



Official Memorandum

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To: SLDMWA Water Resources Committee Members and Alternates / Board of Directors and Alternates
From: Scott Petersen, Water Policy Director
Date: April 6, 2026
RE: Water Resources Committee to Consider Recommendations on Legislation / Board of Directors to Consider Same

Recommendation

Recommend to the Water Resources Committee and Board of Directors to adopt the following positions on legislation:

State Legislation

- Adopt a position of “Favor” on A.B. 1754 (Pacheco), State general obligation bonds: requirements.
- Adopt a position of “Watch and Amend” on A.B. 1772 (Papan), Fish and wildlife: aquatic invasive species: golden mussels.
- Adopt a position of “Not Favor Unless Amended” on A.B. 2013 (Bennett), Fire risk areas: water suppliers: emergency preparedness plan.
- Adopt a position of “Watch and Amend” on A.B. 2026 (Aguiar-Curry), Groundwater Recharge.
- Adopt a position of “Support and Amend” on A.B. 2032 (Ransom), Fish and wildlife: restricted species permits.
- Adopt a position of “Oppose Unless Amended” on A.B. 2218 (Kalra), Water policy: California Native American tribes.
- Adopt a position of “Oppose” on A.B. 2630 (Bennett), Water diversion and use: adoption of regulations.
- Adopt a position of “Support” on A.B. 2728 (Soria), Open and Transparent Water Data Act.
- Adopt a position of “Support” on A.C.A. 11 (Macedo), California Water Resiliency Act.
- Adopt a position of “Watch and Amend” on S.B. 872 (McNerney), Climate change: funding priorities.



State Legislation

A.B. 1754 (Pachecho), State general obligation bonds: requirements.

RECOMMENDATION: Favor

POLICY SCOPE: Funding and Finance

Summary

This bill requires a bond act for a state general obligation (G.O.) bond measure approved by voters on or after January 1, 2027 to include specified information about the objectives of the bond expenditures and related data. Specifically, this bill:

- (1) Provides for any state general obligation bond measure that is approved by voters on and after January 1, 2027, this bill would require a bond act to include specified information about the objectives of the bond expenditure and related data, for example:
 - a. Specific goals, purposes, and objectives that the bond expenditure is intended to achieve.
 - b. Detailed performance indicators for the public to have when measuring whether the bond expenditure meets the goals, purposes, and objectives established.
 - c. Data collection requirements to enable the public to determine whether the bond expenditure is meeting, failing to meet, or exceeding those specific goals, purposes, and objectives.
 - d. Specific data and baseline measurements to be collected and remitted annually while the bond is being expended.
- (2) Requires the head of the lead state agency administering the bond to post on its internet website a notification that contains, among other information, details about the programs and projects authorized to be funded by the bond.
- (3) Requires each state agency subject to these provisions to provide a written report to the Department of Finance (DOF), the Legislative Analyst, and the Assembly Committee on Budget, and the Senate Committee on Budget and Fiscal Review that contains certain information regarding the general obligation bond, in accordance with the above-described provisions and includes all of the following:
 - a. Whether the project, grant, or other expenditure of bond proceeds has been done in a timely and efficient manner.
 - b. Whether the project, grant, or other expenditure of bond proceeds has or has not achieved its intended purpose.
 - c. Whether the project, grant, or other expenditure of bond proceeds was done in compliance with all statutory and regulatory requirements.
- (4) Requires a bond act to include a provision requiring the cost of the report to be included in the cost of administering the bond act, and would require the cost of compliance with the above-described report requirements to be included in the cost of administering the bond act.
- (5) Makes non-substantive and conforming changes to certain cross-references.
- (6) Makes various legislative findings and declarations.



Status

A.B. 1754 was introduced on February 9, 2026, passed the Committee on Government Oversight on March 19, 2026, and has been referred to the Appropriations Committee.

Importance to the Authority

A report from the LAO in 2024 highlighted that California pays about \$6 billion each year from the General Fund to repay bonds. At a time of budget difficulty, it is essential that all our spending is justified. While the current mechanism does focus on preventing waste, fraud, and abuse with bond spending, they fail to track outcomes. Although the state has implemented some limited monitoring and evaluation of bond fund spending, these data systems are incomplete and, in many cases, not guided by clear strategies with measurable outcomes. As a result, we have a crisis of confidence that public money is being effectively spent on things that impact people's lives. Bond expenditures and related information should be provided to voters to promote greater transparency and trust in the voters who approve bond funding for the purpose of ensuring a vital infrastructure future for California. The public should be assured that bond funds will be used as the voters intended. Accountability regarding the expenditure of bond funds begins with establishing criteria for determining whether the intended outcomes are being achieved. AB 1754 creates that process, ensuring that voters have access to ongoing updates and reports regarding programs funded by bonds, ensuring that voter-approved funds are being used for what they were intended, and the state upholds its role as a responsible spender.

For these reasons, staff recommends a "Favor" position.

A.B. 1772 (Papan), Fish and wildlife: aquatic invasive species: golden mussels.

RECOMMENDATION: Watch and Amend

POLICY SCOPE: Water Supply Reliability, Environmental and Regulatory Compliance, Funding and Finance

Existing Law

Existing law, until January 1, 2030, generally prohibits a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water in the state, invasive mussels. Existing law requires a public or private agency that operates a water supply system to cooperate with the Department of Fish and Wildlife to implement measures to avoid infestation by invasive mussels and to control or eradicate any infestation that may occur in a water supply system. Existing law requires, if invasive mussels are detected, the operator of a water supply system to, in cooperation with the department, prepare and implement a plan to control or eradicate invasive mussels within the system, and eliminate or minimize any potential downstream transport of an invasive mussel. Existing law requires, on or before December 31, 2026, the department to review all approved plans and require all plans that do not specifically address all invasive mussel species known to be present in bodies of water in the state as of January 1, 2026, to be updated or revised appropriately to include all invasive mussel species, on or before September 30, 2027. Existing law requires every invasive mussel species to be addressed in a plan no later than 180 days from the date that the species is listed in a certain regulation. Existing law defines "invasive mussel" for these purposes as any nonnative detrimental mussel, as provided.



Under existing law, except as otherwise provided, any violation of the Fish and Game Code, or of any rule, regulation, or order made or adopted under the code, is a crime.

Summary

This bill would require the department to require water supply system operators to update their plans to address all invasive mussel species present in the operator's water system as of January 1, 2026, as provided. The bill would require a plan to address every invasive mussel species detected in a water supply system after January 1, 2026, no later than 180 days from the date the species is detected. The bill would require a plan to minimize or eliminate the spread of invasive mussels. The bill would revise the definition of "invasive mussel" to mean any nonnative biofouling mussel, as provided. By expanding the scope of a crime, the bill would impose a state-mandated local program.

This bill would require the department, in consultation with the Department of Parks and Recreation and the Department of Food and Agriculture, to develop a voluntary framework to prevent the overland spread of invasive mussels through the conveyance of watercraft overland. The bill would require the framework to include specified elements, including, among other elements, minimum standards for watercraft inspection, decontamination, and quarantine and a banding program or other mechanisms by which to confirm the inspection, decontamination, or quarantine status of a watercraft.

Status

A.B. 1772 was introduced on February 9, 2026, was amended into substantive spot bill form, and has been referred to the Committee on Water, Parks, and Wildlife.

Importance to the Authority

Invasive mussels can impact water delivery systems by clogging small-diameter pipelines, screens, and filters, and alter aquatic ecosystems by filter-feeding on planktonic algae and changing habitat structure. For water agencies, an uncontrolled infestation could mean costly infrastructure damage, reduced water delivery capacity, and disrupted treatment operations.

The Delta already has a well-documented pelagic food web crisis. Phytoplankton are an important and limiting food source in the Sacramento-San Joaquin Delta, and the decline of phytoplankton biomass is one potential factor in the decline of the protected delta smelt and other pelagic organisms. The mechanism driving that phytoplankton collapse is bivalve filter-feeding: invasive bivalves such as *Corbicula fluminea* and *Potamocorbula amurensis* have been shown to control phytoplankton biomass in several locations throughout the system.

Golden mussels make this dramatically worse. The golden mussel is a voracious plankton feeder that may further reduce the food supply for delta smelt and other plankton-feeding fishes in low salinity environments. Its effect on fishes may be similar to that of the overbite clam (*Potamocorbula amurensis*), which has been a major cause of pelagic fish declines in the Delta since the early 1980s. Golden mussels will likely colonize the fresher parts of the Delta and spread upstream as far as boats travel, thereby occupying a part of the watershed where nonnative overbite clams, limited by salinity, drop out. In other words, golden mussels are not merely adding to an existing stressor — they are filling one habitat gap that had partially buffered the food web collapse.

Creating a holistic framework around decontamination standards to prevent additional spread and funding to address water agency research and mitigation needs is one purported purpose of this legislation. The



legislation has an active Author facilitated working group that Authority staff are actively participating in and will be working with the author to coordinate efforts on water agency needs and response to the emerging issue.

For these reasons, staff recommends a “Watch and Amend” position.

A.B. 2013 (Bennett), Fire risk areas: water suppliers: emergency preparedness plan.

RECOMMENDATION: Not Favor Unless Amended

POLICY SCOPE: Environmental and Regulatory Compliance, Funding and Finance

Existing Law

Existing law requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas.

Existing law requires a local agency to designate, by ordinance, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal.

Summary

This bill would require a water supplier that services more than 100 customers that are located in a moderate, high, or very high fire hazard severity zone to establish an emergency preparedness plan for response to red flag warnings, extreme weather events, and other major power outages or emergencies that pose a potential threat to providing adequate water service to the moderate, high, or very high fire hazard severity zone.

Water suppliers would be encouraged to develop the emergency preparedness plan in coordination with the county board of supervisors, or a county agency or department if one is designated an authority to coordinate with the water supplier by the county board of supervisors. The bill requires the plan to be submitted to the county board of supervisors or a county agency or department designated by the county board of supervisors.

This bill would require a water supplier to review the emergency preparedness plan at least once every three years and update the plan as necessary.

This bill would require the emergency preparedness plan to include, but not be limited to, all of the following:

- (1) An assessment of the minimum water tank levels necessary to maintain water service for customers while providing an adequate water supply for firefighting activities during an extreme weather event or red flag warning. The assessment would be required to take into consideration water quality standards and actions necessary to maintain water quality.
- (2) An assessment that identifies the minimum number of and type of water pumps that are necessary to maintain water service for customers while providing an adequate water supply for firefighting activities. The assessment would be required to identify water pumps that are equipped with emergency backup energy sources and identify water pumps that require the installation of emergency backup energy sources.



- (3) An identification of alternative water sources that can be used during an extreme weather event or loss of power, if any.
- (4) A detailed accounting of the pipelines, water pumps, water tanks, backup power generation facilities, and related infrastructure needs that are necessary to maintain water service for customers and provide adequate water supply for firefighting activities during an extreme weather event and a designation for which of these pipelines, water pumps, water tanks, and backup power generation facilities are, or are required to be, fire hardened.

This bill would require a water supplier or water system that is required to prepare and submit an emergency response plan to the Public Utilities Commission to include the emergency preparedness plan in that submission.

Status

A.B. 2013 was introduced on February 17, 2026, and referred to the Committees on Emergency Management and Environmental Safety and Toxic Materials on March 16, 2026. Importance to the Authority

This year, Assemblymember Bennett introduced AB 2013, which incorporates the planning requirements from AB 367 statewide, with certain changes.

Importance to the Authority

The provisions in AB 2013 are not workable. The bill would require water suppliers, as specified and insufficiently defined in statute, to prepare an emergency preparedness plan for response to red flag warnings, extreme weather events, and other major power outages or emergencies that pose a potential threat to providing adequate water service to the moderate, high, or very high fire hazard severity zone. Concerns have been raised over specific elements the bill requires water suppliers to include within their emergency preparedness plans. These elements include an assessment of the minimum water tank levels and minimum number of and type of water pumps and a detailed accounting of the pipelines, water pumps, water tanks, backup power generation facilities, and related infrastructure necessary to provide an adequate water supply for firefighting activities.

AB 2013 misrepresents the role of public water agencies during wildfires. The bill is structured under the premise that water systems should be expected to provide “adequate water supply for firefighting activities.” Public water agencies’ systems are designed to provide the public with safe and reliable drinking water and to provide an immediately available water service to aid in extinguishing structural fires in accordance with requirements for fire flows. These water systems were not designed to combat wildfires, especially the climate-driven wildfires that California experiences today. AB 2013’s prescriptive requirements could be used as a tool in litigation against public water agencies after a fire. Furthermore, the bill fails to recognize and acknowledge the complexity and dynamic nature of water system operations. Emergency planning efforts will vary based on the needs of the system and area of the state.

Ultimately this bill takes the wrong approach and would increase liability for public water agencies. Alternatively, ACWA’s sponsored bill, SB 1153 (Caballero, 2026), clarifies the role of public water agencies in wildfire response, including the limitations of water systems, and bolsters planning efforts by requiring urban retail water suppliers serving high-risk areas to include wildfire response procedures within their emergency response plans.



Water Authority staff and consultants will participate in ACWA's Emergency Management Working Group, which engaged on AB 367, to draft amendments to AB 2013 to eliminate the liability concerns, while supporting planning efforts in alignment with SB 1153. In conversations last year in the Legislature, there is a strong desire for water agencies to take action and invest in wildfire preparedness.

For these reasons, staff recommends a "Not Favor Unless Amended" position.

A.B. 2026 (Aguiar-Curry), Water diversion: groundwater recharge: permit.

RECOMMENDATION: Watch and Amend

POLICY SCOPE: Water Supply Reliability, Water Quality and Resource Management, Environmental and Regulatory Compliance, Climate Adaptation and Resilience, Funding and Finance

Background

Existing Law

Beneficial Use

The Reasonable and Beneficial Use Doctrine (Doctrine) mandates that water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use of water be prevented, and that the conservation of such waters be exercised with a view of the interest of the people and for the public welfare. The Doctrine limits the right to or the use or flow of water in or from any natural stream or water course in California to the amount reasonably required and does not extend that right to the waste or unreasonable use or method of diversion of water.

Appropriative Water Right Exemption for Diversion of Floodflows

SB 122 (Chapter 51, Statutes of 2023) provides that for diversions commenced before January 1, 2029, the diversion of floodflows, as defined, for groundwater recharge does not require an appropriative water right if certain conditions are met, including that a local or regional agency that has adopted a flood control plan or considered flood risks as part of its most recently adopted general plan has given notice, as provided, of imminent risk of flooding and inundation of lands, roads, or structures.

Existing law also requires the person or entity making the diversion for groundwater recharge purposes to file with the State Water Resources Control Board (State Water Board) and any applicable groundwater sustainability agency (GSA), a notice containing specified information in accordance with specified timelines.

For diversions from water tributaries to the Sacramento-San Joaquin Delta (Delta), the diversion of floodflows for groundwater recharge does not require an appropriative water right if water rights holders are not making releases of stored water or reoperating facilities to provide flow for the purposes of meeting water quality control plan or endangered species requirements in the Delta at the time of the diversion.

