

DELTA STEWARDSHIP COUNCIL: MARCH 2023 LEGISLATIVE REPORT

Bills of Interest

AB 30 (WARD D) ATMOSPHERIC RIVERS: RESEARCH, MITIGATION, AND CLIMATE FORECASTING PROGRAM.

Introduced: 12/5/2022

Status: 3/14/2023-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 15. Noes 0.) (March 14). Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 3/14/2023-A. APPR.

Summary: Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Current law requires the department, upon an appropriation for purposes of the program, to research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would rename that program the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program. The bill would require the department to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.

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

AB 45 (BOERNER HORVATH D) COASTAL RESOURCES: COASTAL DEVELOPMENT PERMITS: BLUE CARBON DEMONSTRATION PROJECTS: NEW DEVELOPMENT: GREENHOUSE GAS EMISSIONS.

Introduced: 12/5/2022

Last Amend: 3/15/2023

Status: 3/15/2023-Read second time and amended.

Is Fiscal: Y

Location: 3/13/2023-A. APPR.

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. The bill would, among other things, authorize the commission to require an applicant with a project that impacts coastal wetland, subtidal, intertidal, or marine habitats or ecosystems to build or contribute to a blue carbon demonstration project.

AB 62 (MATHIS R) STATEWIDE WATER STORAGE: EXPANSION.

Introduced: 12/6/2022

Last Amend: 2/27/2023

Status: 2/28/2023-Re-referred to Com. on W., P., & W.

Is Fiscal: Y

Location: 1/26/2023-A. W.,P. & W.

Summary: Would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year 2030 and a total

of 4,000,000 acre-feet by the year 2040. The bill would require the State Water Resources Control Board, in consultation with the Department of Water Resources, to design and implement measures to increase statewide water storage to achieve the statewide goal. The bill would require the state board, beginning July 1, 2027, and on or before July 1 every 2 years thereafter until January 1, 2043, in consultation with the department, to prepare and submit a report to the Legislature on the progress made in designing and implementing measures to achieve the statewide goal.

AB 64 (MATHIS R) WILD BEAVER: RELEASE.

Introduced: 12/6/2022

Amended: 2/17/2023

Status: 2/21/2023-Re-referred to Com. on W., P., & W.

Is Fiscal: Y

Location: 2/17/2023-A. W.,P. & W.

Summary: Would require the Department of Fish and Wildlife to allow the release of the wild beaver onto public lands and would authorize the department to partner with specified entities for the express purpose of capturing, handling, or releasing the wild beaver onto public lands, as provided. The bill would, where a released wild beaver migrates naturally onto private property, authorize a private landowner to request the department to relocate the beaver, as provided. The bill would require the department to be liable for damage done to private property that can be directly tied to the presence of the released wild beaver.

**AB 66 (MATHIS R) NATURAL RESOURCES AGENCY: WATER STORAGE PROJECTS:
PERMIT APPROVAL.**

Introduced: 12/6/2022

Last Amend: 3/9/2023

Status: 3/13/2023-Re-referred to Com. on W., P., & W.

Is Fiscal: Y

Location: 2/2/2023-A. W.,P. & W.

Calendar: 3/28/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS
AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

Summary: Would require the Natural Resources Agency, and each department,
board, conservancy, and commission within the agency, to approve the necessary
permits for specified projects that meet certain employment conditions within 180
days from receiving a permit application, and would deem those permits approved
if approval does not occur within this time period.

AB 225 (GRAYSON D) REAL PROPERTY: ENVIRONMENTAL HAZARDS BOOKLET.

Introduced: 1/11/2023

Status: 3/2/2023-Referred to Com. on B. & P.

Is Fiscal: Y

Location: 3/2/2023-A. B.&P.

