

115TH CONGRESS
2D SESSION

H. R. 7246

To direct the Secretary of the Interior to establish a nonregulatory program to support restoration and protection efforts in the Hudson-Mohawk River Basin region, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2018

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 direct the Secretary of the Interior to establish a nonregulatory program to support restoration and protection efforts in the Hudson-Mohawk River Basin region, 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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

(1) The Hudson-Mohawk River Basin together with the Erie Canal connects the Great Lakes to the Atlantic Ocean and includes the approximately 13,400 square mile area encompassing the following five large sub-basins:

(A) The Upper Hudson River sub-basin.

(B) The Mohawk River sub-basin.

(C) The Lower Hudson River sub-basin.

(D) The Passaic River sub-basin.

(E) The Raritan River sub-basin.

(2) The Hudson-Mohawk River Basin includes the New York-New Jersey metropolitan area, which is the largest metropolitan area of the country. This metropolitan area, together with the many communities in the Upper Hudson, Mohawk, and Lower Hudson sub-basins, makes the area one of the most densely and heavily populated river basins in the country, with over 15,000,000 people.

(3) The water resources of the Hudson-Mohawk River Basin are functionally interrelated and their uses are interdependent. A dedicated program is essential to provide effective communication, coordination, and cooperation among Federal, State, and local governments, nongovernmental organizations, and the private sector.

1 (4) The New York-New Jersey Harbor Estuary
2 is a complex natural harbor at the junction of three
3 major water bodies, the New York Bight, the Hud-
4 son River, and the Long Island Sound. In addition,
5 it receives freshwater inputs from the Raritan and
6 Passaic Rivers. The health and productivity of the
7 New York Bight are affected directly by the quality
8 of the freshwater inputs to the estuary from the
9 Hudson, Passaic, and Raritan Rivers.

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

15 (6) The Mohawk River is integrated with the
16 Erie Canal along much of its channel, tying the op-
17 eration of the canal system to the health of the Mo-
18 hawk and Hudson Rivers.

19 (7) Individuals in many communities through-
20 out the Hudson-Mohawk River Basin have experi-
21 enced devastating flooding that has led to tremen-
22 dous costs for homeowners, businesses, and State
23 and local governments. A holistic approach to river
24 and stream monitoring, updated floodplain maps,
25 and development of floodplain management strate-

gies based upon improved understanding of the Hudson-Mohawk River Basin's hydrology would make communities safer and more resilient to flood events.

(8) Climate change is occurring and, as a result, sea level rise along the United States eastern coastline will increase the vulnerability of coastal communities to storm surge and flooding in the New York-New Jersey harbors and along the major rivers in the Hudson-Mohawk River Basin.

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

(10) New York, New Jersey, Vermont, Massachusetts, and Connecticut have a long history of achievements working together on resource management issues through their memberships in the Delaware River Basin Commission, the Susquehanna River Basin Commission, the Appalachian Regional Commission, the New England Interstate Water Pollution Control Commission, and the Lake Champlain Basin Program.

(11) The impacts experienced as a result of recent hurricanes and storms illustrate the need for

1 integrated, basin-wide planning to address water
2 management challenges and vulnerability to flooding.

3 (12) Protecting wetlands, expanding use of
4 green infrastructure, strengthening dams and levees,
5 and upgrading wastewater and water treatment in-
6 frastructure will be necessary to reduce the impacts
7 of extreme weather events and maintain water qual-
8 ity and public health.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) BASIN STATE.—The term “Basin State”
12 means each of the States of New York, New Jersey,
13 Connecticut, Massachusetts, and Vermont.

14 (2) GRANT PROGRAM.—The term “grant pro-
15 gram” means the Hudson-Mohawk River Basin
16 grant program established under section 5.

17 (3) HUDSON-MOHAWK RIVER BASIN.—The term
18 “Hudson-Mohawk River Basin” means the area of
19 drainage of the Hudson, Mohawk, Passaic, and
20 Raritan Rivers and their tributaries into the New
21 York-New Jersey Harbor Estuary.

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

1 systems and ecological processes on which they de-
2 pend, and for use and enjoyment by the public.

3 (5) RESTORATION PROGRAM.—The term “res-
4 toration program” means the Hudson-Mohawk River
5 Basin restoration program established under section
6 4.

7 (6) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (7) WATER RESOURCES.—The term “water re-
10 sources” means all surface waters and ground
11 waters contained or otherwise originating within the
12 Hudson-Mohawk River Basin.

13 **SEC. 4. RESTORATION PROGRAM ESTABLISHMENT.**

14 (a) ESTABLISHMENT.—Not later than 180 days after
15 the date of the enactment of this Act, the Secretary shall
16 establish a nonregulatory program to be known as the
17 “Hudson-Mohawk River Basin Restoration Program”.

