

to Congress of such list if no funds have been appropriated for such study after the list is submitted and before such 90th day.

(Pub. L. 99-662, title VII, §710, Nov. 17, 1986, 100 Stat. 4160; Pub. L. 106-109, §8(b), Nov. 24, 1999, 113 Stat. 1495.)

#### AMENDMENTS

1999—Subsec. (a). Pub. L. 106-109, in first sentence, substituted “Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), not” for “Not”.

#### § 2265. Columbia River/Arkansas River Basin transfers

(a) No Federal agency shall study or participate in the study of any regional or river basin plan or any plan for any Federal water and related land resource project which has as its objective the transfer of water from the Columbia River Basin to any other region or any other major river basin of the United States, unless such study is approved by the Governors of all affected States.

(b) For a period of 5 years after November 17, 1986, no Federal agency shall study or participate in the study of any regional or river basin plan or any plan for any Federal water and related land resource project which has as its objective the transfer of water from the Arkansas River Basin to any other region or any other major river basin of the United States, unless such study is approved by the Governors of all affected States.

(Pub. L. 99-662, title VII, §715, Nov. 17, 1986, 100 Stat. 4161.)

#### § 2266. Canadian tidal power study

##### (a) Study authority

The Secretary, after consultation with the National Oceanic and Atmospheric Administration, the National Marine Fisheries Service, the United States Fish and Wildlife Service, and other appropriate governmental agencies, and the National Research Council of the National Academy of Sciences, is authorized and directed to undertake studies to identify the impacts on the United States of potential Canadian tidal power development in the Bay of Fundy, and submit such studies to the appropriate committees of the Congress.

##### (b) Study phases

The Secretary shall conduct the studies authorized in subsection (a) of this section in two phases:

(1) Studies to be completed not later than October 1, 1988, to (A) identify effects of any such projects on tidal ranges and resulting impacts to beaches and estuarine areas, and (B) identify further studies which would be needed to meet the requirements of paragraph (2) of this subsection; and

(2) Studies to be completed not later than October 1, 1990, to (A) determine further environmental, social, economic, and institutional impacts of such tidal power development, and (B) determine what measures could be taken in Canada and the United States to offset or minimize any adverse impacts of such development on the United States.

##### (c) Authorization of appropriations

In the fiscal year ending September 30, 1987, or in any fiscal year thereafter, there is authorized to be appropriated to the Secretary the sum of \$1,100,000 for the purposes of subsection (b)(1) of this section, and the sum of \$8,900,000 for the purposes of subsection (b)(2) of this section, such sums to remain available until expended.

(Pub. L. 99-662, title VII, §724, Nov. 17, 1986, 100 Stat. 4163.)

#### § 2267. New York Bight study

##### (a) Study authority

The Secretary shall study a hydro-environmental monitoring and information system in the New York Bight in the form of a system using computerized buoys and radio telemetry that allows for the continual monitoring (at strategically located sites throughout the New York Bight) of the following: wind, wave, current, salinity and thermal gradients and sea chemistry, in order to measure the effect of changes due to air and water pollution, including changes due to continued dumping in the Bight.

##### (b) Study of physical hydraulic model

In addition, the Secretary shall study a proper physical hydraulic model of the New York Bight and for such an offshore model to be tied into the existing inshore physical hydraulic model of the Port of New York and New Jersey operated by the United States Army Corps of Engineers.

##### (c) Agency coordination; findings and recommendations

The Secretary shall coordinate fully with the Administrator of the Environmental Protection Agency in carrying out the study described in this section and shall report any findings and recommendations to Congress. The Secretary and the Administrator shall also consider the views of other appropriate Federal, State, and local agencies, academic institutions, and members of the public who are concerned about water quality in the New York Bight.

##### (d) Authorization of appropriations

There is authorized to be appropriated not more than \$1,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(Pub. L. 99-662, title VII, §728, Nov. 17, 1986, 100 Stat. 4164.)

#### NEW YORK BIGHT AND HARBOR STUDY

Pub. L. 102-580, title III, §326, Oct. 31, 1992, 106 Stat. 4850, as amended by Pub. L. 104-303, title IV, §433, Oct. 12, 1996, 110 Stat. 3746, provided that:

“(a) IN GENERAL.—As a continuation of the study pursuant to section 728 of the Water Resources Development Act of 1986 [33 U.S.C. 2267], the Secretary shall study a hydro-environmental monitoring and information system in the New York Bight and New York Harbor and tributaries to the head of tide, in the form of a system using computerized buoys and radio telemetry that allows for the continual monitoring (at strategically located sites throughout the New York Bight and Harbor region) of the following: wind, wave, current, salinity, and thermal gradients and sea chemistry, in order to measure the effect of changes due to air and water pollution, including changes due to continued dumping in the Bight. This effort will include the study

of a verified, nested, high-resolution Harbor/Bight Apex numerical model, and supportive monitoring and information systems.

“(b) **HYDRAULIC MODEL.**—In addition, the Secretary shall study a proper physical hydraulic model of the New York Bight and the tying in of such model to the existing inshore physical hydraulic model of the Port of New York and New Jersey operated by the United States Army Corps of Engineers.

“(c) **PURPOSE.**—This New York Bight and Harbor effort will address the engineering, environmental, and social impacts of natural and man-made changes to the New York Bight, including water quality parameters such as contaminant and sediment transport effects, and nutrient eutrophication.

“(d) **COORDINATION WITH EPA; REPORTS.**—The Secretary shall coordinate fully with the Administrator of the Environmental Protection Agency in carrying out the study described in the section and shall report any findings and recommendations to Congress. The Secretary and the Administrator shall also consider the views of other appropriate Federal, State, and local agencies, academic institutions, and members of the public who are concerned about water and sediment quality in the New York Bight and Harbor region.

“(e) **REMEDIATION TECHNIQUES.**—

“(1) **IN GENERAL.**—To test and verify contaminant and sediment tracking ability of the models, and to reduce the problems associated with the dredging and disposal of dioxin contaminated sediments in the region, a study shall be performed to identify appropriate remediation techniques (including isolation and treatment) for mitigating dioxin contaminated sediments at their sources. The study and report are not intended to encumber civil works projects under development or scheduled to be maintained. Work on these projects shall proceed along the present schedule.

“(2) **REPORT.**—Not later than 1 year after the date of the enactment of this Act [Oct. 31, 1992], the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on Public Works and Transportation of the House of Representatives, and to the State of New Jersey a report on—

“(A) the dioxin study and monitoring required in this subsection; and

“(B) the effectiveness and costs of all reasonable remediation measures, including recommendations as to a plan for implementation of the most time and cost-effective measures.

“(f) **FUNDING.**—There is authorized to be appropriated \$3,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.”

Pub. L. 100-220, title II, subtitle C, Dec. 29, 1987, 101 Stat. 1467, as amended by Pub. L. 100-688, title I, §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; and
- (6) drought preparedness.

#### (b) Cooperation

An assessment under subsection (a) of this section 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) of this section, 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; and
- (10) White River Basin, Arkansas and Missouri.

#### (e) Acceptance of contributions

In carrying out an assessment under subsection (a) of this section, 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.

(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.)

#### AMENDMENTS

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