSHED MANAGEMENT AND RESTORATION IDENTIFICATION.—The Administrator of the National Oceanic and Atmospheric Administration and the Director of the Fish and Wildlife Service, in cooperation with the Secretary of Agriculture shall use watershed evaluations conducted under the Watershed Condition Framework under section 304 of the Healthy Forests Restoration Act
of 2003 (16 U.S.C. 6543) and other relevant watershed analyses to support the identification of salmon conservation areas and salmon strongholds under this section.

(f) Essential Fish Habitat.—The Administrator of the National Oceanic and Atmospheric Administration and the Director of the Fish and Wildlife Service shall use the analyses conducted by the Administrator under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(b)) to identify, map, and designate essential fish habitat to support the identification of salmon conservation areas and salmon strongholds under this section.

SEC. 5. Effect of Identification.

(a) Priority for Forest Road Decommissioning.—The Secretary of Agriculture—

(1) shall give priority to forest road decommissioning (as defined in section 212.1 of title 36, Code of Federal Regulations) and fish passage projects within or directly affecting a salmon conservation area or salmon stronghold; and

(2) may not carry out the forest road decommissioning or fish passage projects described in paragraph (1) unless the Secretary of Agriculture has, with respect to ensuring that the habitats of
salmon conservation areas and salmon strongholds are not degraded, consulted with the—

(A) entities described in paragraphs (1) and (2) of section 4(c);

(B) Administrator of the National Oceanic and Atmospheric Administration, acting through the Administrator of the National Marine Fisheries Service; and

(C) Director of the Fish and Wildlife Service;

(b) TRANSBOUNDARY POLLUTION.—

(1) NOTIFICATION OF SECRETARY OF STATE.—
If any salmon conservation area or salmon stronghold is determined by a Federal agency to be negatively impacted by transboundary pollution or other international actions originating in Canada, the head of the Federal agency shall notify the Secretary of State.

(2) ACTION REQUIRED.—Not later than 30 days after receiving a notification under paragraph (1), the Secretary of State shall consult with representatives from Canada to resolve the issue for which the Secretary of State was notified under such paragraph.
(3) REFERRAL TO INTERNATIONAL JOINT COMMISSION.—If the issue for which the Secretary of State was notified under paragraph (1) is not resolved on a date that is 6 months after the date of notification under such paragraph—

(A) the Secretary of State shall request to submit a joint referral to the International Joint Commission with Canada to research and provide recommendations to resolve such issue; and

(B) if a joint referral under subparagraph (A) is not submitted, the Secretary of State shall refer such issue to the International Joint Commission.

SEC. 6. WATERSHED MANAGEMENT AND RESTORATION PROGRAM.

Section 304 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6543) is amended by adding at the end the following:

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section and the purpose described in paragraph (2), $40,000,000 for fiscal year 2023 and each of the 4 fiscal years thereafter.
“(2) PRESERVE SALMON HABITAT WATERSHEDS.—The Secretary shall use a portion of the funds appropriated pursuant to paragraph (1) to provide funds to programs that preserve watersheds that are salmon habitats.

“(3) ADDITIONAL WATERSHED PERMISSIBLE.—Notwithstanding any other provision of this section, the Secretary may use funds appropriated under this subsection to identify additional priority watersheds in each National Forest if such watersheds, or portions of, are determined by the Secretary to be salmon conservation areas or salmon strongholds (as such terms are defined in section 3 of the Salmon FISH Act).”.

SEC. 7. GRANT PROGRAM.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Director of the Fish and Wildlife Service shall, in collaboration with the Administrator of the National Oceanic and Atmospheric Administration, carry out a grant program, to be known as the “Salmon Conservation Area Grant Program”, to make grants to carry out the purposes described in subsection (b).

