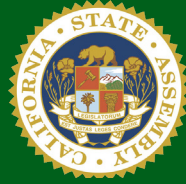


# CALIFORNIA LEGISLATURE

## ASSEMBLY COMMITTEE ON WATER, PARKS AND WILDLIFE



### 2021-2022 LEGISLATIVE BILL SUMMARY



#### COMMITTEE MEMBERS

REBECCA BAUER-KAHAN, CHAIR  
MEGAN DAHLE, VICE CHAIR  
STEVE BENNETT  
FRANKLIN E. BIGELOW  
LAURA FRIEDMAN  
CRISTINA GARCIA  
ASH KALRA  
MARC LEVINE

AL MURATSUCHI  
JANET NGUYEN  
BLANCA E. RUBIO  
RUDY SALAS, JR.  
THURSTON "SMITTY" SMITH  
CARLOS VILLAPUDUA  
CHRISTOPHER M. WARD

#### COMMITTEE STAFF

PABLO GARZA  
KEITH CIALINO  
WENDY BURKE

#### REPUBLICAN CAUCUS STAFF

CALVIN RUSCH



December 2022

To all interested parties,

I am pleased to provide this report on the activities of the Assembly Water, Parks, and Wildlife Committee. This report contains summaries of the measures referred to, acted upon, or otherwise within the jurisdiction of the committee during the 2021-2022 legislative session. It also details the oversight and informational hearings conducted by the committee during this time.

I would like to acknowledge and thank former Chair Eduardo Garcia, Vice Chair Megan Dahle, and the other Members of the Water, Parks, and Wildlife Committee for their service. I want to thank Wendy Burke for her service to the committee and the Assembly over her 32 year career, and wish her the best in retirement. I also want to acknowledge and thank Nichole Holm for her exemplary work with the committee as a California Council on Science and Technology (CCST) Science Fellow in 2021.

I look forward to continued collaboration in the next legislative session with colleagues, California agencies and departments, local governments and special districts, and advocates to address the important issues in the committee's jurisdiction.

More information on legislative measures can be found online at <http://leginfo.legislature.ca.gov/>. Please contact the committee at 916-319-2096 if you have questions or would like additional information about the bills summarized in this report.

Sincerely,

A handwritten signature in blue ink, appearing to read "RBK", is positioned above the typed name of the chair.

Rebecca Bauer-Kahan, Chair  
Assembly Water, Parks, and Wildlife Committee

<b>Informational and Oversight Hearings .....</b>	<b>1</b>
Access to Parks and Open Spaces in California: COVID-19, Other Challenges, and Future Needs.....	2
Is California Ready for Another Drought?.....	7
The Drought and Its Impact on California Agriculture .....	13
What’s up down below? An update on Sustainable Groundwater Management Act (SGMA) Implementation .....	20
California’s 30x30 Initiative.....	26
Water is Life: Addressing California Tribal Water Issues .....	32
<b>Fish and Wildlife .....</b>	<b>45</b>
AB 30 (Kalra) - Equitable Outdoor Access Act.....	45
AB 63 (Petrie-Norris) - Marine resources: Marine Managed Areas Improvement Act: restoration activities.....	45
AB 223 (Ward) - Wildlife: dudleya: taking and possession. ....	45
AB 303 (Robert Rivas) - Aquaculture: mariculture production and restoration: pilot program.....	45
AB 315 (Stone) - Voluntary stream restoration property owner liability: indemnification.....	45
AB 379 (Gallagher) - Wildlife conservation: conservation lands. ....	45
AB 517 (Megan Dahle) - California State Safe Harbor Agreement Program Act: notice. ....	46
AB 534 (Bonta) - Fishing: ropeless fishing gear.....	46
AB 554 (Mathis) - Department of Fish and Wildlife: Office of the Ombudsperson.....	46
AB 614 (Aguiar-Curry) - Wildlife habitat: birds. ....	46
AB 645 (Gallagher) - Fish and wildlife: poaching: penalties: probation period. ....	46
AB 804 (Megan Dahle) - Free hunting days. ....	46
AB 817 (Wood) - Sport fishing licenses: electronic display: 12-consecutive-month licenses.....	47
AB 878 (Megan Dahle) - Wildlife resources: natural community conservation plans: public review and comment.....	47
AB 953 (Kiley) - California Environmental Quality Act: Department of Fish and Wildlife: review of environmental documents: revenue and cost tracking and accounting. ....	47
AB 1183 (Ramos) - California Desert Conservation Program.....	47
AB 1279 (Muratsuchi) - Coastal resources: sustainable kelp.....	47
AB 1298 (Bloom) - Pesticides: use of 2nd generation anticoagulant rodenticides. ....	48
AB 1458 (Frazier) - Fish and wildlife protection and conservation: lake and streambed alteration agreements: exemptions .....	48

AB 1500 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.....	48
AB 1753 (Gallagher) - Fish and wildlife: poaching: penalties: probation period.....	48
AB 1906 (Stone) - Voluntary stream restoration: property owner liability: indemnification: claims. ...	48
AB 2109 (Bennett) - White sharks: prohibition on use of attractants.....	49
AB 2344 (Friedman) - Wildlife connectivity: transportation projects.....	49
AB 2387 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.....	49
AB 2512 (Bloom) - Animals: aquatic plants: importation, transportation, and sheltering.....	49
AB 2610 (Friedman) - Wildlife Conservation Board: ecologically sensitive vegetation management: wildfire risk reduction.....	49
AB 2757 (Megan Dahle) - Wildlife resources: natural community conservation plans: public review. .	49
AB 2805 (Bauer-Kahan) - Department of Fish and Wildlife: advance mitigation and regional conservation investment strategies.....	50
AB 2919 (Fong) - Dams: release of water: fish populations. ....	50
AJR 5 (Luz Rivas) - Wild free-roaming horses and burros: protection: roundup moratorium.....	50
SB 42 (Wieckowski) - Department of Fish and Wildlife: Eden Landing Ecological Reserve.....	50
SB 80 (McGuire) - Commercial fishing: inspection: crab traps. ....	50
SB 370 (Dodd) - Wildlife: Big Game Management Account: uses. ....	50
SB 624 (Hueso) - Environmental Equity and Outdoor Access Act.....	50
SB 790 (Stern) - Wildlife connectivity mitigation credits.....	51
SB 822 (Committee on Natural Resources and Water) - Marine resources.....	51
SB 856 (Dodd) - Wild pigs: validations.....	51
SB 865 (Dodd) - Junior hunting licenses: age of eligibility.....	51
SB 945 (Laird) - Falconry: American peregrine falcons.....	51
SB 977 (Laird) - Grazing land: California Conservation Ranching Incentive Program.....	51
SB 1224 (Bates) - Watersheds: wildlife habitat: Counties of Orange and San Diego. ....	52
SB 1392 (McGuire) - Aquaculture: registration, renewal, surcharge, and penalty fees: reports.....	52
<b>Flood Control.....</b>	<b>52</b>
AB 781 (Daly) - Flood control projects: County of Orange: subvention funds. ....	52
AB 921 (McCarty) - Flood protection: City of West Sacramento flood risk reduction project.....	53
AB 1164 (Flora) - Dams and reservoirs: exclusions: publicly owned or operated regulating basins.....	53

AB 1500 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.....	53
AB 1811 (Mike Fong) - Local flood protection: planning: climate change.....	53
AB 2387 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.....	53
SB 369 (Pan) - Flood control: Yolo Bypass Cache Slough Partnership Multibenefit Program. ....	54
SB 489 (Laird) - Flood management projects: state funding: Pajaro River Flood Risk Management Project.....	54
SB 496 (Laird) - Flood control: water development projects: Pajaro River. ....	54
SB 901 (Pan) - Flood protection: City of West Sacramento flood risk reduction project. ....	54
SB 1253 (Melendez) - Infrastructure plan: flood control: delta levees. ....	54
<b>Groundwater .....</b>	<b>54</b>
AB 252 (Robert Rivas) - Department of Conservation: Multibenefit Land Repurposing Incentive Program: administration.....	54
AB 350 (Villapudua) - Agriculture: Cannella Environmental Farming Act of 1995: technical assistance grant program: groundwater conservation planning. ....	55
AB 754 (Mathis) - Sustainable groundwater management: groundwater sustainability plan. ....	55
AB 1500 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.....	55
AB 1757 (Ward) - Groundwater sustainability agency. ....	55
AB 2201 (Bennett) - Groundwater sustainability agency: groundwater extraction permit. ....	56
AB 2387 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.....	56
AB 2857 (Bauer-Kahan) - Sustainable Groundwater Management Act: groundwater sustainability plans: domestic well impacts.....	56
SB 1372 (Stern) - Sustainable Groundwater Management Act: groundwater sustainability plans: groundwater rights. ....	56
<b>Miscellaneous.....</b>	<b>56</b>
AB 30 (Kalra) - Equitable Outdoor Access Act.....	56
AB 1279 (Muratsuchi) - Coastal resources: sustainable kelp.....	57
AB 1298 (Bloom) - Pesticides: use of 2nd generation anticoagulant rodenticides. ....	57
AB 1757 (Ward) - Groundwater sustainability agency. ....	57
AB 2022 (Ramos) - State government.....	57
AB 2287 (Stone) - California Ocean Resources Stewardship Act of 2000.....	57

AB 2344 (Friedman) - Wildlife connectivity: transportation projects.....	57
AB 2346 (Gabriel) - Outdoor recreation: Outdoors for All Program.....	58
AB 2610 (Friedman) - Wildlife Conservation Board: ecologically sensitive vegetation management: wildfire risk reduction. ....	58
AB 2633 (Cooley) - Protection of parklands: removal of unpermitted campers and campsites. ....	58
AB 2861 (Waldron) - Parks and recreation: land transfer: YMCA of the County of San Diego. ....	58
SB 227 (Jones) - Off-highway vehicles. ....	58
SB 624 (Hueso) - Environmental Equity and Outdoor Access Act.....	58
SB 822 (Committee on Natural Resources and Water) - Marine resources. ....	59
SB 1012 (Glazer) - State parks: open fires.....	59
SB 1224 (Bates) - Watersheds: wildlife habitat: Counties of Orange and San Diego. ....	59
SB 1392 (McGuire) - Aquaculture: registration, renewal, surcharge, and penalty fees: reports. ....	60
<b>Parks and Recreation .....</b>	<b>60</b>
AB 30 (Kalra) - Equitable Outdoor Access Act.....	60
AB 434 (Robert Rivas) - Public lands: grazing leases.....	60
AB 542 (Mathis) - State parks: park entrance fees: waivers: 4th grade children. ....	60
AB 1190 (Mayes) - Parks and recreation: County of San Bernardino: Big Morongo Canyon Preserve. .	60
AB 1500 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.....	61
AB 1512 (Bauer-Kahan) - Off-highway vehicular recreation: Carnegie State Vehicular Recreation Area: Alameda-Tesla Expansion Area.....	61
AB 1645 (Petrie-Norris) - State parks: concession contracts: Crystal Cove State Park.....	61
AB 1789 (Bennett) - Outdoor recreation: California Trails Commission: Trails Corps Program: grant program. ....	61
AB 2128 (Cooley) - State parks: California Admission Day: discounted admission. ....	61
AB 2346 (Gabriel) - Outdoor recreation: Outdoors for All Program.....	62
AB 2387 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.....	62
AB 2535 (Eduardo Garcia) - Recreation and park districts: grants: playgrounds: disability access.....	62
AB 2861 (Waldron) - Parks and recreation: land transfer: YMCA of the County of San Diego. ....	62
AB 2975 (Committee on Water, Parks, and Wildlife) - Department of Parks and Recreation: community access agreements: interpretive services and visitor services. ....	62
SB 227 (Jones) - Off-highway vehicles. ....	63

SB 266 (Newman) - State park system: Chino Hills State Park: expansion.....	63
SB 268 (Archuleta) - Parks and recreation: Lower Los Angeles River Recreation and Park District: Lower San Gabriel River Recreation and Park District: establishment: board of directors.....	63
SB 624 (Hueso) - Environmental Equity and Outdoor Access Act.....	63
SB 796 (Bradford) - State parks: state beaches: County of Los Angeles: Manhattan State Beach: deed restrictions: taxation.....	63
SB 1012 (Glazer) - State parks: open fires.....	63
SB 1028 (Hueso) - State parks: Villa Montezuma: City of San Diego.....	64
SB 1051 (Roth) - State parks: concessions: contracts.....	64
SB 1167 (Allen) - State property: acquisition: state park system: Department of Parks and Recreation.....	64
<b>Water.....</b>	<b>64</b>
AB 442 (Mayes) - Surface Mining and Reclamation Act of 1975: exemption: Metropolitan Water District of Southern California: single master reclamation plan.....	64
AB 692 (Waldron) - Lake Wohlford Dam: grant funding: liquidation.....	64
AB 850 (Gallagher) - City property: sale of water utility property.....	64
AB 979 (Frazier) - Sacramento-San Joaquin Delta: projects: sea level rise analysis report.....	65
AB 1500 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.....	65
AB 1845 (Calderon) - Metropolitan Water District of Southern California: alternative project delivery methods.....	65
AB 1865 (Bennett) - Court fee waiver: water rights cases.....	65
AB 1906 (Stone) - Voluntary stream restoration: property owner liability: indemnification: claims. ...	65
AB 2016 (Bauer-Kahan) - State Water Resources Control Board: desalination plant: feasibility study.....	66
AB 2078 (Flora) - Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.....	66
AB 2108 (Robert Rivas) - Water policy: environmental justice: disadvantaged and tribal community representation.....	66
AB 2248 (Eduardo Garcia) - Water quality: California-Mexico cross-border rivers.....	66
AB 2313 (Bloom) - Water: judges and adjudications.....	67
AB 2387 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.....	67
AB 2421 (Blanca Rubio) - Water: unlicensed cannabis cultivation.....	67
AB 2451 (Wood) - State Water Resources Control Board: drought planning.....	67

AB 2639 (Quirk) - Water quality control plans and water rights permits.....	67
AB 2740 (Megan Dahle) - Water resources: desalination.....	68
AB 2895 (Arambula) - Water: permits and licenses: temporary changes: water or water rights transfers.....	68
AB 2919 (Fong) - Dams: release of water: fish populations. ....	68
ACA 13 (Mathis) - Water infrastructure projects: minimum funding requirement and general obligation bonds. ....	68
SB 463 (Dahle) - Water: landowner or water right holder right to modify, repair, or replace jointly used conduits.....	69
SB 520 (Wilk) - Water resources: permit to appropriate: application procedure: mining use.....	69
SB 552 (Hertzberg) - Drought planning: small water suppliers: nontransient noncommunity water systems. ....	69
SB 559 (Hurtado) - Department of Water Resources: water conveyance systems: Canal Conveyance Capacity Restoration Fund.....	69
SB 626 (Dodd) - Department of Water Resources: procurement methods. ....	69
SB 708 (Melendez) - Water shortage emergencies: declarations: deenergization events.....	70
SB 821 (Committee on Natural Resources and Water) - Sacramento-San Joaquin Delta: Delta Independent Science Board.....	70
SB 880 (Laird) - Water diversion: monitoring and reporting: University of California Cooperative Extension.....	70
SB 1205 (Allen) - Water rights: appropriation. ....	70
SB 1219 (Hurtado) - 21st century water laws and agencies: committee. ....	70
<b>Water Efficiency.....</b>	<b>70</b>
AB 1434 (Friedman) - Urban water use objectives: indoor residential water use. ....	70
AB 2412 (Villapudua) - Agriculture: State Water Efficiency and Enhancement Program.....	71
SB 1157 (Hertzberg) - Urban water use objectives: indoor residential water use. ....	71



**INFORMATIONAL AND OVERSIGHT HEARINGS  
2021 – 2022**

**March 2, 2021 – Access to Parks and Open Spaces in California: COVID-19, Other Challenges, and Future Needs**

**May 5, 2021 – Is California Ready for Another Drought?**

**August 23, 2021 – The Drought and Its Impact on California Agriculture**  
Joint Hearing with Committee on Agriculture

**February 15, 2022 – What’s up down below? An update on Sustainable Groundwater Management Act (SGMA) Implementation**  
Joint Hearing with Committee on Local Government

**March 22, 2022 – California’s 30x30 Initiative**

**August 9, 2022 – Water is Life: Addressing California Tribal Water Issues**  
Joint Hearing with Select Committee on Native American Affairs



## AGENDA

9:30 a.m., March 2, 2021  
State Capitol, Room 4202

### INFORMATIONAL HEARING

#### ***Access to Parks and Open Spaces in California: COVID-19, Other Challenges, and Future Needs***

#### **I. Welcome**

*Assemblymember Eduardo Garcia, Chair, Assembly Water, Parks, and Wildlife Committee*

#### **II. Parks and Open Spaces Update**

*Armando Quintero, Director, California Department of Parks and Recreation*

*Stafford Lehr, Deputy Director, Wildlife and Fisheries Division, California Department of Fish and Wildlife*

*Norma Edith García-González, Director, County of Los Angeles Department of Parks and Recreation and the Los Angeles County Regional Parks and Open Space District*

*Nooshin Razani, MD, MPH, Associate Professor, Epidemiology and Biostatistics, School of Medicine, University of California, San Francisco*

#### **III. Funding Overview and Implementation Update**

*Brian Brown, Deputy Legislative Analyst, Legislative Analyst's Office*

*Sedrick Mitchell, Deputy Director of External Affairs, California Department of Parks and Recreation*

#### **IV. Future Needs**

*Belinda Faustinos, Executive Director, Nature for All*

*Mark Hennelly, Vice President, Legislative Affairs and Public Policy, California Waterfowl Association (invited)*

*Kindley Walsh Lawlor, Executive Director, Parks California*

#### **V. Public Comment**

## INFORMATIONAL HEARING

### *Access to Parks and Open Spaces in California: COVID-19, Other Challenges, and Future Needs*

#### **BACKGROUND**

2020 was a challenging year for all Californians. As the pandemic took hold, major sectors of the economy shut down, including businesses and places that many Californians turn to for recreation and respite. With many recreational amenities shut down to protect public health, anecdotal information suggests large numbers of Californians looked to get outside. While this is a welcome development, it also placed unprecedented stress on our parks and open spaces and the women and men who manage and maintain them. The pandemic also appears to have exacerbated existing inequities in access to parks and open spaces with lower income and underserved communities experiencing an even greater lack of access.

This hearing is intended to provide the Legislature and the public the opportunity to hear from parks and open space entities about the challenges they have faced responding to the ongoing pandemic and other events of 2020, as well as future needs to ensure equitable access to the outdoors in California.

#### *Access*

“Access” embodies both physical (e.g., distance to a park) and social (e.g., safety) aspects and varies widely throughout California. According to the Trust for Public Land (TPL), two California cities rank among the top 10 in the nation with parks access [Irvine and San Francisco] while many cities also rank among the bottom third.<sup>1</sup> TPL’s 2020 ParkScore® index found that one in three Californians do not live within a 10 minute walk to a quality park. According to a recent Hispanic Access Foundation report, fifty-five percent of Latinos in California lack access to open space, and significantly fewer acres of green space are present in many Black and Latino neighborhoods when compared to predominantly white neighborhoods.<sup>2</sup> Intersecting roadways, less acreage, lack of access to transportation,<sup>3</sup> lack of safety, and physical condition/maintenance of spaces are just some of the barriers to parks and open space access.<sup>4</sup>

#### *Benefits*

Parks and open/green space provide numerous benefits to the community, environment, and economy. Use of parks and open spaces is correlated with a number of mental and physical health benefits, including (but not limited to) decreased risk of stress, anxiety, and depression, lessened symptoms of ADD/ADHD,<sup>4</sup> as well as reduced risk of psychiatric illness for those with childhood exposure to open/green space.<sup>5</sup> Parks and open spaces also provide dual environmental and public health benefits in urban areas as they remove pollution and filter air, provide shade to reduce the urban heat island effect, attenuate noise, absorb water as an alternative to stormwater control systems, and replenish local groundwater reservoirs.<sup>6</sup>

Parks and open space are also highly valued as economic drivers,<sup>7</sup> as they have been found to increase property values and subsequent tax revenues by as much as 20%, draw new businesses

and visitors to cities, and are reported to be among the top amenities sought after for people choosing a place to live.

