

116TH CONGRESS
2D SESSION

H. R. 8348

To direct restoration and protection of the New York-New Jersey watersheds and estuaries hydrologically connected to New York-New Jersey Harbor, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2020

Mr. TONKO (for himself, Mr. SERRANO, Mr. ENGEL, Mrs. WATSON COLEMAN, Mr. PAYNE, Mr. VAN DREW, and Mr. MALINOWSKI) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To direct restoration and protection of the New York-New Jersey watersheds and estuaries hydrologically connected to New York-New Jersey Harbor, 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 “New York-New Jersey
5 Watershed Protection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The New York-New Jersey Watershed,
2 which encompasses all the watersheds that flow into
3 New York-New Jersey Harbor and their associated
4 estuaries, such as the Hudson, Mohawk, Raritan,
5 Passaic, Hackensack, and Bronx River Watersheds
6 and the Hudson River Estuary, provide multiple
7 benefits to diverse stakeholders including regarding
8 fisheries and wildlife, conservation of natural re-
9 sources and public and private lands, critical urban
10 greenspaces and quality of life, and conservation of
11 ocean and coastal resources.

12 (2) These resources support one of the most
13 densely populated and economically important re-
14 gions in the country.

15 (3) Managing this public resource and its many
16 services requires leadership from the Department of
17 the Interior and coordination among other Federal
18 agencies, two States, hundreds of counties, cities
19 and towns, and millions of property owners.

20 (4) These ongoing challenges are compounded
21 by the likely impacts of rising air and water tem-
22 peratures, increases in incidences of extreme weather
23 from large storms to rainfall, and rising sea levels.

24 (5) The New York-New Jersey Harbor contrib-
25 utes \$8,500,000,000 annually in Federal, State, and

1 local tax revenue and is directly or indirectly respon-
2 sible for 629,000 jobs with \$90,500,000,000 in an-
3 nual personal and business wages.

4 (6) The New York-New Jersey Watershed sup-
5 ports multiple industries that attract over
6 \$60,700,000,000 in annual revenue through tour-
7 ism, commercial fishing, and recreational activities.

8 (7) The Mohawk River's water resources play
9 an important role in tourism, shipping, and related
10 businesses, with tourism alone valued at more than
11 \$1,340,000,000 annually.

12 (8) Management of the shorelines of the New
13 York-New Jersey Watershed is critical to flood miti-
14 gation and habitat for fish and wildlife. Further, fol-
15 lowing the loss of life and billions of dollars of dam-
16 ages caused by Hurricanes Sandy, Irene and Lee,
17 Federal, State, and local governments recognize that
18 natural and nature-based flood hazard mitigation
19 measures, including living shorelines and restoring
20 the function of riparian corridors, are cost-effective
21 solutions.

22 (9) Restoration activities in the New York-New
23 Jersey Watershed are supported through several
24 Federal and State programs, and funding for those
25 important programs should continue and com-

1 plement the establishment of the New York-New
2 Jersey Watershed Restoration Program, which is in-
3 tended to build on and help coordinate restoration
4 and protection funding mechanisms at the Federal,
5 State, regional, and local levels.

6 (10) Millions of people rely on the Mohawk,
7 Raritan, and Hackensack Rivers as sources of drink-
8 ing water.

9 (11) The New York-New Jersey Watershed
10 supports Federal threatened species and endangered
11 species, including the shortnose sturgeon and Atlan-
12 tic sturgeon.

13 (12) Many residents of the region of the New
14 York-New Jersey Watershed live in communities
15 lacking in environmental justice, where access to and
16 enjoyment of fish, wildlife, clean water, and other
17 natural resources have been impaired or com-
18 promised.

19 (13) Drawing on existing management plans
20 and existing and ongoing voluntary conservation ef-
21 forts in the New York-New Jersey Watershed will
22 improve efficiency and cost-effectiveness, as well as
23 increase private-sector investments and coordination
24 of Federal and non-Federal resources.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROVED PLANS.—The term “approved
4 plan”—

5 (A) means any plan for management of the
6 New York-New Jersey Watershed—

7 (i) that has been approved by a Fed-
8 eral, regional, State, or local governmental
9 entity; or

10 (ii) that is determined by the Direc-
11 tor, in consultation with such entities, to
12 contribute to the achievement of the pur-
13 poses of this Act; and

14 (B) includes the New York-New Jersey
15 Harbor & Estuary Program (HEP) Action
16 Agenda, the Hudson Raritan Comprehensive
17 Restoration Plan, the Hudson River Com-
18 prehensive Restoration Plan, the Hudson River
19 Estuary Program Action Agenda, the Mohawk
20 River Action Agenda, the Sustainable Raritan
21 River Initiative Action Plan, the Lower Passaic
22 and Bronx & Harlem Federal Urban Waters
23 Partnership Workplans, the New Jersey Sports
24 and Exhibition Authority Meadowlands Res-
25 toration Plan, as well as other critical conserva-

1 tion projects in the region that achieve the pur-
2 poses of this Act.