Fees

Existing law requires each person or entity who holds a permit or license to appropriate water, and each lessor of water, to pay an annual fee according to a fee schedule established by the State Water Board.



Environmental Impacts

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any proposed project that may have a significant effect on the environment or to adopt a negative declaration that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

Lake and Streambed Alteration Agreements

Existing law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of any river, stream, or lake, or depositing or disposing of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless prescribed requirements are met, including providing written notification of the activity to the Department of Fish and Wildlife (CDFW). Existing law requires CDFW to determine whether the activity may substantially adversely affect an existing fish and wildlife resource and, if so, to provide a draft lake or streambed alteration agreement (LSAA) that meets various requirements to the person, agency, or utility. Existing law establishes various exemptions from these provisions, including for specified emergency work and, until January 1, 2029, the diversion of floodflows for groundwater recharge, as provided.

Applications for Conditional, Temporary Permits

Existing law authorizes a person with an urgent need, as defined, to divert and use water, to apply for, and authorizes the State Water Board to issue a conditional, temporary permit without complying with other required procedures or provisions if specified requirements are met. Specifically, prior to issuing a temporary permit, the State Water Board is required to find that (1) the person has an urgent need for the water proposed to be diverted and used, (2) the water can be diverted and used without injuring any other lawful water user, (3) the water can be diverted and used without unreasonably effecting fish, wildlife, or other instream beneficial uses, and (4) the proposed diversion and use are in the public's interest. Existing law authorizes an application to be filed regardless of if a groundwater basin has adopted a groundwater sustainability plan (GSP), interim plan, or alternative.

Division of Water Rights

Existing law requires the State Water Board to divide itself into at least two divisions, including the Division of Water Rights (Division), and to appoint a deputy director or division chief for each. Existing law requires the State Water Board to consider and act upon applications for permits to appropriate water and to do all things required by or related to said applications.

Existing law requires the Division to conduct a field investigation of all minor protested applications, as defined.

Groundwater Basins

The Sustainable Groundwater Management Act (SGMA) requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources (DWR) to be managed under a GSP or coordinated GSPs, except as specified. SGMA authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency (GSA) for that basin and imposes specified duties upon that agency or combination of agencies, as provided.



State Water Project and Central Valley Project

Existing law requires DWR to operate and maintain the State Water Resources Development System (State Water Project (SWP)) in accordance with the California Water Resources Development Bond Act to supply water to persons and entities in the state. Existing law imposes on DWR full charge and control of the construction, operation, and maintenance of the Central Valley Project (CVP) and provides that the public interest, welfare, convenience, and necessity require the construction of the CVP for the conservation, development, storage, distribution, and utilization of water.

Summary

This analysis only discusses sections with additions or amendments that directly impact Water Authority members and omits all other sections.

Section 2

This bill would amend the conditions under which an appropriative water right would *not* be required for the diversion of floodflows for groundwater recharge in the following ways:

Instead of a local or regional agency that has adopted a local plan of flood control or considered flood risk as part of its most recently adopted general plan, this bill would require a local or regional agency responsible for flood management to give notice via specified means that downstream flows are at imminent risk of flood and inundation of land, roads, or structures.

This bill would expand the definition of the term “floodflow” to include flows that are occurring downstream of a dam releasing water for flood purposes as required by a United States Army Corps of Engineers flood control rule or curve, a court judgment, or other binding rule.

This bill would amend the definition of the term “imminent” to a high degree of confidence that a condition will occur soon if flood management actions are not immediately implemented.

This bill would define the term “excess water conditions” as those determined by the Agreement Between the United States of America and the State of California for Coordinated Operation of the Central Valley Project and the State Water Project, as amended.

This bill would expand the conditions under which diversions cease to include when flood control releases are no longer legally required or would interfere with a priority right on the stream that the diversions occur from or downstream of that stream.

This bill would amend the conditions under which water could be diverted from tributaries to the Delta. This bill would, for a diversion from the San Joaquin River or its tributaries upstream of Vernalis, authorize the diversion of water when the Delta is in excess water conditions and without restrictions. This bill would, with respect to all other diversions, authorize the diversion of water when the Delta is in excess water conditions and (1) without restrictions or (2) with restrictions, but its operations are only controlled by Old and Middle River flow, as defined, or San Joaquin River inflow-to-export ratio. This bill would require a diverter to monitor conditions daily using a specified report. This bill would define the term “controlled by Old and Middle River Flow” as conditions when the CVP and SWP are implementing one or more regulatory requirements by managing flows in Old and Middle River, whatever the source or content of those requirements.

This bill would authorize a person or entity making the diversion of groundwater recharge to claim credit, instead of a water right, for the beneficial use of the diversion and recharge if the underground storage of the



water advances the sustainability goal of a basin and the GSA with authority over the area where the diverted water recharges the basin that authorized the credit. This bill would limit the amount of credit that could be claimed. Diversion for groundwater recharge would not create a vested water right to divert.

This bill would, if tribal consultation has been conducted, exempt the diversion of floodflow for groundwater recharge from requirements of the Public Resources Code (PRC) and Fish and Game Code (FGC).

Section 3

This bill would define the following terms:

1. "Controlled by Old and Middle River Flow" as conditions when the CVP and SWP are implementing one or more regulatory requirements by managing flows in Old and Middle River, whatever the source or content of those requirements is;
2. "De minimis reduction" as a cumulative reduction of less than 10 acre-feet in a single water year;
3. "Delta" as defined in Section 12220;
4. "Delta is with restrictions" as conditions when CVP and SWP operations in the Delta are constrained by a nondiscretionary requirement, including a requirement for the protection of water quality and endangered species;
5. "Delta is without restrictions" as conditions when CVP and SWP operations in the Delta are not constrained by a nondiscretionary requirements, including a requirements for the protection of water quality and endangered species;
6. "Delta operations" as the operations by which the CVP and SWP divert water from the Delta;
7. "Excess water conditions" as conditions as determined pursuant to the Agreement Between the United States of America and the State of California for Coordinated Operation of the CVP and SWP, as amended; and
8. "Water year" as the period beginning October 1 of one calendar year and continuing to September 30 of the following calendar year.

For minor applications to divert water within or upstream of the Delta, this bill would allow the State Water Board's finding that water may be diverted and used without injuring a legal user of water from or any contractor to the CVP or SWP to be satisfied by the use of (1) a temporary urgency permit or a temporary permit for diversion to underground storage, (2) the inclusion of specified language regarding proposed permit terms, and (2) the adoption of the language in the applicable permit. For diversions from the San Joaquin River or its tributaries, this bill would authorize water to be diverted when the Delta is in excess water conditions and without restrictions. For all other diversions, this bill would authorize water to be diverted when the Delta is in excess water conditions and (1) without restrictions or (2) with restrictions but operations are controlled only by Old and Middle River flow, as defined, or San Joaquin River inflow-to-export ratio. This bill would require the permittee to monitor conditions using a specified report to determine the Delta's condition and whether diversions are authorized.

This bill would authorize water to be diverted to the applicable permit if, in addition to compliance with other unrelated permit terms, the permittee has an agreement with DWR and, as necessary, the Bureau of Reclamation (Bureau), to ensure that their diversions upstream of the Delta do not injure DWR or the Bureau by adversely impacting the operations of the SWP or CVP. A de minimis, as defined, effect on the operations of the SWP or CVP would not be an injury to DWR or the Bureau.



Section 4

This bill would add to the list of conditions under which the Division would not be required to conduct a field investigation for a minor application, as defined, if specified conditions are met, including that the application (1) involves a diversion substantially similar to a diversion previously authorized by temporary permits for at least 5 years and involving no greater amount and no other points of diversion, than authorized in the last of the preceding temporary permits, and (2) includes specified information on the applicant's experience regarding past temporary permits.

Section 5

This bill would require the State Water Board to consider, in a specified manner, minor applications involving a diversion substantially similar to a diversion previously authorized by temporary permits for at least 5 years and involving no greater amount and no other points of diversion than authorized in the last of the preceding temporary permits. Specifically, the State Water Board would, among other things, be required to:

1. Give public notice of and provide an opportunity to file public comments on the application in accordance with specified timelines. This bill would authorize the State Water Board to extend the timeline by 30 days if it makes a written finding of good cause based on unique circumstances,
2. Issue a decision on the application in accordance with specified timelines. This bill would authorize the State Water Board to delegate its authority to issue a decision to the Division, subject to its reconsideration of the Division's decision. This bill would require the reconsideration proceeding to conclude within 90 days of the filing of a petition for reconsideration, unless the applicant consents to an extension,
3. Approve the application if it determines that a preponderance of evidence shows that the proposed diversion would not:
 - a. Injure any legal water user through significant changes in water quantity, water quality, timing of diversion or use, consumptive use of the water, or reduction in return flows, and
 - b. Unreasonably affect fish, wildlife, or other instream beneficial uses,
4. If it determines that the preponderance of the evidence does *not* support the required findings based on the applicant's proposed terms, approve, to the maximum extent possible, the application based on terms that it determines *will* cause the applicant's diversion to satisfy the provisions in paragraph (3). This bill would prohibit the State Water Board from conditioning a permit on terms involving another permit, license, or water right held by the applicant or to avoid or mitigate impacts not caused by the diversion proposed by the application,
5. Not require separate applications for consumptive and nonconsumptive uses of water and not require the permit to describe the physical works used to convey water to underground storage, the spreading grounds, and the underground reservoirs or the method and point of measurement of water recharged to, and withdrawn from, underground storage,
6. Consider that diversions related to an application involving diversions upstream of the Delta would not cause injury to the legal users of water by the CVP, SWP, or those projects' contractors if the permit incorporates applicable specified terms,
7. Consider that its issuance of a permit would not be exempt from PRC and FGC requirements if (1) tribal consultation has been conducted and (2) the permitted diversions will occur through existing diversion infrastructure or temporary facilities that meet specified requirements,
8. Consider a minor application notwithstanding any declaration that the relevant stream system is fully appropriated in accordance with specified requirements, and



9. Set fees in accordance with specified requirements.

Section 6

This bill would include in the definition of the term “minor application” an application by a GSA or local agency, or a private entity pursuant to a memorandum of understanding (MOU) or other agreement with a GSA, for a diversion that:

1. Is substantially similar to a diversion previously authorized by temporary permits for at least 5 years and involving no greater amount and no other points of diversion, than authorized in the last of the preceding temporary permits, or
2. Was previously authorized by a temporary permit.

Section 7

This bill would add Article 1 to Chapter 6.5 of Part 2 of Division 2 of the Water Code, which would apply to applications for temporary urgency permits and temporary permits for diversions to underground storage, and its terms would determine the availability of water for diversion for applications for those permits.

This bill would define the following terms, among others:

1. “90/20 method” as the method for calculating water availability when flows exceed the 90th percentile of historic daily flow between December 1 and March 31, and the total amount of water diverted is capped at 20 percent of the daily flow after downstream senior diverter demand, established instream flow requirements, and consideration of water quality objectives are satisfied,
2. “Basin” as defined in Water Code Section 10721,
3. “Delta” as the Delta,
4. “Diversion criteria” as specific thresholds that determine when a permittee may divert, based on flows. These are in addition to any other condition placed on a permit,
5. Flood/recharge diversion criteria” as the method for calculating water availability for the Sacramento River and its tributaries upstream of the Delta, pursuant to which water is available for diversion for recharge and beneficial uses during the period of December 1 to March 31, inclusive, within a water year when, on the date of measurement, cumulative unimpaired runoff as of that date exceeds the 80th percentile of historical cumulative water year runoff at the point of diversion, or the nearest measuring point, and lasting until that cumulative water year runoff is lower than the 50th percentile of historical cumulative runoff at the point of diversion, or the nearest point of measurement, as measured against historical cumulative water year runoff measured on that date,
6. “Location-specific diversion criteria” as criteria for determining the water available for diversion pursuant to methods other than the 90/20 method or the flood/recharge diversion criteria that contain the following components:
 - a. Limits diversion to the December 1 to March 31, inclusive, period and from higher streamflows,
 - b. Limits diversions to a portion of daily or seasonal streamflow,
 - c. Protects existing legal users of water, including the CVP and SWP,
 - d. Protects public trust resources,
 - e. Allows for implementation across the specific region, and
 - f. Provides for the ability to efficiently forecast diversions, operate to diversion criteria, and promote maximum diversion opportunities pursuant to appropriate conditions.
7. “Recharge beneficial uses” as beneficial uses supported by groundwater recharge projects, and



8. “Temporary permit” as a temporary urgency permit or a temporary permit for diversion to underground storage.

This bill would authorize the State Water Board to consider and issue a permit for any applicable application if water availability for the application and permit is determined in accordance with this section and notwithstanding any declaration that the relevant stream system is fully appropriated. This bill would require the State Water Board to apply the following criteria when determining the availability of water for an application and permit:

1. For diversions from the Sacramento River or its tributaries upstream of the Delta, the State Water Board would be required to apply the flood/recharge diversion criteria. Those criteria would only determine the availability of water during the period of December 1 to March 31, and the ultimate permit would be prohibited from authorizing the diversion of more than 20 percent of daily streamflow at any point of diversion.
2. For other areas of the state, the State Water Board would be required to apply location-specific diversion criteria to the maximum extent possible. If that is not possible, the State Water Board would be required to apply the 90/20 method.

This bill would require the State Water Board to adopt emergency regulations detailing the 90/20 method and would subject the emergency regulations, and any amendment to them, to review by the Office of Administrative Law. Adopted emergency regulations would remain in effect until revised by the State Water Board.

This bill would exempt specified situations from PRC requirements, including:

1. The adoption of emergency regulations, if tribal consultation has been conducted as required, and
2. The issuance of a temporary permit that meets specified criteria.

Section 9

In addition to the findings currently required to be made by the State Water Board, this bill would also require the State Water Board to find that a conditional, temporary permit’s diversion and use will support the application of water to one or more beneficial uses, which may include recharge beneficial uses.

This bill would expand the definition of the term “urgent need” to include, in a basin that requires a GSP, the application of a local agency, GSA, or private entity operating pursuant to an MOU or other agreement with a GSA to divert and use water determined to be available to augment the basin’s recharge to support implementation of the basin’s sustainability goal.

This bill would authorize a temporary permit to authorize that diversions be initiated after the date of the permit’s issuance, if the diversions are authorized during the 180-day period after diversions commence. This bill would require an applicant to request approval of a delayed initiation period in their initial application filing. This bill would require a permittee, if delayed initiation is authorized, to inform the State Water Board within 10 days of commencement of diversion. This bill would require the State Water Board to list notifications received on its website.

This bill would exempt the State Water Board’s issuance of a temporary permit to address an urgent need from requirements of the PRC, if tribal consultation has been conducted and if the permitted diversions occur through either of the following situations:



1. Existing diversion infrastructure, or
2. Temporary facilities that meet specified conditions.

This bill would require the State Water Board to set fees for applications for temporary urgency permits and would limit fees to the amount of work reasonably estimated to be required of the State Water Board to reach a decision on an application. This bill would prohibit the State Water Board from requiring separate applications or fees for consumptive and nonconsumptive uses of diverted water.

