

DELTA STEWARDSHIP COUNCIL: AUGUST 2024 LEGISLATIVE REPORT

Support

United States Congress

H.R.7719 - ABANDONED AND DERELICT VESSEL REMOVAL ACT OF 2024

Sponsor: Rep. Garamendi, John [D-CA-8].

Introduced: 3/19/2024

Status: Referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Armed Services, and Ways and Means, 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.

Summary: To provide for the removal of abandoned vessels, and for other purposes. Introduces measures to address the issue of derelict vessels. Establishes a new federal offense, imposing fines on vessel owners who abandon their vessels. Provides guidelines for the Coast Guard to determine abandonment. Expands the use of the Oil Spill Liability Trust Fund to cover vessel removal and sets a cap on associated costs. Mandates standards for purchasers of federally auctioned vessels to prevent future abandonment. Grants the Army Corps of Engineers authority to remove abandoned vessels from regulated waterways and requires interagency collaboration for rulemaking and inventory creation.

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

Bills of Interest

California State Legislature

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: 8/20/2024-S. DEAD

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.

AB 437 (JACKSON D) STATE GOVERNMENT: EQUITY.

Last Amend: 9/1/2023

Status: 6/27/2024-Ordered to inactive file at the request of Senator Becker.

Location: 6/27/2024-S. INACTIVE FILE

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.

**AB 460 (BAUER-KAHAN D) STATE WATER RESOURCES CONTROL BOARD:
WATER RIGHTS AND USAGE: INTERIM RELIEF: PROCEDURES.**

Last Amend: 8/15/2024

Status: 8/19/2024-Read second time. Ordered to third reading.

Location: 8/19/2024-S. THIRD READING

Summary: Under current law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would require the State Water Resources Control Board to adjust for inflation, by January 1 of each year, beginning in 2026, the amounts of civil and administrative liabilities or penalties imposed by the board or in water right actions brought at the request of the board, as specified.

**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: 8/20/2024-S. DEAD

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.

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: 8/20/2024-S. DEAD

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.

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: 8/20/2024-S. DEAD

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.

AB 1024 (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: 8/20/2024-S. DEAD

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.

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.

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

Last Amend: 6/12/2024

Status: 8/19/2024-Read second time. Ordered to third reading.

Location: 8/19/2024-S. THIRD READING

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 or a delegate 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 or a delegate 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.

AB 1581 (KALRA D) THE RESTORATION MANAGEMENT PERMIT ACT.

Last Amend: 8/15/2024

Status: 8/19/2024-Read second time. Ordered to third reading.

Location: 8/19/2024-S. THIRD READING

Summary: Current law, commonly known as the Lake and Streambed Alteration Program, 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 from depositing certain material where it may pass into any river, stream, or lake, unless certain requirements are met, as provided. Current law also prohibits the take or possession of certain species, including, among others, a fully protected fish. fish, except as provided. This bill, the Restoration Management Permit Act, would authorize the department to (1) issue a restoration management permit to authorize the take, possession, import, or export of any species or subspecies of fish, wildlife, or plants in association with a management or propagation project that, among other things, has the primary purpose of restoring native fish, wildlife, plants, or their habitat and (2) authorize any impacts to fish and wildlife resources as a result of activities otherwise subject to the Lake and Streambed Alteration Program, as provided. The bill would exempt these management or restoration projects from various legal requirements, including, among others, the above-described prohibitions regarding the take or possession of fully protected fish, as specified. The bill would authorize the department to develop permit applications for restoration management permits and would require permit applications to contain specified information. The bill would prohibit the department from issuing a restoration management permit for the design, construction, operation, mitigation, or maintenance of isolated Delta conveyance facilities.

AB 1992 (BOERNER D) CARBON SEQUESTRATION: BLUE CARBON AND TEAL CARBON DEMONSTRATION PROJECTS.

Last Amend: 8/15/2024

Status: 8/19/2024-Read second time. Ordered to third reading.

Location: 8/19/2024-S. THIRD READING

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 or a local government, 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 nonresidential project that impacts coastal wetland, subtidal, intertidal, or marine habitats or ecosystems to build or contribute to a blue carbon demonstration project.

