

§1003(b), (c), Nov. 18, 1988, 102 Stat. 4150, directed Administrator of the Environmental Protection Agency, within 3 years after Dec. 29, 1987, in consultation with Administrator of the National Oceanic and Atmospheric Administration and other Federal, State, and interstate agencies, to prepare and submit to Congress a New York Bight Restoration Plan and a detailed schedule and two preliminary reports at specified times, and further directed Administrator to conduct a study of problems associated with plastic debris in the New York Bight and report to Congress within 6 months after Dec. 29, 1987.

§ 2267a. Watershed and river basin assessments

(a) In general

The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

- (1) ecosystem protection and restoration;
- (2) flood damage reduction;
- (3) navigation and ports;
- (4) watershed protection;
- (5) water supply;
- (6) drought preparedness;
- (7) sea level rise;
- (8) coastal storm damage reduction; and
- (9) streambank and shoreline protection.

(b) Cooperation

An assessment under subsection (a) shall be carried out in cooperation and coordination with—

- (1) the Secretary of the Interior;
- (2) the Secretary of Agriculture;
- (3) the Secretary of Commerce;
- (4) the Administrator of the Environmental Protection Agency; and
- (5) the heads of other appropriate agencies.

(c) Consultation

In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

(d) Priority river basins and watersheds

In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—

- (1) the Delaware River basin;
- (2) the Kentucky River basin;
- (3) the Potomac River basin;
- (4) the Susquehanna River basin;
- (5) the Willamette River basin;
- (6) Tuscarawas River Basin, Ohio;
- (7) Sauk River Basin, Snohomish and Skagit Counties, Washington;
- (8) Niagara River Basin, New York;
- (9) Genesee River Basin, New York;
- (10) White River Basin, Arkansas and Missouri;
- (11) New York-New Jersey Watershed Basin, which encompasses all the watersheds that flow into the New York-New Jersey Harbor and their associated estuaries, including the Hudson, Mohawk, Raritan, Passaic, Hackensack, and Bronx River Watersheds and the Hudson River Estuary;
- (12) Mississippi River Watershed;
- (13) Chattahoochee River Basin, Alabama, Florida, and Georgia;
- (14) the Walla Walla River Basin;
- (15) the San Francisco Bay Basin;

(16) Connecticut River Watershed, Connecticut, Massachusetts, New Hampshire, and Vermont;

(17) Lower Rouge River Watershed, Michigan; and

(18) Grand River Watershed, Michigan.

(e) Acceptance of contributions

In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

(f) Cost-sharing requirements

(1) Non-Federal share

The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent.

(2) Credit

(A) In general

Subject to subparagraph (B), the Secretary may credit toward the non-Federal share of an assessment under this section the cost of services, materials, supplies, or other in-kind contributions provided by the non-Federal interests for the assessment.

(B) Maximum amount of credit

The credit under subparagraph (A) may not exceed an amount equal to 25 percent of the costs of the assessment.

(g) Feasibility report on project specific recommendations from assessments

(1) In general

At the request of a non-Federal interest for an assessment completed under this section, the Secretary is authorized to prepare a feasibility report, in accordance with the requirements of section 2282 of this title, recommending the construction or modification of a water resources development project to address a water resources need of a river basin or watershed of the United States identified in the assessment.

(2) Priority watersheds

In carrying out this subsection, the Secretary shall give priority to—

(A) the watersheds of the island of Maui, Hawaii, including the Wahikuli, Honokōwai, Kahana, Honokahua, and Honolulu watersheds, including the coral reef habitat north of Lahaina off the northwestern coast of the island of Maui; and

(B) the watersheds of the Northern Mariana Islands, American Samoa, and Guam.

(Pub. L. 99-662, title VII, §729, Nov. 17, 1986, 100 Stat. 4164; Pub. L. 106-541, title II, §202, Dec. 11, 2000, 114 Stat. 2587; Pub. L. 110-114, title II, §2010, Nov. 8, 2007, 121 Stat. 1074; Pub. L. 117-263, div. H, title LXXXI, §8302, Dec. 23, 2022, 136 Stat. 3776; Pub. L. 118-272, div. A, title I, §1143, Jan. 4, 2025, 138 Stat. 3034.)

Editorial Notes

AMENDMENTS

2025—Subsec. (d)(14) to (18). Pub. L. 118-272, §1143(1), added pars. (14) to (18).

