

# Union Calendar No. 492

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3144

**[Report No. 115–643, Part I]**

To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2017

Mrs. McMORRIS RODGERS (for herself, Ms. HERRERA BEUTLER, Mr. NEWHOUSE, Mr. SCHRADER, and Mr. WALDEN) 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

APRIL 18, 2018

Additional sponsors: Mr. AMODEI, Mr. LABRADOR, Mr. GIANFORTE, and Mr. GOSAR

APRIL 18, 2018

Reported from the Committee on Natural Resources

APRIL 18, 2018

The Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **A BILL**

To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time, 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. DEFINITIONS.**

4       For the purposes of this Act:

5           (1) FCRPS.—The term “FCRPS” means the  
6       Federal Columbia River Power System.

7           (2) SECRETARIES.—The term “Secretaries”  
8       means—

9           (A) the Secretary of the Interior, acting  
10       through the Bureau of Reclamation;

11           (B) the Secretary of Energy, acting  
12       through the Bonneville Power Administration;  
13       and

14           (C) Secretaries of the Army, acting  
15       through the Army Corps of Engineers.

16           (3) SUPPLEMENTAL OPINION.—The term “Sup-  
17       plemental Opinion” means the document titled “En-  
18       dangered Species Act Section 7(a)(2) Supplemental  
19       Biological Opinion”, NOAA Fisheries Log Number  
20       NWR–2013–9562, and dated January 17, 2014,  
21       which supplements, without replacing, the 2008 and  
22       2010 FCRPS Biological Opinions and the Reason-  
23       able and Prudent Alternative contained therein.

1 **SEC. 2. OPERATION OF FCRPS.**

2 The Secretaries shall operate the FCRPS in a man-  
3 ner consistent with the reasonable and prudent alternative  
4 set forth in the Supplemental Opinion until the later of  
5 the following dates:

6 (1) September 30, 2022.

7 (2) The date upon which a subsequent final bio-  
8 logical opinion for the FCRPS operations is—

9 (A) issued after completion of the final en-  
10 vironmental impact statement on a record of  
11 decision for a new operations plan for the  
12 FCRPS; and

13 (B) in effect, with no pending further judi-  
14 cial review.

15 **SEC. 3. AMENDMENTS TO SUPPLEMENTAL OPINION.**

16 (a) IN GENERAL.—Notwithstanding section 2, the  
17 Secretaries may amend portions of the Supplemental  
18 Opinion and operate the FCRPS in accordance with such  
19 amendments, before the date established under section 2  
20 if all of the Secretaries determine, in the sole discretion  
21 of each Secretary, that—

22 (1) the amendment is necessary for public safe-  
23 ty or transmission and grid reliability; or

24 (2) the actions, operations, or other require-  
25 ments that the amendment would remove are no  
26 longer warranted.

1 (b) RESTRICTION ON AMENDMENTS.—The process  
2 described in subsection (a) shall be the only method by  
3 which the Secretaries may operate the FCRPS during the  
4 time period established under section 2 in any way that  
5 is not consistent with the reasonable and prudent alter-  
6 natives set forth in the Supplemental Opinion.

7 **SEC. 4. LIMITATION ON RESTRICTING FCRPS ELECTRICAL**  
8 **GENERATION OR NAVIGATION ON THE SNAKE**  
9 **RIVER.**

10 No structural modification, action, study, or engi-  
11 neering plan that restricts electrical generation at any  
12 Federal Columbia Power System hydroelectric dam, or  
13 that limits navigation on the Snake River in the State of  
14 Washington, Oregon, or Idaho, shall proceed unless such  
15 proposal is specifically and expressly authorized by an Act  
16 of Congress enacted after the date of submission to Con-  
17 gress of a proposal for such modification, action, study,  
18 or engineering plan, respectively.

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