Section 10

This bill would authorize applications to be accepted for processing if the proposed diversion is on an applicable stream or stream segment and the applicant proposes operating in accordance with applicable diversion criteria.

Under this bill, a temporary permit could authorize diversion to be initiated more than 180 days after its date of issuance but no more than 5 years later. This bill would require an applicant to request approval of a delayed initiation period in their initial application filing. This bill would require a permittee, if delayed initiation of diversion is authorized, to inform the State Water Board within 10 days of commencement of diversion. This bill would require the State Water Board to list notifications received on its website.

This bill would authorize the Chief Deputy Director of Water Rights to limit diversion under temporary permits in favor of competing temporary permits based on, but not limited to, consideration of public interest. This bill would authorize temporary permits to be changed upon request.

Section 13

This bill would add a new way for the State Water Board to satisfy the findings required to be made before issuing a permit. Specifically, this bill would permit the finding that water may be diverted and used without injury to be satisfied by demonstrating that water is available for appropriation in accordance with specified requirements.

This bill would no longer subject storage and extraction from storage in a basin pursuant to a proposed permit to accounting methods and reporting requirements established by the State Water Board.

This bill would exempt the State Water Board's issuance of a temporary permit to address an urgent need from requirements of the PRC and FGC, if the volume of water is determined and tribal consultation has been conducted as required, and the permitted diversions occur through either of the following situations:

1. Existing diversion infrastructure, or
2. Temporary facilities that meet specified conditions.

This bill would require the State Water Board to set fees for applications for temporary urgency permits and would limit fees to the amount of work reasonably estimated to be required of the State Water Board to reach a decision on an application. This bill would prohibit the State Water Board from requiring separate applications or fees for consumptive and nonconsumptive uses of diverted water.

Section 14

This bill would require the State Water Board to set fees for applications for temporary urgency permits and would limit fees to the amount of work reasonably estimated to be required of the State Water Board to reach a decision on an application. This bill would prohibit the State Water Board from requiring separate applications or fees for consumptive and nonconsumptive uses of diverted water.



This bill would change what information an application for a temporary permit is required to include. Specifically, an application could include a (1) water availability analysis that quantifies the amount of unappropriated water available, (2) simplified water available analysis, or (3) demonstration that Section 1422 applies.

Status

Amendment History

02-17-26

This bill was introduced as a spot bill with legislative intent language.

03-19-26

This bill was amended to reflect current provisions.

Importance to the Authority

AB 2026 offers an ambitious approach to reimagining the State's largely dysfunctional regulatory pathways for diverting water during high-flow events for groundwater recharge. ACWA and the Legislature have deliberated this topic multiple times in the last decade, engendering differing views on how to balance maximizing opportunities for recharge with protections for downstream users.

Given the history of this topic, the complexity of AB 2026, and the short time available to consider the bill, staff is recommending a "Watch and Amend" position.

Potential Amendments

AB 2026 must include a real-time Delta conditions trigger that suspends new diversion authorizations when CVP export operations are already constrained by OMR limits, the IE Ratio, or BiOp-triggered pumping restrictions. The bill already establishes that diversions from the San Joaquin River or its tributaries upstream of Vernalis may only occur when the Delta is in excess water conditions — but the definition of "excess" must be calibrated against CVP export capacity, not merely against nominal Delta outflow thresholds. A Delta that is technically in excess for outflow purposes but simultaneously subject to OMR restrictions that curtail exports is not, from the Authority's operational standpoint, in excess water conditions.

A.B. 2032 (Ransom), Fish and wildlife: restricted species permits.

RECOMMENDATION: Support and Amend

POLICY SCOPE: Water Supply Reliability, Environmental and Regulatory Compliance, Funding and Finance

Background

Existing Law

Fish and Game Code

Existing law, until January 1, 2030, prohibits a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, invasive mussels.



Existing law requires a public or private agency that operates a water supply system to cooperate with the California Department of Fish and Wildlife (CDFW) to implement measures to avoid infestation by invasive mussels and to control or eradicate any infestation that may occur in a water supply system, and if invasive mussels are detected, prepare and implement a plan to control or eradicate invasive mussels within the system, and eliminate or minimize any potential downstream transport of an invasive mussel.

Existing law prohibits the importation, transportation, possession, or live release of specified wild animals, except under a revocable, nontransferable permit, known as a restricted species permit, issued by CDFW in cooperation with the Department of Food and Agriculture, and only if certain requirements are met.

Existing law authorizes CDFW to issue permits, commonly known as scientific collecting permits, to take or possess any form of plant or animal life for scientific, educational, or propagation purposes.

Food and Agricultural Code

Existing law requires every manufacturer of, importer of, or dealer in any pesticide, except as specified, to obtain a certificate of registration from the Department of Pesticide Regulation before the pesticide is offered for sale. Existing law requires the Director of Pesticide Regulation to endeavor to eliminate from use in the state any pesticide that endangers the agricultural or nonagricultural environment, is not beneficial for the purposes for which it is sold, or is misrepresented, and in carrying out this responsibility, to develop an orderly program for the continuous evaluation of all pesticides actually registered.

Water Code

Under existing law, the State Water Resources Control Board (State Water Board) and the nine California regional water quality control boards regulate water quality and prescribe waste discharge requirements in accordance with the Porter-Cologne Water Quality Control Act (Porter-Cologne Act) and the national pollutant discharge elimination system (NPDES) permit program.

Summary

Fish and Game Code Provisions

Operations & Maintenance Exemption

This bill would exempt a public or private agency that operates a water supply system from any permit requirement pursuant to the chapter for maintenance and operational activities to control the spread of golden mussels in the water supply system, including removing golden mussels from pipes, screens, filters, and other infrastructure.

Best Management Practices

This bill would require CDFW's Invasive Species Program, through the Golden Mussel Task Force convened by CDFW, to develop and adopt, on or before April 1, 2027, best management practices for public and private agencies that operate water supply systems to control the spread of golden mussels until control plans can be developed and approved, as specified. The bill would require the best management practices to include common maintenance and operational activities for water infrastructure, water supply systems, and water bodies.

This bill would require CDFW to, upon request, provide guidance to public and private agencies that operate water supply systems regarding the best management practices and update the best management practices as necessary. The bill would encourage a public or private agency that operates a water supply system



undertaking maintenance and operational activities to control the spread of golden mussels in the water supply system to comply with the best management practices.

Scientific Research Guidance

This bill would require CDFW's Invasive Species Program, through the Golden Mussel Task Force, to develop and adopt, by April 1, 2027, guidance for scientific research conducted by or for public and private agencies that operate water supply systems to control the spread of golden mussels, including biology, ecology, and feasibility studies for golden mussel prevention, mitigation, control, and eradication methods.

This bill would require the guidance to include, but not be limited to, a process for a public or private agency that operates a water supply system to submit to CDFW a streamlined project proposal for scientific research to control the spread of golden mussels, to which CDFW must respond with suggested best management practices for the possession and transport of golden mussels to minimize any negative impacts of the scientific research.

This bill would encourage a public or private agency that operates a water supply system conducting scientific research, or having scientific research conducted on its behalf, to control the spread of golden mussels in the water supply system to comply with the guidance provided to it in response to a project proposal.

This bill would exempt scientific research to control the spread of golden mussels conducted by or for public and private agencies that operate water supply systems, including, but not limited to, as part of a project proposal, from scientific collecting permits under Section 1002 if the public or private agency participates in the Golden Mussel Task Force, as that participation may be determined by CDFW.

CDFW Maps

This bill would require CDFW to update the spatial distribution maps of golden mussel-infested water bodies posted on its internet website no less than quarterly based on monitoring and reported detections. The bill would require the maps to distinguish between reported and confirmed detections of golden mussels and include the date of the most recent map update. The bill would provide that the purpose of the maps would be to inform water agency decisions for water supply system projects, maintenance, and operational activities.

Food and Agricultural Code Provisions

This bill would require the Department of Pesticide Regulation to expedite the initial evaluation, reevaluation, or continuous evaluation of any pesticide under Section 12824 if the pesticide is a chemical treatment effective for the prevention, mitigation, control, or eradication of golden mussels in a water supply system operated by a public or private agency.

This bill would provide that expediting includes, but is not limited to, leveraging work and analysis completed on prior evaluations of pesticides effective for the prevention, mitigation, control, or eradication of golden mussels to expedite similar subsequent evaluations.

Water Code Provisions

This bill would require the State Water Board and regional boards to expedite the processing of any NPDES permit or permit modification to the extent allowable under state and federal law if the permit or permit modification is submitted by a public or private agency that operates a water supply system in order to control the spread of golden mussels.



This bill would provide that expediting includes, but is not limited to, all of the following:

- a. Assisting applicants with permit preparation and submittal.
- b. Allowing applicants to coordinate and streamline submission of permits.
- c. Leveraging work and analysis completed on prior permits to expedite the review of similar subsequent permits.
- d. Using any available emergency or urgency procedures with shortened timelines to process, review, and approve permits.

Status

Amendment History

2-17-2026

As introduced, the bill was a spot bill related to the import and transportation of species.

3-19-2026

On March 19, the bill was amended to its current form.

Importance to the Authority

Invasive mussels can impact water delivery systems by clogging small-diameter pipelines, screens, and filters, and alter aquatic ecosystems by filter-feeding on planktonic algae and changing habitat structure. For water agencies, an uncontrolled infestation could mean costly infrastructure damage, reduced water delivery capacity, and disrupted treatment operations.

The Delta already has a well-documented pelagic food web crisis. Phytoplankton are an important and limiting food source in the Sacramento-San Joaquin Delta, and the decline of phytoplankton biomass is one potential factor in the decline of the protected delta smelt and other pelagic organisms. The mechanism driving that phytoplankton collapse is bivalve filter-feeding: invasive bivalves such as *Corbicula fluminea* and *Potamocorbula amurensis* have been shown to control phytoplankton biomass in several locations throughout the system.

Golden mussels make this dramatically worse. The golden mussel is a voracious plankton feeder that may further reduce the food supply for delta smelt and other plankton-feeding fishes in low salinity environments. Its effect on fishes may be similar to that of the overbite clam (*Potamocorbula amurensis*), which has been a major cause of pelagic fish declines in the Delta since the early 1980s. Golden mussels will likely colonize the fresher parts of the Delta and spread upstream as far as boats travel, thereby occupying a part of the watershed where nonnative overbite clams, limited by salinity, drop out. In other words, golden mussels are not merely adding to an existing stressor — they are filling one habitat gap that had partially buffered the food web collapse.

Creating streamlined permitting processes for golden mussel mitigation treatment and scientific research would more appropriately recognize the scope and scale of the issue facing the Bay-Delta watershed ecosystem and communities reliant on facilities that convey water from that watershed. This bill seeks to identify the most significant gaps and create a framework for rapid response and permit streamlining that is sufficient with the urgency of the moment.

For these reasons, staff recommends a “Support and Amend” position.



A.B. 2218 (Kalra), Water policy: California Native American tribes.

RECOMMENDATION: Oppose Unless Amended

POLICY SCOPE: Water Supply Reliability, Water Quality and Resource Management, Environmental and Regulatory Compliance, Funding and Finance

Existing Law

Water Code Section 106 declares that it is the established policy of the State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation.

Water Code Section 106.3, California's Human Right to Water (HRWL), declares it the established policy of the State that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. Existing law requires all relevant state agencies, including the State Water Resources Control Board (State Water Board) and Department of Water Resources (DWR), to consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria.

Summary

This bill would declare that it is the established policy of the State to acknowledge and correct the inequities caused by state-sanctioned actions of termination, removal, and assimilation inflicted upon all California Native American tribes through compensation, legal recognition of rights, or replacement of benefits lost.

This bill would require all relevant state agencies, including the State Water Board and DWR, to consider and incorporate this policy when revising, adopting, or establishing rights, policies, regulations, permits, or grant criteria to address identified inequities.

Status

A.B. 2218 was introduced on February 19, 2026, as a spot bill and is currently pending before the Committee on Environmental Safety and Toxic Materials and Water, Parks and Wildlife.

Staff Comments

AB 2218 is one of several bills introduced this legislative session addressing tribal policy. The bill's language closely mirrors that of other existing state policies, namely California's HRWL, in creating administrative directives to state agencies to *consider* a statewide policy when establishing specific policies and regulations.

The author's office has indicated that the impetus of this proposed legislation is a preliminary injunction filed in *Kings County Farm bureau et al., v. State Water Resources Control Bd.*, a case where the dispute focuses on whether the State can override local groundwater management. The court found that implementation of the State Water Board's Racial Equity Resolution (Resolution)¹ was an example of overreach. According to the author's office, "[the Resolution], among many other things, condemns racial injustice and acknowledges the barriers Tribes encounter when attempting to access ancestral waters. While the

¹ https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021_0050.pdf



injunction was later overturned, this situation demonstrates the need for statutory backing of the state's efforts to correct water-related inequities." The Author's office is open to feedback.

The Evolution of Statewide Tribal Policies in Recent Years

The State has increasingly memorialized the importance of recognizing and collaborating with California Native American Tribes through executive orders, resolutions, reports, formal engagement policies and consultation policies.

The State Water Board's Resolution, which was adopted in November 2021, affirms the State Water Board's commitment to racial equity and directs staff to undertake a variety of actions to achieve racial equity throughout State Water Board programs and activities. Primary among those actions is the implementation of a Racial Equity Action Plan. Within the Resolution, the State Water Board acknowledges that "The colonization, displacement, and genocide of Native American people in the United States have contributed to the loss of water resource and watershed management practices that supported Native American people's traditional food sources and ways of life."

Similarly, DWR and the California Natural Resources Agency both have tribal engagement/consultation policies that encourage early engagement and collaboration with California Tribes.

Seeking A Path Forward

Tribal policy is a highly sensitive issue due to a combination of historic exclusion, legal complexities surrounding superior senior, or Winters rights, competition for scarce resources, environmental impacts, and regulatory conflicts. Given this sensitivity, it is imperative that ACWA navigate the policy landscape strategically and also take into consideration the Legislature's earnest interest in furthering policy in this space.

There is consensus among ACWA and its partner associations that the bill is broadly written and could have significant far-reaching impacts, including by creating legal uncertainty for state agencies and project proponents. Each association is still in the process of determining how the bill will impact their members specifically and where they will land in terms of a position.

The State has progressively moved toward enhancing collaboration with California Native American Tribes, including formally acknowledging the historical wrongdoings so it is not surprising that the State Legislature would want to create an established policy for the state.

ACWA recommends working with its members on language that addresses the potentially broad unintended consequences for permitting and regulatory processes. A good start would be to look at the language in California's HRWL, which includes the following and is absent from AB 2218: "The implementation of this section shall not infringe on the rights or responsibilities of any public water system."

ACWA staff recommend forming a working group to explore the impacts of this bill, and other Tribal related bills introduced this year, on public water agencies, identify potential amendments that address those concerns, and find an avenue that will allow the state to address cultural and social inequities while also considering the regulatory impacts of these policies.

