A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “New York-New Jersey
Watershed Protection Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the New York-New Jersey Watershed,
which encompasses all the watersheds that flow into
New York-New Jersey Harbor and the associated es-
tuaries of that Harbor, such as the Hudson, Mohawk, Raritan, Passaic, Hackensack, and Bronx River Watersheds and the Hudson River Estuary, is of great ecological, economic, and cultural importance;

(2) the Watershed supports one of the most densely populated and economically important regions in the United States;

(3) millions of people rely on the Hudson, Mohawk, Raritan, and Hackensack Rivers as sources of drinking water;

(4) the Watershed supports multiple industries that attract over $60,700,000,000 in annual revenue through tourism, commercial fishing, and recreational activities;

(5) the New York-New Jersey Harbor—

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

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

(6) the water resources of the Mohawk River play an important role in tourism, shipping, and related businesses and industries in the region, with
the tourism industry alone valued at more than $1,340,000,000 annually;

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

(8) shorelines, marshes, and wetlands throughout the Watershed are critical to flood mitigation and provide important habitat for a diverse array of fish and wildlife;

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

(A) filter contaminants;

(B) mitigate sea level rise;

(C) buffer coastal communities from storms; and

(D) provide habitat for fish and wildlife;

(10) for the past century, the Watershed has faced serious threats to water quality, including hazardous waste, legacy pollutants, and partially treated or untreated wastewater;

(11) many of the residents that benefit from the Watershed live in communities experiencing envi-
environmental 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
continue and complement the establishment of the
New York-New Jersey Watershed Restoration Pro-
gram under section 4(a), which is intended to build
on and help coordinate restoration and protection
funding mechanisms at the Federal, State, Tribal,
regional, and local levels;

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

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

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

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

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

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

and
(B) increase private sector investments and coordination of Federal and non-Federal resources.

SEC. 3. DEFINITIONS.

In this Act:

(1) Approved plan.—

(A) In general.—The term "approved plan" means any plan for management of the Watershed—

(i) that has been approved by a Federal, regional, State, Tribal, or local governmental entity, including State Wildlife Action Plans, Comprehensive Conservation Management Plans, and Watershed Improvement Plans; or

(ii) that is determined by the Secretary, in consultation with the entities described in clause (i), to contribute to the achievement of the purposes of this Act.

(B) Inclusions.—The term "approved plan" includes—

(i) the New York-New Jersey Harbor & Estuary Program (HEP) Action Agenda;
(ii) the Hudson Raritan Comprehensive Restoration Plan;

(iii) the Hudson River Comprehensive Restoration Plan;

(iv) the Hudson River Estuary Program Action Agenda;

(v) the Mohawk River Action Agenda;

(vi) the Sustainable Raritan River Initiative Action Plan;

(vii) the Lower Passaic and Bronx & Harlem Federal Urban Waters Partnership Workplans;

(viii) the New Jersey Sports and Exhibition Authority Meadowlands Restoration Plan; and

(ix) such other conservation projects in the region that achieve the purposes of this Act, as determined by the Secretary.

(2) ENVIRONMENTAL JUSTICE.—The term “environmental justice”, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, means the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income.
(3) **FOUNDATION.**—The term “Foundation” means the National Fish and Wildlife Foundation.

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

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

(6) **RESTORATION AND PROTECTION.**—The term “restoration and protection” means the conservation, stewardship, and enhancement of habitat for fish and wildlife, including water quality—

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

(B) for use and enjoyment by the public.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(8) **WATERSHED.**—The term “Watershed” means the New York-New Jersey Watershed, which is comprised of—
(A) all land area the surface water of which drains into the New York-New Jersey Harbor;

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

(C) the estuaries associated with those watersheds.

SEC. 4. NEW YORK-NEW JERSEY WATERSHED RESTORATION PROGRAM.

(a) Establishment.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a nonregulatory program, to be known as the “New York-New Jersey Watershed Restoration Program”.