### ***Covid-19, Wildfires, and Other Challenges***

The past year presented a number of additional access challenges to parks and open spaces, with intermittent COVID-19 pandemic-related closures preventing physical access for many Californians. Parks and open spaces experienced a dramatic increase in usage for many reasons; as a refuge from the pandemic, space for socially distanced gatherings, exercise, and to the opportunity draw closer to nature. However, the past year also underscored the lack of equitable access to these essential spaces in many communities. Before the pandemic, Bay area parks already saw a surge in popularity with increased visitation and use of outdoor space over the past few years,<sup>8</sup> but when public health orders limited activity to the outdoors, the increased patronage sometimes overwhelmed the facilities. Increased visitation also resulted in parks employees battling more litter and less people picking up after their dogs, requiring more signage and operational costs. However, these same parks lost normal revenue from more social activities such as weddings, camping, or recreational rentals. Meanwhile parks and open spaces with already minimal facilities were overwhelmed by increased visitation, often lacking the necessary bathroom facilities and directional signage to prevent ecological damage.

The 2020 California wildfire season was also characterized by a record-setting number of acres and wildfires that burned across the state, with nearly 10,000 fires burning more than 4.2 million acres and more than 4 percent of the state's roughly 100 million acres of land.

### ***Positive Outcomes***

While data from 2020 is not available for every open space and park location, state and local parks experienced up to a seventy-five percent increase in use,<sup>8</sup> underscoring the importance of parks and open spaces. Recreational use also increased, with the California Department of Fish and Wildlife (CDFW) reporting sales of nearly two million sport fishing licenses, an eleven percent increase from 2019. Hunting license sales also increased by 9 percent, with about sixteen percent of the licenses purchased by first time license-holders.

The Parks Online Resources for Teachers and Students (PORTS) program is a distance learning program that has served K-12 teachers, students, and education partners with live or on-demand video presentations from California State Parks locations for more than 15 years. In 2020, usage increased about 300 percent from previous years, and availability of these resources were essential to distanced learning opportunities.

### ***Existing Funding***

Now more than ever, parks are an essential component of health, economic, and recreational equity. Recent propositions, such as Proposition 68 (2018) and Proposition 84 (2006), provided funding to improve existing and build new parks in park-poor areas. Much of the park- and open space-related funding in these propositions has been fully allocated by the Legislature. Federal programs such as the Land and Water Conservation Fund (LWCF) provide funding to support federal, state, and local lands and waters, investing in recreational opportunities and public access. The recent reauthorization of the LWCF offers an opportunity for sustained federal

funding to California for these purposes. While state-issued bonds and LWCF have done a lot to create new or rehabilitate existing parks and open spaces, these funding sources are not able to be used for operations and maintenance (or “stewardship”) costs to ensure these resources provide a high quality experience over time. Funding sources such as the General Fund, special funds, fee revenue, and local or regional assessments can be used for stewardship costs as well as establishing new parks and open spaces.

### ***Future Needs.***

The events of the past year exacerbated many of the existing issues present in parks and open spaces. Severe drought and wildfires now pose an annual risk to existing outdoor space, leaving fire prevention and preparation as a top priority to protect these spaces and the communities around them. Many open spaces already operating in a deficit now have an even greater need for funding and maintenance, while the lack of equitable park access will have a profound impact on underrepresented communities and related health outcomes for decades to come. Identifying a sufficient and sustainable source of funding for stewardship remains a challenge in many regions of California.

### References

1. Romero, E. D. California Cities Rank In Both Top And Bottom Of Best Parks When It Comes To Public Access. *Capitol Public Radio* <https://www.capradio.org/articles/2020/05/20/california-cities-rank-in-both-top-and-bottom-of-best-parks-when-it-comes-to-public-access/> (2020).
2. One answer to the lack of equitable access to park space across California. *CalMatters* <https://calmatters.org/commentary/my-turn/2020/08/one-answer-to-the-lack-of-equitable-access-to-park-space-across-california/> (2020).
3. Eaton, P. *Community Assessment for Parks and Open Space Identifies Six Neighborhoods with Significant Barriers to Open Space Access.*
4. Sefcik, J. S. *et al.* Perceptions of nature and access to green space in four urban neighborhoods. *Int. J. Environ. Res. Public Health* (2019) doi:10.3390/ijerph16132313.
5. Coventry, P. A., Neale, C., Dyke, A., Pateman, R. & Cinderby, S. The mental health benefits of purposeful activities in public green spaces in urban and semi-urban neighbourhoods: A mixed-methods pilot and proof of concept study. *Int. J. Environ. Res. Public Health* (2019) doi:10.3390/ijerph16152712.
6. Using Trees and Vegetation to Reduce Heat Islands. *United States Environmental Protection Agency* <https://www.epa.gov/heatislands/using-trees-and-vegetation-reduce-heat-islands>.
7. McCormick, K. Room to Roam. *Lincoln Institute of Land Policy* <https://www.lincolninst.edu/publications/articles/2020-10-room-roam-pandemic-urban->

parks-what-comes-next (2020).

8. Rogers, P. How COVID changed Bay Area parks: Crowds, litter, lost revenue. *Times Herald*.

Further reading:

Reduce temperature in urban environment:

<https://www.sciencedirect.com/science/article/pii/S2405844019300702>

WHO review on urban spaces and health:

[https://www.euro.who.int/\\_data/assets/pdf\\_file/0005/321971/Urban-green-spaces-and-health-review-evidence.pdf](https://www.euro.who.int/_data/assets/pdf_file/0005/321971/Urban-green-spaces-and-health-review-evidence.pdf)

Effects of Urban Green Space on Environmental Health, Equity and Resilience:

[https://link.springer.com/chapter/10.1007/978-3-319-56091-5\\_11](https://link.springer.com/chapter/10.1007/978-3-319-56091-5_11)

Urban Green Space: Creating a Triple Win for Environmental Sustainability, Health, and Health Equity through Behavior Change: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6888177/>



## AGENDA

1:30 pm, May 5, 2021  
State Capitol, Assembly Chambers

### INFORMATIONAL HEARING *Is California Ready for Another Drought?*

#### I. Welcome

*Assemblymember Eduardo Garcia, Chair, Assembly Water, Parks, and Wildlife Committee*

#### II. Legislative Analyst Overview of 2012-16 Drought Response

*Rachel Ehlers, Principal Fiscal and Policy Analyst, Legislative Analyst's Office*

#### III. Overview of Current Conditions, Planned Response, and Lessons Learned from Last Drought

*Jeanine Jones, Interstate Resources Manager, Department of Water Resources*

*Erik Ekdahl, Deputy Director, Division of Water Rights, State Water Resources Control Board*

*Darrin Polhemus, Deputy Director, Division of Drinking Water, State Water Resources Control Board*

*Chad Dibble, Deputy Director, Ecosystem Conservation Division, Department of Fish and Wildlife*

#### IV. Perspectives: How Drought Impacts Regions Differently

*David Rabbit, 2<sup>nd</sup> District Supervisor, Sonoma County and Sonoma Water Director*

*Susana De Anda, Co-Executive Director and Co-Founder, Community Water Center*

*Doug Obegi, Senior Attorney, Water Program, Natural Resources Defense Council*

*Joe Del Bosque, Del Bosque Farms*

*Sandra Kerl, General Manager, San Diego County Water Authority*

#### V. Public Comment

**ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE**  
***Is California Ready for Another Drought?***  
**May 5, 2021**

The goal of this hearing is to review current hydrologic conditions and the actions the state is currently taking to respond to and prepare for ongoing drought conditions. Since regions, economic sectors, and the environment are affected by drought differently, the Committee will hear various perspectives from around the state to better understand the impacts of drought and what actions and investments the state should consider for immediate and long term drought resilience.

**Background**

Drought occurs when available water supplies do not meet social, economic, and environmental demands, resulting in adverse impacts to public health and safety, economic hardship, and environmental degradation. California is no stranger to drought – the paleoclimate and historical record shows many extended drought periods (2012-16 being the most recent and most severe). However, climate change is making drought more severe and exacerbating its impacts on the economy, fish and wildlife, and communities. Research published in April 2020 found that southwestern North America experienced a “megadrought” from 2000-2018 and that 46% of its severity was due to climate change.<sup>1</sup> Drought impacts regions of the state differently and a single dry year typically does not result in a drought for most Californians given the state’s extensive water storage and conveyance infrastructure as well as its groundwater resources.

**Current Hydrologic Conditions**

Nearly all of California is currently experiencing drought-like conditions for the second year in a row. Just past half way through the 2021 Water Year (October 1<sup>st</sup> through September 30<sup>th</sup>) and with the wettest months behind us, this water year is on track to be one of California’s driest. Cumulative precipitation levels in the Tulare, San Joaquin, and Northern Sierra regions are on track to be among the lowest on record (Table 1).

**Table 1: California cumulative daily/monthly precipitation for May 3, 2021.**

<b>Index</b>	<b>2020-21 Cumulative Daily Precipitation to Date (inches)</b>	<b>% of Average for May 3<sup>rd</sup></b>	<b>Average Cumulative Precipitation for Water Year, 1966-2015 (inches)</b>
Northern Sierra 8-Station Index	22.9	48%	51.8
San Joaquin 5-Station Index	18.2	49%	40.2



Tulare Basin 6-Station Index	9.6	36%	28.8
------------------------------	-----	-----	------

Source: Department of Water Resources.

The snowpack is a significant source of water for cities, farms, and the environment in California, as it melts and flows down California’s rivers. As of May 1<sup>st</sup>, snowpack is around one quarter of average across California (Table 2).

**Table 2: Current snowpack levels compared to average.**

Hydrologic Region	% of Average on April 1 <sup>st</sup>	% of Average on May 1 <sup>st</sup>
North Coast	29%	41%
Sacramento River	20%	27%
San Joaquin River	22%	27%
Tulare Lake	13%	16%
North Lahontan	28%	33%
South Lahontan	23%	26%

Source: Department of Water Resources.

California has over 1,000 reservoirs that capture and store water during the rainy months for use later in the season. At present, most reservoirs are holding much less water than average for this time of year (Table 3).

**Table 3: Select reservoir conditions, May 3, 2021**

Reservoir	River	Capacity Acre-feet (AF)	Current Storage (AF)	% of Capacity	Average Storage (AF)	% of Average for Date
Trinity Lake	Trinity	2,447,650	1,307,150	53	2,028,886	64
Sonoma Warm Springs	Russian	381,000	149,558	39	231,150	65
Shasta	Sacramento	4,552,000	2,270,516	50	3,921,360	58
Oroville	Feather	3,537,577	1,484,843	42	2,888,069	51
Folsom	American	977,000	362,981	37	38,326	49
New Melones	Stanislaus	2,400,000	1,452,963	61	1,506,671	96

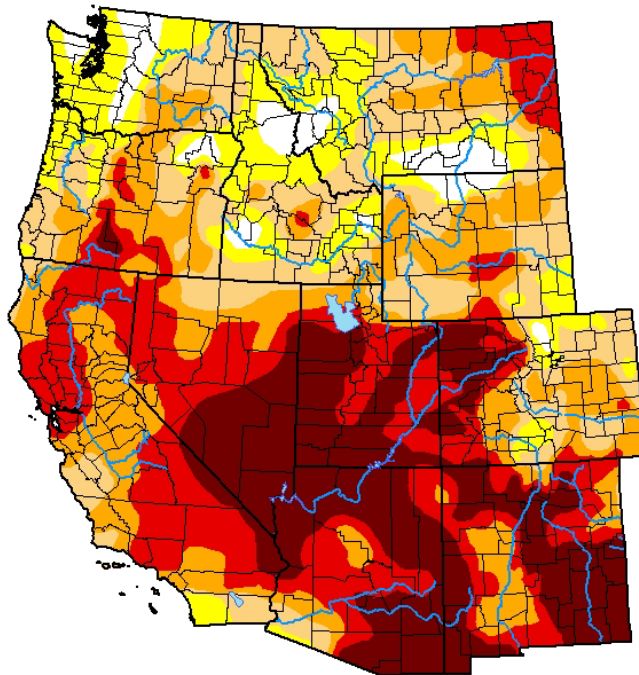
Don Pedro	Tuolumne	2,030,000	1,387,430	68	1,493,495	93
San Luis	San Luis Creek	2,041,000	1,020,249	50	1,801,885	57
Millerton (Friant)	San Joaquin	520,500	222,233	43	369,422	60
Pine Flat	Kings	1,000,000	339,689	34	623,748	54

Source: Department of Water Resources

While the focus of this hearing is on California, it is important to note that California is not alone when it comes to facing extremely dry conditions. According to the U.S. Drought Monitor, virtually all of the Southwestern United States is currently experiencing “moderate drought” to “exceptional drought” conditions. This is of concern to California because Southern California’s cities and suburbs receive roughly one-third of their water from the Colorado River.<sup>ii</sup> With Lake Mead at 38% of capacity, Arizona is expecting to cut back its draw on Colorado River supplies by 512,000 acre-feet (AF) in 2022 under the Drought Contingency Plan.<sup>iii</sup> Other Southwestern states, including California, may face cutbacks of their own in the coming years if drought conditions in the Colorado River Basin persist.

## U.S. Drought Monitor West

**April 27, 2021**  
(Released Thursday, Apr. 29, 2021)  
Valid 8 a.m. EDT



**Intensity:**

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

**Author:**

Richard Heim  
NCEI/NOAA



[droughtmonitor.unl.edu](https://droughtmonitor.unl.edu)

## **Governor Newsom’s Emergency Proclamation**

Due to the dry conditions, Governor Newsom declared a state of emergency for the Russian River watershed in Mendocino and Sonoma counties on April 20, 2021. The proclamation directs state agencies to take a variety of actions to prepare for and respond to dry conditions across California. It also provides the State Water Resources Control Board with authority to modify requirements for reservoir releases and to curtail water diversions in the Russian River watershed and exempts these actions from the California Environmental Quality Act. In addition, public contracting requirements will not apply to the procurement of services and equipment to respond to drought conditions in the Russian River watershed.

## **United States Department of Agriculture (USDA) Drought Designation**

On March 5, 2021, USDA Secretary Tom Vilsack used his authority to designate 50 California counties as “primary natural disaster areas” due to drought. This secretarial designation also applies to counties in Arizona, Nevada, and Oregon and makes farm operators in designated counties eligible to receive assistance from the Farm Services Agency, including emergency loans.

## **2021 Water Allocations**

Contractors to the State Water Project (SWP) and the Central Valley Project (CVP) are expecting to receive a fraction of their contracted supplies this year. SWP delivers water to urban and agricultural users in the Bay Area, Central Coast, San Joaquin Valley, and Southern California. On March 23, 2021, the SWP notified contractors that they would receive 5% of their allotted water this year (210,266 AF of a requested 4,172,786 AF). CVP is managed by the Bureau of Reclamation (BOR) and delivers water to farms and urban areas in the Central Valley and Bay Area. In February, BOR notified agricultural water service contractors north-of-Delta and south-of-Delta that they would receive 5% of their contracted supply. On March 23, BOR updated its allocation for south-of-Delta agricultural water contractors to 0% until further notice.

## **2012-16 Drought**

California’s most recent drought, the most severe on record, is barely in the rearview mirror as it experiences the current dry conditions. The 2012-16 drought was marked by near-record low precipitation levels (2014 was 3<sup>rd</sup> driest on record) over an extended period of time. Impacts were felt across the state. Many communities dependent on groundwater wells for supply saw their wells go dry due to increased pumping by farmers to make up for shortages in surface water. The state partnered with community organizations to provide emergency water supplies to many communities in the San Joaquin Valley so residents could meet their basic needs. Likewise, agriculture was hit very hard with an estimated 500,000 acres fallowed costing farmers \$1.8 billion and leading to the loss of 10,100 seasonal jobs.<sup>iv</sup> Fish and wildlife were also severely impacted by this drought. Less than 10% of Sacramento River Winter-Run Chinook Salmon survived in 2014 and 2015 and the Department of Fish and Wildlife had to take unprecedented actions to truck salmon smolts around the Delta. The impacts to salmon include commercial salmon, with notable declines in landings of salmon in 2016 and 2017 (impacts from loss of salmon fry are delayed in time due to the life cycle of salmon).

During the last drought, the state has taken unprecedented actions to respond to the last drought that should better prepare California for future droughts: the State Water Board use of new authorities to help consolidate small community water systems has made the affected communities' water supply cleaner and more reliable; the passage and implementation of the Sustainable Groundwater Management Act in 2014 will help to reverse land subsidence and ensure groundwater supplies are available during dry periods; and, urban water use has also become much more efficient after a call for a 20% reduction in use and the passage of SB 606 (Hertzberg) and AB 1668 (Friedman) in 2018 that set more aggressive targets for urban water use efficiency. These actions and more are detailed in the Administration's March 2021 "Report to the Legislature on the 2012-2016 Drought." This report can be found [here](#).

An important question for the Committee to review is whether the actions during the 2012-16 drought are sufficient.

---

<sup>i</sup> Williams, P., Cook, E., Smerdon, J., et al. (2020). Large contribution from anthropogenic warming to an emerging North American megadrought. *Science*, 368 (6488), 314-318. <http://science.sciencemag.org/content/368/6488/314>.

<sup>ii</sup> Public Policy Institute of California. (2018). *The Colorado River*. <https://www.ppic.org/publication/californias-water-the-colorado-river/>.

<sup>iii</sup> James, I. (2021, April). Facing a Colorado River shortage, Arizona prepares for the pain of water cutbacks. *Arizona Republic*. <https://www.azcentral.com/story/news/local/arizona-environment/2021/04/30/arizona-preparing-cutbacks-colorado-river-water-amid-drought/7401706002/>.

<sup>iv</sup> Howitt, R., MacEwan, D., Medellin-Azuara, J., et al. (2015). *Economic Analysis of the 2015 Drought for California Agriculture*. Davis (CA): UC Davis Center for Watershed Sciences. 31 pp. [https://watershed.ucdavis.edu/files/biblio/Final\\_Drought%20Report\\_08182015\\_Full\\_Report\\_WithAppendices.pdf](https://watershed.ucdavis.edu/files/biblio/Final_Drought%20Report_08182015_Full_Report_WithAppendices.pdf).