Subsec. (g). Pub. L. 118-272, §1143(2), added subsec. (g). 2022—Subsec. (a)(7) to (9). Pub. L. 117-263, §8302(1), added pars. (7) to (9).

Subsec. (d)(11) to (13). Pub. L. 117-263, §8302(2), added pars. (11) to (13).

2007—Subsec. (d)(6) to (10). Pub. L. 110-114, §2010(1), added pars. (6) to (10).

Subsec. (f)(1). Pub. L. 110-114, §2010(2), added par. (1) and struck out heading and text of former par. (1). Text read as follows: “The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.”

Subsec. (g). Pub. L. 110-114, §2010(3), struck out heading and text of subsec. (g). Text read as follows: “There is authorized to be appropriated to carry out this section \$15,000,000.”

2000—Pub. L. 106-541 amended section catchline and text generally. Prior to amendment, section read as follows:

“(a) The Secretary, in coordination with the Secretary of the Interior and in consultation with appropriate Federal, State, and local agencies, is authorized to study the water resources needs of river basins and regions of the United States. The Secretaries shall report the results of such study to Congress not later than October 1, 1988.

“(b) In carrying out the studies authorized under subsection (a) of this section, the Secretaries shall consult with State, interstate, and local governmental entities.

“(c) There is authorized to be appropriated \$5,000,000 for fiscal years beginning after September 30, 1986, to carry out this section.”

§ 2267b. Post-disaster watershed assessments

(a) Watershed assessments

(1) In general

In an area that the President has declared a major disaster in accordance with section 5170 of title 42, the Secretary may carry out a watershed assessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and storm damage reduction, ecosystem restoration, or navigation project recommendations that will help to rehabilitate and improve the resiliency of damaged infrastructure and natural resources to reduce risks to human life and property from future natural disasters.

(2) Existing projects

A watershed assessment carried out paragraph¹ (1) may identify existing projects being carried out under 1 or more of the authorities referred to in subsection (b)(1).

(3) Duplicate watershed assessments

In carrying out a watershed assessment under paragraph (1), the Secretary shall use all existing watershed assessments and related information developed by the Secretary or other Federal, State, or local entities.

(b) Projects

(1) In general

The Secretary may carry out projects identified under a watershed assessment under subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(A) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(B) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(C) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(D) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(E) Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(F) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

(2) Annual plan

For each project that does not meet the criteria under paragraph (1), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 2282d of this title.

(3) Existing projects

In carrying out a project under paragraph (1), the Secretary shall—

(A) to the maximum extent practicable, use all existing information and studies available for the project; and

(B) not require any element of a study completed for the project prior to the disaster to be repeated.

(c) Requirements

All requirements applicable to a project under the Acts described in subsection (b) shall apply to the project.

(d) Limitations on assessments

A watershed assessment under subsection (a) shall be initiated not later than 2 years after the date on which the major disaster declaration is issued.

(e) Assessments in territories of the United States

(1) In general

For any major disaster declared in a territory of the United States before October 23, 2018, all activities in the territory carried out or undertaken pursuant to the authorities described in this section shall be conducted at full Federal expense unless the President determines that the territory has the ability to pay the cost share for an assessment under this section without the use of loans.

(2) Territory defined

In this subsection, the term “territory of the United States” means an insular area specified in section 2310(a)(1) of this title.

(Pub. L. 113-121, title III, §3025, June 10, 2014, 128 Stat. 1303; Pub. L. 115-270, title I, §1139, Oct. 23, 2018, 132 Stat. 3784.)

Editorial Notes

REFERENCES IN TEXT

The Flood Control Act of 1948, referred to in subsecs. (b)(1)(A) and (c), is act June 30, 1948, ch. 771, title II, 62 Stat. 1175. For complete classification of this Act to the Code, see Tables.

The River and Harbor Act of 1968, referred to in subsecs. (b)(1)(B) and (c), is Pub. L. 90-483, title I, Aug. 13, 1968, 82 Stat. 731. For complete classification of this Act to the Code, see Tables.

The Water Resources Development Act of 1996, referred to in subsecs. (b)(1)(C) and (c), is Pub. L. 104-303, Oct. 12, 1996, 110 Stat. 3658. For complete classification

¹ So in original. Probably should be preceded by “under”.