(b) Purposes.—The purposes of the program shall include—

(1) coordinating restoration and protection activities among Federal, State, Tribal, local, and regional entities and conservation partners throughout the Watershed;

(2) carrying out coordinated restoration and protection activities, and providing for technical assistance for those activities, throughout the Watershed—

(A) to sustain and enhance fish and wildlife habitat;
(B) to improve and maintain water quality to support fish, wildlife, and their habitats, as well as to improve opportunities for public access and recreation in the Watershed consistent with the ecological needs of fish and wildlife habitats;

(C) to advance the use of natural climate solutions and natural infrastructure, including living shorelines and other green infrastructure techniques, to maximize the resilience of communities, natural systems, and habitats experiencing the impacts of climate change;

(D) to engage the public, particularly communities experiencing environmental injustice, through outreach, education, and community involvement to increase capacity, support, and workforce development for coordinated restoration and protection activities in the Watershed;

(E) to increase scientific capacity to support the planning, monitoring, and research activities necessary to carry out coordinated restoration and protection activities in the Watershed;

(F) to provide for feasibility and planning studies for green infrastructure projects that
achieve habitat restoration and stormwater management goals;

(G) to support land conservation and management activities necessary to fulfill the Watershed-wide strategy adopted under subsection (c)(3);

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

(I) to improve fish and wildlife habitats, as well as opportunities for personal recreation, along rivers and shore fronts within communities experiencing environmental injustice; and

(3) carrying out restoration and protection activities necessary, as determined by the Secretary, for the implementation of approved plans.

(c) DUTIES.—In carrying out the program, the Secretary shall—

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

(2) work in consultation with applicable management entities, including representatives of the New York-New Jersey Harbor and Estuary Program (HEP), the Hudson River Estuary Program, the Mohawk River Basin Program, the Sustainable
Raritan River Initiative, the Federal Government, other State and local governments, and regional and nonprofit organizations, including environmental justice organizations, as appropriate, to identify, prioritize, and implement restoration and protection activities within the Watershed; and

(3) adopt a Watershed-wide strategy that—

(A) supports the implementation of a shared set of science-based restoration and protection activities developed in accordance with paragraph (2);

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

(C) maximizes conservation outcomes;

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

(E) implements the grant program.

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

(1) the heads of Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of Agriculture;
(D) the Director of the National Park Service; and

(E) the heads of such other Federal agencies as the Secretary determines to be appropriate;

(2) the Governor of New York;

(3) the Governor of New Jersey;

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

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

(6) the New York-New Jersey Harbor & Estuary Program; and

(7) other public agencies, Indian Tribes, and organizations with authority for the planning and implementation of conservation strategies in the Watershed, as determined appropriate by the Secretary.

SEC. 5. NEW YORK-NEW JERSEY WATERSHED RESTORATION GRANT PROGRAM.

(a) Establishment.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a voluntary grant and technical assistance program, to be known as the “New York-New Jersey Watershed Restoration Grant Program”, to provide competitive matching grants to State, Tribal, and local governments,
nonprofit organizations, institutions of higher education, and other eligible entities, as determined by the Secretary, to carry out the coordinated restoration and protection activities described in section 4(b)(2).

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

(1) accomplish 1 or more of the purposes identified in section 4(b)(2); and

(2) advance the implementation of priority actions or needs identified in the Watershed-wide strategy adopted under section 4(e)(3).

(c) CAPACITY BUILDING.—In carrying out the grant program, the Secretary shall seek to increase the effectiveness of organizations that carry out restoration and protection activities described in section 4(b)(2) within the Watershed by addressing organizational capacity needs.

(d) COST-SHARE.—

(1) FEDERAL SHARE.—The Federal share of the total cost of a restoration and protection activity carried out under the grant program shall be not more than 75 percent of the total cost, as determined by the Secretary, of that activity.
(2) **NON-FEDERAL SHARE.**—

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

(B) **FORM OF PAYMENT.**—The non-Federal described in subparagraph (A) may be provided—

(i) in cash; or

(ii) in the form of an in-kind contribution of services or materials.

(3) **WAIVER.**—The Secretary may waive a requirement under paragraph (2) if the Secretary determines that—

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

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

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

(A) the Foundation; or

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

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

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

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

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

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

SEC. 6. ANNUAL REPORTS.

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

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this Act $50,000,000 for each of fiscal years 2022 through 2027.

(b) GRANT PROGRAM.—Of the amounts made available under subsection (a) for each fiscal year, the Secretary shall use not less than 75 percent to carry out the grant program, including for technical assistance relating to the grant program.