

Union Calendar No. 417

117TH CONGRESS
2^D SESSION

H. R. 4677

[Report No. 117-576]

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

NOVEMBER 16, 2022

Additional sponsors: Mr. NADLER, Ms. VELÁZQUEZ, Mr. VAN DREW, Mr. KIM of New Jersey, Mr. JONES, Mrs. WATSON COLEMAN, Mr. ESPAILLAT, Mr. DELGADO, Mr. SEAN PATRICK MALONEY of New York, Ms. OCASIO-CORTEZ, Mr. TORRES of New York, Ms. MENG, Mr. BOWMAN, Ms. CLARKE of New York, Mr. MALINOWSKI, Mr. MEEKS, Mr. JEFFRIES, Mrs. CAROLYN B. MALONEY of New York, Mr. GOTTHEIMER, Mr. PASCRELL, Miss RICE of New York, Mr. SUOZZI, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. NORCROSS, Mr. PALLONE, Mr. SIRES, and Ms. MALLIOTAKIS

NOVEMBER 16, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on July 22, 2021]

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. DEFINITIONS.**

7 *In this Act:*

8 (1) *APPROVED PLANS.*—*The term “approved*
9 *plan”*—

10 (A) *means any plan for management of the*
11 *New York-New Jersey Watershed—*

12 (i) *that has been approved by a Fed-*
13 *eral, regional, State, Tribal, or local govern-*
14 *mental entity, including but not limited to*
15 *State Wildlife Action Plans, Comprehensive*
16 *Conservation Management Plans, Watershed*
17 *Improvement Plans; or*

18 (ii) *that is determined by the Director,*
19 *in consultation with such entities, to con-*
20 *tribute to the achievement of the purposes of*
21 *this Act; and*

22 (B) *includes the New York-New Jersey Har-*
23 *bor & Estuary Program (HEP) Action Agenda,*
24 *the Hudson Raritan Comprehensive Restoration*
25 *Plan, the Hudson River Comprehensive Restora-*

1 *tion Plan, the Hudson River Estuary Program*
2 *Action Agenda, the Hudson River Park Trust*
3 *Estuarine Sanctuary Management Plan, the Mo-*
4 *hawk River Action Agenda, the Sustainable*
5 *Raritan River Initiative Action Plan, the Lower*
6 *Passaic and Bronx & Harlem Federal Urban*
7 *Waters Partnership Workplans, the New Jersey*
8 *Sports and Exhibition Authority Meadowlands*
9 *Restoration Plan, as well as other conservation*
10 *projects in the region that achieve the purposes*
11 *of this Act.*

12 (2) *DIRECTOR.*—*The term “Director” means the*
13 *Director of the United States Fish and Wildlife Serv-*
14 *ice.*

15 (3) *ENVIRONMENTAL JUSTICE.*—*The term “envi-*
16 *ronmental justice” means the fair treatment and*
17 *meaningful involvement of all people regardless of*
18 *race, color, national origin, or income, with respect to*
19 *the development, implementation, and enforcement of*
20 *environmental laws, regulations, and policies.*

21 (4) *FOUNDATION.*—*The term “Foundation”*
22 *means the National Fish and Wildlife Foundation.*

23 (5) *GRANT PROGRAM.*—*The term “grant pro-*
24 *gram” means the voluntary New York-New Jersey*

1 *Watershed Restoration Grant Program established*
2 *under section 4.*

3 (6) *PROGRAM.*—*The term “program” means the*
4 *New York-New Jersey Watershed Restoration Pro-*
5 *gram established under section 3.*

6 (7) *RESTORATION AND PROTECTION.*—*The term*
7 *“restoration and protection” means the conservation,*
8 *stewardship, and enhancement of habitat for fish and*
9 *wildlife and water quality to preserve and improve*
10 *ecosystems and ecological processes on which they de-*
11 *pend and for use and enjoyment by the public.*

12 (8) *SECRETARY.*—*The term “Secretary” means*
13 *the Secretary of the Interior, acting through the Di-*
14 *rector.*

15 (9) *SERVICE.*—*The term “Service” means the*
16 *United States Fish and Wildlife Service.*

17 (10) *WATERSHED.*—*The term “Watershed”*
18 *means the New York-New Jersey Watershed, which is*
19 *comprised of all land area whose surface water drains*
20 *into New York-New Jersey Harbor, the waters con-*
21 *tained within that land area, and the estuaries asso-*
22 *ciated with those watersheds.*