Calendar: 3/28/2023 9:30 a.m. - 1021 O Street, Room 1100 ASSEMBLY BUSINESS
AND PROFESSIONS, BERMAN, MARC, Chair

Summary: Current law requires the Department of Real Estate to develop a booklet
to educate and inform consumers on, among other things, common environmental
hazards that are located on, and affect, real property. Current law requires the
types of common environmental hazards to include, but not be limited to, asbestos,
radon gas, lead-based paint, formaldehyde, fuel and chemical storage tanks, and
water and soil contamination. This bill would express the intent of the Legislature

that when the booklet is next updated, as existing resources permit or as private resources are made available, it be updated to include 3 new sections on wildfires, climate change, and sea level rise, as specified. The bill would require the State Department of Public Health to seek the advice and assistance of departments within the Natural Resources Agency in the writing of the booklet, as specified.

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

Introduced: 1/26/2023

Status: 1/27/2023-From printer. May be heard in committee February 26.

Is Fiscal: N

Location: 1/26/2023-A. PRINT

Summary: Under current law, various general obligation bond acts have been approved by the voters to provide funds for water projects, facilities, and programs. This bill would express the intent of the Legislature to enact subsequent legislation for a flood protection general obligation bond act, in an unspecified amount, that would be known as the California Flood Protection Bond Act of 2024, and would be submitted to the voters at the next general election.

AB 345 (WILSON D) HABITAT RESTORATION: FLOOD CONTROL: ADVANCE PAYMENTS.

Introduced: 1/31/2023

Status: 2/9/2023-Referred to Com. on W., P., & W.

Is Fiscal: Y

Location: 2/9/2023-A. W.,P. & W.

Calendar: 3/28/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

Summary: Would authorize the Department of Water Resources to provide advance payments, as defined, to local agencies for projects that restore habitat for threatened and endangered species under state or federal law or improve flood protection, as provided. The bill would prohibit the amount of funds advanced by

the department to the local agency at any one time from exceeding 25% of the entire amount authorized to be provided under the funding agreement between the department and the local agency.

AB 350 (AGUIAR-CURRY D) REGIONAL TRANSPORTATION PLANS: SACRAMENTO AREA COUNCIL OF GOVERNMENTS.

Introduced: 1/31/2023

Status: 3/14/2023-Coauthors revised. From committee: Do pass and re-refer to Com. on NAT. RES. (Ayes 14. Noes 0.) (March 13). Re-referred to Com. on NAT. RES.

Is Fiscal: Y

Location: 3/14/2023-A. NAT. RES.

Summary: Current law requires each regional transportation plan to include, among other things, a sustainable communities strategy prepared by each metropolitan planning organization, as specified, which is designed to achieve certain targets for 2020 and 2035 established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. After adopting a sustainable communities strategy, current law requires a metropolitan planning organization to submit the strategy to the state board for review to determine whether the strategy, if implemented, would achieve the greenhouse gas emission reduction targets. Current law requires each transportation planning agency to adopt and submit to the California Transportation Commission and the Department of Transportation an updated regional transportation plan every 4 or 5 years, as specified. This bill would require the updated regional transportation plan, sustainable communities strategy, and environmental impact report adopted by the Sacramento Area Council of Governments (SACOG) on November 18, 2019, to remain in effect for all purposes until the SACOG adopts its next update to its regional transportation plan, which the bill would require it to adopt and submit on or before December 31, 2025. The bill would provide that a specified update to the regional transportation plan adopted by the SACOG for purposes of compliance with certain federal laws is not a project for purposes of the California Environmental Quality Act (CEQA), thereby exempting this update from CEQA.

AB 422 (ALANIS R) NATURAL RESOURCES AGENCY: STATEWIDE WATER STORAGE: TRACKING.

Introduced: 2/2/2023

Status: 2/9/2023-Referred to Com. on W., P., & W.

Is Fiscal: Y

Location: 2/9/2023-A. W.,P. & W.

Summary: Would require the Natural Resources Agency, on or before June 1, 2024, to post on its publicly available internet website information tracking the progress to increase statewide water storage, and to keep that information updated.

AB 460 (BAUER-KAHAN D) STATE WATER RESOURCES CONTROL BOARD: INTERIM RELIEF.