Importance to the Authority

This bill includes broad, vague language that could create significant legal uncertainty for state agencies and project proponents. This bill would apply to "all" relevant state agencies, including the State Water Board



and DWR, and could subject virtually every permitting or regulatory action to new claims that inequities must be acknowledged and corrected.

Of particular concern is the bill's requirement that state agencies address inequities through compensation, legal recognition of rights, or replacement of benefits lost. While the goal of this language is certainly laudable, the language is undefined and potentially expansive. Furthermore, it is unclear *how* exactly an agency would be expected to implement this policy. Without clear standards, guardrails, or limits, this bill could expose state agencies and permit applicants to an increase in litigation, project delay, and financial challenges.

Staff recommends joining an ACWA led working group to explore the bill's impact on public water agencies and to identify potential amendments to address those concerns and recommends an Oppose Unless Amended position, to align position with that coalition effort.

A.B. 2630 (Bennett), Water diversion and use: adoption of regulations.

RECOMMENDATION: Oppose

POLICY SCOPE: Water Supply Reliability, Environmental and Regulatory Compliance Funding and Finance

Existing Law

Existing law authorizes the State Water Resources Control Board (State Water Board) to adopt regulations requiring measurement and reporting of water diversion and use by persons, including, among others, those authorized to appropriate water under a permit, a license, a registration for small domestic, small irrigation, or livestock stockpond use, or a certificate for livestock stockpond use (water measurement and reporting regulations).

For the initial regulations, existing law requires that they be adopted as emergency regulations and provides that the emergency regulations remain in effect until revised by the state board. Existing law also exempts the initial regulations from the California Environmental Quality Act (CEQA).

Summary

This bill would require any water measurement and reporting regulations to be adopted as emergency regulations that would remain in effect until revised by the board. This bill would also permanently exempt these regulations from CEQA.

Status

This legislation was introduced on February 20, 2026, has been amended and re-referred to the Committee on Natural Resources on March 24.

Importance to the Authority

AB 2630 would require any water measurement and reporting regulations to be adopted as emergency regulations that would remain in effect until revised by the State Water Board. While there is existing precedent for this process for other kinds of policies at the State Water Board and DWR, that does not make this good public policy. The regulatory process allows for appropriate public comment and review periods as



well as oversight by the Office of Administrative Law that would otherwise not occur in an emergency regulation rulemaking that remains in effect.

Water agencies are in the process of adapting to the current requirements of the water management and reporting regulations. Emergency regulations would likely have a tight timeline for implementation, if the updated regulations required something like installing a new measurement station that would be infeasible to do in a timely manner. This is especially concerning since the State Water Board had to withdraw their regulations, in part, to adjust implementation timelines. Water agencies rely on consistency in requirements to plan for out years and make investments in technology and equipment. Without longer timelines for consideration and opportunity to seek delayed implementation of new requirements, water agencies may be forced to retire functional assets or purchase and use new equipment on an infeasible timeline.

A.B. 2728 (Soria), Open and Transparent Water Data Act.

RECOMMENDATION: Support and Amend

POLICY SCOPE: Water Supply Reliability, Environmental and Regulatory Compliance, Funding and Finance, Stakeholder Engagement and Communication

Summary

AB 2728 (Soria) is a compact, technically modest amendment to the Open and Transparent Water Data Act that carries outsized long-term strategic value for the Authority. Its two operative provisions — adding management action efficacy as an explicit purpose of water data integration, and requiring unified hatchery production, release, and escapement data on the statewide platform by August 2027 — directly address the informational gaps that produce precautionary CVP export restrictions under the ESA BiOps.

Better, faster hatchery origin data at the population level reduces the frequency of OMR curtailments triggered by uncertainty about whether salvaged fish are of hatchery or natural origin.

Status

The legislation was introduced on February 20, 2026, amended into its current form on March 19, 2026, and has been re-referred to the Committee on Water, Parks, and Wildlife.

Importance to the Authority

The bill establishes a data infrastructure that is explicitly designed to evaluate management action efficacy.

Hatchery-origin fish are currently determined by the absence of an adipose fin or the presence of a coded wire tag — a physical identification method that requires fish to be caught at salvage facilities before hatchery or natural origin can be confirmed, meaning that real-time OMR management decisions are often made using preliminary loss estimates that are later revised as genetic data becomes available. When those preliminary estimates trigger export curtailments that are subsequently shown to have been based on misidentified hatchery fish, the Authority bears an operational cost — reduced deliveries — with no corresponding biological benefit.

AB 2728's integrated hatchery data platform provides the infrastructure to reduce this problem over time by enabling faster, more reliable hatchery origin determinations at the population level. Critically, the "efficacy" language in the bill also creates a statutory mandate for the platform to document cases where management



actions are triggered by data that is later revised — building an empirical record that the Authority can use to advocate in BiOp proceedings for more refined trigger thresholds that distinguish more precisely between hatchery and natural-origin loss before export curtailments are imposed.

The Authority should also note that the bill's federal data integration requirements — specifically the requirement to include USFWS and NOAA Fisheries hatchery production and escapement data — creates a vehicle for resolving longstanding data-sharing friction between state and federal agencies. Disagreements between state and federal hatchery production and monitoring data have historically created ambiguity in joint operations meetings that the Authority's staff must navigate; a unified platform reduces that ambiguity and improves the factual basis for real-time operational decisions.

For these reasons, staff recommends a “Support and Amend” position.

A.C.A. 11 (Macedo), California Water Resiliency Act.

RECOMMENDATION: Support

POLICY SCOPE: Funding and Finance

Summary

ACA 11, the California Water Resiliency Act, is a proposed constitutional amendment that would add Section 8 to Article X of the California Constitution, requiring the State Treasurer to annually transfer an amount equal to 1% of all state General Fund revenues to a newly created Water Conveyance and Capacity Infrastructure Fund. Moneys in the fund would be continuously appropriated to the California Water Commission for its actual costs of implementing the provisions and for administering grants for the entitlement, repair, design, and construction of water infrastructure projects that will maintain or expand the availability of clean, safe drinking water for homes and businesses, and water for agricultural uses, consistent with area of origin water rights.

Status

As a constitutional amendment, ACA 11 must pass both chambers of the Legislature with a two-thirds vote before being placed on the statewide ballot for voter ratification. The bill was introduced March 24, 2025, is a partisan bill carried by Republicans, and may be heard in committee as early as April 24, 2025.

Importance to the Authority

ACA 11 is among the most consequential water supply reliability proposals the Authority has encountered in a generation, because it would constitutionalize a dedicated, recurring, non-discretionary funding stream for water infrastructure at a scale no prior bond measure has matched on a sustained basis. At current General Fund revenue levels of approximately \$225–\$230 billion annually, a 1% continuous transfer would generate roughly \$2.2–\$2.3 billion per year — every year — for water conveyance and capacity infrastructure.

The Authority's water supply reliability challenge is precisely the kind of problem ACA 11 is designed to address. The Delta-Mendota Canal will receive \$235 million under the One Big Beautiful Bill for rehabilitation of the canal, including raising canal embankments, repairing check structures, and advancing potential construction of a new concrete-lined canal segment, while the San Luis Canal will receive \$50 million to address subsidence issues affecting water delivery reliability. These are critical investments, but they are one-time and federally driven. ACA 11's constitutional fund would create a permanent state counterpart —



enabling the Authority to plan multi-decade infrastructure programs on the basis of reliable annual state appropriations rather than cyclical bond measures or federal budget processes. ACA 11 may be the most important long-term financing measure the Authority is likely to see in the current decade.

For these reasons, staff recommends a “Support” position.

S.B. 872 (McNerney), Climate change: funding priorities.

RECOMMENDATION: Watch and Amend

POLICY SCOPE: Water Supply Reliability, Water Quality and Resource Management, Climate Adaptation and Resilience, Funding and Finance

Background

Existing Law

Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act), provides that it is the intent of the Legislature to provide for the sustainable management of the Sacramento-San Joaquin Delta ecosystem, to provide for a more reliable water supply for the state, to protect and enhance the quality of water supply from the Delta, as defined, and to establish a governance structure that will direct efforts across state agencies to develop a legally enforceable Delta Plan.

Existing law establishes in the California Natural Resources Agency (CNRA) the Department of Water Resources (DWR). Existing law establishes in the agency the Sacramento-San Joaquin Delta Conservancy to act as a primary state agency to implement ecosystem restoration in the Delta and to support efforts that advance environmental protection and the economic well-being of Delta residents.

Summary

This bill would establish the Delta Levees and Canal Subsidence Fund (Fund) in the State Treasury. The Fund may receive state moneys, including, but not limited to: General Fund, special funds, the Greenhouse Gas Reduction Fund (GGRF), or bond funding. The Fund may accept moneys from nonstate resources, including federal and private money.

This Fund would be available upon appropriation for the following purposes, subject to availability of funding, up to the following amounts until the 2046-47 fiscal year:

1. Up to \$150,000 to DWR for capital improvements to restore the original design water conveyance capacity for state water conveyance systems that have been impacted by subsidence; and,
2. Up to \$150,000 to the Sacramento-San Joaquin Delta Conservancy (Conservancy) to improve existing levees.

The bill would provide guidelines for prioritization and implementation of the expenditure of these funds for both purposes, as specified. If there are insufficient funds the Secretary of CNRA would determine a proportional reduction in allocations. The bill would prohibit these funds from being expended for any additional Delta Conveyance facilities, as specified.



Status

Amendment History

01-06-2026

As introduced, the bill stated that it would make nonsubstantive changes to the provisions regarding construction or enlargement of any new dam or reservoir without written approval of plans and specifications from DWR.

02-18-2026

As amended on February 18, the bill would have appropriated \$300 million from the GGRF annually, until 2047, for purposes of water conveyance to the DWR and levee improvements to the Sacramento-San Joaquin Delta Conservancy.

03-19-2026

As amended on March 19, the bill would establish the Delta Levees and Canal Subsidence Fund in the State Treasury to appropriate \$300 million annually, until 2047, for purposes of water conveyance improvements to DWR and levee improvements to the Delta Conservancy.

Importance to the Authority

SB 872 is the most significant state water infrastructure finance bill to advance in Sacramento in years, and it is directly pointed at the two physical vulnerabilities that most acutely threaten the Authority's ability to deliver water: Delta levee failure and conveyance capacity lost from subsidence. From the Authority's perspective, SB 872 requires targeted advocacy on three fronts: ensuring CVP-dependent federal infrastructure is eligible for funding, securing equitable program governance, and protecting the Authority from any interpretation of the bill's Delta Tunnel prohibition that could constrain legitimate CVP operational improvements.

For these reasons, staff recommends a "Watch and Amend" position.

Recommended Amendments

The bill as introduced directs funding exclusively to SWP infrastructure. The SWP doesn't exist in a vacuum — it works in coordination with the CVP, each providing operational benefits to the other in a variety of locations and at varying times of the year. SB 872 should be expanded to include the opportunity for funding to be allocated for infrastructure facilities owned by the federal government that improve the state's overall system reliability. The Authority must advocate for explicit CVP eligibility in the subsidence repair funding stream, or at minimum a joint state-federal coordination mechanism that ensures DWR's \$150 million annual investment optimizes system-wide conveyance capacity rather than SWP capacity in isolation.

Guidelines for Taking Positions on Legislation

A number of controversial bills are introduced in the Congress and in the California Legislature. It is important to understand how the Authority takes positions on legislation.

Policy

By Agenda Item 7, dated December 12, 2025, the Board adopted the Policy Framework and Fiscal Year 2027 Policy Action Plan.



Water Authority's Positions on Legislation

The Water Authority takes positions on legislation that, if enacted, would impact Water Authority members, consistent with Water Authority Board adopted Goals and Objectives in the Strategic Plan, as implemented through the Policy Framework and Annual Policy Action Plan.

The Water Authority may take the following positions on legislation: Oppose, Support, Oppose Unless Amended, Support if Amended, Support and Amend, Not Favor, Favor, Not Favor Unless Amended, Favor if Amended, Favor and Amend, and Watch (neutral).

The Water Authority's staff and consultants testify and advocate with legislators and staff through direct meetings and coordination of member agency contacts on all positions except Watch, Favor and Not Favor. For Favor and Not Favor positions, written communication of the Water Authority's position is provided to the legislator, the Water Authority's delegation, and relevant Committees.

Nothing in this section should be read to preclude the Executive Director or his or her delegee from taking an informal support or informal oppose position on behalf of the Water Authority that is consistent with the Policy Framework and Annual Policy Action Plan, or to preclude the Executive Director from communicating a position on emergency legislation after obtaining the concurrence of the Chair, or the Chair's designee, provided that the Executive Director informs the Board regarding such positions on emergency legislation no later than the next regularly scheduled Board meeting.

Amendment Development Process

If the Water Authority takes a position contingent on amendments, the Water Authority will typically discuss the concepts for the amendments at the meeting. Then Water Authority staff, in consultation with Committee and/or Board Members as needed, will develop the amendments after the meeting.

Information Sharing

To provide adequate information to the entire Water Authority membership, the Water Authority provides legislative updates, posts positions and other information on our website, and sends out advisories and alerts on key legislation.

The Water Authority's legislative department is available to provide specific information on bills on request and Board Members are encouraged to communicate Water Authority positions on priority legislation in meetings with legislative staff, consistent with Water Authority policy. The Water Authority's Water Policy Director appreciates being informed by Water Authority members of positions taken by Water Authority members on legislation.



BILL TEXT

ASSEMBLY BILL

No. 1754

Introduced by Assembly Member Pacheco
(Coauthor: Senator Allen)

February 9, 2026

An act to amend Sections 19967 and 19999 of the Education Code, and to amend Sections 16724 and 16786, and to add Section 16724.2 to, the Government Code, relating to public finance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1754, as introduced, Pacheco. State general obligation bonds: requirements.

Existing law, the State General Obligation Bond Law, generally sets forth the procedures for the issuance and sale of bonds governed by its provisions and for the disbursement of the proceeds of the sale of those bonds. Existing law specifies various provisions required for inclusion in a bond act. Existing law requires any state bond measure approved on or after January 1, 2004, to be subject to an annual reporting process, with the head of the lead state agency administering the bond proceeds reporting certain information about the projects being funded to the Legislature and the Department of Finance. Existing law permits this information to be provided on the agency's internet website or the state's open data portal under certain circumstances. Existing law authorizes the costs of the report to be included in the cost of administering the bond act unless prohibited by the bond act.