**Joint Informational Hearing  
Committee on Water, Parks, and Wildlife and Committee on Agriculture  
Eduardo Garcia and Robert Rivas, Chairs  
The Drought and Its Impact on California Agriculture**

**Monday, August 23, 2021  
30 minutes after adjournment of Session  
State Capitol, Assembly Chamber**

Welcome and Introduction

- Chair, Eduardo Garcia introduction and overview
- Chair, Robert Rivas
- Other Members

Panel 1: Overview of 2021 Drought and the State Response

- Jay Lund, Professor, UCD Center for Watershed Sciences
- Secretary Karen Ross, CDFA
- Joaquin Esquivel, Chair, State Water Resource Board

Panel 2: Drought Impact on Farmers and Ranchers

- Jennifer Beretta, Beretta Family Dairy – Santa Rosa
- Jeff Main, Good Humus Farm – Capay
- Daniel Hartwig, Woolf Farming Fresno
- Vicky Espinoza, UC Merced

Panel 3: Solutions and Where We Go From Here

- Cannon Michael - Bowles Farming Company, Los Banos
- Josué Medellín-Azuara, Professor, UC Merced

Public Comment

Closing remarks

ASSEMBLY COMMITTEES ON AGRICULTURE AND WATER, PARKS,  
AND WILDLIFE

*The Drought and Its Impact on California Agriculture*

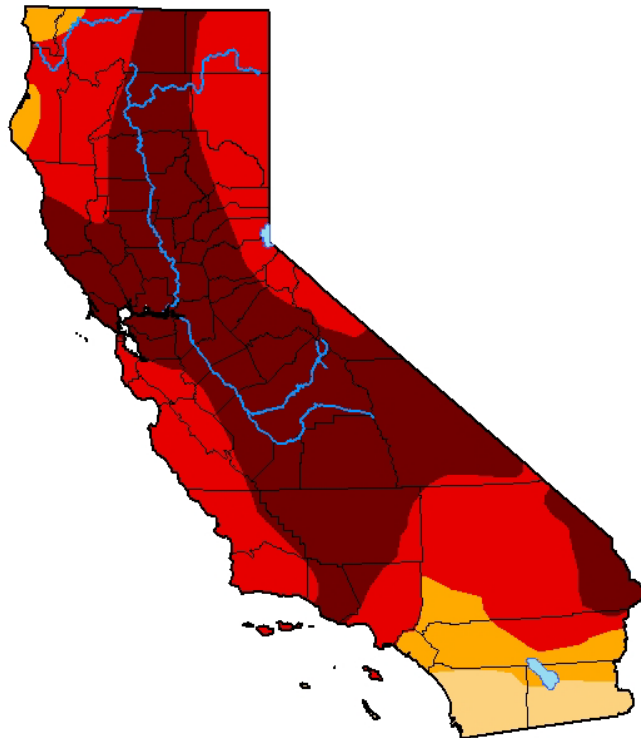
August 23, 2021

**Current Hydrologic Conditions**

Per the U.S. Drought Monitor, all of the state is currently experiencing drought conditions, roughly 85% of the state is experiencing “extreme drought,” and nearly 50% of the state is experiencing “exceptional drought”<sup>1</sup> conditions (see Figure 1).

**U.S. Drought Monitor  
California**

**August 17, 2021**  
(Released Thursday, Aug. 19, 2021)  
Valid 8 a.m. EDT



Intensity:

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

*The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>*

Author:

Curtis Riganti  
National Drought Mitigation Center



[droughtmonitor.unl.edu](https://droughtmonitor.unl.edu)

**Figure 1: U.S. Drought Monitor, Conditions for August 17, 2021.**

Cumulative precipitation levels in the Tulare, San Joaquin, and Northern Sierra regions are on track to be among the lowest on record (Table 1). The 2021 water year (the “water year” is October 1<sup>st</sup> through September 3<sup>st</sup>) will likely end up as California’s 3<sup>rd</sup> driest on record.

**Table 1: California cumulative daily/monthly precipitation for August 17, 2021.**

Index	2020-21 Cumulative Daily Precipitation to Date (inches)	% of Average for August 17 <sup>th</sup>	Average Cumulative Precipitation for Water Year, 1966-2015 (inches)
Northern Sierra 8-Station Index	23.2	46%	51.8
San Joaquin 5-Station Index	18.7	48%	40.2
Tulare Basin 6-Station Index	9.8	35%	28.8

Source: Department of Water Resources.

The snowpack is a significant source of water for cities, farms, and the environment in California as it melts and flows down California’s rivers. The June 1<sup>st</sup> “snow water content” is an important indicator of how wet or dry a year is. In an average year, there is still a fair amount of snow in California’s upper watersheds and it gradually melts through the end of June (and into early July in wet years), turning into runoff that augments California’s water supply. This year, the snowpack was effectively gone as of June 1<sup>st</sup> (Table 2) and over 685,000 acre-feet (AF) of anticipated runoff never occurred as that moisture either evaporated or was absorbed by dry soils.<sup>ii</sup>

**Table 2: June 1, 2021 statewide snow water content compared to average.**

Region	Average snow water equivalent (inches)	% of Average for June 1 <sup>st</sup>
Northern Sierra/Trinity	0.2	5%
Central Sierra	0	0%
Southern Sierra	0	0%
<b>Statewide</b>	<b>0.1</b>	<b>0%</b>

Source: Department of Water Resources.

California has over 1,000 reservoirs that capture and store water during the rainy months for use later in the season. At present, most reservoirs are holding much less water than average for this time of year and are well below their respective capacities (Table 3).

**Table 3: Select reservoir conditions, August 17, 2021**

<b>Reservoir</b>	<b>River</b>	<b>Capacity (AF)</b>	<b>Current Storage (AF)</b>	<b>% of Capacity</b>	<b>Average Storage for Date (AF)</b>	<b>% of Average for Date</b>
Trinity Lake	Trinity	2,447,650	919,596	38	1,875,991	49
Sonoma Warm Springs	Russian	381,000	118,751	31	209,765	57
Shasta	Sacramento	4,552,000	1,317,192	29	3,050,510	43
Oroville	Feather	3,537,577	824,257	23	2,444,101	34
Folsom	American	977,000	236,155	24	649,490	36
New Melones	Stanislaus	2,400,000	948,146	40	1,425,822	66
Don Pedro	Tuolumne	2,030,000	1,102,236	54	1,489,962	74
San Luis	San Luis Creek	2,041,000	332,960	16	925,049	36
Millerton (Friant)	San Joaquin	520,500	225,300	43	280,236	80
Pine Flat	Kings	1,000,000	199,649	20	441,311	45

Source: Department of Water Resources

While the focus of this hearing is on California, it is important to note that California is not alone when it comes to facing extremely dry conditions. According to the U.S. Drought Monitor, virtually all of the Southwestern United States is currently experiencing drought conditions. This is of concern to California because Southern California’s cities and suburbs receive roughly one-third of their water from the Colorado River.<sup>iii</sup> The Bureau of Reclamation announced on August 16, 2021, the first ever shortage on the Colorado River. This determination will result in cutbacks to the water supply for Arizona, Nevada, and Mexico.<sup>iv</sup> These states, as well as other Southwestern states, including California, may face additional cutbacks if drought conditions in the Colorado River Basin persist.

### **Governor Newsom’s Emergency Proclamation**

Due to the dry conditions, Governor Newsom declared a state of emergency for the Russian River watershed in Mendocino and Sonoma counties on April 20, 2021. On May 10, 2021, the Governor expanded the proclamation to cover an additional 39 counties in the Klamath,



Sacramento-San Joaquin Delta, and Tulare Lake watersheds. The proclamation allows for waiver of the California Environmental Quality Act and public contracting law requirements for drought response actions.

## **2021 Water Allocations**

Contractors to the State Water Project (SWP) and the Central Valley Project (CVP) are expecting to receive a fraction of their contracted supplies this year. On March 23, 2021, the SWP notified contractors that they would receive 5% of their allotted water this year (210,266 AF of a requested 4,172,786 AF). CVP is managed by the Bureau of Reclamation (Reclamation) and delivers water to farms and urban areas in the Central Valley and Bay Area. In February, Reclamation notified agricultural water service contractors north-of-Delta and south-of-Delta that they would receive 5% of their contracted supply. On March 23<sup>rd</sup>, Reclamation stated that the 5% allocation for south of Delta contractors would not be available until further notice. Reclamation indicated in March that CVP contractors would still receive approximately 3.9 million AF in 2021 (out of 9.5 million AF under contract), with roughly 80% of planned water deliveries by Reclamation in 2021 for agriculture (see <https://www.usbr.gov/mp/cvp-water/docs/cvp-allocation.pdf>).

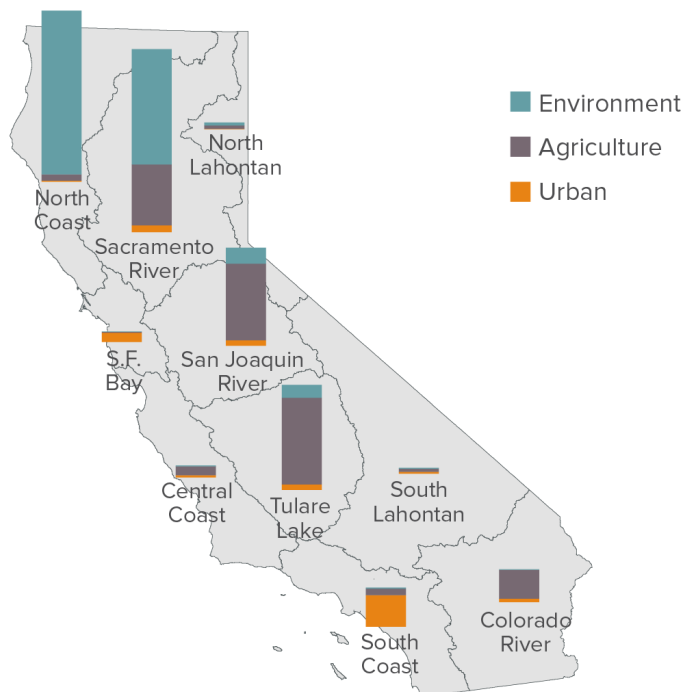
## **Impact on the Agriculture Sector**

Agriculture is a significant sector in California's economy, producing around \$50 billion in revenue in 2019. There are more than 400 commodity crops grown across California, including a significant portion of all fruits, vegetables, and nuts for the United States. In 2019, there were 69,900 unique farms and ranches in the state, operating across 24.3 million acres of land. The average farm size was 348 acres, significantly less than the average farm size in the U.S. of 444 acres.

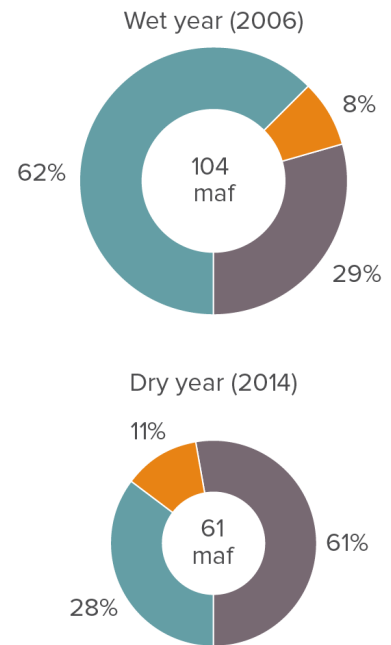
Of California's approximately 100 million acres of land, 24.3 million acres are used for agriculture. Of this, 14 million acres are grazing land. About 9 million acres of irrigated land or one-third of the state's cropland, are considered to be prime, unique or of statewide importance.

In an average year, about 40% of California's water consumption, or approximately 34.1 million AF, is used for agricultural purposes. However, the exact proportion of total water usage for agriculture can vary widely between 'wet' and 'dry' years. In wet years, agriculture is responsible for closer to 30% of total water consumption and in dry years, agriculture is responsible for closer to 60% of total water consumption. Water for agriculture is used to irrigate more than 9 million acres of cropland annually.

Average annual applied water use (1998–2015)



Statewide applied water use, millions of acre-feet (maf)



Source: Department of Water Resources, *California Water Plan Update 2018 (Public Review Draft)*.

Water for agriculture comes from two primary sources: surface water and groundwater. Surface waters include natural lakes, rivers, and streams, as well as a large network of reservoirs and a complex distribution system of aqueducts and canals that carry water from the location of the source to the agricultural users. Groundwater aquifers range in depth and accessibility across the state, and historically have been used to supplement surface water supplies in dry years.

UC Davis’s Center for Watershed Science estimated the cost of the drought in 2015 had “*Direct agricultural costs of drought will be about \$1.84 billion and 10,100 direct seasonal jobs. When multiplier effects are considered, losses to all economic sectors will be as high as \$2.74 billion and nearly 21,000 total jobs*”. That is roughly a 3.9% economic impact across the agriculture sector. The vast majority of the 2015 economic impact fell on the Central Valley.

The agricultural sector experienced a decrease in water deliveries and a corresponding decline in production. Farmers and ranchers, however, were able to moderate the drought’s impacts somewhat by pumping groundwater.

Currently 47.1% of the state is in “Exceptional Drought”, compared to 2014 when 58.41% of California land was affected. Areas under Exceptional Drought range from Shasta County in the north to Kern County in the south, along with a large portion of the north coast (Marin, Sonoma, Napa, Lake and Mendocino counties). Exceptional Drought can have the following results:

- Fields are left fallow; orchards are removed; vegetable yields are low; honey harvest is small
- Fire season is very costly; number of fires and area burned are extensive

- Fish rescue and relocation begins; pine beetle infestation occurs; forest mortality is high; wetlands dry up; survival of native plants and animals is low; fewer wildflowers bloom; wildlife death is widespread; algae blooms appear.

The PPIC Water Policy Center stated in a May 2019 report, *California needs to adapt to increasing drought intensity. Agriculture relies heavily on groundwater during droughts, particularly in the Central Valley, but more sustainable groundwater management is needed to maintain this key drought reserve. An increase in tree and vine crops, which need to be watered every year, is making farming more vulnerable to water shortages. State law [the Sustainable Groundwater Management Act (SGMA)] now requires water users to bring their groundwater basins into long-term balance by the early 2040s. This will likely require farm water use to fall in regions that have been over-pumping, including the southern Central Valley and the Central Coast. In urban areas, the greatest potential for further water savings lies in long-term reductions in landscape irrigation—a shift requiring changes in plantings and watering habits. Finally, state and federal regulators will need new approaches to reduce harm to fish and wildlife during increasingly intense droughts. This will require better drought planning, investments in new habitat, and setting aside water during wet years for ecosystem uses in dry years.*

---

<sup>i</sup> The U.S. Drought Monitor uses various indicators to determine an “exceptional drought.” Possible impacts include “exceptional and widespread crop/pasture losses” and “shortages of water in reservoirs, streams, and wells creating water emergencies.” <https://droughtmonitor.unl.edu/About/AbouttheData/DroughtClassification.aspx>.

<sup>ii</sup> Rogers, P. (2021 June). Vanishing snowpack runoff stuns California water managers. *Bay Area News Group*. <https://www.marinij.com/2021/06/24/where-did-sierra-snow-go-this-spring-not-into-california-rivers-and-water-supplies/>.

<sup>iii</sup> Public Policy Institute of California. (2018). *The Colorado River*. <https://www.ppic.org/publication/californias-water-the-colorado-river/>.

<sup>iv</sup> <https://www.usbr.gov/newsroom/index.html#/news-release/3950>

ASSEMBLY COMMITTEE ON  
**WATER, PARKS, AND WILDLIFE**

REBECCA BAUER-KAHAN  
CHAIR

**AGENDA**

9:00 AM, February 15, 2022

State Capitol, Room 4202

**INFORMATIONAL HEARING**

***What's up down below? An update on Sustainable Groundwater Management Act (SGMA) implementation***

**I. Opening Remarks**

*Assemblymember Rebecca Bauer-Kahan, Chair, Assembly Water, Parks, and Wildlife Committee*

*Assemblymember Cecilia Aguiar-Curry, Chair, Assembly Local Government Committee*

**II. Sustainable Groundwater Management Act (SGMA) 101**

*Fran Pavley, former State Senator*

*Roger Dickinson, former Assemblymember*

**III. SGMA implementation status/the good and bad in groundwater sustainability plans (GSP)**

*Paul Gosselin, Deputy Director, Sustainable Groundwater Management Program, Department of Water Resources*

*James Nachbaur, Director, Office of Research, Planning and Performance, State Water Resources Control Board*

*Natalie Stork, Senior Engineering Geologist, Office of Research, Planning and Performance, State Water Resources Control Board*

*Ellen Hanak, Public Policy Institute of California*

**IV. SGMA on-the-ground: Local agency perspective on governance and implementation**

*Sierra Ryan, Water Resources Manager, Santa Cruz County*

*Valerie Kincaid, Partner, Parris, Kincaid and Wasiewski LLP, representing Kern Groundwater Authority*

*David Morrison, Director of Planning, Building, and Environmental Services, Napa County*

**V. Public Comment**

**COMMITTEES ON WATER, PARKS, AND WILDLIFE  
AND  
LOCAL GOVERNMENT**

**BAUER-KAHAN, AGUIAR-CURRY, Chairs**

**JOINT INFORMATIONAL HEARING**

Tuesday, February 15, 2022  
9:00 am – State Capitol, Room 4202

***What's up down below? An update on Sustainable Groundwater  
Management Act (SGMA) implementation***

**What is groundwater?**

Groundwater is water found beneath the land surface in pores and fractures in materials such as rock, gravel, or sand. Underground areas where groundwater flows naturally out of rock materials or where groundwater can be removed by pumping are referred to as aquifers.

According to the Department of Water Resources (DWR), groundwater provides nearly 40% of California's water supply in an average year and 60% in drought years. For much of California's history, there was no statewide mandate for the management of groundwater. This led to significant over-pumping (or "overdraft") of groundwater in many regions of the state that resulted in land subsidence that compromised infrastructure, dewatered rivers and streams, led to seawater intrusion in coastal areas, and dried out domestic and agricultural groundwater wells, among other adverse impacts.

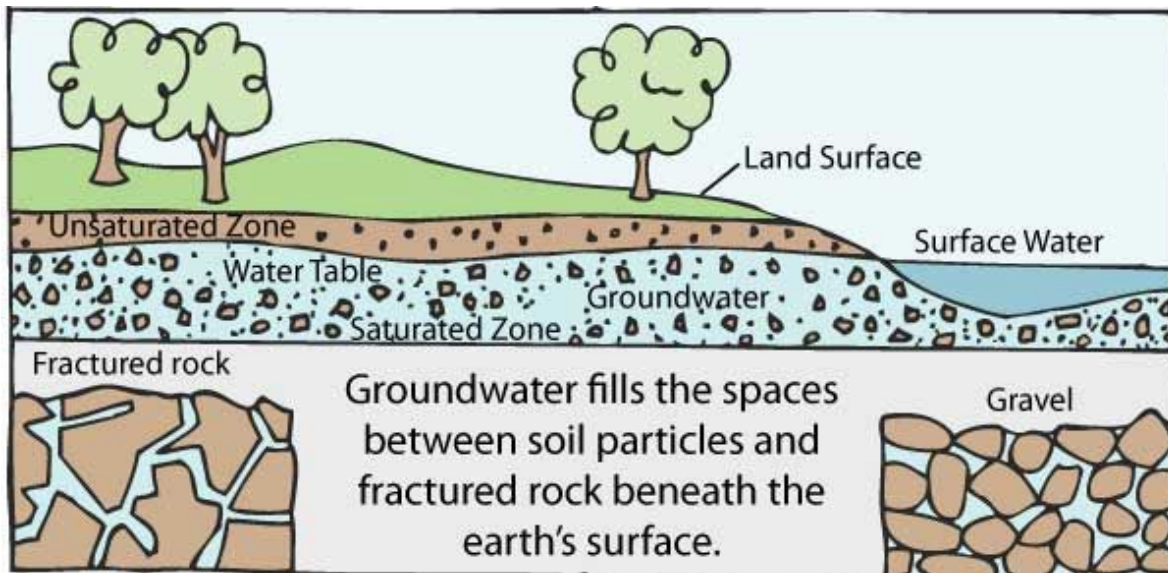


Figure 1. Groundwater illustration. Source: Groundwater Foundation, accessed at [groundwater.org](http://groundwater.org) on February 7, 2022.