Introduced: 2/6/2023

Status: 2/17/2023-Referred to Coms. on W., P., & W. and JUD.

Is Fiscal: Y

Location: 2/17/2023-A. W.,P. & W.

Summary: The State Water Resources Control Board and the California regional water quality control boards are required to set forth water quality objectives in state and regional water quality control plans. Current law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available upon appropriation by the Legislature for the administration of the board's water rights program. Current law requires that the owner of any dam allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around, or through the dam, to keep in good condition any fish that may be planted or exist below the dam, as specified. This bill would authorize the board to issue, on its own motion or upon the petition of an interested party, an interim relief order in appropriate circumstances to implement or enforce these and related provisions of law. The bill would provide that a person or entity that violates any interim relief order issued by the board would be liable to the board for a civil penalty in an amount not to exceed the sum of \$10,000 for each day in which a violation occurs and \$5,000 for

each acre-foot of water diverted in violation of the interim relief order. The bill would require these funds to be deposited in the Water Rights Fund.

AB 676 (BENNETT D) WATER: GENERAL STATE POLICY.

Introduced: 2/13/2023

Last Amend: 3/13/2023

Status: 3/14/2023-Re-referred to Com. on W., P., & W.

Is Fiscal: N

Location: 2/23/2023-A. W.,P. & W.

Calendar: 3/28/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

Summary: Current law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation. This bill would provide specific examples of the use of water for domestic purposes, including, but not limited to, sustenance of human beings and household conveniences. The bill would provide that all water rights remain subject to specified laws.

AB 754 (PAPAN D) WATER MANAGEMENT PLANNING: AUTOMATIC CONSERVATION PLAN.

Introduced: 2/13/2023

Last Amend: 3/9/2023

Status: 3/13/2023-Re-referred to Com. on W., P., & W.

Is Fiscal: Y

Location: 3/9/2023-A. W.,P. & W.

Summary: Current law, the Urban Water Management Planning Act, requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan. 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 an urban water management plan to identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over a specified period of time, providing supporting and related information, including, among other things, a description of the management of each supply in correlation with the other identified supplies when multiple sources of water supply are identified. This bill would additionally require an urban water management plan, if a reservoir is identified as an existing or planned source of water available to the supplier, to include specified information related to water storage and conservation, including, among other things, a target water supply storage curve, calculated as provided, and an automatic conservation plan that would be implemented when the reservoir storage level falls below the target water supply storage curve.

AB 809 (BENNETT D) SALMONID POPULATIONS: CALIFORNIA MONITORING PROGRAM FUND.

Introduced: 2/13/2023

Status: 2/23/2023-Referred to Com. on W., P., & W.

Is Fiscal: Y

Location: 2/23/2023-A. W.,P. & W.

Calendar: 3/28/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

Summary: Would establish the California Monitoring Program Fund in the State Treasury to, upon appropriation by the Legislature, support the program. The bill would specify the types of moneys that may be deposited into the fund and would make related findings and declarations. The bill would make operation of the above-mentioned provisions contingent upon an appropriation in the annual Budget Act or another statute for these purposes.

AB 896 (AGUIAR-CURRY D) FLOOD CONTROL: CITY OF WOODLAND: LOWER CACHE CREEK.

Introduced: 2/14/2023

Amended: 3/9/2023

Status: 3/13/23 Re-referred to Com. on W., P., & W.

Is Fiscal: Y

Location: 3/9/23 A-W.,P. & W.

Summary: Current law authorizes a plan of improvement for flood control and water conservation on Cache Creek, including Clear Lake, in the Counties of Yolo and Lake. This bill would specifically adopt and approve the Lower Cache Creek Flood Risk Management Project, as provided. The bill would also authorize the state to provide funds, up to 99% of the costs, as specified, for the project for flood control on the Lower Cache Creek in the County of Yolo, and would authorize the City of Woodland to receive funds for these purposes under specified conditions. The bill would also authorize the state to authorize funding, upon appropriation by the Legislature, to be used for planning, engineering, designing, mitigation, and constructing the project if the Director of Water Resources makes specified findings. This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Woodland.

