

117TH CONGRESS H. R. 4677

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

July 22, 2021

Mr. Tonko 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 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.
 - (2) These resources support one of the most densely populated and economically important regions in the country.
 - (3) Managing this public resource and its many services requires leadership from the Department of the Interior and coordination among other Federal agencies, two States, hundreds of counties, cities and towns, and millions of property owners.
 - (4) These ongoing challenges are compounded by the likely impacts of rising air and water temperatures, increases in incidences of extreme weather from large storms to rainfall, and rising sea levels.
 - (5) The New York-New Jersey Harbor contributes \$8,500,000,000 annually in Federal, State, and

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- local tax revenue and is directly or indirectly responsible for 629,000 jobs with \$90,500,000,000 in annual personal and business wages.
 - (6) The New York-New Jersey Watershed supports multiple industries that attract over \$60,700,000,000 in annual revenue through tourism, commercial fishing, and recreational activities.
 - (7) The Mohawk River's water resources play an important role in tourism, shipping, and related businesses, with tourism alone valued at more than \$1,340,000,000 annually.
 - (8) Management of the shorelines of the New York-New Jersey Watershed is critical to flood mitigation and habitat for fish and wildlife. Further, following the loss of life and billions of dollars of damages caused by Hurricanes Sandy, Irene and Lee, Federal, State, and local governments recognize that natural and nature-based flood hazard mitigation measures, including living shorelines and restoring the function of riparian corridors, are cost-effective solutions.
 - (9) Restoration activities in the New York-New Jersey Watershed are supported through several Federal and State programs, and funding for those important programs should continue and com-

- plement the establishment of the New York-New
 Jersey Watershed Restoration Program, which is intended to build on and help coordinate restoration
 and protection funding mechanisms at the Federal,
 State, regional, and local levels.
 - (10) Millions of people rely on the Mohawk, Raritan, and Hackensack Rivers as sources of drinking water.
 - (11) The New York-New Jersey Watershed supports Federal threatened species and endangered species, including the shortnose sturgeon and Atlantic sturgeon.
 - (12) Many residents of the region of the New York-New Jersey Watershed live in communities lacking in environmental justice, where access to and enjoyment of fish, wildlife, clean water, and other natural resources have been impaired or compromised.
 - (13) Drawing on existing management plans and existing and ongoing voluntary conservation efforts in the New York-New Jersey Watershed will improve efficiency and cost-effectiveness, as well as increase private-sector investments and coordination 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-

- tion projects in the region that achieve the purposes of this Act.
- 3 (2) DIRECTOR.—The term "Director" means 4 the Director of the United States Fish and Wildlife 5 Service.
 - (3) Environmental Justice.—The term "environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.
 - (4) FOUNDATION.—The term "Foundation" means the National Fish and Wildlife Foundation.
 - (5) Grant Program.—The term "grant program" means the voluntary New York-New Jersey Watershed Restoration Grant Program established under section 5.
 - (6) Program.—The term "program" means the New York-New Jersey Watershed Restoration Program established under section 4.
 - (7) RESTORATION AND PROTECTION.—The term "restoration and protection" means the conservation, stewardship, and enhancement of habitat for fish and wildlife and water quality to preserve

- and improve ecosystems and ecological processes on which they depend and for use and enjoyment by the 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 es14 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
- for the Watershed, or portions of the Watershed,
- 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

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-
- gram shall not exceed 75 percent of the total cost
- of the activity, as determined by the Secretary.
- 15 (2) Non-federal share.—The non-federal
- share of the cost of a project funded under the grant
- program may be provided in cash or in the form of
- an in-kind contribution of services or materials.
- 19 (d) Administration.—
- 20 (1) IN GENERAL.—The Secretary may enter
- into an agreement to manage the grant program
- with the National Fish and Wildlife Foundation or
- 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	lie 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 2022 through 2027.
- 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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