AB 2285 (RENDON D) NATURAL RESOURCES: EQUITABLE OUTDOOR ACCESS: 30 X30 GOAL: URBAN NATURE-BASED PROJECTS.

Amended: 6/12/2024

Status: 8/15/2024-In committee: Held under submission.

Location: 8/20/2024-S. DEAD

Summary: By Executive Order No. N-82-20, Governor Gavin Newsom directed the Natural Resources Agency to combat the biodiversity and climate crises by, among other things, establishing the California Biodiversity Collaborative and conserving at least 30% of the state's lands and coastal waters by 2030. 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 California's lands and coastal waters by 2030. Current law provides that it is the

goal of the state to conserve at least 30% of California’s lands and coastal waters by 2030, known as the 30x30 goal. This bill would provide that, to advance and promote environmental, conservation, and public access policies and budget actions, the Governor’s office, state agencies, and the Legislature, when distributing resources, shall aspire to recognize the coequal goals and benefits of the 30x30 goal and Outdoors for All, and, to the extent practical, maximize investment in historically underserved urban communities consistent with those initiatives. The bill would encourage decisionmakers, when distributing resources to achieve the goals and benefits of the 30x30 goal and Outdoors for All, to consider factors that are unique to urban settings, including, among other things, higher land value acquisition and development costs per acre, the acute health needs of a local population due to historic lack of greenspace access and development externalities, local park needs assessment plans, current or impending loss of parks or greenspace as a result of state or federal infrastructure projects, and the availability of mobility options near a proposed land conservation site.

AB 2465 (GIPSON D) EQUITY: SOCIALLY DISADVANTAGED GROUPS AND ORGANIZATIONS: NONPROFIT ORGANIZATIONS: GRANTS.

Amended: 4/10/2024

Status: 8/19/2024-From committee: Amend, and do pass as amended. (Ayes 5. Noes 2.) (August 15).

Location: 7/1/2024-S. SECOND READING

Summary: The Farmer Equity Act of 2017 requires the Department of Food and Agriculture to ensure the inclusion of socially disadvantaged farmers and ranchers, defined as a member of a socially disadvantaged group, as defined, in the development, adoption, implementation, and enforcement of food and agriculture laws, regulations, and policies and programs, as specified. This bill would expand the definition of socially disadvantaged group to include descendants of enslaved persons in the United States. This bill would also require the entities such as the Delta Conservancy, until January 1, 2031, when awarding grants, to prioritize the awarding of grant funding to socially disadvantaged organizations, as defined.

AB 2875 (FRIEDMAN D) WETLANDS: STATE POLICY.

Amended: 8/19/2024

Status: 8/19/2024-Read third time and amended. Ordered to second reading.

Location: 8/19/2024-S. SECOND READING

Summary: The Keene-Nejedly California Wetlands Preservation Act requires the Natural Resources Agency to prepare a plan for the acquisition, protection, preservation, restoration, and enhancement of wetlands, including funding requirements and the priority status of specific proposed wetlands projects. By Executive Order No. W-59-93, former Governor Pete Wilson declared it to be the policy of the state that its Comprehensive Wetlands Policy rests on three primary objectives, including the objective of ensuring no overall net loss and long-term net gain in the quantity, quality, and permanence of wetlands acreage and values, as provided. This bill would declare that it is the policy of the state to ensure no net loss and long-term gain in the quantity, quality, and permanence of wetlands acreage and values in California.

**AB 3017 (HART D) STATE-FUNDED ASSISTANCE GRANTS AND CONTRACTS:
ADVANCE PAYMENTS: TRIBES.**

Amended: 8/6/2024

Status: 8/19/2024-Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 77. Noes 0.).