## **The Sustainable Groundwater Management Act (SGMA)**

In the midst of the 2012-16 drought, California's most severe on record, the Legislature passed SGMA to reverse the adverse impacts caused by groundwater overdraft and to protect this important resource for future use by California's economy, communities, and ecosystems. An over-arching principle of SGMA is local control; the stated legislative intent is "to manage groundwater basins through the actions of local government agencies to the greatest extent feasible, while minimizing state intervention to only when necessary to ensure that local agencies manage groundwater in a sustainable manner" [Water Code, Section 10720.1(i)]. Thus, SGMA requires local agencies in groundwater basins designated as medium- or high-priority by the Department of Water Resources (DWR) to form a groundwater sustainability agency (GSA) and develop a groundwater sustainability plan (GSP) to achieve sustainable groundwater management within a 20-year time frame (see attached "Statewide Map of Current SGMA Basin Prioritization"). SGMA permits multiple GSAs and GSPs in a basin so long as the GSAs enter into a "coordination agreement" so that GSPs are consistent and the basin is jointly managed.

GSAs achieve "sustainable management" by avoiding any of six "undesirable results:" 1) chronic lowering of groundwater levels; 2) reduction of groundwater storage; 3) seawater intrusion; 4) degraded water quality; 5) land subsidence; and 6) depletions of interconnected surface waters. "Undesirable results" must also be "significant and unreasonable" in order to violate the standard of sustainable management.

"Medium" and "high" priority basins must comply with SGMA's requirements to form a GSA and develop a GSP. The twenty-one groundwater basins designated as being in a condition of critical overdraft were required to develop GSPs and submit them to DWR for review by January 31, 2020. The remaining medium- and high-priority groundwater basins had until January 31, 2022 to submit GSPs to DWR for review. Basins that were already actively managing their groundwater resources at the time of SGMA's passage were permitted to submit an "alternative" plan to DWR for review to ensure the plan met the objectives of SGMA. Basins desiring to submit an alternative had to do so by January 1, 2017. Ten basins submitted alternatives and nine have been approved. Twenty-nine basins that were already "adjudicated" or in the process of being "adjudicated" are not required to form a GSA or develop a GSP. ("Adjudicated" basins are those where a court has issued a decree to determine the rights of water users and designated a water manager for the basin to resolve legal disputes over water rights.)

DWR reviews the GSPs and determines whether a GSP is "approved," "incomplete," or "inadequate." Approved basins may implement their plans, subject to periodic state review; "incomplete" basins have six months to correct deficiencies identified by DWR; and "inadequate" basins are referred to the State Water Resources Control Board for possible designation as a "probationary" basin subject to state management (or "state intervention").

### **Groundwater basins and prioritization**

Out of the 515 groundwater basins identified by DWR in [Bulletin 118](#), 94 basins must comply with SGMA. DWR's categorization of each basin as "high," "medium," "low," or "very low" priority is based

on specified criteria including population, rate of population growth, and number of wells (see Water Code Section 10933). SGMA also required DWR to identify critically overdrafted basins. This evaluation was completed in 2016 and determined that 21 basins are also critically overdrafted (see attached “California’s Critically Overdrafted Groundwater Basins” map).

DWR’s most current basin prioritization was completed in September 2019 resulting in the following (see attached “Statewide Map of Current SGMA Basin Prioritization”):

- 46 basins as high priority (20 of these are also critically overdrafted basins)
- 48 basins as medium priority
- 11 basins as low priority
- 410 basins as very low priority (1 of these is also a critically overdrafted basin)

**Current status of SGMA implementation**

The GSP submittal deadline for critically overdrafted basins was January 31, 2020, and DWR issued applicable determinations before January 31, 2022. For high- and medium-priority basins, the GSP submittal deadline for these basins was January 31, 2022. DWR has up to two years to review these GSPs and issue a determination.

**Table 1 – Current SGMA implementation status by basin prioritization**

<i>Basin categorization</i>	<i>Total # basins</i>	<i>Basins w/ approved GSPs</i>	<i>Basins w/ incomplete GSPs</i>	<i>Basins w/ GSPs under review</i>	<i>Adjudicated or pending adjudication</i>	<i>Alternative submittal approved</i>
Critically overdrafted*	21	5	12	1**	2	1
High and Medium	74	3	0	59	1	8
Low	11	n/a	n/a	1	n/a	n/a
Very low	409	n/a	n/a	4	n/a	n/a

\*See Table 2, Critically Overdrafted Basins – Summary of Groundwater Sustainability Plan Status, for more detail.

\*\* Madera subbasin is still “review in progress” because the seven GSAs in the subbasin did not initially enter a coordination agreement; this was done in October 2020 and DWR will issue a determination by October 2022.

**Challenges/Issues**

DWR has identified a number of deficiencies in the GSPs submitted for critically overdrafted basins and has determined that a dozen of them are “incomplete” and must be corrected. Some of the common deficiencies common are discussed below.

*Governance:* Basins with multiple GSPs and/or GSAs must coordinate management pursuant to a coordination agreement that covers the entire basin and ensures that GSAs, at a minimum, use the same data and methodology, have a coordinated water budget, define a sustainable yield for the basin, and have consistent definitions of undesirable results in the basin. DWR has found that many basins

with multiple GSAs and GSPs are not meeting these requirements. One example is the San Joaquin Valley – Delta-Mendota Subbasin, where six separate GSPs were prepared by 23 GSAs pursuant to the required coordination agreement. DWR, in its GSP Assessment Staff Report for the Subbasin wrote:

The Plan makes general statements that the collection and presentation of data are coordinated throughout the Subbasin, but the Plan lacks detail and confirmation that the six GSPs not only consider the other GSPs within and adjacent to the Subbasin but have addressed the regulatory aspects of SGMA in a manner that substantially complies with the GSP Regulations. A statement that the GSPs are coordinated without accompanying explanation is not sufficient coordination. Department staff find that the Plan for the Subbasin does not utilize same data and methodologies to support the various water budget, change in storage, and sustainable yield approaches; therefore, it is unclear how the GSAs will reach, let alone track, sustainability throughout the Subbasin in a coordinated manner.

*Domestic Wells:* In California, groundwater is a primary source of drinking water. The problem of groundwater basin overdraft, which can cause shallow wells to run dry, is particularly acute during droughts as surface water supplies are limited. This especially affects domestic wells and small community wells, which tend to be shallower than those used for irrigation or large urban water systems. During the 2012–16 drought, 2,600 well-dependent households reported water shortages across the state; almost 80 percent of these were in the San Joaquin Valley. Some GSPs set water level thresholds to protect domestic wells from going dry, some other plans acknowledge that their thresholds might cause some wells to go dry, and they already have a mitigation program in place or propose considering mitigation in the future, and plans in other basins either do not discuss the potential impacts their thresholds have on domestic wells or do not consider these impacts to merit action.

*Land subsidence:* Overdrafting groundwater can cause the ground to sink thereby adversely impacting surface land uses such as infrastructure and buildings. In its review of several GSPs, DWR notes that many GSPs' approach to monitoring and avoiding land subsidence is inadequate. Issues related to land subsidence noted by DWR include: use of disparate information to set thresholds for land subsidence, insufficient information to support a threshold for monitoring land subsidence, and/or insufficient information to determine effects of land subsidence.

*Water quality:* As groundwater is pumped out of aquifers, any contaminants that remain can become more concentrated. This may result in the degradation of the quality of groundwater quality so that it no longer meets water quality standards. For many (incomplete) basins, DWR finds that the GSPs do not adequately examine existing water quality, do not adequately explain why specified thresholds were chosen, and/or do not provide sufficient evidence to justify approaches identified to avoid degradation of groundwater quality.



*Depletions of interconnected surface waters:* In many cases, groundwater pumping can have impacts on rivers and streams on the land surface. This is because oftentimes, surface and groundwater are hydrologically connected (pre-settlement, this was the case for virtually all streams and rivers in California). Because of the potential impact groundwater pumping can have on surface water rights or fish and wildlife, this is an important undesirable result under SGMA. In its review of the GSPs for several critically overdrafted basins, DWR finds that GSPs do not set criteria to monitor and avoid depletions of interconnected surface waters or stipulate that it is not an issue in the basin with little to no evidence to support such an assertion.

### **What is next in SGMA implementation?**

Basins with adequate GSPs will continue implementing their GSPs. Basins that are “incomplete” have six months to correct deficiencies identified by DWR (generally, until late July 2022) and must resubmit a corrected GSP to DWR for further review. Once DWR completes its review of resubmitted GSPs (SGMA does not specify a time frame for this additional review, though DWR informs the committee this will likely be complete by Fall 2022), DWR will issue a final determination. “Adequate” basins will be able to move forward with implementation; “inadequate” basins will be referred to the State Water Resources Control Board for potential designation as a “probationary” basin that could involve the State Water Board taking over management of the basin on an interim basis.

DWR has begun review of the recently submitted GSPs for the remaining “high” and “medium” basins; this review must be completed by January 31, 2024.

**Assembly Water, Parks, and Wildlife Committee**

**AGENDA**

Tuesday, March 22, 2022

Upon Adjournment of the 9:00 a.m. Water, Parks, and Wildlife Hearing  
State Capitol, Room 444

**INFORMATIONAL HEARING**

**SUBJECT: California's 30x30 Initiative**

**I. Opening Remarks**

*Assemblymember Rebecca Bauer-Kahan, Chair, Assembly Water, Parks, and Wildlife Committee*

**II. Overview of Draft Pathways to 30x30 Strategy**

*Jennifer Norris, Ph.D., Deputy Secretary for Biodiversity and Habitat, California Natural Resources Agency*

*Mark Gold, D.Env., Deputy Secretary for Oceans and Coastal Policy, California Natural Resources Agency, and Director of the Ocean Protection Council*

**III. Public Comment**

# COMMITTEE ON WATER, PARKS, AND WILDLIFE

BAUER-KAHAN, Chair

## INFORMATIONAL HEARING

Tuesday, March 22, 2022

Upon Adjournment of 9:00 am Hearing – State Capitol, Room 444

### *California's 30x30 Initiative*

***Terrestrial and freshwater biodiversity.*** California is a priority area for conservation due to its remarkable biodiversity and significant threats to its habitats and endemic species – species that are found only in a limited, restricted, and defined area or habitat, with no traces of its populations in any other part of the world. The state has the highest number of native and endemic plant species of any U.S. state<sup>1</sup> and is recognized as one of 36 global hotspots for plant diversity.<sup>2</sup> The state's natural and working lands provide habitat for approximately 650 bird species, 220 mammals, 100 reptiles, 75 amphibians, 70 freshwater fish, 100 marine fish and mammals, and 6,500 taxa of native plants.<sup>3</sup> Climate change, land conversion, habitat fragmentation, invasive species, and pests threaten this biodiversity. For example, the state has already lost around 90 percent of its historical wetlands due primarily to habitat destruction.<sup>4</sup>

In 2018, the state launched the California Biodiversity Initiative, establishing multiple goals related to the future of the state's biodiversity.<sup>5</sup> This included a goal to secure all California ecosystem types under a framework that would be consistent with global commitments under the Convention on Biological Diversity (CBD), including to protect 20 percent of terrestrial, freshwater, coastal, and marine ecosystems. The 2018-19 budget included \$2.5 million to launch the initiative. Implementation occurs alongside of and in coordination with other efforts, including the 2015 State Wildlife Action Plan, which details regional conservation strategies for the state's terrestrial, freshwater aquatic, and marine resources. Other state efforts to support and protect biodiversity include:

- Executive Order B-54-18, which directed the Department of Fish and Wildlife (DFW) and the California Department of Food and Agriculture to partner in protecting California's native vegetation and animals while restoring and protecting habitat;<sup>6</sup>
- The California Essential Habitat Connectivity Project, which identified large blocks of remaining, intact habitat and natural landscapes, and modeled linkages between them that need to be maintained, particularly as wildlife corridors;
- The Natural Community Conservation Planning (NCCP) program, which takes an ecosystem approach to planning for the protection and perpetuation of biological diversity. There are 17

---

<sup>1</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109107>

<sup>2</sup> <https://www.nps.gov/goga/learn/management/upload/-1214-HOTSPOT-California-On-The-Edge-1.pdf>;  
<https://www.cepf.net/our-work/biodiversity-hotspots/hotspots-defined>

<sup>3</sup> <https://www.californiabiodiversityinitiative.org/pdf/california-biodiversity-action-plan.pdf>

<sup>4</sup> [https://mywaterquality.ca.gov/eco\\_health/wetlands/](https://mywaterquality.ca.gov/eco_health/wetlands/)

<sup>5</sup> <https://www.californiabiodiversityinitiative.org/>

<sup>6</sup> <https://www.californiabiodiversityinitiative.org/pdf/executive-order-b-54-18.pdf>

approved NCCPs and more than nine in various stages of planning that cover more than eight million acres and nearly 400 special status species;

- The Regional Conservation Investment Strategies (RCIS) program, which encourages a voluntary, non-regulatory regional planning process. This program includes regional conservation assessments and mitigation credit agreements; and
- The California Biodiversity Council, which seeks to improve coordination and cooperation between the various resource management and environmental protection organizations at federal, state, and local levels.

***Ocean and coastal biodiversity.*** California is home to one of the most diverse coastal and ocean ecosystems in the world. Yet, climate change and other stressors threaten these ecosystems. Warmer water temperatures, disease, invasive species, and the collapse of sea star populations has placed California's North Coast kelp forests in a state of emergency, with South Coast kelp struggling as well. Ocean acidification and hypoxia (lack of oxygen) impede biomass production and impact species composition. Other stressors include pollution and habitat loss.

California has taken various actions to protect the state's ocean and coastal resources. In 2012, the state completed a science-based, stakeholder-driven process to designate 124 marine protected areas (MPAs) that cover 16 percent of state waters. The network provides varying levels of protection, with some reserves prohibiting all "take." The Ocean Protection Council (OPC) adopted the 2020-2025 Strategic Plan to Protect California's Coast and Ocean, which noted the need to significantly increase and strengthen targets for marine protection, halt and reverse species decline, and revive ecosystem services. The plan adopted a goal to enhance coastal and marine biodiversity, including targets to: (1) protect, restore, or create 10,000 acres of coastal wetlands by 2025; (2) increase the acreage of coastal wetlands in California by 20 percent by 2030 and 50 percent by 2040; and (3) preserve 15,000 acres of seagrass beds and create an additional 1,000 acres by 2025. The OPC also intends to assess MPA performance and capacity to provide ecosystem resilience.

***Conservation in California.*** California has established a number of programs and agencies, such as the state's conservancies and the Wildlife Conservation Board, that acquire land as a natural resource to be held as a public trust. Most of the state-owned wildlands – undeveloped and noncultivated property – are primarily under the control of the DFW, the Department of Parks and Recreation, and the Department of Forestry and Fire Protection.

In some cases, improvements are made to the land in order to afford public access or recreational opportunities. In other cases, degraded land is restored in order to create habitat which supports wildlife. In still other cases, the land is simply held undisturbed in order to insulate it from development pressures. The common goal underlying these actions is the protection of land through public ownership.

A tool for protecting the ocean waters of the state is the MPA network described above. The Marine Life Protection Act of 1999 directed the state to redesign California's system of MPAs to function as a network in order to increase coherence and effectiveness in protecting the state's marine life and habitats, marine ecosystems, and marine natural heritage.

***Global, national, and state efforts.*** There is broad consensus within the scientific community that we are in the midst of a sixth mass extinction that, like climate change, is human-caused and threatens

humanity's survival.<sup>7</sup> Scientists and governments have put forth a call to action to protect 30 percent of the earth's ocean, land, and water resources by 2030 (the 30x30 goal), with a recent IPCC report noting that conserving half by 2050 or sooner (also known as a 50x50 goal) may be necessary to restore the ability of natural ecosystems to cope with the damage wreaked on them.<sup>8</sup> World leaders plan to meet in China in 2022 at the CBD 15th Conference of Parties with the intention of adopting a 30x30 goal.<sup>9</sup>

At the federal level, the House Select Committee on the Climate Crisis released a report in June 2020 recommending Congress establish a 30x30 goal for U.S. lands and ocean areas, prioritizing lands and waters with high ecological, biodiversity, and carbon sequestration value.<sup>10</sup> The report also recommends Congress develop and fund initiatives to ensure equitable access to natural spaces for individuals in environmental justice communities.

California became the first state to commit to protecting 30 percent of its land and water by the end of the decade. Executive Order N-82-20, issued by Governor Newsom in October 2020, establishes the goal of protecting thirty percent of California's lands and waters by 2030. To further this goal, the Executive Order directed the California Natural Resources Agency (CNRA) and other relevant state agencies, in consultation with the California Biodiversity Collaborative, to develop and report strategies to the Governor no later than February 1, 2022. The executive order requires that these strategies protect and restore biodiversity and enable enduring conservation measures on a broad range of landscapes, among other things.

President Biden issued Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (January 27, 2021),<sup>11</sup> that included tasking the Secretary of the Interior, in consultation with the Secretary of Agriculture, the Secretary of Commerce, the Chair of the Council on Environmental Quality, and the heads of other relevant agencies, to submit a report (released in May 2021<sup>12</sup>) to the National Climate Task Force recommending steps that the United States should take, working with state, local, Tribal, and territorial governments, agricultural and forest landowners, fishermen, and other key stakeholders, to achieve the goal of conserving at least 30 percent of U.S. lands and waters by 2030.

Nevada's legislature passed a 30x30 resolution in May 2021. South Carolina, New York, and Michigan have 30x30 legislation in process. Hawaii committed in 2016 to effectively manage 30 percent of its marine environment by 2030. Maine's Climate Action Plan, established by the Governor's office, includes a commitment to 30x30.

***Pathways to 30x30 strategy.*** As required by Governor Newsom's Executive Order, California's Draft Pathways to 30x30 Strategy was released on December 15, 2021.<sup>13</sup> The Pathways to 30x30 Strategy is

---

<sup>7</sup> <https://www.pnas.org/doi/10.1073/pnas.1922686117>

<sup>8</sup> <https://www.theguardian.com/environment/2022/feb/28/ipcc-issues-bleakest-warning-yet-impacts-climate-breakdown>

<sup>9</sup> <https://www.cbd.int/article/draft-1-global-biodiversity-framework>

<sup>10</sup> <https://climatecrisis.house.gov/report>

<sup>11</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

<sup>12</sup> <https://www.doi.gov/priorities/america-the-beautiful>

<sup>13</sup> <https://www.californianature.ca.gov/pages/30x30>

intended to set California on the path to successfully implement the 30x30 conservation goal. The strategy:

- Describes the key objectives and core commitments that are a part of California’s 30x30 conservation framework.
- Defines conservation for the purpose of California’s 30x30 initiative and establishes a current baseline of conserved areas.
- Outlines strategic actions necessary to achieve the 30x30 target.
- Introduces CA Nature, a suite of publicly available applications to identify conservation opportunities and track collective progress.

For the purpose of California’s 30x30 initiative, “conserved” is defined as land and coastal water areas that are durably protected and managed to support functional ecosystems, both intact and restored, and the species that rely on them. The draft strategy estimates that 24 percent of California’s lands and 16 percent of its coastal waters are already conserved. To reach the 30x30 target, California will need to conserve an additional 6 million acres of lands and a half million acres of coastal waters by 2030.