3 (2) DIRECTOR.—The term “Director” means
4 the Director of the United States Fish and Wildlife
5 Service.

6 (3) ENVIRONMENTAL JUSTICE.—The term “en-
7 vironmental justice” means the fair treatment and
8 meaningful involvement of all people regardless of
9 race, color, national origin, or income, with respect
10 to the development, implementation, and enforce-
11 ment of environmental laws, regulations, and poli-
12 cies.

13 (4) FOUNDATION.—The term “Foundation”
14 means the National Fish and Wildlife Foundation.

15 (5) GRANT PROGRAM.—The term “grant pro-
16 gram” means the voluntary New York-New Jersey
17 Watershed Restoration Grant Program established
18 under section 5.

19 (6) PROGRAM.—The term “program” means
20 the New York-New Jersey Watershed Restoration
21 Program established under section 4.

22 (7) RESTORATION AND PROTECTION.—The
23 term “restoration and protection” means the con-
24 servation, stewardship, and enhancement of habitat
25 for fish and wildlife and water quality to preserve

1 and improve ecosystems and ecological processes on
2 which they depend and for use and enjoyment by the
3 public.

4 (8) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior, acting through the Di-
6 rector.

7 (9) SERVICE.—The term “Service” means the
8 United States Fish and Wildlife Service.

9 (10) WATERSHED.—The term “Watershed”
10 means the New York-New Jersey Watershed, which
11 is comprised of all land area whose surface water
12 drains into New York-New Jersey Harbor, the
13 waters contained within that land area, and the es-
14 tuaries associated with those watersheds.

15 **SEC. 4. PROGRAM ESTABLISHMENT.**

16 (a) ESTABLISHMENT.—Not later than 180 days after
17 the date of the enactment of this Act, the Secretary shall
18 establish a nonregulatory program to be known as the
19 “New York-New Jersey Watershed Restoration Program”.

20 (b) DUTIES.—In carrying out the program, the Sec-
21 retary shall—

22 (1) draw on existing and new approved plans
23 for the Watershed, or portions of the Watershed,
24 and work in consultation with applicable manage-
25 ment entities, including representatives of the New

1 York-New Jersey Harbor and Estuary Program
2 (HEP), Hudson River Estuary Program, Mohawk
3 River Basin Program, Sustainable Raritan River
4 Initiative, the Federal Government, and other State
5 and local governments, and regional and nonprofit
6 organizations, as appropriate, to identify, prioritize,
7 and implement restoration and protection activities
8 within the Watershed; and

9 (2) adopt a Watershed-wide strategy that—

10 (A) supports the implementation of a
11 shared set of science-based restoration and pro-
12 tection activities developed in accordance with
13 paragraph (1);

14 (B) targets cost-effective projects with
15 measurable results;

16 (C) maximizes conservation outcomes;

17 (D) recognizes the needs of communities
18 lacking in environmental justice; and

19 (E) establishes the voluntary grant and
20 technical assistance programs authorized in this
21 Act.

22 (c) CONSULTATION.—In establishing the program,
23 the Secretary shall consult, as appropriate, with—

24 (1) the heads of Federal agencies, including—

1 (A) the Administrator of the Environ-
2 mental Protection Agency;

3 (B) the Administrator of the National Oce-
4 anic and Atmospheric Administration;

5 (C) the Chief of the Natural Resources
6 Conservation Service; and

7 (D) the Director of the National Park
8 Service;

9 (2) the Governors of New York and New Jer-
10 sey;

11 (3) the New York-New Jersey Harbor & Estu-
12 ary Program; and

13 (4) other public agencies and organizations with
14 authority for the planning and implementation of
15 conservation strategies in the Watershed.