(2) DURATION.—A grant under this section shall have a duration of not more than 5 years.
(3) PRIORITY.—In making grants under this section, the administrator of the grant program shall give priority to an eligible entity that demonstrates that the eligible entity—

(A) will carry out a project under this section on a salmon stronghold;

(B) has considered the durability of the project and how the project contributes to the long-term conservation of salmon;

(C) has coordinated with other stakeholders to carry out the project; and

(D) has considered how the project will work with other salmon restoration projects.

(4) MATCHING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each eligible entity that receives a grant under this section shall provide, in cash or through in-kind contributions from non-Federal sources, matching funds to carry out the activities funded by the grant in an amount equal to not less than 25 percent of the cost of the activities.

(B) EXCEPTIONS.—
(i) **INDIAN TRIBES.**—Subparagraph (A) shall not apply to an eligible entity that is an Indian Tribe.

(ii) **DISCRETIONARY EXCEPTIONS.**—The administrator of the grant program under this section may reduce or waive the matching requirement under subparagraph (A) if—

(I) an eligible entity submits a written request to the administrator for a waiver with a justification as to why the eligible entity cannot meet the matching requirement; and

(II) the administrator determines such justification is sufficient to waive such requirement.

(5) **ADMINISTRATION.**—

(A) **IN GENERAL.**—The Director of the Fish and Wildlife Service may enter into an agreement to administer the grant program with the National Fish and Wildlife Foundation or a similar organization that offers grant administration services.

(B) **FUNDING.**—If the Director of the Fish and Wildlife Service enters into an agreement
under subparagraph (A), the organization selected shall—

(i) for each fiscal year, receive amounts made available to carry out this section in an advance payment of the entire amounts on October 1 of that fiscal year, or as soon as practicable thereafter;

(ii) invest and reinvest those amounts for the benefit of the grant program; and

(iii) otherwise administer the grant program to support partnerships between the public and private sectors in accordance with this Act.

(C) REQUIREMENTS.—If the Secretary enters into an agreement with the Foundation under subparagraph (A), any amounts received by the Foundation under this section shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), excluding section 10(a) of that Act (16 U.S.C. 3709(a)).

(b) PURPOSES.—The purposes of the grants under this section are—

(1) to protect or maintain salmon conservation area or salmon stronghold features and projects that
are focused on conservation and restoration within salmon conservation areas or salmon stronghold; and
(2) to carry out at least one of the following:
   (A) To address factors threatening to limit abundance, productivity, diversity, habitat quality, or other biological attributes important to sustaining viable salmon populations.
   (B) To restore or maintain ecological functions and processes related to salmon productivity and diversity at watershed or subwatershed scales.
   (C) To improve the resilience of salmon populations in response to acute events such as fires, landslides, and earthquakes.
   (D) To improve the resilience of salmon populations to climate change and prepare populations for other future changes.
   (E) To provide co-benefits to fish and wildlife, in particular where salmon can be used as indicator species for habitat quality.
   (F) To implement focused, prioritized protection and restoration in watersheds.
   (G) To improve conservation area or salmon stronghold resilience both downstream and upstream.
(c) APPLICATIONS.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the administrator of the grant program at such time, in such manner, and containing such information as such administrator may require.

(d) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity that receives a grant under this section shall use the grant funds to carry out activities consistent with the purposes described in subsection (b), which include—

(A) subject to subsection (e), land acquisition, conservation easements, and land exchanges;

(B) purchasing mining rights;

(C) the improvement of fish passages and removal of fish passage barriers and dams;

(D) habitat restoration and rehabilitation;

(E) outreach and local engagement;

(F) purchasing water rights related to leasing, consumption, and use;

(G) groundwater recharge projects (including ponds and forbearance);

(H) water efficiency projects;
(I) regional planning or development of a focused, prioritized protection and restoration action plan for the watershed; or

(J) monitoring and research, including monitoring the status of salmon populations in watersheds within conservation areas before and after the removal of a dam.

(2) PROHIBITION.—None of the funds made available under this section may be used—

(A) to carry out litigation; or

(B) carry out lethal intentional takings.