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

Introduced: 2/14/2023

Status: 2/23/2023-Referred to Com. on W., P., & W.

Is Fiscal: Y

Location: 2/23/2023-A. W.,P. & W.

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 department, in coordination with the board, to

undertake a study to identify and assess barriers to the implementation of flood plain restoration projects that provide increased flood risk reduction and groundwater recharge benefits. The bill would also require the department and the board to conduct broad stakeholder outreach to inform the study. The bill would require the study to make recommendations to the Legislature on ways to expedite and scale the implementation of flood plain restoration projects that provide flood risk reduction and groundwater recharge benefits. The bill would require the study to be completed by July 1, 2024. This requirement would be inoperative on July 1, 2028.

AB 1024 (AGUIAR-CURRY D) WATER RIGHTS: SMALL IRRIGATION USE: LAKE OR STREAMBED ALTERATION AGREEMENTS.

Introduced: 2/15/2023

Amended: 3/2/2023

Status: 3/6/2023-Re-referred to Com. on W., P., & W.

Is Fiscal: Y

Location: 3/2/2023-A. W.,P. & W.

Summary: The Water Rights Permitting Reform Act of 1988 requires the registration of water use to be made upon a form prescribed by the State Water Resources Control 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 a registrant to store water for small irrigation use during times of high streamflow in exchange for the registrant

reducing diversions during periods of low streamflow, as specified. The bill would require that the actions of the board under these provisions be deemed an action taken for the protection of the environment for purposes of specified California Environmental Quality Act guidelines, if those actions do not result in the relaxation of streamflow standards.

AB 1196 (VILLAPUDUA D) WATER QUALITY, SUPPLY, AND INFRASTRUCTURE IMPROVEMENT ACT OF 2014.

Introduced: 2/16/2023

Status: 2/17/2023-From printer. May be heard in committee March 19.

Is Fiscal: N

Location: 2/16/2023-A. PRINT

Summary: The Water Quality, Supply, and Infrastructure Improvement Act of 2014, a bond act approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds to finance a water quality, supply, and infrastructure improvement program, as specified. Under the bond act, \$520,000,000 is available, upon appropriation by the Legislature, for expenditures, grants, and loans for projects that improve water quality or help provide clean, safe, and reliable drinking water to all Californians. Current law requires projects eligible for this funding to help improve water quality for a beneficial use. This bill would make a nonsubstantive change to the latter provision.

AB 1205 (BAUER-KAHAN D) WATER: PERMITS AND LICENSES: TEMPORARY CHANGES: WATER OR WATER RIGHTS TRANSFERS.

Introduced: 2/16/2023

Status: 2/17/2023-From printer. May be heard in committee March 19.

Is Fiscal: N

Location: 2/16/2023-A. PRINT

Summary: Current law authorizes the State Water Resources Control Board to consider a petition for a long-term water or water rights transfer involving a change

of point of diversion, place of use, or purpose of use. Current law requires a long-term transfer to be for a period over one year. Existing law requires, after the expiration of that long-term transfer period, all rights to automatically revert to the original holders of the right without any action by the board. This bill would make a nonsubstantive change to that later provision.

AB 1488 (WALLIS R) CALIFORNIA ENVIRONMENTAL QUALITY ACT: WATER CONVEYANCE OR STORAGE PROJECTS: JUDICIAL REVIEW.

Introduced: 2/17/2023

Status: 3/9/2023-Referred to Coms. on NAT. RES. and JUD.

Is Fiscal: Y

Location: 3/9/2023-A. NAT. RES.

Summary: The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would require the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for water conveyance or storage projects, as defined, or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to those projects. The bill would require the lead agency to prepare the record of proceedings for a water conveyance or storage project, as provided, and to include a specified notice in the draft EIR and final EIR for the water conveyance or storage project. By imposing additional duties on lead agencies, the bill would impose a state-mandated local program.