23 **SEC. 3. PROGRAM ESTABLISHMENT.**

24 (a) *ESTABLISHMENT.*—*Not later than 180 days after*
25 *the date of the enactment of this Act, the Secretary shall*

1 *establish a nonregulatory program to be known as the “New*
2 *York-New Jersey Watershed Restoration Program”.*

3 *(b) DUTIES.—In carrying out the program, the Sec-*
4 *retary shall—*

5 *(1) draw on existing and new approved plans for*
6 *the Watershed, or portions of the Watershed, and work*
7 *in consultation with applicable management entities,*
8 *including representatives of the New York-New Jersey*
9 *Harbor and Estuary Program (HEP), Hudson River*
10 *Estuary Program, Mohawk River Basin Program,*
11 *Sustainable Raritan River Initiative, the Federal*
12 *Government, and other State and local governments,*
13 *and regional and nonprofit organizations, as appro-*
14 *priate, to identify, prioritize, and implement restora-*
15 *tion and protection activities within the Watershed;*
16 *and*

17 *(2) adopt a Watershed-wide strategy that—*

18 *(A) supports the implementation of a*
19 *shared set of science-based restoration and pro-*
20 *tection activities developed in accordance with*
21 *paragraph (1);*

22 *(B) targets cost-effective projects with meas-*
23 *urable results;*

24 *(C) maximizes conservation outcomes;*

1 (D) prioritizes the needs of communities
2 lacking in environmental justice; and

3 (E) establishes the voluntary grant and
4 technical assistance programs authorized in this
5 Act.

6 (c) CONSULTATION AND COORDINATION.—In estab-
7 lishing the program, the Secretary shall, as appropriate—

8 (1) consult with—

9 (A) the heads of Federal agencies, includ-
10 ing—

11 (i) the Administrator of the Environ-
12 mental Protection Agency;

13 (ii) the Administrator of the National
14 Oceanic and Atmospheric Administration;

15 (iii) the Secretary of the U.S. Depart-
16 ment of Agriculture;

17 (iv) the Director of the National Park
18 Service; and

19 (v) other agencies, as appropriate; and

20 (B) Indian Tribes; and

21 (2) coordinate with—

22 (A) the Governors of New York and New
23 Jersey, along with the Commissioner of the New
24 York State Department of Environmental Con-

1 *servation and the Director of the New Jersey Di-*
2 *vision of Fish and Wildlife;*

3 *(B) the New York-New Jersey Harbor & Es-*
4 *tuary Program; and*

5 *(C) other public agencies and organizations*
6 *with authority for the planning and implemen-*
7 *tation of conservation strategies in the Water-*
8 *shed.*

9 *(d) PURPOSES.—The purposes of the program in-*
10 *clude—*

11 *(1) coordinating restoration and protection ac-*
12 *tivities among Federal, State, Tribal, local, and re-*
13 *gional entities and conservation partners throughout*
14 *the Watershed;*

15 *(2) carrying out coordinated restoration and*
16 *protection activities, and providing for technical as-*
17 *sistance throughout the Watershed—*

18 *(A) to sustain and enhance fish and wildlife*
19 *habitat restoration and protection activities;*

20 *(B) to improve and maintain water quality*
21 *to support fish, wildlife, and their habitat, as*
22 *well as to improve opportunities for public access*
23 *and recreation in the Watershed consistent with*
24 *the ecological needs of fish and wildlife habitat;*

1 (C) to advance the use of natural and na-
2 ture-based features, living shoreline, natural cli-
3 mate solutions, and other green infrastructure
4 techniques to maximize the resilience of commu-
5 nities, natural systems, and habitats under
6 changing sea levels, storm risks, and watershed
7 conditions;

8 (D) to engage the public, particularly com-
9 munities experiencing environmental injustice,
10 through outreach, education, and community in-
11 volvement to increase capacity and support for
12 coordinated restoration and protection activities
13 in the Watershed;

14 (E) to increase scientific capacity to sup-
15 port the planning, monitoring, and research ac-
16 tivities necessary to carry out coordinated res-
17 toration and protection activities;

18 (F) to provide for feasibility and planning
19 studies for projects that achieve habitat restora-
20 tion and stormwater management goals;

21 (G) to support land conservation and man-
22 agement activities necessary to fulfill the Water-
23 shed-wide strategy adopted under subsection (b);

1 (H) to provide technical assistance to carry
2 out restoration and protection activities in the
3 Watershed;

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

6 (J) to improve fish and wildlife habitats, as
7 well as opportunities for personal recreation,
8 along rivers and shore fronts within commu-
9 nities experiencing environmental injustice; and
10 (3) other activities necessary for the implementa-
11 tion of approved plans.

