



DELTA STEWARDSHIP COUNCIL: AUGUST 2023 LEGISLATIVE REPORT

Bills of Interest

AB 45 (BOERNER D) COASTAL RESOURCES: COASTAL DEVELOPMENT PERMITS: BLUE CARBON DEMONSTRATION PROJECTS.

Last Amend: 5/25/2023

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)

Location: 9/1/2023-S. 2 YEAR

Summary: The California Coastal Act of 1976, among other things, requires anyone wishing to perform or undertake any development in the coastal zone, except as specified, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a coastal development permit from the California Coastal Commission, as provided. This bill would authorize the commission to authorize blue carbon demonstration projects, as defined, in order to demonstrate and quantify the carbon sequestration potential of these projects to help inform the state's natural and working lands and climate resilience strategies.

Next Deadline: 8/16/2024 - J.R. 61(b)(14) - Last day for fiscal committees to meet and report bills.

AB 305 (VILLAPUDUA D) CALIFORNIA FLOOD PROTECTION BOND ACT OF 2024.

Last Amend: 4/25/2023

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Is Fiscal: Y

Location: 6/14/2023-S. N.R. & W.

Summary: Would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,500,000,000 pursuant to the State General Obligation Bond Law for flood

Highlight – New bill, amended, or other action of note since last Council meeting

protection projects, as specified. The bill would provide for the submission of these provisions to the voters at the November 5, 2024, statewide general election.

Next Deadline: Exempt

AB 437 (JACKSON D) STATE GOVERNMENT: EQUITY.

Last Amend: 9/1/2023

Status: 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2023)(May be acted upon Jan 2024)

Location: 9/14/2023-S. 2 YEAR

Summary: Current law creates, within the Government Operations Agency, a Chief Equity Officer, who is appointed by, and serves at the pleasure of, the Governor. Current law requires the Chief Equity Officer to improve equity and inclusion throughout state government operations and authorizes the Chief Equity Officer to engage with state entities for these purposes. This bill would require state agencies and departments, in carrying out their duties, to consider the use of more inclusive practices to advance equity, as specified.

Next Deadline: 8/31/2024 - J.R. 61(b)(17) - Last day for each house to pass bills.

bLast Amend: 5/18/2023

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/7/2023)(May be acted upon Jan 2024)

Location: 7/14/2023-S. 2 YEAR

Summary: Current law authorizes the State Water Resources Control Board to investigate all streams, stream systems, lakes, or other bodies of water, take testimony relating to the rights to water or the use of water, and ascertain whether water filed upon or attempted to be appropriated is appropriated under the laws of the state. Current law requires the board to take appropriate actions to prevent waste or the unreasonable use of water. This bill would authorize the board, in conducting specified investigations or proceedings to inspect the property or

facilities of a person or entity, as specified. The bill would authorize the board, if consent is denied for an inspection, to obtain an inspection warrant, as specified, or in the event of an emergency affecting public health and safety, to conduct an inspection without consent or a warrant.

Next Deadline: 7/3/2024 - J.R. 61(b)(13) - Last day for policy committees to meet and report bills.

AB 720 (ADDIS D) CALIFORNIA RANGELAND, GRAZING LAND, AND GRASSLAND PROTECTION PROGRAM: GRANTS FOR LOCAL PROGRAMS.

Last Amend: 3/16/2023

Status: 9/1/2023 Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 7/3/2023)(May be acted upon Jan 2024)

Location: 9/1/2023 S - 2 YEAR

Summary: Would expand the California Rangeland, Grazing Land, and Grassland Protection Program by requiring the Wildlife Conservation Board to administer a program to award grants to eligible entities, as defined, to administer, plan, and implement local programs to enhance or restore California's private rangelands, as specified. The bill would authorize the board to develop program grant guidelines. The bill would require the board and any program grantee, in evaluating proposed projects, to evaluate the ability of the project to meet the purposes of the California Rangeland, Grazing Land, and Grassland Protection Program and to consider specified selection criteria. The bill would permit the board to authorize a program grantee to use not more than 30% of the grant moneys for specified administrative, outreach, and assistance purposes relating to the grant program. The bill would require each program grantee, on or before a date determined by the board in the grant agreement, to submit to the board an annual report describing and evaluating the implementation of the project and the use of the grant moneys for the project during the previous year, as specified.

Next Deadline: 8/16/2024 - J.R. 61(b)(14) - Last day for fiscal committees to meet and report bills.

