

112TH CONGRESS
2D SESSION

H. R. 5927

To authorize the Secretary of Interior to carry out projects and conduct research on water resources in the Hudson-Mohawk River Basin, to establish a Hudson-Mohawk River Basin Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2012

Mr. TONKO introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of Interior to carry out projects and conduct research on water resources in the Hudson-Mohawk River Basin, to establish a Hudson-Mohawk River Basin Commission, 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 “Hudson-Mohawk River
5 Basin Act of 2012”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Hudson-Mohawk River Basin together
4 with the Erie Canal connects the Great Lakes to the
5 Atlantic Ocean and includes the 13,400 square mile
6 area encompassing five large sub-basins: the Upper
7 Hudson River sub-basin, the Mohawk River sub-
8 basin, the Lower Hudson River sub-basin, the Pas-
9 saic River sub-basin, and the Raritan River sub-
10 basin.

11 (2) The Hudson-Mohawk River Basin played an
12 essential role in the birth of our Nation and its west-
13 ward expansion. The water of the Hudson-Mohawk
14 Basin is the ink used to write the early United
15 States history of European settlement and the
16 American Revolution. The Basin's rivers served as a
17 major transportation corridor connecting the com-
18 munities along it from the Atlantic Ocean to the
19 Great Lakes.

20 (3) The Hudson-Mohawk River Basin includes
21 the largest metropolitan area of the country: the
22 New York-New Jersey metropolitan area. This met-
23 ropolitan area, together with the many communities
24 in the Upper Hudson, Mohawk, and Lower Hudson
25 sub-basins, makes the area one of the most densely

1 and heavily populated river basins in the country
2 with over 15,000,000 people.

3 (4) The water resources of the Hudson-Mohawk
4 River Basin are functionally interrelated and their
5 uses are interdependent. A single entity is essential
6 to provide effective communication, coordination,
7 and cooperation among Federal, State, and local
8 governments, non-governmental organizations, and
9 the private sector for this area.

10 (5) The New York-New Jersey Harbor Estuary
11 is a complex natural harbor at the junction of three
12 major water bodies, the New York Bight, the Hud-
13 son River and the Long Island Sound. In addition,
14 it receives freshwater inputs from the Raritan and
15 Passaic Rivers. The health and productivity of the
16 New York Bight is affected directly by the quality
17 of the freshwater inputs to the estuary from the
18 Hudson, Passaic, and Raritan Rivers.

19 (6) The headwaters of the Hudson originate
20 within the Adirondack Mountains, a treasured
21 northeastern wilderness area, protected under the
22 New York State constitution since 1894. The Hud-
23 son's path south through the Hudson River High-
24 lands, and the Mohawk's path south east to its junc-

1 tion with the Hudson, provides the only natural
2 break in the Appalachian Mountain chain.

3 (7) The Mohawk Valley's abundant natural re-
4 sources, and fertile floodplain soils provided a rich
5 endowment that first supported the Mohawk nation
6 and the Iroquois Confederacy and later supported
7 European settlement and the development of indus-
8 try and commerce.

9 (8) The Mohawk River and its watershed drain
10 directly into the Hudson River providing the largest
11 freshwater input to the brackish water mix that
12 characterizes the Hudson River Estuary and sup-
13 ports a biologically rich and productive ecosystem.

14 (9) The Mohawk River is integrated with the
15 Erie Canal along much of its channel. Therefore,
16 tying the operation of the Canal system to the
17 health of the Mohawk and the Hudson Rivers.

18 (10) Individuals in many communities through-
19 out the Basin have experienced devastating flooding
20 that led to tremendous costs for businesses, State,
21 and local governments. A holistic approach to river
22 and stream monitoring, updated floodplain maps,
23 and development of floodplain management strate-
24 gies based upon improved understanding of the Ba-

1 sin's hydrology would make communities safer and
2 more resistant and resilient to flood events.

3 (11) Each of the subwatersheds of the Hudson-
4 Mohawk River Basin receives support of programs
5 administered by Federal, State, regional, and local
6 organizations.

7 (12) There has been little integration of plan-
8 ning and program implementation to address the
9 Hudson-Mohawk River Basin in a holistic manner.

10 (13) New York, New Jersey, Vermont, Massa-
11 chusetts, and Connecticut have a long history of
12 achievements working together on resource manage-
13 ment issues through their memberships in the Dela-
14 ware River Basin Commission, the Susquehanna
15 River Basin Commission, the Appalachian Regional
16 Commission, the New England Interstate Water Pol-
17 lution Control Commission, and the Lake Champlain
18 Basin Program.

19 (14) Development and implementation of
20 projects to control flooding and improve water qual-
21 ity must be done with the full participation of local
22 communities and citizens, address the needs they
23 identify, and be conducted in a manner that respects
24 private property and is consistent with the authori-
25 ties of state and local jurisdictions.

1 **SEC. 3. DEFINITIONS.**

2 (a) HUDSON-MOHAWK RIVER BASIN.—The term
3 “Hudson-Mohawk River Basin” means the area of drain-
4 age of the Hudson, Mohawk, Passaic and Raritan Rivers
5 and their tributaries into the New York-New Jersey Har-
6 bor Estuary. This includes areas in New York, New Jer-
7 sey, Vermont, Massachusetts, and Connecticut.

8 (b) COMMISSION.—The term “Commission” means
9 the Hudson-Mohawk River Basin Commission established
10 under section 4.

11 (c) WATER RESOURCES.—The term “water re-
12 sources” means all surface waters and ground waters con-
13 tained or otherwise originating within the Hudson-Mo-
14 hawk River Basin.