AB 1567 (GARCIA D) SAFE DRINKING WATER, WILDFIRE PREVENTION, DROUGHT PREPARATION, FLOOD PROTECTION, EXTREME HEAT MITIGATION, AND WORKFORCE DEVELOPMENT BOND ACT OF 2023.

Introduced: 2/17/2023

Status: 3/9/2023-Referred to Coms. on W., P., & W. and NAT. RES.

Is Fiscal: Y

Location: 3/9/2023-A. W.,P. & W.

Summary: The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, approved by the voters as Proposition 68 at the June 5, 2018, statewide primary election, authorizes the issuance of bonds in the amount of \$4,100,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. Article XVI of the California Constitution requires measures authorizing general obligation bonds to specify the single object or work to be funded by the bonds and further requires a bond act to be approved by a 2/3 vote of each house of the Legislature and a majority of the voters. This bill would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2023, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,105,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs. This bill contains other related provisions.

AB 1572 (FRIEDMAN D) POTABLE WATER: NONFUNCTIONAL TURF.

Introduced: 2/17/2023

Status: 3/9/2023-Referred to Com. on W., P., & W.

Is Fiscal: Y

Location: 3/9/2023-A. W.,P. & W.

Summary: (1)Existing law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water. This

bill would make legislative findings and declarations concerning water use, including that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem. The bill would direct all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water. This bill contains other related provisions and other existing laws.

AB 1581 (KALRA D) SUISUN MARSH: PRESERVATION.

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

Is Fiscal: N

Location: 2/17/2023-A. PRINT

Summary: Existing law, the Suisun Marsh Preservation Act of 1977, sets forth a comprehensive plan for the preservation and protection of the Suisun Marsh. This bill would make nonsubstantive changes to the act's findings and declarations.

AB 1613 (BAINS D) SACRAMENTO-SAN JOAQUIN DELTA: SALTWATER INTRUSION.

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

Is Fiscal: N

Location: 2/17/2023-A. PRINT

Summary: Existing law establishes in the Natural Resources Agency the Department of Water Resources. Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, declares that the Sacramento-San Joaquin Delta is a critically important natural resource for California and the nation. This bill would state the intent of the Legislature to enact future legislation requiring the Department of Water Resources to identify permanent and temporary salinity barriers that would reduce the amount of fresh water outflow required to combat saltwater intrusion into the Sacramento-San Joaquin Delta.

AB 1648 (BAINS D) WATER: COLORADO RIVER CONSERVATION.

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

Is Fiscal: N

Location: 2/17/2023-A. PRINT

Summary: Under existing law, any person, public agency, or agency of the United States undertaking a water conservation effort that results in reduced use of water from the Colorado River within the Imperial Irrigation District, has not forfeited, diminished, or impaired the right to use the conserved water, except as provided between the parties and the United States. This bill would state that it is the intent of the Legislature to enact subsequent legislation that would prohibit the City and County of Los Angeles from achieving federally mandated conservation of Colorado River water supplies by increasing water imports from other regions, including the San Joaquin Valley.

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

Introduced: 12/5/2022

Status: 12/6/2022-From printer. May be heard in committee January 5.

Is Fiscal: Y

Location: 12/5/2022-A. PRINT

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.

SB 23 (CABALLERO D) WATER SUPPLY AND FLOOD RISK REDUCTION PROJECTS: EXPEDITED PERMITTING.

Introduced: 12/6/2022

Last amend: 2/9/2023

Status: 2/22/2023-Re-referred to Coms. on N.R. & W. and E.Q.

Is Fiscal: Y

Location: 2/22/2023-S. N.R. & W.

Summary: Current law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, except under specified conditions, including requiring the entity to send written notification to the Department of Fish and Wildlife regarding the activity in the manner prescribed by the department. This bill would require a project proponent, if already required to submit a notification to the department, to complete and submit environmental documentation to the department for the activity in the notification.

SB 66 (HURTADO D) WATER: PREDICTIVE MODELS AND DATA COLLECTION.