12 **SEC. 4. NEW YORK-NEW JERSEY WATERSHED RESTORATION**
13 **GRANT PROGRAM.**

14 (a) *ESTABLISHMENT.*—The Secretary shall establish a
15 voluntary grant and technical assistance program, to be
16 known as the “New York-New Jersey Watershed Restoration
17 Grant Program”, to provide competitive matching grants
18 of varying amounts to State, Tribal and local governments,
19 nonprofit organizations, institutions of higher education,
20 and other eligible entities to carry out activities described
21 in section 3(d)(2).

22 (b) *CRITERIA.*—The Secretary, in consultation with
23 the agencies, organizations, and other persons referred to
24 in section 3(c), shall develop criteria for the grant program
25 to help ensure that activities funded under this section ac-

1 *comply with one or more of the purposes identified in section*
2 *3(d)(2) and advance the implementation of priority actions*
3 *or needs identified in the Watershed-wide strategy adopted*
4 *under section 3(b)(2).*

5 *(c) CAPACITY BUILDING.—The Secretary shall include*
6 *grant program provisions designed to increase the effective-*
7 *ness of organizations that work at the nexus of natural re-*
8 *source and community health issues within the New York-*
9 *New Jersey Watershed by addressing organizational capac-*
10 *ity needs.*

11 *(d) COST SHARING.—*

12 *(1) DEPARTMENT OF THE INTERIOR SHARE.—*
13 *The Department of the Interior share of the cost of a*
14 *project funded under the grant program shall not ex-*
15 *ceed 75 percent of the total cost of the activity, as de-*
16 *termined by the Secretary.*

17 *(2) NON-DEPARTMENT OF THE INTERIOR*
18 *SHARE.—*

19 *(A) IN GENERAL.—The non-Department of*
20 *the Interior share of the cost of a project funded*
21 *under the grant program may be provided in*
22 *cash or in the form of an in-kind contribution*
23 *of services or materials.*

24 *(B) OTHER FEDERAL FUNDING.—Non-De-*
25 *partment of the Interior Federal funds may be*

1 *used for not more than 25 percent of the total*
2 *cost of a project funded under the grant pro-*
3 *gram.*

4 (3) *WAIVER.—The Secretary may waive all or*
5 *part of the matching requirement under section 4(d)*
6 *if the Secretary determines that—*

7 (A) *no reasonable means are available*
8 *through which an applicant can meet the match-*
9 *ing requirement; and*

10 (B) *the probable benefit of the project out-*
11 *weighs the public interest in the matching re-*
12 *quirement.*

13 (e) *ADMINISTRATION.—*

14 (1) *IN GENERAL.—The Secretary may enter into*
15 *an agreement to manage the grant program with the*
16 *National Fish and Wildlife Foundation or a similar*
17 *organization that offers grant management services.*

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

21 (A) *for each fiscal year, receive amounts*
22 *made available to carry out this section in an*
23 *advance payment of the entire amounts on Octo-*
24 *ber 1 of that fiscal year, or as soon as prac-*
25 *ticable thereafter;*

1 (B) invest and reinvest those amounts for
2 the benefit of the grant program; and

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

6 (3) *REQUIREMENTS.*—If the Secretary enters
7 into an agreement with the Foundation under para-
8 graph (1), any amounts received by the Foundation
9 under this section shall be subject to the National
10 Fish and Wildlife Foundation Establishment Act (16
11 U.S.C. 3701 et seq.), excluding section 10(a) of that
12 Act (16 U.S.C. 3709(a)).

13 **SEC. 5. ANNUAL REPORTS.**

14 Not later than 180 days after the date of enactment
15 of this Act and annually thereafter, the Secretary shall sub-
16 mit to Congress a report on the implementation of this Act,
17 including a description of each project that has received
18 funding under this Act in the preceding fiscal year.

19 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) *IN GENERAL.*—There is authorized to be appro-
21 priated to the Secretary to carry out this Act \$25,000,000
22 for each of fiscal years 2022 through 2027.

23 (b) *USE FOR GRANT PROGRAM.*—Of any amount made
24 available under this section for each fiscal year, the Sec-
25 retary shall use at least 75 percent to carry out the grant

- 1 *program under section 4 and to provide, or provide for,*
- 2 *technical assistance under such program.*

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