Stakeholders and members of the public were able to provide written feedback on the draft strategy through February 15, 2022. A final version of the strategy that incorporates public input is anticipated in the coming months.

***Policy considerations: Priorities and direction.*** Conserving an additional 6 million acres of lands and a half million acres of coastal waters by 2030 may be an ambitious goal when compared to the pace and scale of conservation in California in the preceding decades. While it is important for California to address the biodiversity and climate crises, it is unclear how much the implementation of the 30x30 goal will change the status quo. Much of the success of 30x30 will depend on the priorities that shape which lands and waters are conserved. The 30x30 goal could serve as a call to action to bring the various stakeholders together under a common banner to increase the pace and scale of conservation. It could also set up some contentious fights in pursuit of new protections and, depending on how the 30x30 goal is implemented, may lead to litigation.

To date, the Legislature has not provided direction, priorities, or expectations to the state on how to achieve the goals of 30x30. AB 3030 (Kalra, 2020) would have established new land, water, and ocean protection goals, including to protect 30 percent of the state’s land areas and water by 2030. AB 3030 was held in Senate Appropriations Committee.

**Engagement.** The CNRA accepted public input while developing the draft strategy, including early formal government to government consultations with California Native American tribes.<sup>14</sup> Public input was then accepted on the draft strategy. In general, supporters of the 30x30 policy argue that it elevates the importance of conservation within state, regional, and local planning processes and decision-making around policies, funding, programs, and projects. Also, it is consistent with the administration’s natural resources priorities related to biodiversity and making access to nature and parks more equitable.

---

<sup>14</sup> <https://www.californianature.ca.gov/pages/faqs#publicengagement>

Opponents argue that the implementation of the 30x30 goal could impact access and opportunities for recreational fishing and hunting, and commercial fishing. For example, from the perspective of commercial fishers, the state could determine that existing marine protections are insufficient and require new limits or restrictions on, or outright closures of, existing fisheries to achieve the 30x30 goal. It is important to note that taking action to restrict access to commercial fisheries would require additional action, some of which would involve legislation.

**Funding.** A sustainable source of funding will be needed to implement 30x30. Typically, the state has relied on bond funding to protect, conserve, restore, and enhance natural resources. While some funding from prior bonds remains, the Legislature has declined in recent years to advance multi-billion dollar bond measures to the ballot [*e.g.* AB 352 and AB 1298 (2019); SB45 and AB 3256 (2020); SB 45, AB 125, and AB 1500 (2021)]. Voters rejected Proposition 3, an initiative bond measure, in 2018, which included funding for water-related infrastructure and environmental projects. AB 2387, a \$7.43 billion climate adaptation bond, is currently pending in the Assembly Water, Parks and Wildlife Committee.

The Greenhouse Gas Reduction Fund (GGRF) has also provided substantial funding for these purposes, but new revenues to this fund declined sharply in early 2020.<sup>15</sup> Revenues have rebounded, but GGRF proceeds are utilized for many other priorities. California's natural and working lands are eligible for funding under GGRF because they provide a variety of ecosystem services including important opportunities for climate mitigation that reduce greenhouse gas emissions from wildfire and land conversion, and store carbon in biomass and soils.

The 2021-2022 budget includes \$3.69 billion General Fund over three years to support investments that address the state's multi-faceted climate risks. Of that allocation, \$768 million one-time General Fund was set aside for the 2022-2023 and 2023-2024 budget years to support implementation of the state's Natural and Working Lands Climate Smart Strategy and 30x30 Pathways strategy. The administration has said that a proposed budget with more detail will be released in Spring 2022.

Supporters argue that adopting the 30x30 goal better positions conservation entities to attract and secure non-state sources of funding, such as philanthropic funding or the federal Land and Water Conservation Fund (LWCF). Congress permanently reauthorized the LWCF under the Great American Outdoors Act (2020) with \$900 million set aside annually for conservation purposes.

Even with funding set aside for conserving more land and water, the ongoing operations and maintenance costs for these conserved lands and waters will need to be addressed as well. Bond funding typically cannot be utilized for operations and maintenance. In addition, there are existing deferred maintenance and land management needs at many state owned properties which also require funding.

---

<sup>15</sup> <https://www.caclimateinvestments.ca.gov/about-cci>

**A Joint Informational Hearing of the Assembly Water, Parks, and Wildlife Committee and  
Select Committee on Native American Affairs:  
Water is Life: Addressing California Tribal Water Issues**

**August 9, 2022  
9:30 AM to 12:30 PM  
Capitol Annex Swing Space, Room 1100  
1021 O Street Sacramento CA 95814**

**Land Acknowledgement and**

- Assemblymember James C. Ramos, Chair, Assembly Select Committee on Native American Affairs

**Opening Statements**

- Assembly Member Rebecca Bauer-Kahan, Chair, of the Water, Parks, and Wildlife Committee
- Assemblymember James C. Ramos, Chair, Assembly Select Committee on Native American Affairs
- Other committee members

**Panel 1: This history of water, and the relationship between water and humankind**

- Darrel Mike, Chairman Twenty-Nine Palms Band of Mission Indians (statement to be read on his behalf by Sarah Bliss- Twenty- Nine Palms Director of Tribal Programs, EPA)
- Michael Hunter, Chairman Coyote Valley Pomo Indians  
Will highlight the importance of advocacy on these issues for California Native American communities.
- Chairman Isaiah Vivanco, Soboba Band of Luiseno Indians  
Will address water issues related to the Soboba tribal community.

**Panel 2: Relationship between federal and state government**

- Scott Bergstrom, Assistant Solicitor, Office of the Solicitor, United States Department of Interior
- Anecita Agustinez, Tribal Policy Advisor, Department of Water Resources
- Adriana Renteria, Tribal Liaison, State Water Resources Control Board

**Panel 3: Water Rights and settlement agreements for Tribes**

- Neil Pyeron, Chairman Tule River Indians
- Raymond Welch, Chairman Barona
- Andrea Reich, Chairwoman Tuolumne Band of Me-Wuk Indians



**Panel 4: Water Challenges facing tribes in California**

- Joe James, Chairman Yurok  
Will share on water issues impacting the Yurok tribal community, Klamath reclamation, Klamath River basin.
- Bo Mazzetti San Luis Rey Indian Water Authority and Rincon Tribal Chairman  
Address water issues and what the San Luis Rey Indian Water Authority has done over the years.
- Janet Bill, Chairperson Picayune Rancheria of the Chukchansi Indians  
Will share on the water issues impacting the Chukchansi tribe in central California

**Public Comment**

# COMMITTEE ON WATER, PARKS, AND WILDLIFE and SELECT COMMITTEE ON NATIVE AMERICAN AFFAIRS

BAUER-KAHAN, RAMOS, Chairs

## JOINT INFORMATIONAL HEARING

Tuesday, August 9, 2022

9:30 am – 1021 O Street, Sacramento, CA – Room 1100

## Water is Life: Addressing California Tribal Water Issues

### *Background Paper*

\*Note on terms: “Native Americans,” “Native Californians,” “California Native Americans,” “Indigenous People,” “Indians,” “Indian Tribes,” and “California Indians” are terms used interchangeably throughout this background paper to refer to the original inhabitants of the lands currently known as California.

### **Introduction**

It is estimated that there were approximately 310,000 Native Americans living in California at the time that the first Spanish mission was founded in 1769; however, some scholars believe this is a conservative estimate and that the number may have been as high as two million given the ability of California’s natural abundance to support a larger population.<sup>1</sup>

Today, California is home to the largest Native American population in the country and has 110 federally recognized tribes<sup>2</sup> with another 81 groups seeking federal recognition<sup>3</sup>. According to 2020 U.S. Census data, 631,016 Californians identify as “American Indian” or “Alaska Native”; when including the Californians that identify as “American Indian” or “Alaska Native” in combination with another race or ethnicity, the number of Native Americans in California increases to 1.4 million residents.<sup>4</sup>

Very few Native Americans live on their ancestral lands in California today. This is due to the repeated efforts of Spanish, Mexican, Russian, and United States governments to subdue and displace indigenous peoples: “All four colonial nations sponsored policies that uprooted Indigenous People and communities from the lands in which they were created, and all four

---

<sup>1</sup> Akins, D. and Bauer, Jr., W. (2021). *We Are the Land: A History of Native California*. Oakland: University of California Press, p. 15.

<sup>2</sup> U.S. Department of Health and Human Services, Indian Health Service. (2022, Jan 28). List of Federally-Recognized Tribes in CA. <https://www.ihs.gov/california/index.cfm/tribal-consultation/resources-for-tribal-leaders/list-of-federally-recognized-tribes-in-ca/>.

<sup>3</sup> Center for Families, Children & the Courts. (2012, Jan). Frequently Asked Questions: Indian Tribes and Tribal Communities in California. <https://www.courts.ca.gov/documents/TribalFAQs.pdf>.

<sup>4</sup> U.S. Census Bureau. (2020, Aug 12). Race and Ethnicity in the United States: 2010 Census and 2020 Census. <https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html>.

deployed violence, in the form of slavery, genocide, and an administrative state bent on eliminating California Indian people.”<sup>5</sup>

The federal government sent three commissioners to California to negotiate treaties with California tribes in 1851. These commissioners negotiated 18 treaties with 139 tribes that would have set aside 7.5 million acres for Indian use and granted other rights to Native Californians; however, when President Fillmore submitted the treaties to the U.S. Senate for ratification in February 1852, senators from California objected and the U.S. Senate rejected the treaties during a secret session. The U.S. Senate then placed the treaties in its archive, concealing the existence of these treaties from the public for more than 50 years.<sup>6</sup> In 1903, the federal government sent another Indian agent to California to settle Indians on reserved lands. By that time, however, many tribes no longer lived on their ancestral lands, so small plots of land were established for Indian families (see Figure 1).

Lands legally controlled by tribes in California today result from presidential executive order, federal statute, or action by tribes and tribal members themselves to purchase land. Water rights were not often appropriately accounted for in the protection of tribal lands.

Water is essential for all life and, like other groups across the globe, “quite often, Indigenous People chose to live on or near bodies of water.”<sup>7</sup> In addition, many tribes strongly believe that water is an interconnected element that flows through all spaces in tribal communities. This stems from their own Indigenous Knowledge Systems (IKS); these systems are tribes own skills, perceptions, ideologies, and experiences. One component of IKS is Traditional Ecological Knowledge (TEK), the relationship between the people and the direct contact with the environment.<sup>8</sup> For example, water holds importance with regard to farming which provides sustenance for community members, fishing which again provides sustenance, and ceremonial use for healing. Additionally, tribal communities believe that water has healing powers and can cure ailments. Some tribal communities’ creation stories include water, some which share that water sources like springs and underground waterways are pathways which connect the ancestors from the past to the present.<sup>9</sup>

The goals of this hearing are to identify and learn about past and current water issues related to California Native American tribes and to explore ways that the State of California may assist in addressing past injustices and help tribes in California to secure access to water necessary to

---

<sup>5</sup> Ibid, p. 3.

<sup>6</sup>U.S. National Park Service. (2004, Nov 17). A History of Native American Indians in California 1849-1879. [https://www.nps.gov/parkhistory/online\\_books/5views/5views1c.htm](https://www.nps.gov/parkhistory/online_books/5views/5views1c.htm).

<sup>7</sup> Akins, D. and Bauer, Jr., W. (2021). *We Are the Land: A History of Native California*. Oakland: University of California Press, p. 16.

<sup>8</sup> U.S. Department of Interior, Bureau of Indian Affairs. (n.d.). Traditional Ecological Knowledge. <https://www.bia.gov/bia/ots/dfwfm/bwfm/fuels-management/traditional-ecological-knowledge>,

<sup>9</sup> Larned, S. M. (2018) Water is Life: The Native American Tribal Role in Protecting Natural Resources. *Environmental and Earth Law Journal*, Vol. 8, 57-58.

sustain their lives, livelihoods, and culture. This hearing will provide important tribal perspectives to inform pending and future legislative proposals.



Figure 1. California Tribal Lands and Reservations. U.S. Environmental Protection Agency, [https://www3.epa.gov/region9/air/maps/ca\\_tribe.html](https://www3.epa.gov/region9/air/maps/ca_tribe.html).

## **Federally reserved water rights**

Since the nation's founding, the federal government has negotiated treaties and reserved federal lands for tribes. The U.S. Constitution grants Congress the authority to regulate commerce with Indian Tribes. The Supreme Court has long recognized that the federal government "has charged itself with moral obligations of the highest responsibility and trust" for Indian tribes.<sup>10</sup> When the federal government reserves land for tribes, it implicitly reserves sufficient water on that land to accomplish the purposes of the reservation. The Supreme Court recognized that reservation of water rights in 1908 in *Winters v. United States* ("the Winters Doctrine"). These "federal reserved water rights," where they exist, enjoy characteristics that differ significantly from state water rights and provide benefits to tribes. Such rights:

- Date to the time of the reservation, or water on ancestral lands may have a priority of "time immemorial;"
- Fulfill the purposes, including current and future needs, of the reservation, not just the historical use of the water;
- Cannot be lost due to non-use; and
- May apply to instream flows, or "nonconsumptive" rights (e.g., water for instream flow to support fish populations), where necessary to support reservation purposes.

*Tribal groundwater rights.* Because many California tribes do not have immediate access to surface water resources, groundwater may provide critical access to water for tribal needs. A California tribe recently established the principle that tribal reserved water rights include groundwater. In *Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District* (2017), the 9<sup>th</sup> Circuit Court of Appeals affirmed that the Agua Caliente Tribe "has a reserved right to groundwater underlying its reservation," and confirmed the application of the Winters Doctrine to tribal groundwater rights. While the Supreme Court previously had recognized that a national monument could assert rights to protect groundwater from neighbors' pumping, the *Agua Caliente* decision affirmed that principle for tribal reservations.

*Quantifying federal reserved water rights for tribes.* Quantifying the federal reserved rights of tribes requires adjudication by a court or a settlement authorized by Congressional action. An adjudication of tribal and other federal water rights may occur in a federal court, or in a state court provided that the state court has jurisdiction over all claimants of water rights in the watershed. Congress authorizes waivers of federal sovereign immunity to adjudicate water rights in state courts under certain conditions, pursuant to the 1952 McCarran Amendment. California has not done many water right adjudications, as they can take decades to resolve, requiring water right claimants to spend substantial funding for lawyers and experts to quantify

---

<sup>10</sup> *Seminole Nation v U.S.* 316 U.S. 286 (1942).

all water rights in the basin. California tribes therefore have not had the opportunity to engage in adjudicating their water rights in court.

*Indian water right settlement alternative.* Indian water right settlements, leading to Congressional approval, offer a water right quantification alternative to adjudication in court. The U.S. Department of the Interior established a formal Indian Water Right Settlement process in 1990, to resolve disputes between tribes and their neighbors as to water rights. A settlement agreement can provide the tribe with quantified water rights, funding (to meet infrastructure or other needs), and other benefits such as legal rights or ecosystem restoration. In other states, state governments have contributed funding to these water right settlements.

*Few California Indian water right settlements.* Despite having 110 tribes in California, few settlements have developed. Many tribes do not have access to surface water on their lands so disputes as to their water rights have been limited. The federal government, as the trustee for tribes, has not started many settlement discussions pursuant to its 1990 regulations. Existing settlements in California include:

- San Luis Rey Indian Water Rights Settlement (1988). This water rights settlement resolved claims between the United States, local water entities, and the La Jolla, Rincon, San Pasqual, Pauma and Pala Bands of Mission Indians in Northern San Diego County. Almost 20 years after litigation began in 1969, this settlement appropriated \$30 million to the San Luis Rey Tribal Development Fund within the U.S. Treasury, to be provided as requested by the San Luis Rey Indian Water Authority. The settlement also obligated the provision of up to 16,000 acre-feet per year of supplemental water for the benefit of the Bands and local entities.<sup>11</sup>
- Soboba Band of Luiseño Indians Settlement (2008). This settlement process began in 1991 and quantified water rights for the San Jacinto Mountains-based Soboba Band at 9,000 acre-feet per year; appropriated \$11 million in federal funding for reservation water and sewer infrastructure; and provided the Band with significant land and \$10 million in funding for economic and commercial development. This settlement resolved water disputes dating to the late 1800s.<sup>12</sup>
- Pechanga Band of Luiseño Mission Indians Water Rights Settlement (2016). In this settlement, the Riverside County reservation was allocated 4,994 acre-feet of water per year and about \$35.5 million in federal funding for water storage construction. Before resolution, the dispute had been pending in adjudication going back to the 1950s.<sup>13</sup>

---

<sup>11</sup> San Luis Rey Indian Water Rights Settlement Act, 102 U.S.C. § 4000 (1988). <https://www.congress.gov/bill/100th-congress/senate-bill/795>.

<sup>12</sup> Soboba Band of Luiseno Indians Settlement Act, 122 U.S.C. § 2975 (2008). <https://www.congress.gov/bill/110th-congress/house-bill/4841/text>.

<sup>13</sup> WIIN Act, 130 U.S.C. § 1628 (2016). [Text - S.612 - 114th Congress \(2015-2016\): WIIN Act | Congress.gov | Library of Congress](#).

The Congressional Research Service reports that California has three ongoing tribal water rights settlements:

- The Agua Caliente settlement (involving the Agua Caliente Band of Cahuilla Indians);
- The Fallbrook settlement (involving the Cahuilla Band of Mission Indians, the Pechanga Band of Luiseño Mission Indians, and the Ramona Band); and
- The Tule River Indian Tribe’s settlement of the Tule River.

### **Groundwater**

Groundwater is the water stored underground in spaces between sand, soils, and fractured rock known as “aquifers.” Groundwater makes up roughly 38 percent of California’s water supply in an average year and more than 45 percent in a dry year.<sup>14</sup> With California tribes having limited access to surface water resources, tribes have turned their attention to groundwater. In the last decade, California has also increased its focus on groundwater management, passing a groundwater monitoring law in 2009 and the Sustainable Groundwater Management Act (SGMA) in 2014. Tribes participated in SGMA’s development and passage, with statutory language reflecting some divergence in perspectives among tribes. SGMA allows tribes “to voluntarily agree to participate in the preparation or administration of a groundwater sustainability plan” (GSP) and provides that “federally reserved water rights to groundwater shall be respected in full” (Water Code § 107020.3). SGMA also requires a groundwater sustainability agency (GSA) to consider the interests of all beneficial users of groundwater including “California Native American tribes” (Water Code § 10723.2).

On paper, SGMA marks an important step forward for the state in engaging tribes in the management of a precious resource. Whether these provisions will ultimately assist tribes in gaining access to groundwater resources remains to be seen since SGMA is currently being implemented and has a 20-year horizon. The committees are aware of at least two groundwater basins where tribes are actively engaging or trying to engage in SGMA implementation:

- Upper San Luis Rey Valley basin. This basin is home to five federally-recognized tribes—the La Jolla Band of Luiseño Indians, Pala Band of Mission Indians, Pauma Band of Luiseño Mission Indians, Rincon Band of Luiseño Indians, and San Pasqual Band of Diegueno Mission Indians. These five tribes formed the San Luis Rey Indian Water Authority (SLRIWA) which recently initiated litigation against the basin’s GSA, the Pauma Valley GSA. The suit alleges the GSA failed to adequately consider and “respect in full” the bands’ federally reserved water rights to groundwater in the GSP, prevented the SLRIWA from fully participating in the development of the GSP, and developed a GSP that does not cover the full basin. The case is pending in the San Diego Superior Court.