Introduced: 1/5/2023

Status: 1/18/2023-Referred to Com. on RLS.

Is Fiscal: N

Location: 1/5/2023-S. RLS.

Summary: Current law requires the Department of Water Resources, as part of updating The California Water Plan every five years, to conduct a study to determine the amount of water needed to meet the state's future needs and to recommend programs, policies, and facilities to meet those needs. This bill would state the intent of the Legislature to ensure that reliable predictive models and data collection systems are used to properly forecast and allocate surface water.

SB 231 (HURTADO D) DROUGHT MODELING.

Introduced: 1/23/2023

Status: 2/1/2023-Referred to Com. on RLS.

Is Fiscal: N

Location: 1/23/2023-S. RLS.

Summary: Current law requires the Department of Water Resources to include a discussion of various strategies in the California Water 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. This bill would state the intent of the Legislature to enact subsequent legislation to require the Department of Water Resources to modify its predictive models as necessary to account for California's persistent drought.

SB 272 (LAIRD D) SEA LEVEL RISE: PLANNING AND ADAPTATION.

Introduced: 1/31/2023

Status: 3/7/2023-Set for hearing March 28.

Is Fiscal: Y

Location: 2/9/2023-S. N.R. & W.

Calendar: 3/28/2023 9:30 a.m. - 1021 O Street, Room 2100 SENATE NATURAL RESOURCES AND WATER, MIN, DAVE, Chair

Summary: Would require a local government, as defined, lying, in whole or in part, within the coastal zone, as defined, or within the jurisdiction of the San Francisco Bay Conservation and Development Commission, as defined, to implement sea level rise planning and adaptation through either submitting, and receiving approval for, a local coastal program, as defined, to the California Coastal Commission or submitting, and receiving approval for, a subregional San Francisco Bay shoreline resiliency plan to the San Francisco Bay Conservation and Development Commission, as applicable, on or before January 1, 2034. By imposing additional requirements on local governments, the bill would impose a state-

mandated local program. The bill would require local governments that receive approval for sea level rise planning and adaptation on or before January 1, 2029, to be prioritized for sea level rise funding, upon appropriation by the Legislature, for the implementation of projects in the local government's approved sea level rise adaptation plan. The bill would require, on or before December 31, 2024, the California Coastal Commission and the San Francisco Bay Conservation and Development Commission, in close coordination with the Ocean Protection Council and the California Sea Level Rise State and Regional Support Collaborative, to establish guidelines for the preparation of that planning and adaptation. The bill would make the operation of its provisions contingent upon an appropriation for its purposes by the Legislature in the annual Budget Act or another statute.

SB 337 (MIN D) ENVIRONMENTAL PROTECTION: BIODIVERSITY AND CONSERVATION REPORT.

Introduced: 2/7/2023

Amended: 3/15/2023

Status: 3/15/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on N.R. & W.

Is Fiscal: Y

Location: 2/15/2023-S. N.R. & W.

Summary: Current law requires the Secretary of the Natural Resources Agency to prepare and submit, on or before March 31, 2024, and annually thereafter, a report to the Legislature on the progress made in the prior calendar year toward achieving the goal to conserve 30% of state lands and coastal waters by 2030. This bill would provide that it is the goal of the state to conserve at least 30% of state lands and coastal waters by 2030, and require the secretary to post the report described above on the agency's internet website, as provided.

SB 361 (DODD D) WATER RESOURCES: STREAM GAGES.

Introduced: 2/8/2023

Status: 3/7/2023-Set for hearing March 28.

Is Fiscal: Y

Location: 2/15/2023-S. N.R. & W.