AB 754 (PAPAN D) WATER MANAGEMENT PLANNING: WATER SHORTAGES.

Last Amend: 8/14/2023

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/21/2023)(May be acted upon Jan 2024)

Location: 9/1/2023-S. 2 YEAR

Summary: Current law requires an urban water management plan to quantify past, current, and projected water use, identifying the uses among water use sectors, including, among others, commercial, agricultural, and industrial. Current law requires every urban water supplier to prepare and adopt a water shortage contingency plan as part of its urban water management plan. Current law requires the water shortage contingency plan to include the procedures used in conducting an annual water supply and demand assessment, including the key data inputs and assessment methodology used to evaluate the urban water supplier's water supply reliability for the current year and one dry year. Current law requires the key data inputs and assessment methodology to include specified information, including, among other things, a description and quantification of each source of water supply. This bill would require a water shortage contingency plan to include, if, based on a description and quantification of each source of water supply, a single reservoir constitutes at least 50% of the total water supply, an identification of the dam and description of existing reservoir management operations, as specified, and if the reservoir is owned and operated by the urban water supplier, a description of operational practices and approaches, as specified.

Next Deadline: 8/16/2024 - J.R. 61(b)(14) - Last day for fiscal committees to meet and report bills.

AB 923 (BAUER-KAHAN D) FLOOD PLAIN RESTORATION PROJECTS: CENTRAL VALLEY: STUDY.

Last Amend: 7/12/2023

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/21/2023)(May be acted upon Jan 2024)

Location: 9/1/2023-S. 2 YEAR

Summary: The Central Valley Flood Protection Act of 2008 requires the Department of Water Resources to prepare, and the Central Valley Flood Protection Board, a state agency, to adopt, a plan identified as the Central Valley Flood Protection Plan. This bill would require the board, in coordination with the department, to identify priority flood plain restoration or floodway expansion projects where increased flows due to climate change are likely to overwhelm existing flood protection infrastructure, as specified. The bill would require the department and the board to conduct broad stakeholder outreach to identify priority projects and would require that those projects provide at least 2 of 4 specified public benefits. The bill would require the board, upon the appropriation of funds for this purpose, to begin preconstruction activities, including acquisition of land, easements, or rights of way, to expedite the priority projects identified.

Next Deadline: 8/16/2024 - J.R. 61(b)(14) - Last day for fiscal committees to meet and report bills.

AB 10 24 (AGUIAR-CURRY D) WATER RIGHTS: SMALL IRRIGATION USE: LAKE OR STREAMBED ALTERATION AGREEMENTS.

Last Amend: 5/18/2023

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/21/2023)(May be acted upon Jan 2024)

Location: 9/1/2023-S. 2 YEAR

Summary: The Water Rights Permitting Reform Act of 1988 authorizes a person to obtain a right to appropriate water for a small domestic use, small irrigation use, or livestock stockpond use upon first registering the use, as those uses are defined by the act, with the State Water Resources Control Board and thereafter applying the

water to reasonable and beneficial use with due diligence. The act requires the registration of water use to be made upon a form prescribed by the board that requires, among other things, a certification that the registrant has contacted a representative of the Department of Fish and Wildlife and has agreed to comply with conditions set forth by the department. The act requires the board to establish reasonable general conditions to which all appropriations made pursuant to the act are required to be subject, including, among other things, that all conditions lawfully required by the department are conditions upon the appropriations. The act provides that the board is not required to adopt general conditions for small irrigation use until the board determines that funds are available for that purpose, and that a registration for small irrigation use pursuant to the act is not authorized until the board establishes general conditions for small irrigation use to protect instream beneficial uses, as specified. This bill would require the board to give priority to adopting, on or before June 30, 2027, except as provided, general conditions that permit specified registrants to store water for small irrigation use during times of high streamflow in exchange for those registrants reducing diversions during periods of low streamflow, as specified.

Next Deadline: 8/16/2024 - J.R. 61(b)(14) - Last day for fiscal committees to meet and report bills.

AB 1205 (BAUER-KAHAN D) WATER RIGHTS: SALE, TRANSFER, OR LEASE: AGRICULTURAL LANDS.

Last Amend: 7/13/2023

Status: 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2023)(May be acted upon Jan 2024)

Location: 9/14/2023-S. 2 YEAR

Summary: Current law declares that, because of the conditions prevailing in this state, the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of the water is to be exercised with a view to the reasonable and beneficial use of the water in the interest of the people and for the public welfare. This bill would require the State Water Resources Control Board to, on or before January 1, 2027, conduct a study and report to the Legislature and appropriate

policy committees on the existence of speculation or profiteering by an investment fund in the sale, transfer, or lease of an interest in any surface water right or groundwater right previously put to beneficial use on agricultural lands, as specified. The bill would repeal this provision on January 1, 2031.