---

<sup>14</sup> Department of Water Resources. (n.d.). Groundwater. <https://water.ca.gov/water-basics/groundwater>.

- Yolo Subbasin of the Sacramento Valley Groundwater basin. In this basin, the Yocha Dehe Wintun Nation entered into a joint exercise of powers agreement (as provided for under Water Code § 10720.3) with several cities, water districts, and reclamation districts in the basin to establish a GSA to manage groundwater in the basin, the Yolo Subbasin GSA. This GSA submitted a GSP to the Department of Water Resources (DWR) in January 2022 and DWR is presently reviewing the GSP for adequacy.

### **Fisheries and ecosystem restoration**

Many tribes in California are traditionally and culturally connected to certain fish species native to their local water bodies. Per UC Davis research on 40 tribes/tribal groups conducted in 2014, all reported historical use of fish by their ancestors, including over 76 different marine and freshwater species.<sup>15</sup> Further, nearly 100 percent of respondents considered fishing to be culturally important to their tribe in the past. Though the species vary, cultural connection to plants and animals is key for tribes across the state. “Affinities for specific animals and plants grow out of a profound linkage to a place. The integral way in which a plant or an animal is interwoven into a culture gives the culture continuity with its past and grounding in a distinct bioregion that has been considered home for untold generations.”<sup>16</sup> Now, however, this tradition has become less accessible to some tribes as a result of declining fish populations. The UC Davis report also suggests reduced riverine flows and poor water quality impact the tribes’ abilities to maintain their fish-related cultural practices.<sup>17</sup>

*Governing policy.* The State Water Board considers Tribal Beneficial Uses under their allocation of water rights. Tribal Beneficial Uses aim to protect Native American cultural activities that depend on certain water uses. The three applicable beneficial uses are Tribal Tradition and Cultural (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB). CUL water use can include necessary flows for fishing, gathering, or consumption of natural aquatic resources. However, Tribal Beneficial Uses, per the State Water Board, “are not to protect or enhance fish populations or aquatic habitats,” and it is unclear if federal reserved water rights include the flows and infrastructure necessary to protect traditional fish stocks.

---

<sup>15</sup> Shilling, F., Negrette, A., Biondini, L., and Cardenas, S. (2014) California Tribes Fish-Use: Final Report. UC Davis. [https://www.waterboards.ca.gov/water\\_issues/programs/mercury/docs/tribes\\_%20fish\\_use.pdf#:~:text=California%20Tribes%20have%20been%20fishing%20and%20eating%20fish,cultural%20and%20dietary%20importance%20of%20fish%20has%20not.](https://www.waterboards.ca.gov/water_issues/programs/mercury/docs/tribes_%20fish_use.pdf#:~:text=California%20Tribes%20have%20been%20fishing%20and%20eating%20fish,cultural%20and%20dietary%20importance%20of%20fish%20has%20not.)

<sup>16</sup> Anderson, M. Kat. (2005). *Tending The Wild: Native American Knowledge and the Management of California’s Natural Resources*. Oakland: University of California Press, p. 326.

<sup>17</sup> Shilling, F., Negrette, A., Biondini, L., and Cardenas, S. (2014) California Tribes Fish-Use: Final Report. UC Davis. [https://www.waterboards.ca.gov/water\\_issues/programs/mercury/docs/tribes\\_%20fish\\_use.pdf#:~:text=California%20Tribes%20have%20been%20fishing%20and%20eating%20fish,cultural%20and%20dietary%20importance%20of%20fish%20has%20not.](https://www.waterboards.ca.gov/water_issues/programs/mercury/docs/tribes_%20fish_use.pdf#:~:text=California%20Tribes%20have%20been%20fishing%20and%20eating%20fish,cultural%20and%20dietary%20importance%20of%20fish%20has%20not.)



The ability of tribes to manage fish populations varies based on their recognition status and the terms of their reservation formation. Some tribes with treaty-based reservations maintain the right to protect “Usual and Accustomed” (U&A) fishing areas, where they can claim up to half of harvestable fish stock surplus. The Yurok and Hoopa Valley reservations along the Klamath and Trinity Rivers have federally protected fishing rights in the rivers that run through their territories. In some cases, tribes with these fishing rights can form commissions to co-manage fisheries alongside state and federal governments to maintain populations. However, reservations established by Executive Order hold a “trust” relationship with the federal government, and are therefore not entitled to the same U&A rights as treaty-based reservations. This can create difficulties for tribes interested in protecting culturally important species.



*Klamath River salmon.* In the Klamath River Basin, concerns are high over the survival of salmon – a fish of high cultural importance to the Klamath Tribes, including the Yurok people. Dams on the Klamath River prevent Chinook and coho salmon from spawning in the river’s upper tributaries, sharply decreasing fish populations.<sup>18</sup> With fewer salmon, the Yurok reservation is left without a key form of sustenance. This causes a reliance on unhealthy preserved food options and a rise in diet-related diseases like diabetes among the tribe.<sup>19</sup> The Yurok people also have a cultural connection to the river and its salmon, honoring the fish with their annual First Salmon Ceremony. Significant declines in salmon stock hurt the tribe’s cultural, spiritual, and physical health, giving the members unique motivation to protect the salmon and its habitat.

### **Safe drinking water**

The U.S. Environmental Protection Agency (U.S. EPA) is responsible for regulating water quality on tribal lands, while the State Water Board regulates water quality for other water systems in California.<sup>20</sup> According to U.S. EPA’s ECHO database, there are 110 community water systems in California serving approximately 177,000 people where a tribe has primary enforcement responsibility over the operations of the facility.<sup>21</sup>

---

<sup>18</sup> Kruse, S. A. and Scholz, J. A. (2006) Preliminary Economic Assessment of Dam Removal: The Klamath River. Ecotrust. [https://sites.lafayette.edu/raicha/files/2011/01/Siskiyou\\_Co\\_Economic\\_Assessment1.pdf](https://sites.lafayette.edu/raicha/files/2011/01/Siskiyou_Co_Economic_Assessment1.pdf).

<sup>19</sup> Thompson, B. (September 2021) The familial bond between the Klamath River and the Yurok people. *High County News*, 20-21.

<sup>20</sup> Collins, J. and Chappelle, C. (2021, June 21). *Ensuring Safe Drinking Water for California’s Native American Communities*. Public Policy Institute of California. <https://www.ppic.org/blog/ensuring-safe-drinking-water-for-californias-native-american-communities/>.

<sup>21</sup> U.S. Environmental Protection Agency. (n.d.). *Facility Search – Enforcement and Compliance Data*. <https://echo.epa.gov/facilities/facility-search?mediaSelected=sdw>.

Some Native American communities lack access to safe drinking water. Of the 110 systems mentioned above, 29 systems have current violations and 63 systems have had violations in the past three years.<sup>22</sup> Recently, the State Water Board has assessed whether California’s water systems are providing safe and affordable drinking water. However, federally recognized tribal water systems were not able to be incorporated in the 2021 and 2022 Drinking Water Needs Assessments due to missing data. Instead, the State Water Board is working with the U.S. EPA and Indian Health Service to merge and compare existing risk/need assessments for tribal water systems.<sup>23</sup>

Federal agencies, not states, have traditionally been funding partners, but as part of its commitment to ensure safe drinking water for all Californians, California has begun to partner with tribes to address this important public health challenge. While the state is not responsible for regulating water quality on tribal lands, Native American communities can access some state funding. For example, the Safe and Affordable Funding for Equity and Resilience (SAFER) program, created in 2019, provides communities with resources to help small systems address violations of drinking water standards — solutions include improved water treatment, new water sources, and consolidation with neighboring water systems.<sup>24</sup>

The Assembly Environmental Safety and Toxic Materials Committee has legislative jurisdiction for drinking water issues.

---

<sup>22</sup> Ibid.

<sup>23</sup> State Water Resources Control Board. (2022, April). *2022 Drinking Water Needs Assessment*. [https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/needs.html](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/needs.html).

<sup>24</sup> State Water Resources Control Board. (2022, June 21). *Safe and Affordable Funding for Equity and Resilience*. [https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/sustainable\\_water\\_solutions/safer.html](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/sustainable_water_solutions/safer.html).

## References and Resources

Akins, D. and Bauer, Jr., W. (2021). *We Are the Land: A History of Native California*. Oakland: University of California Press

Anderson, K. M. (2005). *Tending the Wild: Native American Knowledge and the Management of California's Natural Resources*. Oakland: University of California Press.

Anderson, R. T. (2015) *Water Rights, Water Quality, and Regulatory Jurisdiction in Indian Country*. *Stanford Environmental Law Journal*, Volume 34:2, 195.

<https://digitalcommons.law.uw.edu/faculty-articles/384>

Center for Families, Children & the Courts. (2012, Jan). Frequently Asked Questions: Indian Tribes and Tribal Communities in California.

<https://www.courts.ca.gov/documents/TribalFAQs.pdf>.

Collins, J. and Chappelle, C. (2021, June 21). *Ensuring Safe Drinking Water for California's Native American Communities*. Public Policy Institute of California.

<https://www.ppic.org/blog/ensuring-safe-drinking-water-for-californias-native-american-communities/>.

Department of Water Resources. (n.d.). Groundwater. <https://water.ca.gov/water-basics/groundwater>.

Shilling, F., Negrette, A., Biondini, Ls, and Cardenas, S. (2014) California Tribes Fish-Use: Final Report. UC Davis.

[https://www.waterboards.ca.gov/water\\_issues/programs/mercury/docs/tribes\\_%20fish\\_use.pdf#:~:text=California%20Tribes%20have%20been%20fishing%20and%20eating%20fish,cultural%20and%20dietary%20importance%20of%20fish%20has%20not.](https://www.waterboards.ca.gov/water_issues/programs/mercury/docs/tribes_%20fish_use.pdf#:~:text=California%20Tribes%20have%20been%20fishing%20and%20eating%20fish,cultural%20and%20dietary%20importance%20of%20fish%20has%20not.)

Kruse, Sarah A. and Astrid J. Scholz. (2006) Preliminary Economic Assessment of Dam Removal: The Klamath River. Ecotrust.

[https://sites.lafayette.edu/raicha/files/2011/01/Siskiyou\\_Co\\_Economic\\_Assessment1.pdf](https://sites.lafayette.edu/raicha/files/2011/01/Siskiyou_Co_Economic_Assessment1.pdf).

Larned, S. M. (2018) Water is Life: The Native American Tribal Role in Protecting Natural Resources. *Environmental and Earth Law Journal*, Vol. 8.

State Water Resources Control Board. (2022, June 21). *Safe and Affordable Funding for Equity and Resilience*.

[https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/sustainable\\_water\\_solutions/safer.html](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/sustainable_water_solutions/safer.html).

State Water Resources Control Board. (2022, April). *2022 Drinking Water Needs Assessment*.

[https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/needs.html](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/needs.html).

Tending Nature. Preserving the Desert with the Native American Land Conservancy. Season 3, Episode 2. <https://www.kcet.org/shows/tending-nature/episodes/preserving-the-desert-with-nalc>.

Thompson, Brook. (September 2021) The familial bond between the Klamath River and the Yurok people. *High County News*, 20-21.

U.S. Census Bureau. (2020, Aug 12). Race and Ethnicity in the United States: 2010 Census and 2020 Census. <https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html>.

U.S. Department of Health and Human Services, Indian Health Service. (2022, Jan 28). List of Federally-Recognized Tribes in CA. <https://www.ihs.gov/california/index.cfm/tribal-consultation/resources-for-tribal-leaders/list-of-federally-recognized-tribes-in-ca/>.

U.S. Department of Interior, Bureau of Indian Affairs. (n.d.). Traditional Ecological Knowledge. <https://www.bia.gov/bia/ots/dfwfm/bwfm/fuels-management/traditional-ecological-knowledge>.

U.S. Environmental Protection Agency. (n.d.). *Facility Search – Enforcement and Compliance Data*. <https://echo.epa.gov/facilities/facility-search?mediaSelected=sdw>.

U.S. National Park Service. (2004, Nov 17). A History of Native American Indians in California 1849-1879. [https://www.nps.gov/parkhistory/online\\_books/5views/5views1c.htm](https://www.nps.gov/parkhistory/online_books/5views/5views1c.htm).

## Fish and Wildlife

### **AB 30 (Kalra) - Equitable Outdoor Access Act.**

Establishes the Equitable Outdoor Access Act to set forth the state's commitment to ensuring all Californians can benefit from, and have meaningful and sustainable access to, the state's rich cultural and natural resources.

**Status:** Chapter 939, Statutes of 2022

### **AB 63 (Petrie-Norris) - Marine resources: Marine Managed Areas Improvement Act: restoration activities.**

Adds restoration and monitoring to the list of authorized activities by a designating entity or managing agency in a State Marine Conservation Area.

**Status:** Chapter 368, Statutes of 2021

### **AB 223 (Ward) - Wildlife: dudleya: taking and possession.**

Makes it a misdemeanor to uproot, harvest, or cut dudleya from state or local government property or from private property without permission and to sell, export, or purchase dudleya that was taken illegally.

**Status:** Chapter 370, Statutes of 2021

### **AB 303 (Robert Rivas) - Aquaculture: mariculture production and restoration: pilot program.**

Establishes the Mariculture Pilot Program to test alternative shellfish and mariculture production and restoration strategies in state waters.

**Status:** Died in Assembly Natural Resources Committee

### **AB 315 (Stone) - Voluntary stream restoration property owner liability: indemnification.**

Provides indemnity and limited liability protections to real property owners who voluntarily permit a state-funded project to restore fish and wildlife habitat to take place on their real property.

**Status:** Chapter 580, Statutes of 2021

### **AB 379 (Gallagher) - Wildlife conservation: conservation lands.**

Authorizes the Department of Fish and Wildlife and the Wildlife Conservation Board to enter into agreements with and make grants or loans to California Native American tribes for various purposes related to fish and wildlife conservation.

**Status:** Chapter 701, Statutes of 2021

### **AB 517 (Megan Dahle) - California State Safe Harbor Agreement Program Act: notice.**

Clarifies that the Department of Fish and Wildlife (DFW) must provide a landowner at least seven business days' notice when accessing private land or water being managed under a safe harbor agreement.

**Status:** Died in Assembly Appropriations Committee

### **AB 534 (Bonta) - Fishing: ropeless fishing gear.**

Requires, on or before November 1, 2025, that ropeless fishing gear be used in a national marine sanctuary when taking any species for commercial or recreational purposes in a trap fishery, including Dungeness crab, spiny lobster, and spot prawn.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

### **AB 554 (Mathis) - Department of Fish and Wildlife: Office of the Ombudsperson.**

Establishes the Office of the Ombudsperson to address complaints from the public and resolve disputes with the Department of Fish and Wildlife.

**Status:** Died in Assembly Appropriations Committee

### **AB 614 (Aguiar-Curry) - Wildlife habitat: birds.**

Raises both the duck and upland game bird hunting validation fees by \$10 to fund the Nesting Bird Habitat Incentive Program that pays landowners to adopt practices that enhance nesting bird habitat. Makes minor changes to the California Winter Rice Habitat Incentive Program.

**Status:** Chapter 521, Statutes of 2021

### **AB 645 (Gallagher) - Fish and wildlife: poaching: penalties: probation period.**

Allows a maximum probation of three years for the following violations of the Fish and Game Code:

- 1) Illegal take or possession of wildlife for profit or personal gain;
- 2) Illegal take or possession in the field of more than three times the daily bag limit, or three times the legal possession limit, of regulated fish or wildlife;
- 3) Violations, as specified, that involve trophy deer, elk, antelope, bighorn sheep, or wild turkey; and
- 4) Illegal sale or purchase of abalone.

**Status:** Died in Assembly Appropriations Committee

### **AB 804 (Megan Dahle) - Free hunting days.**

Requires the Director of the Department of Fish and Wildlife to establish two free hunting days per year no later than July 1, 2023.

**Status:** Chapter 413, Statutes of 2021

### **AB 817 (Wood) - Sport fishing licenses: electronic display: 12-consecutive-month licenses.**

Authorizes the Director of the Department of Fish and Wildlife to allow for the issuance of sport fishing licenses that expire 12 consecutive months after the date of issue, in addition to existing calendar year licenses, and requires two separate reports to the Legislature related to sport fishing license fees and implementation of the provisions of this bill.

**Status:** Chapter 607, Statutes of 2021

### **AB 878 (Megan Dahle) - Wildlife resources: natural community conservation plans: public review and comment.**

Allows the public 21 business days to review and comment on a proposed natural community conservation plan agreement prior to approval of the planning agreement by the Department of Fish and Wildlife.

**Status:** Died in Assembly Appropriations Committee

### **AB 953 (Kiley) - California Environmental Quality Act: Department of Fish and Wildlife: review of environmental documents: revenue and cost tracking and accounting.**

Requires the Department of Fish and Wildlife to separately track and account for all revenues collected and all costs incurred in its role as a responsible agency or trustee agency under California Environmental Quality Act.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

### **AB 1183 (Ramos) - California Desert Conservation Program.**

Allows the Wildlife Conservation Board under the Department of Fish and Wildlife to establish the California Desert Conservation Program.

**Status:** Chapter 380, Statutes of 2021

### **AB 1279 (Muratsuchi) - Coastal resources: sustainable kelp.**

When heard by this committee, this bill required the Ocean Protection Council to work with private and nonprofit entities to bring sustainable kelp to the coastal waters of the state. This bill was later amended out of this committee's jurisdiction into a bill that declares it the policy of the state to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter, and to ensure that by 2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 85% below the 1990 levels.

**Status:** Chapter 337, Statutes of 2022

### **AB 1298 (Bloom) - Pesticides: use of 2nd generation anticoagulant rodenticides.**

Makes technical changes related to the prohibition of the use of second generation anticoagulant rodenticides as enacted by AB 1788 (Bloom), Chapter 250, Statutes of 2020.

**Status:** Chapter 479, Statutes of 2021

### **AB 1458 (Frazier) - Fish and wildlife protection and conservation: lake and streambed alteration agreements: exemptions**

Exempts fire-prevention and mitigation measures activities from the Lake and Streambed Alteration Agreement application process administered by the Department of Fish and Wildlife for projects approved by a state or local agency.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

### **AB 1500 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.**

Authorizes the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Act of 2022 , a \$6.7 billion general obligation bond to address the impacts of climate change, to be placed before voters on the November 8, 2022, General Election ballot.

**Status:** Died in Assembly Rules Committee

### **AB 1753 (Gallagher) - Fish and wildlife: poaching: penalties: probation period.**

Allows a maximum probation of three years for the following violations of the Fish and Game Code:

- 1) Illegal take or possession of wildlife for profit or personal gain;
- 2) Illegal take or possession in the field of more than three times the daily bag limit, or three times the legal possession limit, of regulated fish or wildlife;
- 3) Violations that involve trophy deer, elk, antelope, bighorn sheep, or wild turkey; and
- 4) Illegal sale or purchase of abalone.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

### **AB 1906 (Stone) - Voluntary stream restoration: property owner liability: indemnification: claims.**

Provides technical fixes to the claims payment process required by the indemnification provided under AB 315 (Stone), Chapter 580, Statutes of 2021, to private property owners for publicly-funded voluntary habitat restoration projects conducted on their property by others.

**Status:** Chapter 325, Statutes of 2022



**AB 2109 (Bennett) - White sharks: prohibition on use of attractants.**

Makes it unlawful to use any shark bait, shark lure, or shark chum to attract any white shark (*Carcharodon carcharias*), with exceptions.