For any state general obligation bond measure that is approved by voters on and after January 1, 2027, this bill would require a bond act to include specified information about the objectives of the bond expenditure and related data. The bill would also require the head of

the lead state agency administering the bond to post on its internet website a notification that contains, among other information, details about the programs and projects authorized to be funded by the bond. The bill would require each state agency subject to these provisions to provide a written report to the Department of Finance, the Legislative Analyst, and specified legislative committees that contains certain information regarding the general obligation bond, in accordance with the above-described provision permitting this information to be provided on the agency’s internet website or the state’s online data portal. The bill would require the report to include, among other information, whether the project, grant, or other expenditure of bond proceeds has been done in a timely manner. The bill would require a bond act to include a provision requiring the cost of the report to be included in the cost of administering the bond act, and would require the cost of compliance with the above-described report requirements be included in the cost of administering the bond act. The bill would also make non-substantive and conforming changes to certain cross-references.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Bond Outcomes and Reporting Act.
- 3 SEC. 2. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) Upon approval by California voters, general obligation bonds
- 6 are used to make important investments in the state’s infrastructure
- 7 and to meet specific funding needs.
- 8 (2) As the fourth largest economy in the world, and with nearly
- 9 40,000,000 in population, California needs to make ongoing
- 10 investments in its infrastructure.
- 11 (3) Bond expenditures and related information should be
- 12 provided to voters to promote greater transparency and trust of the
- 13 voters who approve bond funding for the purpose of ensuring a
- 14 vital infrastructure future for California.
- 15 (4) The public should be assured that bond funds will be used
- 16 as the voters intended.
- 17 (5) Bond funds should be spent efficiently, effectively, and in
- 18 the best interests of Californians.

1 (6) Accountability regarding the expenditure of bond funds
2 begins with establishing criteria for determining whether the
3 intended outcomes are being achieved.

4 (7) Ongoing updates and auditing completed projects can help
5 determine that the bond expenditures were consistent with the
6 established criteria and all applicable laws.

7 (8) Accountability consists of ensuring bond expenditures
8 contribute to long-lasting, meaningful improvements to critical
9 infrastructure in this state, as well as providing the public with
10 readily accessible information about how the bonds they approved
11 and are paying for are being spent annually.

12 (b) Therefore, it is the intent of the Legislature to accomplish
13 all of the following:

14 (1) Ensure general obligation bond dollars are expended after
15 specified objectives are established for the expenditure of those
16 bond dollars.

17 (2) Ensure that the internet website information required by this
18 act provides the public with ready access to information on how
19 bond proceeds are being utilized and are meeting their intended
20 goals and objectives.

21 (3) Establish criteria for the expenditure of bond funds to ensure
22 that the state achieves the intended outcomes of those bond
23 expenditures.

24 (4) When expending bond funds, not only should the public
25 body comply with the authorizing bond act, the State General
26 Obligation Bond Law, and other applicable state and federal laws,
27 those expenditures should meet clear accountability criteria to
28 ensure that bond proceeds are spent efficiently, effectively, and in
29 the best interests of California.

30 (5) Reimburse additional costs to an agency from bond funding.

31 SEC. 3. Section 19967 of the Education Code is amended to
32 read:

33 19967. (a) A facility, or the part thereof, acquired, constructed,
34 remodeled, or rehabilitated with grants received pursuant to this
35 chapter shall be dedicated to public library direct service use for
36 a period of not less than 20 years following completion of the
37 project, or the useful life of the building, whichever is longer.

38 (b) If the facility, or part thereof, acquired, constructed,
39 remodeled, or rehabilitated with grants received pursuant to this
40 chapter ceases to be used for public library direct service prior to

1 the expiration of the period specified in subdivision (a), the board
2 shall be entitled to recover from the grant recipient or the
3 recipient's successor in the maintenance of the facility, an amount
4 which bears the same ratio to the value of the facility, or the
5 appropriate part thereof, at the time it ceased to be used from public
6 library direct service as the amount of the grant bore to the cost of
7 the facility or appropriate part thereof. For purposes of this
8 subdivision, the value of the facility, or the appropriate part thereof,
9 shall be determined by the mutual agreement of the parties, or
10 through an action brought for that purpose in the superior court.

11 (c) The board may release the grant recipient or the recipient's
12 successor in the maintenance of the facility from its obligation
13 under subdivision (a), and waive the requirements of subdivision
14 (b), if the board determines that so doing would not diminish the
15 quality of public library service in the community served by the
16 facility.

17 (d) Notwithstanding ~~subdivision (f) paragraph (6) of subdivision~~
18 (a) of Section 16724 of the Government Code, moneys recovered
19 pursuant to subdivision (b) shall be deposited in the fund, and shall
20 be available for the purpose of awarding grants for other projects.

21 SEC. 4. Section 19999 of the Education Code is amended to
22 read:

23 19999. (a) A facility, or the part thereof, acquired, constructed,
24 or remodeled, or rehabilitated with grants received pursuant to this
25 chapter shall be dedicated to public library direct service use for
26 a period of not less than 20 years following completion of the
27 project.

28 (b) The interest of the state in land or a facility, or both, pursuant
29 to the funding of a project under this chapter, as described in
30 subdivision (a), may be transferred by the State Librarian from the
31 land or facility, or both, for which that funding was granted to a
32 replacement site and facility acquired or constructed for the purpose
33 of providing public library direct service.

34 (c) If the facility, or any part thereof, acquired, constructed,
35 remodeled, or habilitated with grants received pursuant to this
36 chapter ceases to be used for public library direct service prior to
37 the expiration of the period specified in subdivision (a), the board
38 is entitled to recover, from the grant recipient or the recipient's
39 successor in the maintenance of the facility, an amount that bears
40 the same ratio to the value of the facility, or the appropriate part

1 thereof, at the time it ceased to be used for public library direct
2 service as the amount of the grant bore to the cost of the facility
3 or the appropriate part thereof. For purposes of this subdivision,
4 the value of the facility, or the appropriate part thereof, is
5 determined by the mutual agreement of the board and the grant
6 recipient or successor, or through an action brought for that purpose
7 in the superior court.

8 (d) Notwithstanding ~~subdivision (f)~~ *paragraph (6) of subdivision*
9 *(a)* of Section 16724 of the Government Code, any money
10 recovered pursuant to subdivision (c) shall be deposited in the
11 fund, and shall be available for the purpose of awarding grants for
12 other projects.

13 SEC. 5. Section 16724 of the Government Code is amended
14 to read:

15 16724. ~~The~~ *(a) For any state bond measure approved by the*
16 *voters before January 1, 2027, the bond act shall contain all of the*
17 *following provisions:*

18 ~~(a)~~

19 (1) A statement of the total amount of bonds authorized to be
20 issued and the purpose for which the proceeds from the sale of the
21 bonds may be used.

22 ~~(b)~~

23 (2) The creation of a committee and fund, and the naming of
24 the board as these items are defined in Section 16722.

25 ~~(c)~~

26 (3) A statement that the bonds are valid obligations of the state
27 and a pledge of the full faith and credit of the state for the punctual
28 payment of both principal and interest thereof.

29 ~~(d)~~

30 (4) An appropriation from the General Fund in the State
31 Treasury of the sum annually as shall be necessary to pay the
32 principal and interest on the bonds as they become due and payable.

33 ~~(e)~~

34 (5) A requirement that there be collected annually in the same
35 manner and at the same time as other state revenue is collected the
36 sum, in addition to the ordinary revenues of the state, as is required
37 to pay the principal and interest on the bonds; and a provision
38 making it the duty of all officers charged by law with any duty in
39 regard to the collections of the revenue to do and perform each
40 and every act which is necessary to collect that additional sum.

1 ~~(f)~~

2 (6) If the bond act provides that the fund shall have any receipts
3 other than the proceeds of the sale of bonds, the proceeds of interim
4 financing, or the investment earnings on the proceeds of bond sales
5 or interim financing, then the bond act shall also specify whether
6 those receipts shall be transferred to the General Fund as a
7 reimbursement for debt service payments or be used for the same
8 purpose for which the proceeds of the sale of the bonds may be
9 used.

10 ~~(g)~~

11 (7) A provision incorporating the provisions of this chapter, and
12 a declaration that the provisions hereof are included in the act as
13 though set out in full therein.

14 ~~(h)~~

15 (8) A statement that the bonds may be refunded in accordance
16 with Article 6 (commencing with Section 16780), and that approval
17 of the authorization of the bonds by the electors includes approval
18 of any bonds issued to refund the bonds originally issued.

19 ~~(i)~~

20 (9) A statement that notwithstanding any other provision of the
21 bond act, or of the State General Obligation Bond Law (Chapter
22 4 (commencing with Section 16720) of Part 3 of Division 4 of
23 Title 2 of the Government Code), if the Treasurer sells bonds
24 pursuant to this bond act that include a bond counsel opinion to
25 the effect that the interest on the bonds is excluded from gross
26 income for federal tax purposes under designated conditions, the
27 Treasurer may maintain separate accounts for the bond proceeds
28 invested and the investment earnings on those proceeds, and may
29 use or direct the use of those proceeds or earnings to pay any
30 rebate, penalty, or other payment required under federal law, or
31 take any other action with respect to the investment and use of
32 those bond proceeds, as may be required or desirable under federal
33 law in order to maintain the tax-exempt status of those bonds and
34 to obtain any other advantage under federal law on behalf of the
35 funds of this state.

36 ~~(j)~~

37 (10) A statement that the board may request the Pooled Money
38 Investment Board to make a loan from the Pooled Money
39 Investment Account, in accordance with Section 16312, for the
40 purposes of carrying out the bond act. The amount of the request

1 shall not exceed the amount of the unsold bonds that the committee
2 has by resolution authorized to be sold for the purpose of carrying
3 out the bond act. The board shall execute any documents required
4 by the Pooled Money Investment Board to obtain and repay the
5 loan. Any amounts loaned shall be deposited in the fund to be
6 allocated by the board in accordance with the bond act.

7 *(b) For any state bond measure approved by the voters on or*
8 *after January 1, 2027, the bond act shall contain the provisions*
9 *specified in subdivision (a), in addition to a provision requiring*
10 *the costs of the report, as specified in Section 16724.2, to be*
11 *included in the cost of administering the bond act.*

12 SEC. 6. Section 16724.2 is added to the Government Code, to
13 read:

14 16724.2. (a) For any state bond measure approved by the voters
15 on and after January 1, 2027, the bond act shall include all of the
16 following:

17 (1) Specific goals, purposes, and objectives that the bond
18 expenditure is intended to achieve.

19 (2) Detailed performance indicators for the public to have when
20 measuring whether the bond expenditure meets the goals, purposes,
21 and objectives established.

22 (3) Data collection requirements to enable the public to
23 determine whether the bond expenditure is meeting, failing to
24 meet, or exceeding those specific goals, purposes, and objectives.

25 (4) Specific data and baseline measurements to be collected and
26 remitted annually while the bond is being expended.

27 (b) The criteria established shall evaluate the intended outcomes
28 of the bond both at the issuance of the bond and once the funded
29 projects are completed.

30 (c) The head of the lead state agency administering the bond
31 shall post on its internet website a notification that contains the
32 items set forth in subdivision (a). This notification shall include,
33 but not be limited to, the following information:

34 (1) An overview of the various programs and projects authorized
35 to be funded by the bond.

36 (2) A summary of the status of bond use by major program
37 category.

38 (3) An explanation of the accountability criteria that will govern
39 the use of the bond funds.

1 (4) Detailed information about bond use by program or
2 individual infrastructure project.

3 (5) Objectives of the program or project to be funded by the
4 bond.

5 (d) Any relevant state agency shall cooperate in the
6 implementation of this section.

7 (e) (1) Each lead state agency that is subject to this section shall
8 provide a written report to the Department of Finance, the
9 Legislative Analyst, the Assembly Committee on Budget, and the
10 Senate Committee on Budget and Fiscal Review that, at a
11 minimum, sets forth the following information regarding the
12 general obligation bond:

13 (A) Whether the project, grant, or other expenditure of bond
14 proceeds has been done in a timely and efficient manner.

15 (B) Whether the project, grant, or other expenditure of bond
16 proceeds has or has not achieved its intended purpose.

17 (C) Whether the project, grant, or other expenditure of bond
18 proceeds was done in compliance with all statutory and regulatory
19 requirements.

20 (2) The written report required pursuant to paragraph (1) shall
21 also be posted conspicuously on the state agency’s internet website,
22 in accordance with subdivision (c) of Section 16724.4.

23 (3) The report required pursuant to paragraph (1) shall be
24 submitted in compliance with Section 9795.

25 (f) The cost of the report, as specified in subdivision (e), shall
26 be included in the cost of administering the bond act as provided
27 in subdivision (b) of Section 16724.

28 SEC. 7. Section 16786 of the Government Code is amended
29 to read:

30 16786. This article applies only to the refunding of bonds
31 authorized at a statewide election held after the effective date of
32 this article pursuant to a bond act expressly mentioning the right
33 of the state to refund the bonds so authorized. In any such bond
34 act, the provisions included therein pursuant to ~~subdivisions (e),~~
35 ~~(d), (e), and (f) paragraphs (3), (4), (5), and (6) of subdivision (a)~~
36 of Section 16724 apply to refunding bonds to the same extent and
37 in the same manner as those provisions applied to the bonds being
38 refunded.

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AMENDED IN ASSEMBLY MARCH 23, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1772

Introduced by Assembly Member Papan
(Principal coauthor: Assembly Member Ransom)
(Coauthors: Assembly Members Ávila Farías, Bains, Boerner,
Caloza, Gallagher, Jeff Gonzalez, Hart, Ransom, Celeste Rodriguez,
Rogers, and Blanca Rubio)

February 9, 2026

An act to amend Sections 2301 and 2303 of, and to add Section 2304 to, the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 1772, as amended, Papan. Fish and wildlife: ~~aquatic~~ invasive species: ~~golden~~ mussels.

Existing law, until January 1, 2030, generally prohibits a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water in the state, invasive mussels. Existing law requires a public or private agency that operates a water supply system to cooperate with the Department of Fish and Wildlife to implement measures to avoid infestation by invasive mussels and to control or eradicate any infestation that may occur in a water supply system. Existing law requires, if invasive mussels are detected, the operator of a water supply system to, in cooperation with the department, prepare and implement a plan to control or eradicate invasive mussels within the system, and eliminate or minimize any potential downstream transport of an invasive mussel. Existing law requires, on or before December 31, 2026, the department to review all approved plans and require all plans that do

not specifically address all invasive mussel species known to be present in bodies of water in the state as of January 1, 2026, to be updated or revised appropriately to include all invasive mussel species, on or before September 30, 2027. Existing law requires every invasive mussel species to be addressed in a plan no later than 180 days from the date that the species is listed in a certain regulation. Existing law defines “invasive mussel” for these purposes as any nonnative detrimental mussel, as provided.

Under existing law, except as otherwise provided, any violation of the Fish and Game Code, or of any rule, regulation, or order made or adopted under the code, is a crime.

This bill would require the department to require water supply system operators to update their plans to address all invasive mussel species present in the operator’s water system as of January 1, 2026, as provided. The bill would require a plan to address every invasive mussel species detected in a water supply system after January 1, 2026, no later than 180 days from the date the species is detected. The bill would require a plan to minimize or eliminate the spread of invasive mussels. The bill would revise the definition of “invasive mussel” to mean any nonnative biofouling mussel, as provided. By expanding the scope of a crime, the bill would impose a state-mandated local program.

