

**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 437 (JACKSON D ) STATE GOVERNMENT: EQUITY.**

Last Amend: 9/1/2023

Status: 8/31/2024 Failed Deadline pursuant to Rule 61(b)(17). (Last location was INACTIVE FILE on 6/27/2024)

Location: 8/31/2024 S - DEAD

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: 9/11/2024 Enrolled and presented to the Governor at 4 p.m.

Location: 9/11/2024 A - ENROLLED

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 1205 (BAUER-KAHAN D ) CALIFORNIA STATE UNIVERSITY STUDENTS:  
CALIFORNIA PROMISE: FINISH IN FOUR AND THROUGH IN TWO.**

Last Amend: 8/28/2024 (no longer relevant, was water rights related)

Status: 9/12/2024 Enrolled and presented to the Governor at 4 p.m.

Location: 9/12/2024 A - ENROLLED

Summary: Would rename the California Promise program the Finish in Four and Through in Two program, as provided. The bill would require each campus participating in the Finish in Four and Through in Two program to take specified actions to promote the program. The bill would require the Trustees of the California State University, on or before July 1, 2025, and annually thereafter, until January 1, 2034, to submit a report to the Legislature that includes specified program participation information. The bill would delete an obsolete reporting requirement. The bill would delete the January 1, 2026, program repeal date, thereby extending the program indefinitely.

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

Last Amend: 8/20/2024

Status: 9/5/2024-Enrolled and presented to the Governor at 4 p.m.

Location: 9/5/2024-A. ENROLLED

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 Native American 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. The bill would authorize the Secretary of the Natural Resources Agency or a delegate to enter into cogovernance and comanagement 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 these agreements. The bill would authorize the secretary or a delegate, as provided, and 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 ) CONSERVATION: RESTORATION MANAGEMENT PERMIT ACT AND CALIFORNIA STATE SAFE HARBOR AGREEMENT PROGRAM ACT.**

Last Amend: 8/23/2024

Status: 9/11/2024 Enrolled and presented to the Governor at 4 p.m.

Location: 9/11/2024 A - ENROLLED

Summary: 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, 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.

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

Last Amend: 8/23/2024

Status: 9/11/2024 Enrolled and presented to the Governor at 4 p.m.

Location: 9/11/2024 A - ENROLLED

Summary: The California Coastal Act of 1976 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 2465 (GIPSON D ) EQUITY: SOCIALLY DISADVANTAGED GROUPS AND ORGANIZATIONS: NONPROFIT ORGANIZATIONS: GRANTS.**

Amended: 8/23/2024

Status: 8/31/2024 Failed Deadline pursuant to Rule 61(b)(17). (Last location was INACTIVE FILE on 8/31/2024)

Location: 8/31/2024 A - DEAD

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.

**AB 2875 (FRIEDMAN D ) WETLANDS: STATE POLICY.**

Amended: 8/21/2024

Status: 9/5/2024-Enrolled and presented to the Governor at 4 p.m.

Location: 9/5/2024-A. ENROLLED

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.**

Amended: 8/6/2024

Status: 8/26/2024-Enrolled and presented to the Governor at 4 p.m.

Location: 8/26/2024-A. ENROLLED

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: 9/13/2024 Enrolled and presented to the Governor at 4 p.m.

Location: 9/13/2024 A - ENROLLED

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: 8/31/2024 Failed Deadline pursuant to Rule 61(b)(17). (Last location was W.,P. & W. on 4/20/2023)

Location: 8/31/2024 A - DEAD

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.

**ACA 16 (BRYAN D ) ENVIRONMENTAL RIGHTS.**

Amended: 6/6/2024

Status: 8/31/2024 Failed Deadline pursuant to Rule 61(b)(17). (Last location was THIRD READING on 5/20/2024)

Location: 8/31/2024 A - DEAD

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.



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

**Last Amend: 8/22/2024**

Status: 9/9/2024 Enrolled and presented to the Governor at 3 p.m.

Location: 9/9/2024 S - ENROLLED

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 2033 update to the plan, to update the interim planning 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.

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

**Amended: 8/22/2024**

Status: 9/1/2024 Failed Deadline pursuant to Rule 61(b)(17). (Last location was THIRD READING on 8/31/2024)

Location: 8/31/2024 A - DEAD

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.