

**(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 re-

gion, 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).

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, 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 paragraph<sup>1</sup> (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.

<sup>1</sup> So in original. Probably should be preceded by “under”.