

117TH CONGRESS
2D SESSION

S. 3484

To establish the New York-New Jersey Watershed Restoration Program,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 12 (legislative day, JANUARY 10), 2022

Mr. BOOKER (for himself, Mrs. GILLIBRAND, Mr. MENENDEZ, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish the New York-New Jersey Watershed
Restoration Program, 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 that—

8 (1) the New York-New Jersey Watershed,
9 which encompasses all the watersheds that flow into
10 New York-New Jersey Harbor and the associated es-

1 tuaries of that Harbor, such as the Hudson, Mo-
2 hawk, Raritan, Passaic, Hackensack, and Bronx
3 River Watersheds and the Hudson River Estuary, is
4 of great ecological, economic, and cultural impor-
5 tance;

6 (2) the Watershed supports one of the most
7 densely populated and economically important re-
8 gions in the United States;

9 (3) millions of people rely on the Hudson, Mo-
10 hawk, Raritan, and Hackensack Rivers as sources of
11 drinking water;

12 (4) the Watershed supports multiple industries
13 that attract over \$60,700,000,000 in annual revenue
14 through tourism, commercial fishing, and rec-
15 reational activities;

16 (5) the New York-New Jersey Harbor—

17 (A) contributes \$8,500,000,000 annually
18 in Federal, State, and local tax revenue; and

19 (B) is directly or indirectly responsible for
20 629,000 jobs with \$90,500,000,000 in annual
21 personal and business wages;

22 (6) the water resources of the Mohawk River
23 play an important role in tourism, shipping, and re-
24 lated businesses and industries in the region, with

1 the tourism industry alone valued at more than
2 \$1,340,000,000 annually;

3 (7) the Watershed supports species listed as
4 threatened species or endangered species under sec-
5 tion 4 of the Endangered Species Act of 1973 (16
6 U.S.C. 1533), including the shortnose sturgeon and
7 the Atlantic sturgeon, as well as those species whose
8 populations are at risk of steep declines;

9 (8) shorelines, marshes, and wetlands through-
10 out the Watershed are critical to flood mitigation
11 and provide important habitat for a diverse array of
12 fish and wildlife;

13 (9) the Hudson River Estuary contains more
14 than 7,000 acres of brackish wetlands that—

15 (A) filter contaminants;

16 (B) mitigate sea level rise;

17 (C) buffer coastal communities from
18 storms; and

19 (D) provide habitat for fish and wildlife;

20 (10) for the past century, the Watershed has
21 faced serious threats to water quality, including haz-
22 ardous waste, legacy pollutants, and partially treated
23 or untreated wastewater;

24 (11) many of the residents that benefit from
25 the Watershed live in communities experiencing envi-

ronmental injustice, where access to and enjoyment of fish, wildlife, clean water, and other natural resources has been impaired or compromised;

(12) the ongoing environmental injustice challenges described in paragraph (11) are compounded by the impacts of climate change, including—

(A) rising air and water temperatures;

(B) increases in incidences of extreme weather;

(C) changing precipitation patterns; and

(D) rising sea levels;

(13) extreme weather events like Hurricanes Sandy, Irene, Lee, and Ida caused loss of life and billions of dollars in damages, and the shared coastline of New York and New Jersey remains highly vulnerable to frequent storm surges and rising seas;

(14) 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 that provide environmental, social, and economic benefits;

(15) restoration activities in the Watershed are supported by several Federal and State programs, and funding for those important programs should

1 continue and complement the establishment of the
 2 New York-New Jersey Watershed Restoration Pro-
 3 gram under section 4(a), which is intended to build
 4 on and help coordinate restoration and protection
 5 funding mechanisms at the Federal, State, Tribal,
 6 regional, and local levels;

7 (16) managing the Watershed requires leader-
 8 ship from the Department of the Interior and co-
 9 ordination among other Federal agencies, 2 States,
 10 Indian Tribes, hundreds of counties, cities and
 11 towns, and millions of property owners;

12 (17) the United States Fish and Wildlife Serv-
 13 ice has established a collaborative approach to deliv-
 14 ering inclusive, meaningful conservation gains in
 15 urban communities through—