(e) ACQUISITION AND TRANSFER OF REAL PROPERTY INTERESTS.—

(1) USE OF REAL PROPERTY.—No project that will result in the acquisition by the Administrator of the National Oceanic and Atmospheric Administration, the Director of the Fish and Wildlife Service, a relevant Federal agency, or eligible entity of interest in land, in whole or in part, may receive funds under this section unless the project is consistent with the purposes of this section.

(2) PRIVATE PROPERTY PROTECTION.—No Federal funds made available to carry out this section may be used to acquire any real property or any interest in any real property without the written
consent of each owner of the property or interest in property.

(3) TRANSFER OF REAL PROPERTY.—No land or interest in land, acquired in whole or in part by the Administrator of the National Oceanic and Atmospheric Administration, the Director of the Fish and Wildlife Service, a relevant Federal agency, or eligible entity with funds made available under this section may be transferred to a State, other public agency, or other entity unless—

(A) the Administrator of the National Oceanic and Atmospheric Administration, the National Fish and Wildlife Foundation, the relevant Federal agency, or eligible entity with jurisdiction over such land determines that the State, agency, or other entity is committed to manage, in accordance with this section and the purposes of this section, the property being transferred; and

(B) the deed or other instrument of transfer contains provisions for the reversion of the title to the property to the United States if the State, agency, or entity fails to manage the property as a salmon conservation area or salmon-
on stronghold in accordance with this section
and the purposes of this section.

(4) REQUIREMENT.—Any real property interest
conveyed under paragraph (3) shall be subject to
such terms and conditions as will ensure, to the
maximum extent practicable, that the interest will be
administered in accordance with this section and the
purposes of this section.

(f) REPORTS.—Not later than 5 years after the date
on which the first grant is made under this section, the
administrator of the grant program shall submit a report
to the Committee on Commerce, Science, and Transpor-
tation of the Senate and the Committee on Natural Re-
sources of the House of Representatives that includes—

(1) an evaluation of the results of each project
with recommendation on strategies and approaches
focusing on salmon conservation actions projected to
have the greatest positive impacts on abundance,
productivity, or diversity in salmon conservation
areas and salmon strongholds;

(2) conclusions and recommendations on appro-
priate metrics to measure and evaluate the efficacy
of salmon conservation efforts, including key indica-
tors for habitat and aquatic health and recommenda-
tions on quantifying such benefits;
(3) an analysis of the status and trends for wild salmon abundance, diversity and productivity in each salmon conservation area and salmon stronghold;
(4) an analysis of the social and economic effects resulting from salmon conservation area and salmon stronghold conservation; and
(5) an assessment of threats imposed by changing ocean conditions on marine survival.

(g) Eligible Entity Defined.—In this section, the term “eligible entity” means an Indian tribe, non-governmental organization, State or local agency, or institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that has approval to carry out a project with respect to a salmon conservation area or salmon stronghold under this section from each entity that has jurisdiction over such salmon conservation area or salmon stronghold.

(h) Appropriations.—There is authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2023 and each of the 4 fiscal years thereafter.

SEC. 8. LIMITATIONS.

Nothing in this Act, and no action to implement this Act, may be construed—

(1) to create a reserved water right, express or implied, in the United States for any purpose, or af-
(2) to affect existing water rights under Federal or State law;

(3) to affect any Federal or State law in existence on the date of enactment of this Act regarding water quality or water quantity;

(4) to abrogate, abridge, affect, modify, supersede, or otherwise alter any right of an Indian tribe under any applicable treaty, or Federal or tribal law or regulation;

(5) to diminish or affect the ability of the Administrator of the National Oceanic and Atmospheric Administration, the Director of the Fish and Wildlife Service, or head of a relevant Federal Agency to join the adjudication of rights to the use of water pursuant to subsections (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666); or

(6) to diminish or affect any program or activity by an Indian tribe that does not impact salmonid habitat.