Location: 8/19/2024-A. ENROLLMENT

Summary: Current law authorizes specified state departments and authorities, upon determination that an advance payment is essential for the effective implementation of a program, to advance to a community-based private nonprofit agency with which it has contracted for the delivery of services funds not exceeding 25% of the annual allocation to be made to the agency during the fiscal year. Current law authorizes an administering state agency to advance a payment to a recipient entity, defined to mean a private, nonprofit organization qualified under federal law, subject to meeting specified requirements. Current law requires the administering state agency to prioritize recipient entities and projects serving disadvantaged, low-income, and under-resourced communities, and to ensure an

advance payment to the recipient entity does not exceed 25% of the total grant or contract amount. Current law requires the recipient entity to satisfy certain minimum requirements, including providing an itemized budget, submitting documentation, as required by the administering state agency, to support the need for advance payment, and demonstrating its current status in good standing as an organization exempt from taxation under federal law. Current law declares the intent of the Legislature to improve and expand the state's existing advance payment practices for state grants and contracts with nonprofits. This bill would include within the definition of a recipient entity, a federally recognized Indian tribe whose territorial boundaries lie wholly or partially within the State of California, and any agencies, entities, or arms of the tribe, as applicable, either together or separately. The bill would exempt a tribe from the requirement to demonstrate good standing as an organization exempt from taxation under federal law.

**AB 3023 (PAPAN D) WILDFIRE AND FOREST RESILIENCE TASK FORCE:
WATERSHED RESTORATION PLANS: FOREST RESILIENCE ACTIONS.**

Amended: 8/15/2024

Status: 8/19/2024-Read second time. Ordered to third reading.

Location: 8/19/2024-S. THIRD READING

Summary: Current law establishes in the Natural Resources Agency the Department of Forestry and Fire Protection, and requires the department to be responsible for, among other things, fire protection and prevention, as provided. Current law establishes the Wildfire and Forest Resilience Task Force and requires the task force to develop a comprehensive implementation strategy to track and ensure the achievement of the goals and key actions identified in the state's "Wildfire and Forest Resilience Action Plan" issued by the task force in January 2021. Current law declares that the department has extensive technical expertise in wildland fire prevention and vegetation management on forest, range, and watershed land, and, when appropriately applied, this expertise can have significant public resource benefits, including decreasing high-intensity wildland fires, improving watershed management, and improving carbon resilience, among other benefits. This bill would require the task force, or its successor, to develop, in partnership with the agency and its member entities, an interagency funding strategy that promotes integrated, multiple benefit projects that address wildfire, watershed function, biodiversity, and climate adaptation and mitigation, to achieve landscape resilience

on fire-prone lands and outcomes more aligned with an ecosystem-based approach, as defined.

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

Introduced: 3/6/2024

Status: 3/19/2024-In committee: Set, first hearing. Hearing canceled at the request of author.

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

Summary: The California Constitution declares that 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, and that the right to the use of water does not extend to the waste or unreasonable use, method of use, or method of diversion of water. This measure would require the Treasurer to annually transfer an amount equal to 1.5% of all state revenues from the General Fund to the California Water Resiliency Trust Fund, which the measure would create. The measure would continuously appropriate moneys in the fund to the California Water Commission for its actual costs of implementing these provisions and for specified water infrastructure projects.

Next Deadline: Exempt

ACA 16 (BRYAN D) ENVIRONMENTAL RIGHTS.

Amended: 6/6/2024

Status: 6/6/2024-Read third time and amended. Ordered to third reading.

Location: 5/20/2024-A. THIRD READING

Summary: Would amend the California Constitution to declare that the people have a right to clean air and water and a healthy environment considering the general well-being and other needs of the people. The measure would specify that the principles inherent in these rights shall serve as a guide to all branches of government in the performance of their official duties and that these rights shall inure to all people in equal measure and shall not be construed or applied in a

manner inconsistent with duly enacted laws of the state or other rights set forth in the California Constitution.

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: 8/20/2024-A. DEAD

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.

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

Last Amend: 8/19/2024

Status: 8/19/2024-Read second time and amended. Ordered to second reading.