16 (A) the Urban Wildlife Conservation Pro-
 17 gram; and

18 (B) at landscape scales, the Delaware
 19 River Basin Restoration Program; and

20 (18) drawing on existing management plans
 21 and existing and ongoing voluntary conservation ef-
 22 forts in the Watershed will—

23 (A) improve the efficiency and cost-effec-
 24 tiveness of conservation and restoration efforts;
 25 and

1 (B) increase private sector investments and
2 coordination of Federal and non-Federal re-
3 sources.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) APPROVED PLAN.—

7 (A) IN GENERAL.—The term “approved
8 plan” means any plan for management of the
9 Watershed—

10 (i) that has been approved by a Fed-
11 eral, regional, State, Tribal, or local gov-
12 ernmental entity, including State Wildlife
13 Action Plans, Comprehensive Conservation
14 Management Plans, and Watershed Im-
15 provement Plans; or

16 (ii) that is determined by the Sec-
17 retary, in consultation with the entities de-
18 scribed in clause (i), to contribute to the
19 achievement of the purposes of this Act.

20 (B) INCLUSIONS.—The term “approved
21 plan” includes—

22 (i) the New York-New Jersey Harbor
23 & Estuary Program (HEP) Action Agen-
24 da;

- 1 (ii) the Hudson Raritan Comprehen-
- 2 sive Restoration Plan;
- 3 (iii) the Hudson River Comprehensive
- 4 Restoration Plan;
- 5 (iv) the Hudson River Estuary Pro-
- 6 gram Action Agenda;
- 7 (v) the Mohawk River Action Agenda;
- 8 (vi) the Sustainable Raritan River Ini-
- 9 tiative Action Plan;
- 10 (vii) the Lower Passaic and Bronx &
- 11 Harlem Federal Urban Waters Partnership
- 12 Workplans;
- 13 (viii) the New Jersey Sports and Ex-
- 14 hibition Authority Meadowlands Restora-
- 15 tion Plan; and
- 16 (ix) such other conservation projects
- 17 in the region that achieve the purposes of
- 18 this Act, as determined by the Secretary.

19 (2) ENVIRONMENTAL JUSTICE.—The term “en-

20 vironmental justice”, with respect to the develop-

21 ment, implementation, and enforcement of environ-

22 mental laws, regulations, and policies, means the fair

23 treatment and meaningful involvement of all people,

24 regardless of race, color, national origin, or income.

1 (3) FOUNDATION.—The term “Foundation”
2 means the National Fish and Wildlife Foundation.

3 (4) GRANT PROGRAM.—The term “grant pro-
4 gram” means the voluntary New York-New Jersey
5 Watershed Restoration Grant Program established
6 under section 5(a).

7 (5) PROGRAM.—The term “program” means
8 the New York-New Jersey Watershed Restoration
9 Program established under section 4(a).

10 (6) RESTORATION AND PROTECTION.—The
11 term “restoration and protection” means the con-
12 servation, stewardship, and enhancement of habitat
13 for fish and wildlife, including water quality—

14 (A) to preserve and improve ecosystems
15 and ecological processes on which those fish and
16 wildlife depend; and

17 (B) for use and enjoyment by the public.

18 (7) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior, acting through the Di-
20 rector of the United States Fish and Wildlife Serv-
21 ice.

22 (8) WATERSHED.—The term “Watershed”
23 means the New York-New Jersey Watershed, which
24 is comprised of—

1 (A) all land area the surface water of
2 which drains into the New York-New Jersey
3 Harbor;

4 (B) the waters contained within that land
5 area; and

6 (C) the estuaries associated with those wa-
7 tersheds.

8 **SEC. 4. NEW YORK-NEW JERSEY WATERSHED RESTORA-**
9 **TION PROGRAM.**

10 (a) ESTABLISHMENT.—Not later than 180 days after
11 the date of enactment of this Act, the Secretary shall es-
12 tablish a nonregulatory program, to be known as the “New
13 York-New Jersey Watershed Restoration Program”.

