

MOTION TO RECOMMIT WITH INSTRUCTIONS
OFFERED BY MR. NUNES OF CALIFORNIA

Mr. Nunes moves to recommit the bill H.R. 2442 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following:

1 **SEC. 4. CENTRAL VALLEY PROJECT.**

2 (a) NO RESTRICTION, REDUCTION, OR REALLOCA-
3 TION OF WATER.—Notwithstanding any other provision of
4 law, the Secretary of the Interior, acting through the Com-
5 missioner of the Bureau of Reclamation, may not use dis-
6 cretion to restrict, reduce or reallocate any water stored
7 in Central Valley Project Reservoirs or delivered pursuant
8 to Central Valley Project contracts, including execution of
9 said contracts facilitated by the W.C. “Bill” Jones Pump-
10 ing Plant, to meet the requirements of the Endangered
11 Species Act of 1973, unless such water is acquired or oth-
12 erwise made available from a willing seller or lessor and
13 the use is in compliance with the laws of the State of Cali-
14 fornia, including but not limited to, permitting require-
15 ments.

1 (b) BIOLOGICAL OPINIONS.—For the 2 years imme-
2 diately after the date of the enactment of this Act, com-
3 plying with the reasonable and prudent alternatives or rea-
4 sonable and prudent measures and the incidental take lim-
5 its defined in the biological opinions that immediately pre-
6 ceded the biological opinions issued by on December 15,
7 2008, by the United States Fish and Wildlife Service on
8 the effects of the Proposed Coordinated Operations of the
9 Federal Central Valley Project and the California State
10 Water Project on the threatened delta smelt (*Hypomesus*
11 *transpacificus*) and the biological opinion issued on June
12 4, 2009, by the United States National Marine Fisheries
13 Service Biological Opinion on the Long-Term Central Val-
14 ley Project and State Water Project Operations Criteria
15 and Plan shall constitute compliance with all requirements
16 of the Endangered Species Act of 1973 (16 U.S.C. 1531
17 et seq.).

18 (c) APPLICABILITY.—This section applies only to
19 those Federal agency and non-Federal actions related to
20 the coordinated operations of the Central Valley Project
21 and the California State Water Project.