Calendar: 3/28/2023 9:30 a.m. - 1021 O Street, Room 2100 SENATE NATURAL RESOURCES AND WATER, MIN, DAVE, Chair

Summary: Would require the Department of Water Resources and the State Water Resources Control Board, upon appropriation of funds by the Legislature, to reactivate, upgrade, and install new stream gages, as provided. The bill would require the department and board to use the recommendations and data provided in the California Stream Gaging Prioritization Plan 2022 to complete specified actions by 2030. The bill would require the data from all stream gages operating with any public money to be published as provisional data within 10 days of collection and made publicly available on the state's open water data platforms. The bill would require the department and board to develop and adopt a set of standards and processes for assessing, tracking, and reporting the accuracy of stream gages, evapotranspiration data, water meters, and other critical data inputs for water management, as provided. The bill would require the department and the board to consult with interested stakeholders to develop a plan to identify the gaps in the network of automated weather stations and eddy covariance towers to ensure accurate and comprehensive data collection.

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

Introduced: 2/8/2023

Status: 2/15/2023-Referred to Com. on RLS.

Is Fiscal: N

Location: 2/8/2023-S. RLS.

Summary: Would make legislative findings and declarations and state the intent of the Legislature to enact future legislation that modernizes the California Water Plan, including the establishment of long-term water supply targets.

SB 389 (ALLEN D) STATE WATER RESOURCES CONTROL BOARD: DETERMINATION OF WATER RIGHT

Introduced: 2/9/2023

Status: 2/22/2023-Referred to Com. on N.R. & W..

Is Fiscal: Y

Location: 2/22/2023-S. N.R. & W.

Summary: Current law provides that it is the intent of the Legislature that the state take vigorous action to enforce the terms and conditions of permits, licenses, certifications, and registrations to appropriate water, to enforce state board orders and decisions, and to prevent the unlawful diversion of water. This bill would authorize the State Water Resources Control Board to investigate the diversion and use of water from a stream system to determine whether the diversion and use are based upon appropriation, riparian right, or other basis of right, as specified.

SB 550 (GROVE R) WATER MARKETS.

Introduced: 2/15/2023

Status: 3/7/2023-Set for hearing March 28.

Is Fiscal: Y

Location: 2/22/2023-S. N.R. & W.

3/28/2023 9:30 a.m. - 1021 O Street, Room 2100 SENATE NATURAL RESOURCES AND WATER, MIN, DAVE, Chair

Summary: Would require, on or before January 1, 2025, the Legislative Analyst, in collaboration with the Department of Water Resources, the State Water Resources Control Board, and other state agencies, as described, to prepare and submit to the Legislature a report analyzing the water market, including background information regarding the sale of water and water rights, trends in the water market, barriers to entering the water market or effectively trading in the market, and proposals for improving the regulatory framework to make the water market more market friendly and to encourage growth.

SB 579 (UMBERG D) FISH: ANNUAL PROVISIONAL STOCKING DOCUMENT.

Introduced: 2/15/2023

Status: 2/22/2023-Referred to Com. on N.R. & W.

Is Fiscal: Y

Location: 2/22/2023-S. N.R. & W.

Summary: Existing law establishes the Department of Fish and Wildlife and prescribes the functions and responsibilities of the department with regard to the implementation, administration, and enforcement of laws regulating fish and wildlife in the state. This bill would require the department, before January 1 of each year, to make publicly available on the department's internet website a specified annual document that contains conditional or provisional plans for freshwater fish plants.

SB 586 (EGGMAN D) FLOOD MANAGEMENT: DEADLINES.

Introduced: 2/15/2023

Status: 3/7/2023-Set for hearing March 28.

Is Fiscal: Y

Location: 2/22/2023-S. N.R. & W.

Calendar: 3/28/2023 9:30 a.m. - 1021 O Street, Room 2100 SENATE NATURAL RESOURCES AND WATER, MIN, DAVE, Chair

