

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:

1 BIOLOGICAL OPINION IN COMPLIANCE WITH APPLICABLE
2 LAW

3 SEC. _____. (a) IN GENERAL.—

4 (1) It is the sense of Congress that the Central
5 Valley Project and the State Water Project shall be
6 operated, notwithstanding any other law, in a man-
7 ner consistent with the Salmonid Biological Opinion
8 and Smelt Biological Opinion.

9 (2) The Congress finds that the Biological
10 Opinion on the Long-Term Operational Criteria and
11 Plan for coordination of the Central Valley Project
12 and State Water Project issued by the United States
13 Fish and Wildlife Service on December 15, 2008,
14 and the Biological Opinion on the Long-Term Oper-
15 ations of the Central Valley Project and State Water
16 Project issued by the National Marine Fisheries

1 Service on June 4, 2009, no longer reflect the best
2 available science and are not in compliance with the
3 Endangered Species Act of 1973.

4 (3) In future consultations for the coordinated
5 operations of the Central Valley Project and State
6 Water Project under the Endangered Species Act of
7 1973, the Secretaries shall follow the consultation
8 process in section 4004 of the Water Infrastructure
9 Improvements for the Nation Act.

10 (b) DEFINITIONS.—In this section—

11 (1) the term “Central Valley Project” has the
12 meaning given the term in section 3403 of the Cen-
13 tral Valley Project Improvement Act (106 Stat.
14 4707);

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

20 (3) the term “Secretaries” means—

21 (A) the Secretary of Commerce; and

22 (B) the Secretary of the Interior;

23 (4) the term “Smelt Biological Opinion” means
24 the Biological Opinion issued by the United States
25 Fish and Wildlife Service for long-term operations of

1 the Central Valley Project and State Water Project
2 on October 21, 2019;

3 (5) the term “State” means the State of Cali-
4 fornia; and

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