14 (b) PURPOSES.—The purposes of the program shall
15 include—

16 (1) coordinating restoration and protection ac-
17 tivities among Federal, State, Tribal, local, and re-
18 gional entities and conservation partners throughout
19 the Watershed;

20 (2) carrying out coordinated restoration and
21 protection activities, and providing for technical as-
22 sistance for those activities, throughout the Water-
23 shed—

24 (A) to sustain and enhance fish and wild-
25 life habitat;

1 (B) to improve and maintain water quality
2 to support fish, wildlife, and their habitats, as
3 well as to improve opportunities for public ac-
4 cess and recreation in the Watershed consistent
5 with the ecological needs of fish and wildlife
6 habitats;

7 (C) to advance the use of natural climate
8 solutions and natural infrastructure, including
9 living shorelines and other green infrastructure
10 techniques, to maximize the resilience of com-
11 munities, natural systems, and habitats experi-
12 encing the impacts of climate change;

13 (D) to engage the public, particularly com-
14 munities experiencing environmental injustice,
15 through outreach, education, and community
16 involvement to increase capacity, support, and
17 workforce development for coordinated restora-
18 tion and protection activities in the Watershed;

19 (E) to increase scientific capacity to sup-
20 port the planning, monitoring, and research ac-
21 tivities necessary to carry out coordinated res-
22 toration and protection activities in the Water-
23 shed;

24 (F) to provide for feasibility and planning
25 studies for green infrastructure projects that

1 achieve habitat restoration and stormwater
2 management goals;

3 (G) to support land conservation and man-
4 agement activities necessary to fulfill the Wa-
5 tershed-wide strategy adopted under subsection
6 (c)(3);

7 (H) to monitor environmental quality to
8 assess progress toward the purposes of this Act;
9 and

10 (I) to improve fish and wildlife habitats, as
11 well as opportunities for personal recreation,
12 along rivers and shore fronts within commu-
13 nities experiencing environmental injustice; and

14 (3) carrying out restoration and protection ac-
15 tivities necessary, as determined by the Secretary,
16 for the implementation of approved plans.

17 (c) DUTIES.—In carrying out the program, the Sec-
18 retary shall—

19 (1) draw on existing and new approved plans
20 for the Watershed, or portions of the Watershed;

21 (2) work in consultation with applicable man-
22 agement entities, including representatives of the
23 New York-New Jersey Harbor and Estuary Program
24 (HEP), the Hudson River Estuary Program, the
25 Mohawk River Basin Program, the Sustainable

1 Raritan River Initiative, the Federal Government,
 2 other State and local governments, and regional and
 3 nonprofit organizations, including environmental jus-
 4 tice organizations, as appropriate, to identify,
 5 prioritize, and implement restoration and protection
 6 activities within the Watershed; and

7 (3) adopt a Watershed-wide strategy that—

8 (A) supports the implementation of a
 9 shared set of science-based restoration and pro-
 10 tection activities developed in accordance with
 11 paragraph (2);

12 (B) targets cost-effective projects with
 13 measurable results;

14 (C) maximizes conservation outcomes;

15 (D) prioritizes the needs of communities
 16 experiencing environmental injustice; and

17 (E) implements the grant program.

18 (d) CONSULTATION.—In establishing the program,
 19 the Secretary shall consult with, as appropriate—

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

21 (A) the Administrator of the Environ-
 22 mental Protection Agency;

23 (B) the Administrator of the National Oce-
 24 anic and Atmospheric Administration;

25 (C) the Secretary of Agriculture;

1 (D) the Director of the National Park
2 Service; and

3 (E) the heads of such other Federal agen-
4 cies as the Secretary determines to be appro-
5 priate;

6 (2) the Governor of New York;

7 (3) the Governor of New Jersey;

8 (4) the Commissioner of the New York State
9 Department of Environmental Conservation;

10 (5) the Director of the New Jersey Division of
11 Fish and Wildlife;

12 (6) the New York-New Jersey Harbor & Estu-
13 ary Program; and

14 (7) other public agencies, Indian Tribes, and
15 organizations with authority for the planning and
16 implementation of conservation strategies in the Wa-
17 tershed, as determined appropriate by the Secretary.