Next Deadline: 8/31/2024 - J.R. 61(b)(17) - Last day for each house to pass bills.

AB 1284 (RAMOS D) TRIBAL ANCESTRAL LANDS AND WATERS: COGOVERNANCE AND COMANAGEMENT AGREEMENTS.

Last Amend: 3/23/2023

Status: 5/18/2023-In committee: Hearing postponed by committee. (Set for hearing on 01/18/2024)

Location: 1/13/2024-A. APPR. SUSPENSE FILE

Calendar: 1/18/2024 Upon adjournment of Session - 1021 O Street, Room 1100
ASM APPROPRIATIONS SUSPENSE HOLDEN, CHRIS, Chair

Summary: Current law provides that the Legislature encourages the State of California and its agencies to consult on a government-to-government basis with federally recognized tribes and to consult with nonfederally recognized tribes and tribal organizations, as appropriate, in order to allow tribal officials the opportunity to provide meaningful and timely input in the development of policies, processes, programs, and projects that have tribal implications. Current law provides that the Legislature encourages the state and its agencies to consult with a federally recognized tribe, at the tribe's request for a government-to-government consultation on a specified agency action, within 60 days of the request. This bill would provide that the Legislature encourages the Natural Resources Agency, and its departments, conservancies, and commissions, to enter into cogovernance and comanagement agreements with federally recognized tribes. The bill would authorize the Secretary of the Natural Resources Agency to enter into agreements with federally recognized tribes for the purposes of shared responsibility, decisionmaking, and partnership in resource management and conservation within a tribe's ancestral lands and waters, and would require the secretary to be the signatory for the state for these agreements. The bill would authorize the secretary or a delegate, within 90 days of a federally recognized tribe's request, to begin

government-to-government negotiations on cogovernance and comanagement agreements with the tribe.

Next Deadline: 1/19/2024 - J.R. 61(b)(2) - Last day for any committee to hear and report to the Floor bills introduced in that house in the odd-numbered year.

AB 567 (GARCIA D) SAFE DRINKING WATER, WILDFIRE PREVENTION, DROUGHT PREPARATION, FLOOD PROTECTION, EXTREME HEAT MITIGATION, CLEAN ENERGY, AND WORKFORCE DEVELOPMENT BOND ACT OF 2024.

Last Amend: 5/26/2023

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Location: 6/14/2023-S. N.R. & W.

Summary: Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.

Next Deadline: Exempt

AB 581 (KALRA D) DIVERSION OR OBSTRUCTION OF RIVERS, STREAMS, OR LAKES: LAKE OR STREAMBED ALTERATION AGREEMENT.

Last Amend: 4/7/2023

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/14/2023)(May be acted upon Jan 2024)

Location: 7/14/2023-S. 2 YEAR

Summary: Would exempt certain individuals, public agencies, universities, zoological gardens, and scientific or educational institutions authorized to import, export, take, or possess any endangered species, threatened species, or candidate species for scientific, educational, or management purposes from the requirement to obtain an agreement with the department, as specified. The bill would instead

require these entities to submit to the department a written notification, fee, and, if applicable, a copy of proposed environmental protection measures authorized by other agencies' programmatic habitat restoration permits, as specified. The bill would require the department to notify the entity in writing whether the exemption applies within 60 days from the date that the notification is complete and the fee has been paid. Because a violation of this provision would be a crime, the bill would impose a state-mandated local program.

Next Deadline: 7/3/2024 - J.R. 61(b)(13) - Last day for policy committees to meet and report bills.

ACA 2 (ALANIS R) PUBLIC RESOURCES: WATER AND WILDFIRE RESILIENCY ACT OF 2023.

Introduced: 12/5/2022

Status: 4/20/2023-Referred to Coms. on W., P., & W. and NAT. RES.

Location: 4/20/2023-A. W.,P. & W.

Summary: Would establish the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3% of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. The measure would require the moneys in the fund to be appropriated by the Legislature and would require that 50% of the moneys in the fund be used for water projects, as specified, and that the other 50% of the moneys in the fund be used for forest maintenance and health projects, as specified.