Location: 8/7/2024-A. SECOND READING

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 expand the membership of the advisory committee to include tribes, labor, and environmental justice interests. The bill would require the department, as part of the 2028 update to the plan, to establish a long-term water supply target for 2050, as provided. The bill would require the target to consider the identified and future water needs for all beneficial uses and ensure safe drinking water for all Californians, among other things. The bill would require the plan to include specified components, including discussions of environmental needs, urban sector water needs, and agricultural water needs, and a discussion of the estimated costs and benefits of any project type or action that is recommended by the department within the plan that could help achieve the water supply targets.

SB 1330 (ARCHULETA D) URBAN RETAIL WATER SUPPLIER: WATER USE.

Amended: 6/26/2024

Status: 6/26/2024-Read second time and amended. Re-referred to Com. on APPR.

Location: 8/20/2024-A. DEAD

Summary: Current law requires an urban retail water supplier to calculate its urban water use objective no later than January 1, 2024, and by January 1 every year thereafter, and to be composed of the sum of specified data, including aggregate residential water use. Current law requires each urban retail water supplier's water use objective to be composed of the sum of specified aggregate estimates, including efficient outdoor irrigation of landscape areas with dedicated irrigation meters or equivalent technology in connection with water used by commercial water users, industrial water users, institutional water users, and large landscape water users (CII). Current law requires an urban retail water supplier to submit reports to the Department of Water Resources, as provided, by the same dates. This bill would require the department to, no later than January 1, 2035, conduct necessary studies and investigations regarding the efficiency performance of newly constructed residential landscapes and landscape areas with dedicated irrigation meters in connection with CII water use, as specified.

SB 1390 (CABALLERO D) GROUNDWATER RECHARGE: FLOODFLOWS: DIVERSION.

Amended: 8/19/2024

Status: 8/19/2024-Read second time and amended. Ordered to second reading.

Location: 8/7/2024-A. SECOND READING

Summary: Current law declares that all water within the state is the property of the people of the state, but the right to the use of the water may be acquired by appropriation in the manner provided by law. Current law requires the appropriation to be for some useful or beneficial purpose. Current law provides, however, that the diversion of floodflows for groundwater recharge does not require an appropriative water right if certain conditions are met, including that a local or regional agency that has adopted a local plan of flood control or has considered flood risks as part of its most recently adopted general plan has given notice, as provided, of imminent risk of flooding and inundation of lands, roads, or structures. Current law defines “floodflow” for these purposes, to include circumstances in which flows would inundate ordinarily dry areas in the bed of a terminal lake to a depth that floods dairies and other ongoing agricultural activities, or areas with substantial residential, commercial, or industrial development. Current law defines “imminent” for these purposes to mean a high degree of confidence that a condition will begin in the immediate future. Current law also requires the person or entity making the diversion for groundwater recharge purposes to file with the State Water Resources Control Board and any applicable groundwater sustainability agency for the basin, a notice containing specified information no later than 48 hours after initially commencing diversion of floodflows for groundwater recharge, a preliminary report no later than 14 days after initially commencing that diversion, and a final report no later than 15 days after the diversions cease. These requirements apply to diversions commenced before January 1, 2029. This bill would, among other things, expand the conditions that are required to be met for the diversion of floodwaters for groundwater recharge that do not require an appropriative water right. The bill would expand the definition of “floodflow” to include flows that are projected by the local or regional agency to inundate ordinarily dry areas in the bed of a terminal lake, as described above. The bill would revise the definition of “imminent” to mean a high degree of confidence that a condition will begin or is projected to begin within the next 72 hours.

SB 1402 (MIN D) 30 X30 GOAL: STATE AGENCIES: ADOPTION, REVISION, OR ESTABLISHMENT OF PLANS, POLICIES, AND REGULATIONS.

Amended: 7/1/2024

Status: 7/1/2024-Read second time and amended. Re-referred to Com. on APPR.

Location: 8/20/2024-A. DEAD

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 California's lands and coastal waters by 2030. Current law provides that it is the goal of the state to conserve at least 30% of California's lands and coastal waters by 2030, known as the 30x30 goal. This bill would require all state agencies, departments, boards, offices, commissions, and conservancies to consider the 30x30 goal when adopting, revising, or establishing plans, policies, or regulations that directly affect the use of coastal waters or land, management of natural resources, or biodiversity conservation.