18 **SEC. 5. NEW YORK-NEW JERSEY WATERSHED RESTORA-**
19 **TION GRANT PROGRAM.**

20 (a) ESTABLISHMENT.—Not later than 180 days after
21 the date of enactment of this Act, the Secretary shall es-
22 tablish a voluntary grant and technical assistance pro-
23 gram, to be known as the “New York-New Jersey Water-
24 shed Restoration Grant Program”, to provide competitive
25 matching grants to State, Tribal, and local governments,

1 nonprofit organizations, institutions of higher education,
2 and other eligible entities, as determined by the Secretary,
3 to carry out the coordinated restoration and protection ac-
4 tivities described in section 4(b)(2).

5 (b) CRITERIA.—The Secretary, in consultation with
6 the heads of Federal agencies, organizations, and other
7 persons referred to in section 4(d), shall develop criteria
8 for the grant program to ensure that activities funded
9 under the grant program—

10 (1) accomplish 1 or more of the purposes iden-
11 tified in section 4(b)(2); and

12 (2) advance the implementation of priority ac-
13 tions or needs identified in the Watershed-wide
14 strategy adopted under section 4(c)(3).

15 (c) CAPACITY BUILDING.—In carrying out the grant
16 program, the Secretary shall seek to increase the effective-
17 ness of organizations that carry out restoration and pro-
18 tection activities described in section 4(b)(2) within the
19 Watershed by addressing organizational capacity needs.

20 (d) COST-SHARE.—

21 (1) FEDERAL SHARE.—The Federal share of
22 the total cost of a restoration and protection activity
23 carried out under the grant program shall be not
24 more than 75 percent of the total cost, as deter-
25 mined by the Secretary, of that activity.

1 (2) NON-FEDERAL SHARE.—

2 (A) IN GENERAL.—The non-Federal share
3 of the total cost of a restoration and protection
4 activity carried out under the grant program
5 shall be not more than 25 percent of the total
6 cost, as determined by the Secretary, of that
7 activity.

8 (B) FORM OF PAYMENT.—The non-Fed-
9 eral described in subparagraph (A) may be pro-
10 vided—

11 (i) in cash; or

12 (ii) in the form of an in-kind contribu-
13 tion of services or materials.

14 (3) WAIVER.—The Secretary may waive a re-
15 quirement under paragraph (2) if the Secretary de-
16 termines that—

17 (A) no reasonable means are available
18 through which an applicant can meet the
19 matching requirement; and

20 (B) the probable benefit of carrying out
21 the restoration and project activity outweighs
22 the public interest in the matching requirement.

23 (e) ADMINISTRATION.—

1 (1) IN GENERAL.—The Secretary may enter
2 into an agreement to manage the grant program
3 with—

4 (A) the Foundation; or

5 (B) a similar organization that offers
6 grant management services.

7 (2) FUNDING.—If the Secretary enters into an
8 agreement under paragraph (1), the Foundation or
9 similar organization selected, as applicable, shall—

10 (A) receive the amounts made available to
11 carry out the grant program under section 7 for
12 each applicable fiscal year in an advance pay-
13 ment of the entire amount on October 1 of that
14 fiscal year, or as soon as practicable thereafter;

15 (B) invest and reinvest those amounts for
16 the benefit of the grant program; and

17 (C) administer the grant program to sup-
18 port partnerships between the public and pri-
19 vate sectors in accordance with this Act.

20 (3) REQUIREMENTS.—If the Secretary enters
21 into an agreement with the Foundation under para-
22 graph (1), any amounts received by the Foundation
23 under this section shall be subject to the National
24 Fish and Wildlife Foundation Establishment Act (16

1 U.S.C. 3701 et seq.), excluding section 10(a) of that
2 Act (16 U.S.C. 3709(a)).

3 **SEC. 6. ANNUAL REPORTS.**

4 Not later than 180 days after the date of enactment
5 of this Act, and annually thereafter, the Secretary shall
6 submit to Congress a report on the implementation of this
7 Act, including a description of each activity that has re-
8 ceived funding under this Act in the preceding fiscal year.

9 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—There is authorized to be appro-
11 priated to the Secretary to carry out this Act \$50,000,000
12 for each of fiscal years 2022 through 2027.

13 (b) GRANT PROGRAM.—Of the amounts made avail-
14 able under subsection (a) for each fiscal year, the Sec-
15 retary shall use not less than 75 percent to carry out the
16 grant program, including for technical assistance relating
17 to the grant program.

○