15 **SEC. 4. HUDSON-MOHAWK RIVER BASIN COMMISSION.**

16 (a) ESTABLISHMENT.—The President shall—

17 (1) establish the Hudson-Mohawk River Basin
18 Commission in cooperation with the Governors of
19 the States included in the Hudson-Mohawk River
20 Basin to coordinate activities being undertaken by
21 the States, advisory committees, local governments,
22 institutions of higher education, and non-govern-
23 mental organizations to address environmental, eco-
24 nomic, and cultural issues associated with the man-
25 agement and use of resources in the Hudson-Mo-
26 hawk Watershed; and

1 (2) designate the Secretary of Interior to serve
2 as a member of the Commission and as coordinator
3 of participation of relevant Federal agencies in the
4 activities of the Commission.

5 (b) MEMBERSHIP.—The Commission shall include a
6 Federal representative designated by the President, and
7 the Governors of the 5 States whose territory is encom-
8 passed by the Hudson-Mohawk River Basin and its associ-
9 ated ground waters; New York, New Jersey, Connecticut,
10 Massachusetts, and Vermont. Each of the 4 Governors
11 shall appoint an alternate to act on the Governor's behalf
12 including attendance at meetings of the Commission and
13 with the power to vote in the absence of the member.

14 (c) DUTIES OF THE COMMISSION.—The Commission
15 shall—

16 (1) develop and implement plans, policies, and
17 projects relating to the water resources of the Hud-
18 son-Mohawk River Basin;

19 (2) adopt and promote uniform and coordinated
20 policies for management and conservation of water
21 resources in the Hudson-Mohawk River Basin;

22 (3) adopt an annual capital budget, including
23 all projects the Commission proposes to undertake
24 or continue during the budget period with a state-

1 ment of the estimated cost of each project and the
2 method of financing the project; and

3 (4) coordinate and direct the development, im-
4 plementation, operation, and financing of water re-
5 sources projects consistent with its plans and poli-
6 cies.

7 **SEC. 5. COMPREHENSIVE PLAN.**

8 (a) **PLAN DEVELOPMENT.**—The Commission shall
9 develop and adopt a comprehensive plan for the develop-
10 ment and use of water resources of the Hudson-Mohawk
11 River Basin. In developing the plan the Commission
12 shall—

13 (1) consult with State and Federal agencies
14 with jurisdiction over water resources, local govern-
15 ments, non-governmental organizations, public utili-
16 ties, water users, and other interested parties;

17 (2) prior to adoption of the plan or any subse-
18 quent revision of the plan, publish a draft plan and
19 provide opportunity for public comment; and

20 (3) periodically review and revise the plan.

21 (b) **PLAN CONTENTS.**—The plan shall address all
22 projects and facilities required for development, conserva-
23 tion, use, management, and control of the water resources
24 of the Hudson-Mohawk River Basin to meet present and
25 future needs. The plan shall—

1 (1) identify water resource needs in the Hud-
2 son-Mohawk River Basin related to water supply,
3 water quality, flooding, ecosystems, fisheries, energy
4 production, navigation, recreation, agriculture, and
5 economic development and establish goals for protec-
6 tion or enhancement of water resources to address
7 the identified needs;

8 (2) inventory the historic and cultural resources
9 of the Hudson-Mohawk River Basin and identify
10 projects to provide for cultural enrichment, preserva-
11 tion of cultural resources, public education about
12 local heritage and historical significance of prop-
13 erties, canals, and other historic sites within the
14 Hudson-Mohawk River Basin;

15 (3) provide a comprehensive assessment of the
16 status of water resources in the Hudson-Mohawk
17 River Basin and identify additional research and in-
18 formation required to support management of water
19 resources in the Hudson-Mohawk River Basin; and

20 (4) provide a mechanism to promote commu-
21 nication and coordination among the organizations
22 engaged in water resource management activities to
23 encourage efficient use of scarce resources, avoid
24 conflicts and inconsistencies, to promote consistent
25 and fair treatment of all water users, and to pro-

1 mote collaborative working relationships among all
2 entities working in the Hudson-Mohawk River
3 Basin.

4 **SEC. 6. WATER RESOURCES PROGRAM.**

5 The Commission shall adopt a water resources pro-
6 gram on an annual basis, based upon the comprehensive
7 plan, that identifies specific projects and facilities to be
8 undertaken by the Commission, other governmental and
9 private entities, educational institutions, non-govern-
10 mental organizations, and individuals during the imme-
11 diate 5-year period. The water resources program shall in-
12 clude a systematic presentation for each of the five sub-
13 basins of—

14 (1) the specific needs to be addressed by the
15 water resources program;

16 (2) the existing and proposed projects, studies,
17 and facilities required to satisfy the identified needs;

18 (3) the subset of projects and studies that will
19 be undertaken by the Commission during such pe-
20 riod; and

21 (4) the budget for the identified projects and
22 studies.

23 **SEC. 7. SAVINGS PROVISIONS.**

24 Nothing in this Act shall be construed to repeal, mod-
25 ify, or limit the authority of—

1 (1) the Federal Government or the State gov-
2 ernment members of the Commission to enact legis-
3 lation or enforce any additional conditions or restric-
4 tions within their jurisdictions; and

5 (2) local governments to regulate land use as
6 provided for by law or regulation.

7 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) COMMISSION.—There is authorized to be appro-
9 priated to the Commission \$500,000 for each fiscal year
10 to carry out the duties of the Commission.

11 (b) COMPREHENSIVE PLAN.—There is authorized to
12 be appropriated to the Secretary of Interior \$25,000,000
13 for each of fiscal years 2014 through 2020 to carry out
14 projects consistent with the comprehensive plan that are
15 identified in the annual Hudson-Mohawk Water Resources
16 Program adopted by the Commission in accordance with
17 section 6.

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