Summary: Current law provides that unless a city or county within the Sacramento-San Joaquin Valley makes certain findings after the effective date of specified amendments to its general plan and zoning ordinance, the Planning and Zoning Law prohibits a city or county from entering into a development agreement for property located in a flood hazard zone; approving a discretionary permit, ministerial permit, or other discretionary entitlement for a project that is located within a flood hazard zone, as specified; or approving a tentative map, or a parcel map for which a tentative map was not required, for a subdivision that is located within a flood hazard zone. Those findings include, among others, that the local flood management agency has made adequate progress on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas. Current law further 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 specified exceptions to the deadline for the Mossdale Tract and West Sacramento. This bill would remove the specified exceptions to the deadline for the Mossdale Tract and West Sacramento, and instead provide that the deadline to achieve an urban level of protection does not apply, so long as a flood management agency has an active federal project in the planning, design, construction, or project closeout phase, a completed federal feasibility study awaiting congressional authorization, or an authorized federal project awaiting the receipt of federal appropriations to advance design, construction, or project closeout activities.

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

Introduced: 2/16/2023

Status: 3/7/2023-Set for hearing March 28.

Is Fiscal: Y

Location: 3/1/2023-S. N.R. & W.

Calendar: 3/28/2023 9:30 a.m. - 1021 O Street, Room 2100 SENATE NATURAL RESOURCES AND WATER, MIN, DAVE, Chair

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 \$4,500,000,000, pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.

SB 649(HURTADO D) CALIFORNIA ENDANGERED SPECIES ACT: INCIDENTAL TAKE PERMITS.

Introduced: 2/16/2023

Status: 3/1/2023-Referred to Com. on N.R. & W.

Is Fiscal: Y

Location: 3/1/2023-S. N.R. & W.

Summary: The California Endangered Species Act requires the Department of Fish and Wildlife to adopt regulations for issuance of incidental take permits. Existing law prohibits the department from issuing an incidental take permit if issuance of the permit would jeopardize the continued existence of the species. Existing law requires the department to make this determination based on the best scientific and other information that is reasonably available, and to include consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. This bill would require the department to make that decision based on a real-time monitoring system, rather than a calendar-based

schedule, and to additionally consider the proximity of the species relative to the operation of a facility subject to the permit conditions and the known location of the population relative to the facility subject to the permit.

SB 651 (GROVE R) WATER STORAGE AND RECHARGE: CALIFORNIA ENVIRONMENTAL QUALITY ACT: SACRAMENTO-SAN JOAQUIN DELTA REFORM ACT OF 2009: EXEMPTIONS.

Introduced: 2/16/2023

Status: 3/1/2023-Referred to Coms. on N.R. & W. and E.Q.

Is Fiscal: Y

Location: 3/1/2023-S. N.R. & W.

Summary: Would make it the policy of this state that, to help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the state board and the regional water quality control boards prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. This bill contains other related provisions and other existing laws.

SB 861(DAHLE R) CALIFORNIA ENVIRONMENTAL QUALITY ACT: WATER CONVEYANCE OR STORAGE PROJECTS: JUDICIAL REVIEW.

Introduced: 2/17/2023

Status: 3/7/2023-Set for hearing March 29.

Is Fiscal: Y

Location: 3/1/2023-S. E.Q.

Calendar: 3/29/2023 9 a.m. - 1021 O Street, Room 1200 SENATE ENVIRONMENTAL QUALITY, ALLEN, BENJAMIN, Chair

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would require the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for water conveyance or storage projects, as defined, or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to those projects.

SB 867(ALLEN D) DROUGHT AND WATER RESILIENCE, WILDFIRE AND FOREST RESILIENCE, COASTAL RESILIENCE, EXTREME HEAT MITIGATION, BIODIVERSITY AND NATURE-BASED CLIMATE SOLUTIONS, CLIMATE SMART AGRICULTURE, AND PARK CREATION AND OUTDOOR ACCESS BOND ACT OF 2023.

Introduced: 2/17/2023

Status: 3/7/2023-Set for hearing March 28.

Is Fiscal: Y

Location: 3/1/2023-S. N.R. & W.

Calendar: 3/28/2023 9:30 a.m. - 1021 O Street, Room 2100 SENATE NATURAL RESOURCES AND WATER, MIN, DAVE, Chair

Summary: Would enact the Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023, which, if approved by the voters, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance projects for drought and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, and park creation and outdoor access programs.