

113TH CONGRESS
1ST SESSION

H. R. 2973

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

AUGUST 1, 2013

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 2013”.

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) Climate change is occurring and, as a re-
4 sult, sea level rise along the United States eastern
5 coastline will increase the vulnerability of coastal
6 communities to storm surge and flooding in the New
7 York-New Jersey harbors and along the major rivers
8 in the Basin.

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

13 (13) There has been little integration of plan-
14 ning and program implementation to address the
15 Hudson-Mohawk River Basin in a holistic manner.

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

1 (15) The basin-wide impacts experienced as a
2 result of recent hurricanes and storms illustrate the
3 need for integrated, basin-wide planning to address
4 water management challenges and vulnerability to
5 flooding.

6 (16) Protection and restoration of wetlands, ex-
7 panded use of green infrastructure, strengthening of
8 dams and levees, and upgrading of wastewater and
9 water treatment infrastructure will be necessary to
10 reduce the impacts of extreme weather events and
11 maintain water quality and public health.

12 (17) Development and implementation of
13 projects to control flooding and improve water qual-
14 ity must be done with the full participation of local
15 communities and citizens, address the needs they
16 identify, and be conducted in a manner that respects
17 private property and is consistent with the authori-
18 ties of state and local jurisdictions.

19 **SEC. 3. DEFINITIONS.**

20 (a) HUDSON-MOHAWK RIVER BASIN.—The term
21 “Hudson-Mohawk River Basin” means the area of drain-
22 age of the Hudson, Mohawk, Passaic and Raritan Rivers
23 and their tributaries into the New York-New Jersey Har-
24 bor Estuary. This includes areas in New York, New Jer-
25 sey, Vermont, Massachusetts, and Connecticut.

1 (b) COMMISSION.—The term “Commission” means
2 the Hudson-Mohawk River Basin Commission established
3 under section 4.

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

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

9 (a) ESTABLISHMENT.—The President shall—

10 (1) establish the Hudson-Mohawk River Basin
11 Commission in cooperation with the Governors of
12 the States included in the Hudson-Mohawk River
13 Basin to coordinate activities being undertaken by
14 the States, advisory committees, local governments,
15 institutions of higher education, and non-govern-
16 mental organizations to address environmental, eco-
17 nomic, and cultural issues associated with the man-
18 agement and use of resources in the Hudson-Mo-
19 hawk Watershed; and

20 (2) designate the Secretary of Interior to serve
21 as a member of the Commission and as coordinator
22 of participation of relevant Federal agencies in the
23 activities of the Commission.

24 (b) MEMBERSHIP.—The Commission shall include a
25 Federal representative designated by the President, and

1 the Governors of the 5 States whose territory is encom-
2 passed by the Hudson-Mohawk River Basin and its associ-
3 ated ground waters: New York, New Jersey, Connecticut,
4 Massachusetts, and Vermont. The Governor of each of the
5 5 States shall appoint an alternate to act on that Gov-
6 ernor's behalf, including attendance at meetings of the
7 Commission and with the power to vote in the absence
8 of the member.

9 (c) DUTIES OF THE COMMISSION.—The Commission
10 shall—

11 (1) develop and implement plans, policies, and
12 projects relating to the water resources of the Hud-
13 son-Mohawk River Basin;

14 (2) adopt and promote uniform and coordinated
15 policies for management and conservation of water
16 resources in the Hudson-Mohawk River Basin;

17 (3) adopt an annual capital budget, including
18 all projects the Commission proposes to undertake
19 or continue during the budget period with a state-
20 ment of the estimated cost of each project and the
21 method of financing the project; and

22 (4) coordinate and direct the development, im-
23 plementation, operation, and financing of water re-
24 sources projects consistent with its plans and poli-
25 cies.

1 **SEC. 5. COMPREHENSIVE PLAN.**

2 (a) PLAN DEVELOPMENT.—Not later than 18
3 months after the date of the enactment of this Act, the
4 Commission shall develop and adopt a comprehensive plan
5 for the development and use of water resources of the
6 Hudson-Mohawk River Basin. In developing the plan the
7 Commission shall—

8 (1) consult with State and Federal agencies
9 with jurisdiction over water resources, local govern-
10 ments, non-governmental organizations, public utili-
11 ties, water users, and other interested parties;

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

15 (3) ensure that the plan addresses needs in
16 each of the five sub-basins; and

17 (4) periodically review and revise the plan.

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

23 (1) identify water resource needs in the Hud-
24 son-Mohawk River Basin related to water supply,
25 water quality, flooding, ecosystems, fisheries, energy
26 production, navigation, recreation, agriculture, and

1 economic development and establish goals for protec-
2 tion or enhancement of water resources to address
3 the identified needs;

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

11 (3) provide a comprehensive assessment of the
12 status of water resources in the Hudson-Mohawk
13 River Basin and identify additional research and in-
14 formation required to support management of water
15 resources in the Hudson-Mohawk River Basin; and

16 (4) provide a mechanism to promote commu-
17 nication and coordination among the organizations
18 engaged in water resource management activities to
19 encourage efficient use of scarce resources, avoid
20 conflicts and inconsistencies, to promote consistent
21 and fair treatment of all water users, and to pro-
22 mote collaborative working relationships among all
23 entities working in the Hudson-Mohawk River
24 Basin.

1 SEC. 6. WATER RESOURCES PROGRAM.

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

11 (1) the specific needs to be addressed by the
12 water resources program;

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

15 (3) the subset of projects and studies that will
16 be undertaken by the Commission during such pe-
17 riod; and

18 (4) the budget for the identified projects and
19 studies.

20 SEC. 7. SAVINGS PROVISIONS.

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

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

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

3 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

7 (b) COMPREHENSIVE PLAN.—There is authorized to
8 be appropriated to the Secretary of Interior \$25,000,000
9 for each of fiscal years 2015 through 2021 to carry out
10 projects consistent with the comprehensive plan that are
11 identified in the annual Hudson-Mohawk Water Resources
12 Program adopted by the Commission in accordance with
13 section 6.

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