Next Deadline: Exempt

SB 231(HURTADO D) DEPARTMENT OF WATER RESOURCES: WATER SUPPLY FORECASTING.

Last Amend: 7/12/2023

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/23/2023)(May be acted upon Jan 2024)

Location: 9/1/2023-A. 2 YEAR

Summary: Would require the Department of Water Resources, on or before December 31, 2025, to establish a formal process for annually evaluating and improving the accuracy of its water supply forecasts, adopt a new water supply forecasting model that better addresses the effects of climate change, and implement a formal policy and procedures for documenting its operational plans for the state's water supply and its rationale for its operating procedures. The bill would require the department, by December 1, 2024, to prepare, and submit to the Legislature, a report on its progress toward meeting these requirements.

Next Deadline: 8/16/2024 - J.R. 61(b)(14) - Last day for fiscal committees to meet and report bills.

SB 366 (CABALLERO D) THE CALIFORNIA WATER PLAN: LONG-TERM SUPPLY TARGETS.

Last Amend: 6/29/2023

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was W.,P. & W. on 6/8/2023)(May be acted upon Jan 2024)

Location: 7/14/2023-A. 2 YEAR

Summary: Current law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as "The California Water Plan." Current law requires the department to include a discussion of various strategies in the plan update, including, but not limited to, strategies relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, water transfers, and alternative pricing policies that may be pursued in order to meet the future

needs of the state. Current law requires the department to establish an advisory committee to assist the department in updating the plan. This bill would revise and recast certain provisions regarding The California Water Plan to, among other things, require the department to instead establish a stakeholder advisory committee and to expand the membership of the committee to include tribes, labor, and environmental justice interests. The bill would require the department to coordinate with the California Water Commission, the State Water Resources Control Board, other state and federal agencies as appropriate, and the stakeholder advisory committee to develop a comprehensive plan for addressing the state's water needs and meeting specified long-term water supply targets established by the bill for purposes of The California Water Plan. The bill would require the plan to provide recommendations and strategies to ensure enough water supply for all beneficial uses.

Next Deadline: 7/3/2024 - J.R. 61(b)(13) - Last day for policy committees to meet and report bills.

SB 586 (EGGMAN D) FLOOD MANAGEMENT: MOSSDALE TRACT.

Last Amend: 9/1/2023

Status: 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/12/2023)(May be acted upon Jan 2024)

Location: 9/14/2023-A. 2 YEAR

Summary: Current law requires urban and urbanizing areas protected by any levee that is part of the facilities of the State Plan of Flood Control to achieve the urban level of flood protection by 2025, with a specified exception to the deadline for the Mossdale Tract to achieve the urban level of flood protection by 2028. Current law authorizes the Department of Water Resources to require the San Joaquin Area Flood Control Agency to contribute its fair and reasonable share of any property damage caused by a flood to the extent that the state's exposure to liability for property damage has been increased by cities or counties unreasonably approving any new development in the Mossdale Tract between the years 2025 and 2028. This bill would extend the specified exception to the deadline for the Mossdale Tract to achieve the urban level of flood protection to 2030. The bill would also extend the Department of Water Resources's authority to require the San Joaquin Area Flood Control Agency to contribute its fair and reasonable share of property damage, as

described above, to between the years 2025 and 2030. This bill would make legislative findings and declarations as to the necessity of a special statute for the Mossdale Tract.

Next Deadline: 8/31/2024 - J.R. 61(b)(17) - Last day for each house to pass bills.

SB 638 (EGGMAN D) CLIMATE RESILIENCY AND FLOOD PROTECTION BOND ACT OF 2024.

Last Amend: 6/28/2023

Status: 7/6/2023 July 11 hearing postponed by committee.

Location: 6/15/2023 A - W.,P. & W.

Summary: Would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,000,000,000 pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.

Next Deadline: Exempt

SB 867(ALLEN D) DROUGHT, FLOOD, AND WATER RESILIENCE, WILDFIRE AND FOREST RESILIENCE, COASTAL RESILIENCE, EXTREME HEAT MITIGATION, BIODIVERSITY AND NATURE-BASED CLIMATE SOLUTIONS, CLIMATE SMART AGRICULTURE, PARK CREATION AND OUTDOOR ACCESS, AND CLEAN ENERGY BOND ACT OF 2024.

Last Amend: 6/22/2023

Status: 7/6/2023-July 10 hearing postponed by committee.

Location: 6/20/2023-A. NAT. RES.

Summary: Would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme

heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.

Next Deadline: Exempt