**Status:** Chapter 437, Statutes of 2022

**AB 2344 (Friedman) - Wildlife connectivity: transportation projects.**

Requires the California Department of Transportation, in consultation with the Department of Fish and Wildlife and other appropriate agencies, to take actions to address wildlife connectivity needs related to the state highway system.

**Status:** Chapter 964, Statutes of 2022

**AB 2387 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.**

Authorizes the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Act of 2022, a \$7.4 billion general obligation bond to address the impacts of climate change, to be placed before voters on the November 8, 2022, General Election ballot.

**Status:** Died in Assembly Appropriations Committee

**AB 2512 (Bloom) - Animals: aquatic plants: importation, transportation, and sheltering.**

Provides new and enhanced regulatory and lien authority to the Department of Fish and Wildlife related to the importation and possession of animal species.

**Status:** Died in Assembly Appropriations Committee

**AB 2610 (Friedman) - Wildlife Conservation Board: ecologically sensitive vegetation management: wildfire risk reduction.**

Requires the Wildlife Conservation Board to establish a grant program to facilitate the application of ecologically sensitive vegetation management practices, as defined, for specified purposes.

**Status:** Died in Assembly Appropriations Committee

**AB 2757 (Megan Dahle) - Wildlife resources: natural community conservation plans: public review.**

Requires that a proposed natural community conservation plan and related documents be posted on the lead agency's website for review and public comment.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

**AB 2805 (Bauer-Kahan) - Department of Fish and Wildlife: advance mitigation and regional conservation investment strategies.**

Updates and revises provisions relating to the Regional Conservation Investment Strategies (RCIS) Program at the Department of Fish and Wildlife, including explicitly incorporating federally recognized tribes into the program, authorizing stand-alone regional conservation assessments, revamping statutory requirements related to mitigation credit agreements, and removing the existing cap on the number of RCIS's, among other things.

**Status:** Chapter 463, Statutes of 2022

**AB 2919 (Fong) - Dams: release of water: fish populations.**

Provides that the release of water from a dam shall only be regulated based on actual fish populations and not based on approximate fish populations.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

**AJR 5 (Luz Rivas) - Wild free-roaming horses and burros: protection: roundup moratorium.**

Urges the federal administration to declare a moratorium on wild horse and burro round ups.

**Status:** Died in Senate Natural Resources and Water Committee

**SB 42 (Wieckowski) - Department of Fish and Wildlife: Eden Landing Ecological Reserve.**

Renames the "Eden Landing Ecological Reserve" as the "Congressman Pete Stark Ecological Reserve at Eden Landing." The provisions of this bill were included in AB 203 (2022).

**Status:** Died on Assembly Inactive File

**SB 80 (McGuire) - Commercial fishing: inspection: crab traps.**

Institutes various changes to statutes governing commercial Dungeness crab and rock crab fisheries, including requirements for evisceration of Dungeness crab and rock crab.

**Status:** Chapter 757, Statutes of 2021

**SB 370 (Dodd) - Wildlife: Big Game Management Account: uses.**

Expands the eligible entities that the Department of Fish and Wildlife may make grants to, reimburse, or enter into contracts or other agreements with using funds from the Big Game Management Account.

**Status:** Chapter 132, Statutes of 2022

**SB 624 (Hueso) - Environmental Equity and Outdoor Access Act.**

Enacts the Environmental Equity and Outdoor Access Act, which sets forth the state's commitment to ensuring all Californians can benefit from, and have meaningful access

to, the state's rich cultural and natural resources. Most of the provisions of this bill were incorporated into AB 30 (2022).

**Status:** Died in Assembly Appropriations Committee

### **SB 790 (Stern) - Wildlife connectivity mitigation credits.**

Authorizes the Department of Fish and Wildlife to approve compensatory mitigation credits for wildlife connectivity actions taken under the conservation and mitigation banking program or the regional conservation investment strategies program.

**Status:** Chapter 738, Statutes of 2021

### **SB 822 (Committee on Natural Resources and Water) - Marine resources.**

Makes various changes to statutes affecting the Department of Fish and Wildlife (DFW) and the State Lands Commission (SLC), including:

- 1) Authorizes the DFW to issue a letter of authorization to allow the taking of marine living resources to support data collection, environmental cleanup, hazard removal, or public health and safety.
- 2) Requires the master, owner, operator, or person in charge of a vessel to report a ballast water treatment system problem during a voyage to the SLC as soon as practicable. Requires the SLC to consult with the United States Coast Guard to attempt to identify an alternative, environmentally sound method of ballast water management in those circumstances.

**Status:** Chapter 770, Statutes of 2021

### **SB 856 (Dodd) - Wild pigs: validations.**

Creates a new designation and management approach for wild pigs.

**Status:** Chapter 469, Statutes of 2022

### **SB 865 (Dodd) - Junior hunting licenses: age of eligibility.**

Expands eligibility for a discounted junior hunting license by allowing individuals up to 18 years of age (rather than 16 years of age currently) to purchase an annual junior hunting license for a period of five years.

**Status:** Died in Assembly Appropriations Committee

### **SB 945 (Laird) - Falconry: American peregrine falcons.**

Exempts the capture, possession, or training of an American peregrine falcon in the practice of falconry from the prohibitions in the fully protected bird statute.

**Status:** Chapter 471, Statutes of 2022

### **SB 977 (Laird) - Grazing land: California Conservation Ranching Incentive Program.**

Establishes the California Conservation Ranching Incentive Program at the Wildlife

Conservation Board to restore and enhance the ecological health of private rangelands.  
**Status:** Died in Assembly Appropriations Committee

### **SB 1224 (Bates) - Watersheds: wildlife habitat: Counties of Orange and San Diego.**

Authorizes the Wildlife Conservation Board, upon an appropriation by the Legislature, to make grants to acquire fee title or conservation easements or to perform restoration, or a combination thereof, in watersheds with habitats for sensitive wildlife populations in specified regions in the Counties of Orange and San Diego.

**Status:** Vetoed by the Governor

Governor's Veto Message:

"This bill authorizes the Wildlife Conservation Board, upon appropriation, to provide grants to acquire land or conservation easements in the southern region of Orange County and the northern region of San Diego County.

While I appreciate efforts to restore watersheds and habitats, this program was not accounted for in the budget and could cost millions of dollars to acquire land on behalf of the state. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs. The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process.

For these reasons, I cannot sign this bill."

### **SB 1392 (McGuire) - Aquaculture: registration, renewal, surcharge, and penalty fees: reports.**

Extends sunsets relating to aquaculture fees for one year until January 1, 2024.

**Status:** Chapter 307, Statutes of 2022

## **Flood Control**

### **AB 781 (Daly) - Flood control projects: County of Orange: subvention funds.**

Permits the state to provide financial assistance to the County of Orange for construction of the Westminster-East Garden Grove Flood Risk Management project if

specified conditions are met.

**Status:** Chapter 302, Statutes of 2021

**AB 921 (McCarty) - Flood protection: City of West Sacramento flood risk reduction project.**

Revises and updates the state authorization for the West Sacramento Project for flood risk reduction, extends the deadline for the City of West Sacramento to achieve the urban level of flood protection by five years, and consolidates entities responsible for levee maintenance.

**Status:** Died in Senate Natural Resources and Water Committee

**AB 1164 (Flora) - Dams and reservoirs: exclusions: publicly owned or operated regulating basins.**

Defines “regulating basin” as a barrier that is no greater than 20 feet in height and has a capacity of 75 acre-feet or less and exempts a “regulating basin” from regulation by the Division of Dam Safety within the Department of Water Resources.

**Status:** Chapter 943, Statutes of 2022

**AB 1500 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.**

Authorizes the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Act of 2022 , a \$6.7 billion general obligation bond to address the impacts of climate change, to be placed before voters on the November 8, 2022, General Election ballot.

**Status:** Died in Assembly Rules Committee

**AB 1811 (Mike Fong) - Local flood protection: planning: climate change.**

Requires local flood control agencies that prepare a local plan of flood control to include strategies to address climate change and bolster local water supplies in the plan.

**Status:** Chapter 176, Statutes of 2022

**AB 2387 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.**

Authorizes the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Act of 2022, a \$7.4 billion general obligation bond to address the impacts of climate change, to be placed before voters on the November 8, 2022, General Election ballot.

**Status:** Died in Assembly Appropriations Committee

### **SB 369 (Pan) - Flood control: Yolo Bypass Cache Slough Partnership Multibenefit Program.**

Establishes the Yolo Bypass Cache Slough Partnership Multibenefit Program to support the development and implementation of projects within the Yolo Bypass and Cache Slough region.

**Status:** Chapter 275, Statutes of 2021

### **SB 489 (Laird) - Flood management projects: state funding: Pajaro River Flood Risk Management Project.**

Authorizes the Department of Water Resources to advance Flood Control Subventions Program funds to local agencies to implement the Pajaro River Flood Risk Management Project.

**Status:** Chapter 677, Statutes of 2022

### **SB 496 (Laird) - Flood control: water development projects: Pajaro River.**

Authorizes the state to pay up to 100 percent of specified nonfederal costs for the reconstruction of the Pajaro River Flood Risk Management Project.

**Status:** Chapter 310, Statutes of 2021

### **SB 901 (Pan) - Flood protection: City of West Sacramento flood risk reduction project.**

Updates the state authorization for the West Sacramento Project for flood risk reduction along the Yolo Bypass, Sacramento Bypass, and Sacramento River; consolidates entities in West Sacramento responsible for levee maintenance; and extends the deadline for the City of West Sacramento to achieve the urban level of flood protection to 2030.

**Status:** Chapter 708, Statutes of 2022

### **SB 1253 (Melendez) - Infrastructure plan: flood control: delta levees.**

Requires the Governor to include priorities relating to flood prevention and maintenance as part of the proposed five-year infrastructure plan submitted annually with the Governor's Budget.

**Status:** Chapter 195, Statutes of 2022

## **Groundwater**

### **AB 252 (Robert Rivas) - Department of Conservation: Multibenefit Land Repurposing Incentive Program: administration.**

Establishes the Multibenefit Land Repurposing Program Act to assist Groundwater Sustainability Agencies in critically overdrafted basins achieve their groundwater sustainability goal by providing grants to public and private entities for projects and

programs that reduce groundwater use by converting irrigated agricultural land to new uses that both reduce groundwater demand or use and provide some other measurable benefits to the environment or broader community. Sunsets the program established by this bill on January 1, 2032. This bill was later amended out of this committee's jurisdiction into a bill relating to floating home marinas.

**Status:** Chapter 633, Statutes of 2022

### **AB 350 (Villapudua) - Agriculture: Cannella Environmental Farming Act of 1995: technical assistance grant program: groundwater conservation planning.**

Establishes a three-year technical assistance grant program at the California Department of Food and Agriculture to support landowners in the San Joaquin Valley that are working to achieve water use reduction goals required by the Sustainable Groundwater Management Act.

**Status:** Died on Senate Floor

### **AB 754 (Mathis) - Sustainable groundwater management: groundwater sustainability plan.**

Allows the Department of Water Resources to extend the deadline to submit a groundwater sustainability plan (GSP) by up to 180 days for an agency developing a GSP for a medium- or high-priority basin.

**Status:** Died in Senate Natural Resources and Water Committee

### **AB 1500 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.**

Authorizes the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Act of 2022 , a \$6.7 billion general obligation bond to address the impacts of climate change, to be placed before voters on the November 8, 2022, General Election ballot.

**Status:** Died in Assembly Rules Committee

### **AB 1757 (Ward) - Groundwater sustainability agency.**

When heard by this committee, this bill clarified that a resource conservation district can be part of a groundwater sustainability agency and made technical and conforming changes. This bill was later amended out of this committee's jurisdiction into a bill relating to natural carbon sequestration and nature-based climate solutions.

**Status:** Chapter 341, Statutes of 2022

### **AB 2201 (Bennett) - Groundwater sustainability agency: groundwater extraction permit.**

Requires local agencies that permit groundwater wells to obtain written verification stating that a proposed well will not undermine sustainable groundwater management or cause well interference prior to approving a permit application for a groundwater well. Exempts specified types of wells and activities from these requirements.

**Status:** Died on Assembly Floor (concurrence)

### **AB 2387 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.**

Authorizes the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Act of 2022, a \$7.4 billion general obligation bond to address the impacts of climate change, to be placed before voters on the November 8, 2022, General Election ballot.

**Status:** Died in Assembly Appropriations Committee

### **AB 2857 (Bauer-Kahan) - Sustainable Groundwater Management Act: groundwater sustainability plans: domestic well impacts.**

Requires a groundwater sustainability plan include measures to mitigate adverse impacts on domestic wells.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

### **SB 1372 (Stern) - Sustainable Groundwater Management Act: groundwater sustainability plans: groundwater rights.**

Provides that the approval of a groundwater sustainability plan (GSP) by the Department of Water Resources (DWR) shall not be construed as a determination or opinion by DWR that the allocation of pumping rights in a GSP is consistent with groundwater rights law.

**Status:** Chapter 682, Statutes of 2022

## **Miscellaneous**

### **AB 30 (Kalra) - Equitable Outdoor Access Act.**

Establishes the Equitable Outdoor Access Act to set forth the state's commitment to ensuring all Californians can benefit from, and have meaningful and sustainable access to, the state's rich cultural and natural resources.

**Status:** Chapter 939, Statutes of 2022



### **AB 1279 (Muratsuchi) - Coastal resources: sustainable kelp.**

When heard by this committee, this bill required the Ocean Protection Council to work with private and nonprofit entities to bring sustainable kelp to the coastal waters of the state, as provided. This bill was later amended out of this committee's jurisdiction into a bill that declares it the policy of the state to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter, and to ensure that by 2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 85% below the 1990 levels.

**Status:** Chapter 337, Statutes of 2022

### **AB 1298 (Bloom) - Pesticides: use of 2nd generation anticoagulant rodenticides.**

Makes technical changes related to the prohibition of the use of second generation anticoagulant rodenticides as enacted by AB 1788 (Bloom), Chapter 250, Statutes of 2020.

**Status:** Chapter 479, Statutes of 2021

### **AB 1757 (Ward) - Groundwater sustainability agency.**

When heard by this committee, this bill clarified that a resource conservation district can be part of a groundwater sustainability agency and made technical and conforming changes. This bill was later amended out of this committee's jurisdiction into a bill relating to natural carbon sequestration and nature-based climate solutions.

**Status:** Chapter 341, Statutes of 2022

### **AB 2022 (Ramos) - State government.**

Requires the term "squaw" to be removed from all geographic features and place names in the state. Requires the creation of a process to receive and review individual petitions to change offensive or derogatory place names.

**Status:** Chapter 479, Statutes of 2022

### **AB 2287 (Stone) - California Ocean Resources Stewardship Act of 2000.**

Authorizes the California Ocean Science Trust to contract with agencies and departments outside the California Natural Resources Agency for the purpose of science-based research and other services.

**Status:** Chapter 208, Statutes of 2022

### **AB 2344 (Friedman) - Wildlife connectivity: transportation projects.**

Requires the California Department of Transportation, in consultation with the Department of Fish and Wildlife and other appropriate agencies, to take actions to address wildlife connectivity needs related to the state highway system.

**Status:** Chapter 964, Statutes of 2022

### **AB 2346 (Gabriel) - Outdoor recreation: Outdoors for All Program.**

Establishes the Outdoors for All Program at the California Natural Resources Agency and creates the Californians Outside Program to provide grants for outdoor access and education purposes.

**Status:** Died in Assembly Appropriations Committee

### **AB 2610 (Friedman) - Wildlife Conservation Board: ecologically sensitive vegetation management: wildfire risk reduction.**

Requires the Wildlife Conservation Board to establish a grant program to facilitate the application of ecologically sensitive vegetation management practices, as defined, for specified purposes.

**Status:** Died in Assembly Appropriations Committee

### **AB 2633 (Cooley) - Protection of parklands: removal of unpermitted campers and campsites.**

Allows the Sacramento County Board of Supervisors to order the removal of persons engaging in the act of unpermitted camping or the clearing of unpermitted campsites from the American River Parkway.

**Status:** Died in Senate Governance and Finance Committee

### **AB 2861 (Waldron) - Parks and recreation: land transfer: YMCA of the County of San Diego.**

Authorizes the YMCA of the County of San Diego to convey fee title in lands funded by the Murray-Hayden Urban Parks and Youth Service Program of the Department of Parks and Recreation with grant moneys from prior general obligation bonds, to the American Heritage Education Foundation.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

### **SB 227 (Jones) - Off-highway vehicles.**

Creates a registration and identification program for off-highway motorcycles or all-terrain vehicles used solely for competition not on a public highway and that do not meet California's air emissions standards applicable to other off-highway vehicles. Due to amendments removing this committee's jurisdiction, this bill was not heard in this committee.

**Status:** Died in Assembly Appropriations Committee

### **SB 624 (Hueso) - Environmental Equity and Outdoor Access Act.**

Enacts the Environmental Equity and Outdoor Access Act, which sets forth the state's commitment to ensuring all Californians can benefit from, and have meaningful access to, the state's rich cultural and natural resources. Most of the provisions of this bill were incorporated into AB 30 (2022).

**Status:** Died in Assembly Appropriations Committee

### **SB 822 (Committee on Natural Resources and Water) - Marine resources.**

Makes various changes to statutes affecting the Department of Fish and Wildlife (DFW) and the State Lands Commission (SLC), including:

- 1) Authorizes the DFW to issue a letter of authorization to allow the taking of marine living resources, or to authorize the take and possession of marine resources and possession of gear or equipment that would otherwise be prohibited in marine waters, to support data collection, environmental cleanup, hazard removal, or public health and safety.
- 2) Make a non-substantive correction to refer to the “implementation schedule,” rather than “performance standards,” set forth in a referenced section of the Code of Federal Regulations related to the ballast water management discharge standard for specified vessels.
- 3) Requires the master, owner, operator, or person in charge of a vessel to report a ballast water treatment system problem during a voyage to the SLC as soon as practicable. Requires the SLC to consult with the United States Coast Guard to attempt to identify an alternative, environmentally sound method of ballast water management in those circumstances, as provided.

**Status:** Chapter 770, Statutes of 2021

### **SB 1012 (Glazer) - State parks: open fires.**

Requires a unit of the state park system to follow and enforce rules relating to open fires, as defined, that are at least as restrictive as the rules adopted by a local fire department or a fire protection district within whose boundaries the unit is located.

**Status:** Died in Assembly Appropriations

### **SB 1224 (Bates) - Watersheds: wildlife habitat: Counties of Orange and San Diego.**

Authorizes the Wildlife Conservation Board (WCB), upon an appropriation by the Legislature, to make grants to acquire fee title or conservation easements or to perform restoration, or a combination thereof, in watersheds with habitats for sensitive wildlife populations in specified regions in the Counties of Orange and San Diego.

**Status:** Vetoed by the Governor

Governor’s Veto Message:

"This bill authorizes the Wildlife Conservation Board, upon appropriation, to provide grants to acquire land or conservation easements in the southern region of Orange County and the northern region of San Diego County.

While I appreciate efforts to restore watersheds and habitats, this program was not accounted for in the budget and could cost millions of dollars to acquire land on behalf of the state. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to

spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs. The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process.

For these reasons, I cannot sign this bill."

### **SB 1392 (McGuire) - Aquaculture: registration, renewal, surcharge, and penalty fees: reports.**

Extends sunsets relating to aquaculture fees for one year until January 1, 2024.

