AMENDMENT TO DIVISION C OF RULES
COMMITTEE PRINT 117-12
(ENERGY AND WATER DEVELOPMENT
APPROPRIATIONS DIVISION)
OFFERED BY MR. VALADAO OF CALIFORNIA

At the end of division C (before the short title), insert the following:

BIOLOGICAL OPINION IN COMPLIANCE WITH APPLICABLE LAW

SEC. ______. (a) IN GENERAL.—

(1) It is the sense of Congress that the Central Valley Project and the State Water Project shall be operated, notwithstanding any other law, in a manner consistent with the Salmonid Biological Opinion and Smelt Biological Opinion.

(2) The Congress finds that the Biological Opinion on the Long-Term Operational Criteria and Plan for coordination of the Central Valley Project and State Water Project issued by the United States Fish and Wildlife Service on December 15, 2008, and the Biological Opinion on the Long-Term Operations of the Central Valley Project and State Water Project issued by the National Marine Fisheries
Service on June 4, 2009, no longer reflect the best available science and are not in compliance with the Endangered Species Act of 1973.

(3) In future consultations for the coordinated operations of the Central Valley Project and State Water Project under the Endangered Species Act of 1973, the Secretaries shall follow the consultation process in section 4004 of the Water Infrastructure Improvements for the Nation Act.

(b) DEFINITIONS.—In this section—

(1) the term “Central Valley Project” has the meaning given the term in section 3403 of the Central Valley Project Improvement Act (106 Stat. 4707);

(2) the term “Salmonid Biological Opinion” means the Biological Opinion issued by the National Marine Fisheries Service for long-term operations of the Central Valley Project and State Water Project on October 21, 2019;

(3) the term “Secretaries” means—

(A) the Secretary of Commerce; and

(B) the Secretary of the Interior;

(4) the term “Smelt Biological Opinion” means the Biological Opinion issued by the United States Fish and Wildlife Service for long-term operations of
the Central Valley Project and State Water Project on October 21, 2019;

(5) the term “State” means the State of California; and

(6) the term “State Water Project” means the water project described by California Water Code section 11550 et seq. and operated by the California Department of Water Resources.