This bill would require the department, in consultation with the Department of Parks and Recreation and the Department of Food and Agriculture, to develop a voluntary framework to prevent the overland spread of invasive mussels through the conveyance of watercraft overland. The bill would require the framework to include specified elements, including, among other elements, minimum standards for watercraft inspection, decontamination, and quarantine and a banding program or other mechanisms by which to confirm the inspection, decontamination, or quarantine status of a watercraft.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Existing law generally prohibits a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, invasive mussels and authorizes the Director of Fish and Wildlife or the director’s

~~designee to engage in various enforcement activities with regard to invasive mussels, as provided. Existing law requires specified entities that own or manage a reservoir, as defined, where certain activities are permitted to monitor and prevent the introduction of invasive mussel species, as specified, and requires any entity that discovers invasive mussels in the state to report the discovery immediately to the department.~~

~~This bill would provide that it is the intent of the Legislature to enact subsequent legislation to, among other things, address and prevent the spread of aquatic invasive species, including, but not limited to, the golden mussel, in California’s waterbodies and water infrastructure systems. The bill would also make various findings and declarations relating to aquatic invasive species.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no-yes. State-mandated local program: no-yes.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Aquatic invasive species, including the golden mussel,
- 4 threaten the ecological health, recreational value, and operational
- 5 integrity of California’s lakes, rivers, reservoirs, and water
- 6 conveyance facilities.
- 7 (2) Efforts to control or prevent the spread of the golden mussel
- 8 and other aquatic invasive species result in extensive operational
- 9 and economic impacts to water delivery and hydropower, and have
- 10 increasingly limited public access to recreational opportunities
- 11 such as boating, fishing, and other water-dependent activities.
- 12 (3) The increasing costs of mandatory decontamination,
- 13 quarantine requirements, and aquatic invasive species fees are
- 14 disproportionately paid for by the recreational boating community,
- 15 which cannot bear alone the financial responsibility of managing
- 16 this statewide threat.
- 17 (4) The Harbors and Watercraft Revolving Fund, established
- 18 in Section 85 of the Harbors and Navigation Code, is structurally
- 19 imbalanced and remains in deficit, thereby requiring the
- 20 identification and adoption of alternative and sustainable funding
- 21 sources to support statewide aquatic invasive species prevention
- 22 and mitigation programs.

1 (5) Establishing uniform statewide standards for vessel
 2 decontamination, including standards applicable to both motorized
 3 and nonmotorized paddlecraft, along with a system of information
 4 sharing and reciprocity among waterbodies, will improve
 5 efficiency, protect natural resources, and support California’s
 6 economic and recreational interests.

7 (b) It is the intent of the Legislature ~~to enact subsequent~~
 8 ~~legislation that would~~ *in enacting this bill* to accomplish ~~all both~~
 9 of the following:

10 ~~(1) Address and prevent the spread of aquatic invasive species,~~
 11 ~~including, but not limited to, the golden mussel, which currently~~
 12 ~~represents an urgent and significant threat to the state’s water~~
 13 ~~resources, in California’s waterbodies and water infrastructure~~
 14 ~~systems.~~

15 ~~(2) Establish a statewide standard for the decontamination of~~
 16 ~~all waterborne vessels and equipment, including motorized vessels,~~
 17 ~~paddlecraft, and other potential vectors capable of transmitting~~
 18 ~~aquatic invasive species, including the golden mussel.~~

19 ~~(3)~~

20 (1) Create a statewide database to voluntarily track the
 21 movement of vessels, equipment, and other vectors among
 22 California waterbodies, providing waterbody managers with
 23 accurate information on the prior contamination status of these
 24 vessels.

25 ~~(4)~~

26 (2) Develop a system of reciprocity that recognizes and honors
 27 certifications of decontamination for vessels and equipment moving
 28 between noninfested waterbodies, thereby facilitating safe
 29 recreational access.

30 ~~(5) Identify and implement, to the extent feasible, alternative~~
 31 ~~and equitable funding sources beyond fees imposed on the~~
 32 ~~recreational boating community, such as assessments on~~
 33 ~~commercial activities, including on international cargo shipping~~
 34 ~~operations that may impact the introduction of aquatic invasive~~
 35 ~~species to California waters.~~

36 (c) *It is the intent of the Legislature to subsequently amend this*
 37 *bill to identify and implement, to the extent feasible, alternative*
 38 *and equitable funding sources beyond fees imposed on the*
 39 *recreational boating community, such as assessments on*
 40 *commercial activities, including on international cargo shipping*

1 *operations that may impact the introduction of aquatic invasive*
2 *species to California waters.*

3 *SEC. 2. Section 2301 of the Fish and Game Code is amended*
4 *to read:*

5 2301. (a) (1) Except as authorized by the department, a person
6 shall not possess, import, ship, or transport in the state, or place,
7 plant, or cause to be placed or planted in any water within the state,
8 invasive mussels.

9 (2) The director or the director's designee may do all of the
10 following:

11 (A) Conduct inspections of conveyances, which include vehicles,
12 boats and other watercraft, containers, and trailers, that may carry
13 or contain adult or larval invasive mussels. Included as part of this
14 authority to conduct inspections is the authority to temporarily
15 stop conveyances that may carry or contain adult or larval invasive
16 mussels on any roadway or waterway in order to conduct
17 inspections.

18 (B) Order that areas in a conveyance that contain water be
19 drained, dried, or decontaminated pursuant to procedures approved
20 by the department.

21 (C) Impound or quarantine conveyances in locations designated
22 by the department for the period of time necessary to ensure that
23 invasive mussels can no longer live on or in the conveyance.

24 (D) (i) Conduct inspections of waters of the state and facilities
25 located within waters of the state that may contain invasive
26 mussels. If invasive mussels are detected or may be present, the
27 director or the director's designee may order the affected waters
28 or facilities closed to conveyances or otherwise restrict access to
29 the affected waters or facilities, and shall order that conveyances
30 removed from, or introduced to, the affected waters or facilities
31 be inspected, quarantined, or disinfected in a manner and for a
32 duration necessary to detect and prevent the spread of invasive
33 mussels within the state.

34 (ii) For the purpose of implementing clause (i), the director or
35 the director's designee shall order the closure or quarantine of, or
36 restrict access to, these waters, areas, or facilities in a manner and
37 duration necessary to detect and prevent the spread of invasive
38 mussels within the state. A closure, quarantine, or restriction shall
39 not be authorized by the director or the director's designee without
40 the concurrence of the Secretary of the Natural Resources Agency.

1 If a closure lasts longer than seven days, the department shall
2 update the operator of the affected facility every 10 days on efforts
3 to address the invasive mussel infestation. The department shall
4 provide these updates in writing and also post these updates on
5 the department's internet website in an easily accessible manner.

6 (iii) The department shall develop procedures to ensure proper
7 notification of affected local and federal agencies, and, as
8 appropriate, the Department of Water Resources, the Department
9 of Parks and Recreation, and the State Lands Commission in the
10 event of a decision to close, quarantine, or restrict a facility
11 pursuant to this paragraph. These procedures shall include the
12 reasons for the closure, quarantine, or restriction, and methods for
13 providing updated information to those affected. These procedures
14 shall also include protocols for the posting of the notifications on
15 the department's internet website required by clause (ii).

16 (iv) When deciding the scope, duration, level, and type of
17 restrictions, and specific location of a closure or quarantine, the
18 director shall consult with the agency, entity, owner, or operator
19 with jurisdiction, control, or management responsibility over the
20 marina, boat launch facility, or other facility, in order to focus the
21 closure or quarantine to specific areas and facilities so as to avoid
22 or minimize disruption of economic or recreational activity in the
23 vicinity.

24 (b) (1) Upon a determination by the director that it would further
25 the purposes of this section, other parties or state agencies,
26 including, but not limited to, the Department of Parks and
27 Recreation, the Department of Water Resources, the Department
28 of Food and Agriculture, and the State Lands Commission, may
29 exercise the authority, or portions of that authority, granted to the
30 department in subdivision (a).

31 (2) A determination made pursuant to paragraph (1) shall be in
32 writing and shall remain in effect until withdrawn, in writing, by
33 the director.

34 (c) (1) Except as provided in paragraph (2), Division 13
35 (commencing with Section 21000) of the Public Resources Code
36 does not apply to the implementation of this section.

37 (2) An action undertaken pursuant to subparagraph (B) of
38 paragraph (2) of subdivision (a) involving the use of chemicals
39 other than salt or hot water to decontaminate a conveyance or a

1 facility is subject to Division 13 (commencing with Section 21000)
2 of the Public Resources Code.

3 (d) (1) A public or private agency that operates a water supply
4 system shall cooperate with the department to implement measures
5 to avoid infestation by invasive mussels and to control or eradicate
6 any infestation that may occur in a water supply system. If invasive
7 mussels are detected, the operator of the water supply system, in
8 cooperation with the department, shall prepare and implement a
9 plan to control or eradicate invasive mussels within the system,
10 ~~and system to minimize or eliminate or minimize any potential~~
11 ~~downstream transport the spread~~ of an invasive mussel. The
12 approved plan shall contain the following minimum elements:

13 (A) Methods for delineation of infestation, including both adult
14 mussels and veligers.

15 (B) Methods for control or eradication of adult mussels and
16 decontamination of water containing larval mussels.

17 (C) A systematic monitoring program to determine any changes
18 in conditions.

19 (D) The requirement that the operator of the water supply system
20 permit inspections by the department as well as cooperate with the
21 department to update or revise control or eradication measures in
22 the approved plan to address scientific advances in the methods
23 of controlling or eradicating mussels and veligers.

24 (2) If the operator of water delivery and storage facilities for
25 public water supply purposes has prepared, initiated, and is in
26 compliance with all the elements of an approved plan to control
27 or eradicate invasive mussels in accordance with paragraph (1),
28 the requirements of subdivision (a) do not apply to the operation
29 of those water delivery and storage facilities, and the operator is
30 not subject to any civil or criminal liability for the introduction of
31 invasive mussel species as a result of those operations. The
32 department may require the operator of a facility to update its plan,
33 and if the plan is not updated or revised as described in this
34 subdivision, subdivision (a) shall apply to the operation of the
35 water delivery and storage facilities covered by the plan until the
36 operator updates or revises the plan and initiates and complies with
37 all of the elements of the updated or revised plan.

38 (3) On or before December 31, 2026, the department shall
39 review all approved plans pursuant to this subdivision and require
40 ~~all plans that do not specifically address all invasive mussel species~~

1 ~~known to be present in bodies of water in the state subdivision.~~
2 ~~The department shall require water supply system operators to~~
3 ~~update the plans to address all invasive mussel species present in~~
4 ~~their system as of January 1, 2026, to be updated or revised~~
5 ~~appropriately to include all invasive mussel species, on or before~~
6 ~~on or before September 30, 2027.~~

7 (4) Every invasive mussel species *detected in a water supply*
8 *system after January 1, 2026*, shall be addressed in a plan pursuant
9 to this subdivision no later than 180 days from the date ~~that the~~
10 ~~species is listed in a regulation as described in Section 2303.~~
11 *detected*. The department shall approve plans or provide written
12 comments and suggestions on plan deficiencies within 180 days
13 from the date of plan submission.

14 (e) Any entity that discovers invasive mussels within this state
15 shall immediately report the discovery to the department.

16 (f) (1) In addition to any other penalty provided by law, any
17 person who violates this section, violates any verbal or written
18 order or regulation adopted pursuant to this section, or who resists,
19 delays, obstructs, or interferes with the implementation of this
20 section, is subject to a penalty, in an amount not to exceed one
21 thousand dollars (\$1,000), that is imposed administratively by the
22 department.

23 (2) A penalty shall not be imposed pursuant to paragraph (1)
24 unless the department has adopted regulations specifying the
25 amount of the penalty and the procedure for imposing and
26 appealing the penalty.

27 (g) The department may adopt regulations to carry out this
28 section.

29 (h) Pursuant to Section 818.4 of the Government Code, the
30 department and any other state agency exercising authority under
31 this section shall not be liable with regard to any determination or
32 authorization made pursuant to this section.

33 (i) This section shall remain in effect only until January 1, 2030,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2030, deletes or extends that date.

36 *SEC. 3. Section 2303 of the Fish and Game Code is amended*
37 *to read:*

38 2303. For purposes of this chapter, “invasive mussel” means
39 any nonnative ~~detrimental~~ *biofouling* mussel species that is capable

1 of spreading in freshwater and is listed in a regulation adopted by
2 the commission pursuant to Section 2118.

3 *SEC. 4. Section 2304 is added to the Fish and Game Code, to*
4 *read:*

5 *2304. The department, in consultation with the Department of*
6 *Parks and Recreation and the Department of Food and Agriculture,*
7 *shall develop a voluntary framework to prevent the overland spread*
8 *of invasive mussels through the conveyance of watercraft overland.*
9 *The framework shall include all of the following:*

10 *(a) Minimum standards for watercraft inspection,*
11 *decontamination, and quarantine based on best available science*
12 *and aligned with national standards as feasible.*

13 *(b) A banding program or other mechanisms by which to confirm*
14 *the inspection, decontamination, or quarantine status of a*
15 *watercraft.*

16 *(c) Training and quality assurance metrics to encourage*
17 *consistent inspection, decontamination, and tracking of vessels*
18 *across waterbodies.*

19 *(d) A publicly available list of participating inspection and*
20 *decontamination services statewide.*

21 *(e) Education and outreach opportunities and materials to*
22 *reduce the spread of invasive mussels and encourage compliance*
23 *with and participation in the framework.*

24 *SEC. 5. No reimbursement is required by this act pursuant to*
25 *Section 6 of Article XIII B of the California Constitution because*
26 *the only costs that may be incurred by a local agency or school*
27 *district will be incurred because this act creates a new crime or*
28 *infraction, eliminates a crime or infraction, or changes the penalty*
29 *for a crime or infraction, within the meaning of Section 17556 of*
30 *the Government Code, or changes the definition of a crime within*
31 *the meaning of Section 6 of Article XIII B of the California*
32 *Constitution.*

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ASSEMBLY BILL

No. 2013

Introduced by Assembly Member Bennett
(Coauthors: Assembly Members Ahrens, Alvarez, Bauer-Kahan,
Connolly, Harabedian, and Hart)
(Coauthor: Senator Stern)

February 17, 2026

An act to add Part 2.25 (commencing with Section 10555) to Division 6 of the Water Code, relating to water resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2013, as introduced, Bennett. Fire risk areas: water suppliers: emergency preparedness plan.

Existing law requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Existing law requires a local agency to designate, by ordinance, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal, as provided.

This bill would require a water supplier that services more than 100 customers that are located in a moderate, high, or very high fire hazard severity zone, as specified, to establish an emergency preparedness plan for response to red flag warnings, extreme weather events, and other major power outages or emergencies that pose a potential threat to providing adequate water service. The bill would require the plan to contain several things, including, among others, an assessment that identifies the minimum number of and type of water pumps that are

necessary to maintain water service for customers while providing an adequate water supply for fire fighting activities.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Part 2.25 (commencing with Section 10555) is
2 added to Division 6 of the Water Code, to read:

3
4 PART 2.25. EMERGENCY PREPAREDNESS PLANNING
5

6 10555. (a) For purposes of this part, “plan” means an
7 emergency preparedness plan developed pursuant to subdivision
8 (b).