18 (b) PROGRAM COMPONENTS.—In carrying out the
19 restoration program, the Secretary shall—

20 (1) establish a Basin-wide strategy that—

21 (A) addresses the program priorities de-
22 scribed in subsection (c); and

23 (B) draws on established management
24 plans for the Hudson-Mohawk River Basin, or
25 portions of the Basin;

1 (2) coordinate activities being undertaken by
2 the Basin States, advisory committees, local govern-
3 ments, institutions of higher education, and non-
4 governmental organizations that are related to the
5 program priorities described in subsection (c); and

6 (3) establish and administer the Hudson-Mo-
7 hawk River Basin grant program in accordance with
8 section 5.

9 (c) PROGRAM PRIORITIES.—The priorities of the res-
10 toration program are—

11 (1) to address the management, development,
12 conservation, and use of water resources throughout
13 the Hudson-Mohawk River Basin;

14 (2) to coordinate restoration and protection ac-
15 tivities among Federal, State, local, and regional en-
16 tities and conservation partners throughout the
17 Hudson-Mohawk River Basin;

18 (3) to carry out coordinated restoration and
19 protection activities and provide for technical assist-
20 ance throughout the Hudson-Mohawk River Basin
21 and Basin States—

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

1 (B) to improve and maintain water quality
2 to support fish and wildlife, as well as the habi-
3 tats of fish and wildlife, and drinking water;

4 (C) to sustain and enhance water manage-
5 ment for volume and flood damage mitigation
6 improvements to benefit fish and wildlife habi-
7 tat;

8 (D) to improve opportunities for public ac-
9 cess and recreation in the Hudson-Mohawk
10 River Basin consistent with the ecological needs
11 of fish and wildlife habitat;

12 (E) to facilitate strategic planning to maxi-
13 mize the resilience of natural systems and habi-
14 tats under changing watershed conditions;

15 (F) to engage the public through outreach,
16 education, and citizen involvement; and

17 (G) to increase scientific capacity to sup-
18 port the planning, monitoring, and research ac-
19 tivities necessary to carry out coordinated res-
20 toration and protection activities;

21 (4) to maintain an inventory of historic and cul-
22 tural resources of the Hudson-Mohawk River Basin
23 and identify projects to provide for cultural enrich-
24 ment, preservation of cultural resources, public edu-
25 cation about local heritage and historical significance

1 of properties, canals, and historic sites within the
2 Hudson-Mohawk River Basin;

3 (5) to provide a mechanism to promote commu-
4 nication and coordination among the organizations
5 engaged in water resource management activities to
6 promote collaborative working relationships among
7 all entities working in the Hudson-Mohawk River
8 Basin; and

9 (6) to support the implementation of a shared
10 set of science-based restoration and protection activi-
11 ties.

12 (d) CONSULTATION.—In establishing the restoration
13 program, the Secretary shall consult, as appropriate,
14 with—

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

16 (A) the Administrator of the Environ-
17 mental Protection Agency;

18 (B) the Administrator of the National Oce-
19 anic and Atmospheric Administration;

20 (C) the Chief of the Natural Resources
21 Conservation Service;

22 (D) the Chief of Engineers of the Corps of
23 Engineers; and

24 (E) the head of any other applicable agen-
25 cy;

- 1 (2) the Governors of the Basin States;
- 2 (3) local governments;
- 3 (4) other public agencies and organizations with
- 4 authority for the planning and implementation of
- 5 conservation strategies in the Hudson-Mohawk River
- 6 Basin;
- 7 (5) institutions of higher education;
- 8 (6) nongovernmental organizations;
- 9 (7) regional organizations; and
- 10 (8) other entities as determined by the Sec-
- 11 retary.

12 **SEC. 5. GRANTS AND ASSISTANCE.**

13 (a) HUDSON-MOHAWK RIVER BASIN GRANT PRO-
14 GRAM.—To the extent that funds are available to carry
15 out this section, the Secretary shall establish a voluntary
16 grant program to be known as the “Hudson-Mohawk
17 River Basin Grant Program” to provide—

- 18 (1) competitive matching grants of varying
- 19 amounts to State and local governments, nonprofit
- 20 organizations, institutions of higher education, and
- 21 other eligible entities to address the program prior-
- 22 ities described in section 4(c); and
- 23 (2) technical assistance to grant recipients.

24 (b) CRITERIA.—The Secretary, in consultation with
25 the organizations described in section 4(d), shall develop

1 criteria for the grant program to help ensure that activi-
2 ties funded under this section address one or more of the
3 program priorities described in section 4(c).

4 (c) COST SHARING.—

5 (1) FEDERAL SHARE.—The Federal share of
6 the cost of a project funded under the grant pro-
7 gram shall be determined by the Secretary and shall
8 not exceed 80 percent of the total cost of the activ-
9 ity.

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

14 **SEC. 6. ANNUAL REPORTS.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act and annually thereafter, the Secretary
17 shall submit to Congress a report on the implementation
18 of this Act, including a description of each project that
19 has received funding under this Act.

20 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—There is authorized to be appro-
22 priated to the Secretary to carry out this Act \$25,000,000
23 for each of fiscal years 2018 through 2024.

24 (b) USE.—Of any amount made available under this
25 section for each fiscal year, the Secretary shall use at least

- 1 75 percent to carry out the grant program and to provide,
- 2 or provide for, technical assistance under such program.

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