**Status:** Chapter 307, Statutes of 2022

## **Parks and Recreation**

### **AB 30 (Kalra) - Equitable Outdoor Access Act.**

Establishes the Equitable Outdoor Access Act to set forth the state's commitment to ensuring all Californians can benefit from, and have meaningful and sustainable access to, the state's rich cultural and natural resources.

**Status:** Chapter 939, Statutes of 2022

### **AB 434 (Robert Rivas) - Public lands: grazing leases.**

Encourages grazing leases to mitigate the risk of wildland fire on lands managed by the Department of Parks and Recreation, the Department of Fish and Wildlife, and the State Lands Commission.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

### **AB 542 (Mathis) - State parks: park entrance fees: waivers: 4th grade children.**

Requires the Department of Parks and Recreation to waive day use entrance fees for any child in 4th grade with a valid federal park pass.

**Status:** Died in Assembly Appropriations Committee

### **AB 1190 (Mayes) - Parks and recreation: County of San Bernardino: Big Morongo Canyon Preserve.**

Authorizes the County of San Bernardino to convey fee title in three parcels within the Big Morongo Canyon Preserve acquired with grant moneys from prior general obligation bonds to the United States Bureau of Land Management.

**Status:** Died in Senate Governance and Finance Committee

**AB 1500 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.**

Authorizes the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Act of 2022 , a \$6.7 billion general obligation bond to address the impacts of climate change, to be placed before voters on the November 8, 2022, General Election ballot.

**Status:** Died in Assembly Rules Committee

**AB 1512 (Bauer-Kahan) - Off-highway vehicular recreation: Carnegie State Vehicular Recreation Area: Alameda-Tesla Expansion Area.**

Requires the Department of Parks and Recreation to preserve the Alameda-Tesla Expansion Area (Expansion Area) for conservation purposes, including nonmotorized public recreation, and to reimburse the Off-Highway Vehicle Trust Fund \$9 million for the acquisition of the Expansion Area. Most of the provisions of this bill were incorporated into SB 155 (2021).

**Status:** Died on Senate Floor

**AB 1645 (Petrie-Norris) - State parks: concession contracts: Crystal Cove State Park.**

Authorizes the Department of Parks and Recreation to negotiate an extension of the existing concession agreement for Crystal Cove State Park for up to an additional 20 years so that the concessionaire, Crystal Cove Management Company, can take advantage of federal tax credits so long as specified conditions are met.

**Status:** Chapter 99, Statutes of 2022

**AB 1789 (Bennett) - Outdoor recreation: California Trails Commission: Trails Corps Program: grant program.**

Requires the Department of Parks and Recreation to prepare a full update of the California Recreation Trails System Plan (trails plan) by January 1, 2024 and report to the Legislature on progress in implementing the trails plan.

**Status:** Chapter 522, Statutes of 2022

**AB 2128 (Cooley) - State parks: California Admission Day: discounted admission.**

Requires the Department of Parks and Recreation (State Parks) to grant 50 percent discounted admission to the general public to each unit of the state park system operated by State Parks every year on September 9th, California Admissions Day.

**Status:** Died in Senate Appropriations Committee

### **AB 2346 (Gabriel) - Outdoor recreation: Outdoors for All Program.**

Establishes the Outdoors for All Program at the California Natural Resources Agency and creates the Californians Outside Program to provide grants for outdoor access and education purposes.

**Status:** Died in Assembly Appropriations Committee

### **AB 2387 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.**

Authorizes the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Act of 2022, a \$7.4 billion general obligation bond to address the impacts of climate change, to be placed before voters on the November 8, 2022, General Election ballot.

**Status:** Died in Assembly Appropriations Committee

### **AB 2535 (Eduardo Garcia) - Recreation and park districts: grants: playgrounds: disability access.**

Prohibits the Department of Parks and Recreation, or any other state agency, from awarding any grant funds to a recreation and park district for purposes of constructing or rehabilitating a playground or play structure, unless the playground or play structure has disability access, as defined.

**Status:** Died in Senate Appropriations Committee

### **AB 2861 (Waldron) - Parks and recreation: land transfer: YMCA of the County of San Diego.**

Authorizes the YMCA of the County of San Diego to convey fee title in lands funded by the Murray-Hayden Urban Parks and Youth Service Program of the Department of Parks and Recreation with grant moneys from prior general obligation bonds, to the American Heritage Education Foundation.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

### **AB 2975 (Committee on Water, Parks, and Wildlife) - Department of Parks and Recreation: community access agreements: interpretive services and visitor services.**

Authorizes the Department of Parks and Recreation to enter into community access agreements with eligible entities to provide interpretive and visitor services to underserved park users, as specified.

**Status:** Died in Senate Appropriations Committee

### **SB 227 (Jones) - Off-highway vehicles.**

Creates a registration and identification program for off-highway motorcycles or all-terrain vehicles used solely for competition not on a public highway and that do not meet California's air emissions standards applicable to other off-highway vehicles. Due to amendments removing it from this committee's jurisdiction, this bill was not heard in this committee.

**Status:** Died in Assembly Appropriations Committee

### **SB 266 (Newman) - State park system: Chino Hills State Park: expansion.**

Requires the Department of Parks and Recreation to provide assistance in acquiring and accepting three properties immediately adjacent to, and that expand, Chino Hills State Park.

**Status:** Chapter 760, Statutes of 2021

### **SB 268 (Archuleta) - Parks and recreation: Lower Los Angeles River Recreation and Park District: Lower San Gabriel River Recreation and Park District: establishment: board of directors.**

Allows for changes to the board of the Lower Los Angeles River Recreation and Park District and extends the deadline for establishing the Lower San Gabriel River District.

**Status:** Chapter 761, Statutes of 2021

### **SB 624 (Hueso) - Environmental Equity and Outdoor Access Act.**

Enacts the Environmental Equity and Outdoor Access Act, which sets forth the state's commitment to ensuring all Californians can benefit from, and have meaningful access to, the state's rich cultural and natural resources. Most of the provisions of this bill were incorporated into AB 30 (2022).

**Status:** Died in Assembly Appropriations Committee

### **SB 796 (Bradford) - State parks: state beaches: County of Los Angeles: Manhattan State Beach: deed restrictions: taxation.**

Requires the County of Los Angeles to transfer land known as Bruce's Beach to the descendants of Willa and Charles Bruce, a young Black family who previously owned the land until racist intent motivated the City of Manhattan to seize their land through eminent domain in 1929.

**Status:** Chapter 435, Statutes of 2021

### **SB 1012 (Glazer) - State parks: open fires.**

Requires a unit of the state park system to follow and enforce rules relating to open fires, as defined, that are at least as restrictive as the rules adopted by a local fire department or a fire protection district within whose boundaries the unit is located.

**Status:** Died in Assembly Appropriations Committee

**SB 1028 (Hueso) - State parks: Villa Montezuma: City of San Diego.**

Authorizes the Department of Parks and Recreation to lease the Villa Montezuma property from the City of San Diego as a unit of the state park system.

**Status:** Died in Assembly Appropriations Committee

**SB 1051 (Roth) - State parks: concessions: contracts.**

Authorizes the Department of Parks and Recreation to enter into an agreement with a nonprofit or for-profit entity for the construction, improvement, restoration, care, maintenance, and control of facilities at the California Citrus State Historic Park.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

**SB 1167 (Allen) - State property: acquisition: state park system: Department of Parks and Recreation.**

Authorizes the Department of Parks and Recreation, rather than State Public Works Board, to acquire land, real property, and any interests in real property, including purchase options, for the state park system if specified conditions are met.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

## **Water**

**AB 442 (Mayes) - Surface Mining and Reclamation Act of 1975: exemption: Metropolitan Water District of Southern California: single master reclamation plan.**

Authorizes the Metropolitan Water District of Southern California to prepare a single master reclamation plan for its earth moving operations conducted on lands it owns or leases, or upon which Metropolitan holds easements or rights-of way. This authority sunsets on January 1, 2026.

**Status:** Chapter 166, Statutes of 2021

**AB 692 (Waldron) - Lake Wohlford Dam: grant funding: liquidation.**

Extends the deadline to liquidate grant funds for the Lake Wohlford Dam project from June 30, 2023, to June 30, 2028.

**Status:** Chapter 301, Statutes of 2021

**AB 850 (Gallagher) - City property: sale of water utility property.**

Extends the deadline for the cities of El Monte, Montebello, and Willows to sell their public water utilities for consolidation by two years, from January 1, 2022, to January 1, 2024.

**Status:** Chapter 705, Statutes of 2021



### **AB 979 (Frazier) - Sacramento-San Joaquin Delta: projects: sea level rise analysis report.**

Requires an entity undertaking a project in the Sacramento-San Joaquin Delta to complete a report analyzing the impact of current sea-level rise projections on the project.

**Status:** Died in Assembly Appropriations Committee

### **AB 1500 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.**

Authorizes the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Act of 2022 , a \$6.7 billion general obligation bond to address the impacts of climate change, to be placed before voters on the November 8, 2022, General Election ballot.

**Status:** Died in Assembly Rules Committee

### **AB 1845 (Calderon) - Metropolitan Water District of Southern California: alternative project delivery methods.**

Authorizes the Metropolitan Water District of Southern California to use design-build, progressive design-build, and construction manager/general contractor project delivery methods for a regional water recycling project or drought response projects. These project delivery methods shall be used for no more than 15 capital outlay projects.

**Status:** Chapter 275, Statutes of 2022

### **AB 1865 (Bennett) - Court fee waiver: water rights cases.**

Permits a person to proceed without paying court fees and costs when that person is joined or countersued in a case involving a water right held by the person, including, but not limited to, an appropriative, groundwater, or riparian water right.

**Status:** Died in Senate Appropriations Committee

### **AB 1906 (Stone) - Voluntary stream restoration: property owner liability: indemnification: claims.**

Provides technical fixes to the claims payment process required by the indemnification provided under AB 315 (Stone), Chapter 580, Statutes of 2021, to private property owners for publicly-funded voluntary habitat restoration projects conducted on their property by others.

**Status:** Chapter 325, Statutes of 2022

**AB 2016 (Bauer-Kahan) - State Water Resources Control Board: desalination plant: feasibility study.**

Requests the California Council on Science and Technology undertake a comprehensive feasibility study of brackish and ocean water desalination along the San Francisco Bay in coordination with the Department of Water Resources and submit the study to the Legislature no later than January 1, 2025.

**Status:** Died in Senate Appropriations Committee

**AB 2078 (Flora) - Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.**

Reconfigures the existing Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program within the Department of Water Resources.

**Status:** Died in Assembly Appropriations Committee

**AB 2108 (Robert Rivas) - Water policy: environmental justice: disadvantaged and tribal community representation.**

Requires the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (Regional Water Boards) to make programmatic findings on potential environmental justice, tribal impact, and racial equity considerations when issuing regional or reissuing statewide waste discharge requirements or waivers of waste discharge requirements. Requires the State Water Board and Regional Water Boards to engage communities impacted by proposed discharges of waste throughout the waste discharge planning, policy, and permitting process.

**Status:** Chapter 347, Statutes of 2022

**AB 2248 (Eduardo Garcia) - Water quality: California-Mexico cross-border rivers.**

Provides one hundred million dollars to the State Water Resources Control Board from the state's General Fund, upon appropriation by the Legislature in the annual Budget Act or another statute, for grants and direct expenditures to address water quality problems arising in California-Mexico cross-border rivers.

**Status:** Vetoed by the Governor

Governor's Veto Message:

"This bill makes \$100 million General Fund available to the State Water Resources Control Board, upon appropriation, for grants and expenditures to address water quality problems in the New River and the Tijuana River watersheds at the California-Mexico border. The 2021 Budget Act included \$20 million, and the 2022 Budget Act included \$15 million in funding for this use, all of which has not yet been expended.

My Administration remains committed to addressing water quality and environmental equity issues at cross-border rivers, which is why I have supported funding this work.

However, with our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined. Additional funding should be considered as part of the annual budget process.

The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process. For these reasons, I cannot sign this bill."

**AB 2313 (Bloom) - Water: judges and adjudications.**

Establishes a judicial training program on water and expands use of experts to assist in complex cases involving water law.

**Status:** Died in Senate Appropriations Committee

**AB 2387 (Eduardo Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.**

Authorizes the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Act of 2022, a \$7.4 billion general obligation bond to address the impacts of climate change, to be placed before voters on the November 8, 2022, General Election ballot.

**Status:** Died in Assembly Appropriations Committee

**AB 2421 (Blanca Rubio) - Water: unlicensed cannabis cultivation.**

Authorizes a county counsel to file a civil action relating to unlawful water pollution and unauthorized water diversions due to unlicensed cannabis cultivation on behalf of the state.

**Status:** Died in Senate Natural Resources and Water Committee

**AB 2451 (Wood) - State Water Resources Control Board: drought planning.**

Establishes a permanent Drought Section at the State Water Resources Control Board and requires it to adopt principles and guidelines that apply to specified coastal watersheds during times of drought.

**Status:** Died in Senate Appropriations Committee

**AB 2639 (Quirk) - Water quality control plans and water rights permits.**

Requires the State Water Resources Control Board to complete the update of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta) Water Quality Control Plan by December 31, 2023, and places a moratorium on new water right permits resulting in increased diversions in the Bay-Delta watershed if the update is not completed by January 1, 2024.

**Status:** Died on Assembly Floor

### **AB 2740 (Megan Dahle) - Water resources: desalination.**

Repeals a requirement for the Department of Water Resources to report to the Legislature by July 1, 2004, on potential opportunities and impediments for using seawater and brackish water desalination, and to examine what role, if any, the state should play in furthering the use of desalination technology. The report was completed in October 2003.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

### **AB 2895 (Arambula) - Water: permits and licenses: temporary changes: water or water rights transfers.**

Creates a “pre-notice” process for short-term water transfers (i.e., for a period of one year or less) to expedite approval, revises the State Water Resources Control Board’s existing process for consideration and approval of a short-term water transfer, and eliminates the requirement that notices of short-term water transfers be published in a newspaper of general circulation.

**Status:** Chapter 675, Statutes of 2022

### **AB 2919 (Fong) - Dams: release of water: fish populations.**

Provides that the release of water from a dam shall only be regulated based on actual fish populations and not based on approximate fish populations.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

### **ACA 13 (Mathis) - Water infrastructure projects: minimum funding requirement and general obligation bonds.**

Requires that the Treasurer annually transfer two percent of all state revenues from the General Fund to the Water Infrastructure Trust Account (Trust Account). Continuously appropriates moneys in the Trust Account for construction of water infrastructure projects, the amount necessary to pay the principal and interest on bonds issued pursuant to this bill, and the costs of implementing this bill. Prescribes requirements for the infrastructure projects that receive funds from the Trust Account and requires the chair of the California Water Commission to annually certify, under the penalty of perjury, the amount, by acre-feet, of additional annual water supply capacity created by funded projects. Provides that this bill's provisions, including the annual two percent transfer, become inoperative once 5,000,000 acre-feet of annual new water storage is created by projects funded by the Trust Account, projects funded by the Water Infrastructure Bond Act of 2022, and other specified drought resiliency projects.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

**SB 463 (Dahle) - Water: landowner or water right holder right to modify, repair, or replace jointly used conduits.**

Permits a landowner or a water right holder to modify segments of a conduit if the conduit either crosses the landowner's property or conveys water to which the water right holder has a right; the conduit is not under the authority of a public agency; and the modification does not impede the flow of water to a water right holder.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee.

**SB 520 (Wilk) - Water resources: permit to appropriate: application procedure: mining use.**

Requires the State Water Resources Control Board to issue a new notice of a water right application and provide an opportunity for protest on any water right application for a mining operation where more than 30 years have passed since the application was first submitted and the application is still pending.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

**SB 552 (Hertzberg) - Drought planning: small water suppliers: nontransient noncommunity water systems.**

Requires the State Water Resources Control Board, the Department of Water Resources, counties, and small water suppliers to implement various recommendations from the County Drought Advisory Group to increase the drought resiliency of small water suppliers and rural communities.

**Status:** Chapter 245, Statutes of 2021

**SB 559 (Hurtado) - Department of Water Resources: water conveyance systems: Canal Conveyance Capacity Restoration Fund.**

Establishes the Water Conveyance Restoration Program at the Department of Water Resources to minimize losses in water conveyance capacity due to damaged water conveyance infrastructure. This bill was subsequently amended to address an issue outside this committee's jurisdiction.

**Status:** Chapter 467, Statutes of 2022

**SB 626 (Dodd) - Department of Water Resources: procurement methods.**

Authorizes the Department of Water Resources to use design-build and Construction Manager/General Contractor procurement methods for projects that are part of the State Water Project, except for through-Delta conveyance, through January 1, 2033.

**Status:** Chapter 247, Statutes of 2021

### **SB 708 (Melendez) - Water shortage emergencies: declarations: deenergization events.**

Adds planned power outages to reduce the risk of wildfires caused by utility equipment to the list of situations wherein a public water supply distributor can declare a water shortage emergency condition without a public hearing.

**Status:** Chapter 68, Statutes of 2021

### **SB 821 (Committee on Natural Resources and Water) - Sacramento-San Joaquin Delta: Delta Independent Science Board.**

Provides that members of the Delta Independent Science Board are not state employees and specifies that members shall receive compensation of \$150 per hour.

**Status:** Chapter 650, Statutes of 2021

### **SB 880 (Laird) - Water diversion: monitoring and reporting: University of California Cooperative Extension.**

Deletes the sunset date on a provision under existing law that allows a person who diverts ten or more acre-feet of water annually to become qualified to install and maintain a water measuring device to report diversions to the State Water Resources Control Board if that person completes an instruction course provided by the University of California Cooperative Extension.

**Status:** Chapter 221, Statutes of 2022

### **SB 1205 (Allen) - Water rights: appropriation.**

Requires the State Water Resources Control Board to adopt regulations that specify methodology for, and incorporate consideration of climate change effects into, water availability analyses required for the issuance and administration of water right permits.

**Status:** Chapter 369, Statutes of 2022

### **SB 1219 (Hurtado) - 21st century water laws and agencies: committee.**

Requires the Secretaries of the California Natural Resources Agency and California Environmental Protection Agency to convene a committee to develop and submit, by December 13, 2024, a strategic vision, proposed statutes, and recommendations for updating California's water laws and regulation and state and local water agencies.

**Status:** Died in Assembly Water, Parks, and Wildlife Committee

## **Water Efficiency**

### **AB 1434 (Friedman) - Urban water use objectives: indoor residential water use.**

Lowers the indoor residential water use standard from 55 gallons per capita daily (gpcd) to 48 gpcd beginning January 1, 2023, from 52.5 gpcd to 44 gpcd beginning January 1,

2025, and from 50 gpcd to 40 gpcd beginning January 1, 2030.

**Status:** Died in Assembly Appropriations Committee

**AB 2412 (Villapudua) - Agriculture: State Water Efficiency and Enhancement Program.**

Codifies the State Water Efficiency and Enhancement Program administered by the California Department of Food and Agriculture which provides grants to agricultural operations for projects that reduce greenhouse gases and water use.

**Status:** Died in Assembly Appropriations Committee

**SB 1157 (Hertzberg) - Urban water use objectives: indoor residential water use.**

Lowers the statewide indoor residential water use standard from 55 gallons per capita daily (gpcd) to 47 gpcd beginning January 1, 2025, and from 50 gpcd to 42 gpcd beginning January 1, 2030, and requires the Department of Water Resources, in coordination with the State Water Resources Control Board, to conduct studies and investigations to assess specified impacts of this standard.

**Status:** Chapter 679, Statutes of 2022