16 (d) PURPOSES.—The purposes of the program in-
17 clude—

18 (1) coordinating restoration and protection ac-
19 tivities among Federal, State, local, and regional en-
20 tities and conservation partners throughout the Wa-
21 tershed;

22 (2) carrying out coordinated restoration and
23 protection activities, and providing for technical as-
24 sistance throughout the Watershed—

1 (A) to sustain and enhance fish and wild-
2 life habitat restoration and protection activities;

3 (B) to improve and maintain water quality
4 to support fish, wildlife, and their habitat, as
5 well as to improve opportunities for public ac-
6 cess and recreation in the Watershed consistent
7 with the ecological needs of fish and wildlife
8 habitat;

9 (C) to advance the use of natural and na-
10 ture-based features, living shoreline, and other
11 green infrastructure techniques to maximize the
12 resilience of communities, natural systems, and
13 habitats under changing sea levels, storm risks,
14 and watershed conditions;

15 (D) to engage the public, particularly com-
16 munities lacking in environmental justice,
17 through outreach, education, and community
18 involvement to increase capacity and support
19 for coordinated restoration and protection ac-
20 tivities in the Watershed;

21 (E) to increase scientific capacity to sup-
22 port the planning, monitoring, and research ac-
23 tivities necessary to carry out coordinated res-
24 toration and protection activities;

1 (F) to provide for feasibility and planning
2 studies for green infrastructure projects that
3 achieve habitat restoration and stormwater
4 management goals;

5 (G) to support land conservation and man-
6 agement activities necessary to fulfill the Wa-
7 tershed-wide strategy adopted under subsection
8 (b);

9 (H) to provide technical assistance to carry
10 out restoration and protection activities in the
11 Watershed;

12 (I) to monitor environmental quality to as-
13 sess progress toward the goals of this Act; and

14 (J) to improve fish and wildlife habitats,
15 as well as opportunities for personal recreation,
16 along rivers and shore fronts within commu-
17 nities lacking in environmental justice; and

18 (3) other activities necessary for the implemen-
19 tation of approved plans.

20 **SEC. 5. NEW YORK-NEW JERSEY WATERSHED RESTORA-**
21 **TION GRANT PROGRAM.**

22 (a) ESTABLISHMENT.—The Secretary shall establish
23 a voluntary grant and technical assistance program, to be
24 known as the “New York-New Jersey Watershed Restora-
25 tion Grant Program”, to provide competitive matching

1 grants of varying amounts to State and local governments,
2 nonprofit organizations, institutions of higher education,
3 and other eligible entities to carry out restoration and pro-
4 tection activities for the Watershed.

5 (b) CRITERIA.—The Secretary, in consultation with
6 the agencies, organizations, and other persons referred to
7 in section 4(c), shall develop criteria for the grant program
8 to help ensure that activities funded under this section ac-
9 complish one or more of the purposes of this Act.

10 (c) COST SHARING.—

11 (1) FEDERAL SHARE.—The Federal share of
12 the cost of a project funded under the grant pro-
13 gram shall not exceed 75 percent of the total cost
14 of the activity, as determined by the Secretary.

15 (2) NON-FEDERAL SHARE.—The non-Federal
16 share of the cost of a project funded under the grant
17 program may be provided in cash or in the form of
18 an in-kind contribution of services or materials.

19 (d) ADMINISTRATION.—

20 (1) IN GENERAL.—The Secretary may enter
21 into an agreement to manage the grant program
22 with the National Fish and Wildlife Foundation or
23 a similar organization that offers grant management
24 services.

1 (2) FUNDING.—If the Secretary enters into an
2 agreement under paragraph (1), the organization se-
3 lected shall—

4 (A) for each fiscal year, receive amounts
5 made available to carry out this section in an
6 advance payment of the entire amounts on Oc-
7 tober 1 of that fiscal year, or as soon as prac-
8 ticable thereafter;

9 (B) invest and reinvest those amounts for
10 the benefit of the grant program; and

11 (C) otherwise administer the grant pro-
12 gram to support partnerships between the pub-
13 lic and private sectors in accordance with this
14 Act.

15 (3) REQUIREMENTS.—If the Secretary enters
16 into an agreement with the Foundation under para-
17 graph (1), any amounts received by the Foundation
18 under this section shall be subject to the National
19 Fish and Wildlife Foundation Establishment Act (16
20 U.S.C. 3701 et seq.), excluding section 10(a) of that
21 Act (16 U.S.C. 3709(a)).

22 **SEC. 6. ANNUAL REPORTS.**

23 Not later than 180 days after the date of enactment
24 of this Act and annually thereafter, the Secretary shall
25 submit to the Congress a report on the implementation

1 of this Act, including a description of each project that
2 has received funding under this Act in the preceding fiscal
3 year.

4 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There is authorized to be appro-
6 priated to the Secretary to carry out this Act \$50,000,000
7 for each of fiscal years 2021 through 2026.

8 (b) USE FOR GRANT PROGRAM.—Of any amount
9 made available under this section for each fiscal year, the
10 Secretary shall use at least 75 percent to carry out the
11 grant program under section 5 and to provide, or provide
12 for, technical assistance under such program.

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