

119TH CONGRESS
2D SESSION

H. R. 9017

To provide that compliance with a certain biological opinion is deemed to be compliance with the requirements of the Endangered Species Act of 1973 for purposes of a certain agency action, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2026

Mr. DONALDS (for himself, Mr. MAST, Mr. MOSKOWITZ, Mr. HARIDOPOLOS, and Mr. BUCHANAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, 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 that compliance with a certain biological opinion is deemed to be compliance with the requirements of the Endangered Species Act of 1973 for purposes of a certain agency action, 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. SHORT TITLE.**

4 This Act may be cited as the “Restore Florida Water
5 Independence Act of 2026”.

1 **SEC. 2. COMPLIANCE WITH BIOLOGICAL OPINION RELATED**
2 **TO DREDGE AND FILL PERMITTING PRO-**
3 **GRAM.**

4 (a) IN GENERAL.—For purposes of the Agency Ac-
5 tion—

6 (1) the Biological Opinion is deemed to be com-
7 pliant with, and compliance with the Biological
8 Opinion is deemed to be compliance with, the re-
9 quirements of the Endangered Species Act of 1973
10 (16 U.S.C. 1531 et seq.); and

11 (2) no additional consultation under section
12 7(a) of that Act (16 U.S.C. 1536(a)) is required.

13 (b) DEFINITIONS.—In this section:

14 (1) AGENCY ACTION.—The term “Agency Ac-
15 tion”—

16 (A) means the approval by the Adminis-
17 trator of the Environmental Protection Agency
18 of the request of the State of Florida for the
19 assumption by the State of Florida of the ad-
20 ministration and permitting of a State permit
21 program under section 404 of the Federal
22 Water Pollution Control Act (33 U.S.C. 1344),
23 as described in the notice published by the En-
24 vironmental Protection Agency titled “EPA’s
25 Approval of Florida’s Clean Water Act Section

1 404 Assumption Request” (December 22, 2020;
2 85 Fed. Reg. 83553); and

3 (B) includes other activities.

4 (2) BIOLOGICAL OPINION.—The term “Biologi-
5 cal Opinion”—

6 (A) means the programmatic biological
7 opinion issued by the United States Fish and
8 Wildlife Service titled “Programmatic Biological
9 Opinion for Environmental Protection Agency’s
10 Approval of FDEP’s Assumption of the Admin-
11 istration of the Dredge and Fill Permitting
12 Program under Section 404 of the Clean Water
13 Act” (dated November 17, 2020; FWS Log #:
14 04E00000–2021–F–0001; 04E00000–2021–B–
15 0001); and

16 (B) includes the incidental take statement
17 described in pages 69 through 73 of the pro-
18 grammatic biological opinion.

19 (3) OTHER ACTIVITIES.—The term “other ac-
20 tivities” has the meaning given the term in the glos-
21 sary of the Biological Opinion.

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