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(Original Signature of Member)

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

**H. R.** \_\_\_\_\_

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

Mr. DONALDS introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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.