9 (b) A water supplier that services more than 100 customers that
10 are located in a moderate, high, or very high fire hazard severity
11 zone as designated by the State Fire Marshal pursuant to Section
12 51178 of the Government Code, or a local agency pursuant to
13 Section 51179 of the Government Code, shall establish an
14 emergency preparedness plan for response to red flag warnings,
15 extreme weather events, and other major power outages or
16 emergencies that pose a potential threat to providing adequate
17 water service to the moderate, high, or very high fire hazard
18 severity zone.

19 (c) A water supplier is encouraged to develop a plan in
20 coordination with the county board of supervisors, or a county
21 agency or department if one is designated an authority to coordinate
22 with the water supplier by the county board of supervisors.

23 (d) A plan shall be submitted to the county board of supervisors
24 or a county agency or department designated by the county board
25 of supervisors pursuant to subdivision (c).

26 (e) (1) A water supplier shall review the plan at least once every
27 three years and shall update the plan as necessary.

28 (2) Updates to the plan shall be submitted to the county board
29 of supervisors or a county agency or department designated by the
30 county board of supervisors pursuant to subdivision (c).

31 10556. The plan shall include, but not be limited to, all of the
32 following:

1 (a) (1) An assessment of the minimum water tank levels
2 necessary to maintain water service for customers while providing
3 an adequate water supply for fire fighting activities during an
4 extreme weather event or red flag warning.

5 (2) The assessment shall take into consideration water quality
6 standards and actions necessary to maintain water quality.

7 (b) (1) An assessment that identifies the minimum number of
8 and type of water pumps that are necessary to maintain water
9 service for customers while providing an adequate water supply
10 for fire fighting activities.

11 (2) The assessment shall identify water pumps that are equipped
12 with emergency backup energy sources and identify water pumps
13 that require the installation of emergency backup energy sources.

14 (c) An identification of alternative water sources that can be
15 used during an extreme weather event or loss of power, if any.

16 (d) A detailed accounting of the pipelines, water pumps, water
17 tanks, backup power generation facilities, and related infrastructure
18 needs that are necessary to maintain water service for customers
19 and provide adequate water supply for fire fighting activities during
20 an extreme weather event and a designation for which of these
21 pipelines, water pumps, water tanks, and backup power generation
22 facilities are, or are required to be, fire hardened.

23 10557. A water supplier or water system that is required to
24 prepare and submit an emergency response plan to the Public
25 Utilities Commission shall include the emergency preparedness
26 plan required by this part in that submission.

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AMENDED IN ASSEMBLY MARCH 19, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 2026

Introduced by Assembly Member Aguiar-Curry

February 17, 2026

An act to amend Sections 1242.1, 1345, 1347, 1348, 1425, 1433, 1433.1, and 1433.2 of, to amend the heading of Article 2 (commencing with Section 1433) of Chapter 6.5 of Part 2 of Division 2 of, to amend and renumber the heading of Article 1 (commencing with Section 1425) of Chapter 6.5 of Part 2 of Division 2 of, to add Sections 1267 and 1431.1 to, and to add Article 1 (commencing with Section 1420) to Chapter 6.5 of Part 2 of Division 2 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 2026, as amended, Aguiar-Curry. ~~Groundwater recharge. Water diversion: groundwater recharge: permit.~~

(1) Existing law declares that all water within the state is the property of the people of the state, but the right to the use of the water may be acquired by appropriation in the manner provided by law. Existing law requires the appropriation to be for some useful or beneficial purpose. Existing law provides, however, that the diversion of floodflows for groundwater recharge does not require an appropriative water right if certain conditions are met, including that a local or regional agency that has adopted a local plan of flood control or has considered flood risks as part of its most recently adopted general plan has given notice, as provided, of imminent risk of flooding and inundation of lands, roads, or structures. Existing law defines "floodflow" for these purposes to include circumstances in which flows would inundate ordinarily dry

areas in the bed of a terminal lake to a depth that floods dairies and other ongoing agricultural activities, or areas with substantial residential, commercial, or industrial development. Existing law applies those requirements to diversions commenced before January 1, 2029.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

Existing law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing or disposing of certain material where it may pass into any river, stream, or lake, without first notifying the Department of Fish and Wildlife of that activity, and entering into a lake or streambed alteration agreement if required by the department to protect fish and wildlife resources, except as specified.

This bill would revise and recast those conditions required for the appropriate water right exemption for a diversion of floodflows for groundwater recharge, would apply the requirements to a diversion commenced at anytime, and would further exempt those diversions from the requirements of CEQA and requirements relating to lake or streambed alteration agreements if tribal consultation has been conducted, as provided. The bill would expand the definition of “floodflow” to include flows downstream of a dam that is releasing water for flood control purposes, as provided, and would delete the requirement that eligible diversions have commenced prior to January 1, 2029.

(2) Existing law requires the Department of Water Resources to operate the State Water Resources Development System, known as the State Water Project, to supply water to persons and entities in the state. Existing law designates as the Central Valley Project a system of works for the conservation, development, storage, distribution, and utilization

of water, with incidental generation, transmission, and distribution of electric power.

This bill would provide that the inclusion of certain proposed terms in an application to divert water within or upstream of the Sacramento-San Joaquin Delta to underground storage pursuant to certain permits, and its adoption in the applicable permit, would satisfy the State Water Resources Control Board's finding that water may be diverted and used without injury to the legal users of water from the Central Valley Project or the State Water Project, including the United States Bureau of Reclamation, the Department of Water Resources, or any contractors to the project.

(3) Existing law requires the State Water Resources Control Board to consider and act upon all applications for permits to appropriate water, and requires the Division of Water Rights to conduct a field investigation of all minor protested applications, except under a specified circumstance. Existing law defines a "minor application" to include an application by a groundwater sustainability agency or local agency for a diversion previously authorized by a conditional temporary permit for diversion of surface water to underground storage, as specified, without complying with other procedures or provisions previously authorized by a temporary permit.

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans, except as specified. Existing law requires a groundwater sustainability plan to be developed and implemented to meet the sustainability goal, established as prescribed.

This bill would expand that definition of minor application to include an application by a private entity under a memorandum of understanding or other agreement with a groundwater sustainability agency for specific diversions. The bill would create an additional exception from the requirement to conduct a field investigation if the application involves a diversion substantially similar to a diversion previously authorized by temporary permits for at least 5 years, involves no greater amount of diversion and no other points of diversion than authorized in the last preceding temporary permits, and includes specified information based on the applicant's experience under prior temporary permits, including specified documentation and proposed terms. The bill would also require the board to give public notice of

the minor application within 30 days of the application's filing, to allow 45 days from the date of the notice for the filing of comments, as provided, and to issue a decision within 180 days of the deadline for submitting comments on the application, as provided. The bill would require the board to approve the application if it determines by a preponderance of the evidence that the proposed diversion would not injure a legal user of water, as specified, and would not unreasonably affect fish, wildlife, or other instream beneficial uses. The bill would require that the permit issued by the board pursuant to these provisions be exempt from CEQA and requirements relating to lake or streambed alteration agreements if specified conditions are met.

Existing law authorizes any person who has an urgent need to divert and use water to apply for, and authorizes the board to issue, a conditional, temporary permit, as prescribed. Existing law defines "urgent need" for these purposes.

This bill would expand the definition of "urgent need" to include, in a basin for which the Sustainable Groundwater Management Act requires a groundwater sustainability plan, the application of a local agency, groundwater sustainability agency, or private entity operating under a memorandum of understanding or other agreement with a groundwater sustainability agency, to divert and use water determined to be available using specified criteria, as provided, to augment the basin's recharge in order to support implementation of the sustainability goal in that basin. The bill would exempt the board's issuance of a temporary permit from CEQA and requirements relating to lake or streambed alteration agreements if specified conditions are met.

(4) Existing law requires the state water board to appoint a deputy director for the Division of Water Rights.

This bill would authorize a certain temporary permit to authorize the diversion to be initiated more than 180 days after date of issuance, except that authorization to divert shall automatically expire 5 years after diversions commence, as provided. The bill would authorize the Chief Deputy Director of Water Rights to limit diversion under those temporary permits in favor of competing temporary permits based on, but not limited to, consideration of public interest, as provided.

(5) Existing law requires each person or entity who holds a permit or license to appropriate water, and each lessor of water, as provided, to pay an annual fee according to a fee schedule established by the board, as specified.

This bill would require the board, in setting fees for minor applications and for temporary urgency permits, to set those fees to reflect not more than a reasonable amount for the estimated amount of work that the application may require for the board to reach a decision on the application. The bill would prohibit the board from requiring a separate application or fee for consumptive and nonconsumptive uses of diverted water.

~~Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater plans, except as specified.~~

~~This bill would state the intent of the Legislature to enact future legislation to further increase groundwater storage and remove impediments to recharge in a way that will maximize groundwater recharge while protecting water rights and communities, state and federal water projects, and environmental needs, as provided.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*
3 (a) *Climate change is increasing water scarcity in California.*
4 (b) *The state must prepare for more frequent and severe*
5 *droughts.*
6 (c) *The state must invest in infrastructure and have processes*
7 *in place to manage floods.*
8 (d) *California's underground aquifers contain a vast amount*
9 *of natural water storage capacity.*
10 (e) *Underground water storage is a faster, more cost-effective,*
11 *and environmentally sustainable water storage alternative to new*
12 *surface water reservoirs.*
13 (f) *Diversions to groundwater recharge can also help with flood*
14 *control.*
15 (g) *Since at least 2014, with the passage of the Sustainable*
16 *Groundwater Management Act, it has been the intent of the*
17 *Legislature to increase groundwater storage and remove*
18 *impediments to groundwater recharge.*

1 (h) After 2014, the Legislature passed three measures to help
2 facilitate groundwater recharge. The measures authorize the State
3 Water Resources Control Board to issue temporary permits to
4 divert surface water for the purpose of underground storage,
5 authorize the diversion of flood flows for groundwater recharge
6 without an appropriative water right if certain conditions are met,
7 and require the California Water Plan to prioritize actions to
8 increase groundwater recharge throughout California.

9 (i) Despite the legislative actions described in subdivision (h),
10 and despite wet hydrology throughout California in the intervening
11 years, groundwater recharge is not occurring on the pace and
12 scale required to meaningfully improve water supply reliability
13 and provide reliable mechanisms for flood control.

14 (j) Additional changes in law are required to improve the
15 process for permitted groundwater recharge and to expand the
16 ability for unpermitted diversion of flood flows, while protecting
17 existing water rights and the environmental needs of California's
18 fish and wildlife.

19 SEC. 2. Section 1242.1 of the Water Code is amended to read:

20 1242.1. The diversion of floodflows for groundwater recharge
21 shall not require an appropriative water right if all of the following
22 conditions are met:

23 (a) (1) A local or regional agency ~~that has adopted a local plan~~
24 ~~of flood control pursuant to Section 8201 or has considered flood~~
25 ~~risk as part of its most recently adopted general plan responsible~~
26 *for flood management* has given notice via its internet website,
27 electronic distribution list, emergency notification service, or
28 another means of public notice, that flows downstream of the point
29 of diversion are at imminent risk of flooding and inundation of
30 land, roads, or structures.

31 (2) As used in this section, "floodflow" means any of the
32 following:

33 (A) Where a waterbody is subject to a defined flood stage, flows
34 in excess of flood stage where actions are necessary to avoid threats
35 to human health and safety.

36 (B) (i) Except as provided in clause (ii), where a waterbody is
37 not subject to a defined flood stage, surface water escaped from
38 or is likely to imminently escape from a channel or waterbody
39 causing or threatening to cause inundation of residential or
40 commercial structures, or roads needed for emergency response.

1 Likely imminent escape from a channel or waterbody shall be
2 demonstrated by measured flows in excess of the maximum design
3 capacity of a flood control project, where such a project is present
4 and the maximum design capacity is readily available information.

5 (ii) This subparagraph does not apply to flows that inundate
6 wetlands, working lands, or floodplains, events that constitute a
7 “design flood,” groundwater seepage, or waters confined to a
8 “designated floodway.”

9 (C) Where flows would inundate ordinarily dry areas in the bed
10 of a terminal lake to a depth that floods dairies and other ongoing
11 agricultural activities, or areas with substantial residential,
12 commercial, or industrial development.

13 (D) *Flows occurring downstream of a dam that is releasing*
14 *water for flood control purposes as required by a United States*
15 *Army Corps of Engineers flood control rule or curve, a court*
16 *judgment, or other binding rule.*

17 (3) As used in this subdivision, “imminent” means a high degree
18 of confidence that a condition will ~~begin in the immediate future.~~
19 *occur soon if flood management actions are not immediately*
20 *implemented.*

21 (4) *As used in this section, “excess water conditions” are*
22 *determined pursuant to the Agreement Between the United States*
23 *of America and the State of California for Coordinated Operation*
24 *of the Central Valley Project and the State Water Project, as*
25 *amended.*

26 (b) ~~The~~(1) *Except as provided in paragraph (2), the diversions*
27 *cease when the flood conditions described in the public notice*
28 *provided pursuant to subdivision (a) have abated to the point there*
29 *is no longer a risk of flooding and inundation of land, roads, or*
30 *structures downstream of the point of diversion.*

31 (2) *When a local agency or groundwater sustainability agency*
32 *is diverting floodflow, the diversions cease when the flood control*
33 *releases are no longer legally required or would interfere with*
34 *any priority water right on the stream that the diversions occur*
35 *from or downstream of that stream.*

36 (c) Any water diverted is not diverted to, and will not be applied
37 to, any of the following:

38 (1) Any barns, ponds, or lands where manure or waste from an
39 animal facility that generates waste from the feeding and housing

1 of animals for more than 45 days per year in a confined area that
2 is not vegetated are applied.

3 (2) Any agricultural field that has been identified as an outlier
4 with respect to nitrogen application by any of the following:

5 (A) The board.

6 (B) The appropriate regional board.

7 (C) An agricultural coalition charged with implementation of
8 the Irrigated Lands Regulatory Program.

9 (3) Any area that could cause damage to critical levees,
10 infrastructure, wastewater and drinking water systems, drinking
11 water wells or drinking water supplies, or exacerbate the threat of
12 flood and other health and safety concerns.

13 (4) Any area that has not been in active irrigated agricultural
14 cultivation within the past three years, including grazing lands,
15 annual grasslands, and natural habitats. This limitation does not
16 apply to facilities already constructed for the purpose of
17 groundwater recharge or managed wetlands.

18 (d) (1) With respect to diversions from water tributaries to the
19 Sacramento-San Joaquin Delta (Delta), water rights holders are
20 not making releases of stored water or reoperating facilities to
21 provide flow for the purposes of meeting water quality control
22 plan or endangered species requirements in the Delta at the time
23 of the diversion.

