

115TH CONGRESS
1ST SESSION

H. R. 3144

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.

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

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.

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

3 (A) the Secretary of the Interior, acting
4 through the Bureau of Reclamation;

5 (B) the Secretary of Energy, acting
6 through the Bonneville Power Administration;
7 and

8 (C) Secretaries of the Army, acting
9 through the Army Corps of Engineers.

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

18 **SEC. 2. OPERATION OF FCRPS.**

19 The Secretaries shall operate the FCRPS in a man-
20 ner consistent with the reasonable and prudent alternative
21 set forth in the Supplemental Opinion until the later of
22 the following dates:

23 (1) September 30, 2022.

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

1 (A) issued after completion of the final en-
2 vironmental impact statement on a record of
3 decision for a new operations plan for the
4 FCRPS; and

5 (B) in effect, with no pending further judi-
6 cial review.

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

8 (a) IN GENERAL.—Notwithstanding section 2, the
9 Secretaries may amend portions of the Supplemental
10 Opinion and operate the FCRPS in accordance with such
11 amendments, before the date established under section 2
12 if all of the Secretaries determine, in the sole discretion
13 of each Secretary, that—

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

16 (2) the actions, operations, or other require-
17 ments that the amendment would remove are no
18 longer warranted.

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

1 **SEC. 4. LIMITATION ON RESTRICTING FCRPS ELECTRICAL**
2 **GENERATION OR NAVIGATION ON THE SNAKE**
3 **RIVER.**

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

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