24 (2) *For a diversion from the San Joaquin River or its tributaries*
25 *upstream of Vernalis, water may be diverted only when the Delta*
26 *is in excess water conditions and the Delta is without restrictions.*

27 (3) *With respect to all other diversions from the Delta or its*
28 *tributaries, water may be diverted only when the Delta is in excess*
29 *water conditions and either of the following applies:*

30 (A) *The Delta is without restrictions.*

31 (B) *The Delta is with restrictions, but Delta operations are only*
32 *controlled by Old and Middle River flow or San Joaquin River*
33 *inflow-to-export ratio.*

34 (4) *For diversions pursuant to paragraphs (1), (2), and (3), the*
35 *diverter shall monitor conditions daily using the Delta Operations*
36 *Summary report published on the internet website of the*
37 *department daily, or a successor to that internet website adopted*
38 *by the department, to determine the Delta's condition and whether*
39 *diversions are authorized pursuant to the permit.*

1 (5) *For purposes of paragraph (3), the term “controlled by Old*
2 *and Middle River flow” means conditions when the Central Valley*
3 *Project and the State Water Project are implementing one or more*
4 *regulatory requirements by managing flows in Old and Middle*
5 *River, whatever the source or content of those requirements is.*

6 (e) The diversion of floodflows for groundwater recharge uses
7 the following as part of the diversion:

8 (1) Either existing diversion infrastructure or temporary pumps.

9 (2) Existing groundwater recharge locations, where available.

10 (3) No new permanent infrastructure or permanent construction.

11 (4) For diversions directly from rivers or streams, protective
12 screens on temporary pump intakes to minimize the impacts of
13 diversion to fish and other aquatic life. Such screens shall be
14 constructed of any rigid material, perforated, woven, or slotted,
15 that provides water passage while physically excluding fish. The
16 screen face shall be parallel to the flow and adjacent to the water’s
17 edge. The upstream and downstream transitions to the screen
18 structure shall be designed and constructed to minimize eddies
19 upstream of, in front of, and downstream of the screen, while
20 minimizing entrainment to the degree feasible. Prior to
21 implementing this paragraph, the Department of Fish and Wildlife
22 shall conduct at least one public workshop to review recommended
23 design parameters and ranges of scenarios for deployment and use
24 of protective screens. These recommendations and any other
25 guidelines provided by the Department of Fish and Wildlife on
26 the implementation of this paragraph shall not be subject to the
27 Administrative Procedure Act (Chapter 3.5 (commencing with
28 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
29 Code).

30 (f) The person or entity making the diversion for groundwater
31 recharge ~~does not claim any water right based on that may claim~~
32 *credit for the beneficial use of the diversion and recharge. recharge*
33 *if the underground storage of the water advances the sustainability*
34 *goal of a groundwater basin pursuant to Part 2.74 (commencing*
35 *with Section 10720) of Division 6 and the groundwater*
36 *sustainability agency with authority over the area where the*
37 *diverted water recharges the applicable basin authorized the credit.*
38 *The credit claimed shall be limited to the amounts of water*
39 *reported in the filings required by subdivision (g). Diversion for*
40 *groundwater recharge pursuant to this section shall not create a*

1 *vested water right to divert, even of a temporary nature. This*
2 *limitation is on the authorization to divert and not a limitation on*
3 *the authorization for beneficial use of the water diverted to*
4 *underground storage.*

5 (g) (1) The person or entity making the diversion for
6 groundwater recharge files all of the following with the board and
7 with any applicable groundwater sustainability agency, as defined
8 in Section 10721, for the basin:

9 (A) A notice that provides the information specified in
10 Subparagraphs (A) through (C), inclusive, of paragraph (2), 48
11 hours before whenever feasible, and in no event later than 48 hours
12 after initially commencing diversion of floodflows for groundwater
13 recharge.

14 (B) A preliminary report no later than 14 days after initially
15 commencing diversion of floodflows for groundwater recharge.

16 (C) A final report no later than 15 days after diversions cease.

17 (2) The preliminary and final reports shall do all of the
18 following:

19 (A) Identify the person or entity making the diversion for
20 groundwater recharge.

21 (B) Provide the Global Positioning System (GPS) coordinates
22 for the point of diversion, a map identifying the approximate area
23 inundated by the floodflows, and the corresponding assessor parcel
24 numbers.

25 (C) Identify the time when diversions of floodflows to
26 groundwater recharge commenced, and, for final reports, when
27 diversions ceased.

28 (D) Provide an estimate, as of the report's date, of the amount
29 of floodflows diverted for groundwater recharge.

30 ~~(h) This section shall only apply to diversions commenced~~
31 ~~before January 1, 2029.~~

32 *(h) The diversion of floodflow for groundwater recharge*
33 *pursuant to this section shall be exempt from the requirements of*
34 *Division 13 (commencing with Section 21000) of the Public*
35 *Resources Code and Chapter 6 (commencing with Section 1600)*
36 *of Division 2 of the Fish and Game Code, if tribal consultation*
37 *has been conducted pursuant to Sections 21074, 21080.3.1,*
38 *21080.3.2, 21082.3, 21084.2, and 21084.3 of the Public Resources*
39 *Code.*

1 *SEC. 3. Section 1267 is added to the Water Code, immediately*
2 *following Section 1266, to read:*

3 *1267. (a) (1) For applications to divert water within or*
4 *upstream of the Delta to underground storage pursuant to a minor*
5 *application, as defined in Section 1348, a temporary urgency*
6 *permit pursuant to Article 1.5 (commencing with Section 1425) of*
7 *Chapter 6.5 of this part, or a temporary permit for diversion to*
8 *underground storage pursuant to Article 2 (commencing with*
9 *Section 1433) of Chapter 6.5, the inclusion of the language from*
10 *paragraphs (2) and (3) in the application as proposed permit*
11 *terms, and its adoption in the applicable permit, shall satisfy the*
12 *state board's finding that water may be diverted and used without*
13 *injury to the legal users of water from the Central Valley Project*
14 *or the State Water Project, including the United States Bureau of*
15 *Reclamation, the department, or any contractors to the projects.*

16 *(2) For a diversion from the San Joaquin River or its tributaries*
17 *upstream of Vernalis, water may be diverted only when the Delta*
18 *is in excess water conditions and the Delta is without restrictions.*

19 *(3) With respect to all other diversions from the Delta or its*
20 *tributaries, water may be diverted only when the Delta is in excess*
21 *water conditions and either of the following applies:*

22 *(A) The Delta is without restrictions.*

23 *(B) The Delta is with restrictions, but Delta operations are*
24 *controlled only by Old and Middle River flow or San Joaquin River*
25 *inflow-to-export ratio.*

26 *(4) The permittee shall monitor conditions daily using the Delta*
27 *Operations Summary report published on the internet website of*
28 *the department daily, or a successor to that internet website*
29 *adopted by the department, to determine the Delta's condition and*
30 *whether diversions are authorized pursuant to the permit.*

31 *(b) Notwithstanding subdivision (a) and any water availability*
32 *analysis on which the applicable permit is based, water may be*
33 *diverted pursuant to the applicable permit if, in addition to*
34 *compliance with other permit terms not related to Delta conditions,*
35 *the permittee has an agreement with the department and, as*
36 *necessary, the United States Bureau of Reclamation to ensure that*
37 *the permittee's diversions upstream of the Delta do not injure the*
38 *department or the United States Bureau of Reclamation as a legal*
39 *user of water by adversely impacting the operations of the State*
40 *Water Project or the Central Valley Project.*

1 (c) Notwithstanding subdivision (a), a de minimis effect on the
2 operations of the State Water Project or the Central Valley Project
3 shall not be an injury to the department or the Bureau of
4 Reclamation as a legal user of water.

5 (d) For purposes of this section, the following definitions apply:

6 (1) “Controlled by Old and Middle River flow” means
7 conditions when the Central Valley Project and the State Water
8 Project are implementing one or more regulatory requirements
9 by managing flows in Old and Middle River, whatever the source
10 or content of those requirements is.

11 (2) “De minimis reduction” means a cumulative reduction of
12 less than 10 acre-feet in a single water year.

13 (3) “Delta” means the area defined in Section 12220.

14 (4) “Delta is with restrictions” means conditions when the
15 Central Valley Project and State Water Project operations in the
16 Delta are constrained by any nondiscretionary requirement,
17 including any requirement for the protection of water quality and
18 endangered species.

19 (5) “Delta is without restrictions” means conditions when
20 Central Valley Project and State Water Project operations in the
21 Delta are not constrained by any nondiscretionary requirements,
22 including any requirements for the protection of water quality and
23 endangered species.

24 (6) “Delta operations” means the operations by which the
25 Central Valley Project and the State Water Project divert water
26 from the Delta.

27 (7) “Excess water conditions” means conditions as determined
28 pursuant to the Agreement Between the United States of America
29 and the State of California for Coordinated Operation of the
30 Central Valley Project and the State Water Project, as amended.

31 (8) “Water year” means the period beginning on October 1 of
32 one calendar year and continuing to September 30 of the following
33 calendar year.

34 SEC. 4. Section 1345 of the Water Code is amended to read:

35 1345. (a) Except as provided in subdivision (b), the Division
36 of Water Rights shall conduct a field investigation of all minor
37 protested applications. The board shall notify the parties of the
38 field investigation not less than 20 days prior to conducting the
39 field investigation, to enable the parties to attend and present
40 information to the board.

1 (b) The Division of Water Rights is not required to conduct a
2 field investigation for an application defined as a minor application
3 ~~under~~ pursuant to subdivision (b) of Section 1348 if ~~the~~ either of
4 *the following conditions is met:*

5 (1) *The Division of Water Rights determines, in its discretion,*
6 *that a field investigation will not substantially expedite*
7 *consideration of the application and a hearing should be conducted*
8 ~~under~~ *pursuant to Section 183. If the Division of Water Rights*
9 *makes that determination, Sections 1346 and 1347 do not apply*
10 *to the application.*

11 (2) *The application involves a diversion pursuant to paragraph*
12 *(1) of subdivision (b) of Section 1348 and includes information on*
13 *the applicant's experience pursuant to past temporary permits,*
14 *including all of the following:*

15 (A) *Consistent with the Sustainable Groundwater Management*
16 *Act (Part 2.74 (commencing with Section 10720) of Division 6),*
17 *documentation of the consistency of the proposed diversion and*
18 *recharge with the groundwater sustainability plan that applies to*
19 *the area where the water was recharged.*

20 (B) *Documentation showing the applicant took both of the*
21 *following actions:*

22 (i) *The applicant consulted with the Department of Fish and*
23 *Wildlife concerning the diversion's effects, if any, on fish, wildlife,*
24 *and other instream beneficial uses.*

25 (ii) *The applicant provided the Department of Fish and Wildlife*
26 *a copy of the application.*

27 (C) *Proposed terms that accomplished both of the following:*

28 (i) *Addressed potential effects on fish, wildlife, or other instream*
29 *beneficial uses identified through the applicant's consultation with*
30 *the Department of Fish and Wildlife pursuant to subparagraph*
31 *(B).*

32 (ii) *Incorporated the applicable terms of subdivision (b) of*
33 *Section 1267 if the proposed diversion would occur upstream of*
34 *the Sacramento-San Joaquin Delta.*

35 SEC. 5. *Section 1347 of the Water Code is amended to read:*

36 1347. ~~Based~~ *(a) Subject to subdivision (b) and based upon the*
37 *field investigation and any other information obtained*~~under~~
38 *pursuant to this article, the Division of Water Rights shall issue a*
39 *decision unless the board in its discretion determines that additional*
40 *proceedings should be conducted*~~under~~ *pursuant to Section 183.*

1 A decision of the Division of Water Rights is subject to review as
2 provided in Chapter 4 (commencing with Section 1120) of Part 1.

3 *(b) For a minor application pursuant to subdivision (b) of*
4 *Section 1348, the board shall consider that application as follows:*

5 *(1) Notwithstanding any other law, the board shall give public*
6 *notice of the application within 30 days of the filing of the*
7 *application and allow 45 days from the date of the notice for the*
8 *filing of comments on the application. The board may extend that*
9 *time by up to 30 days if the board makes a written finding of good*
10 *cause based on unique circumstances associated with the individual*
11 *application.*

12 *(2) Notwithstanding any other law, the board shall issue a*
13 *decision on the application within 180 days of the deadline for*
14 *submitting comments on the application. The board may delegate*
15 *its authority to issue a decision on the application to the Division*
16 *of Water Rights, subject to the board's reconsideration of the*
17 *division's decision pursuant to Article 2 (commencing with Section*
18 *1122) of Chapter 4 of Part 1. Notwithstanding any other law, the*
19 *board's reconsideration proceeding shall conclude within 90 days*
20 *of the filing of a petition for reconsideration and that period shall*
21 *not be extended without the applicant's consent.*

22 *(3) The board shall approve the application if the board*
23 *determines that a preponderance of the evidence shows both of*
24 *the following:*

25 *(A) The proposed diversion would not injure any legal user of*
26 *water through significant changes in water quantity, water quality,*
27 *timing of diversion or use, consumptive use of the water, or*
28 *reduction in return flows.*

29 *(B) The proposed diversion would not unreasonably affect fish,*
30 *wildlife, or other instream beneficial uses.*

31 *(4) If the board determines that the preponderance of the*
32 *evidence does not support the findings required by paragraph (3)*
33 *based on the applicant's proposed terms, the board shall, to the*
34 *maximum extent possible based on the record, approve the*
35 *application based on terms that the board determines will cause*
36 *the applicant's diversion to satisfy the provisions of paragraph*
37 *(3). The board shall not condition any permit on any terms*
38 *involving another permit, license, or water right held by the*
39 *applicant or to avoid or mitigate impacts that are not caused by*
40 *the diversion proposed by the application.*

1 (5) The board shall not require separate applications for
2 consumptive and nonconsumptive uses of water that would be
3 diverted pursuant to the application. Notwithstanding Section 733
4 of Title 23 of the California Code of Regulations, the board shall
5 not require that the permit describe the physical works used to
6 convey water to underground storage, the spreading grounds, and
7 the underground reservoirs or the method and point of
8 measurement of water recharged to, and withdrawn from,
9 underground storage.

10 (6) For an application involving diversions upstream of the
11 Sacramento-San Joaquin Delta, those diversions will not cause
12 injury to the legal uses of water by the Central Valley Project, the
13 State Water Project, or any of those projects' contractors if the
14 permit incorporate the applicable terms stated in subdivisions (b),
15 (c), and (d) of Section 1267.

16 (7) The board's issuance of a permit pursuant to this subdivision
17 shall be exempt from the requirements of Division 13 (commencing
18 with Section 21000) of the Public Resources Code and Chapter 6
19 (commencing with Section 1600) of Division 2 of the Fish and
20 Game Code, if tribal consultation has been conducted pursuant
21 to Sections 21074, 21080.3.1, 21080.3.2, 21082.3, 21084.2, and
22 21084.3 of the Public Resources Code and the permitted diversions
23 will occur through either of the following:

24 (A) Existing diversion infrastructure.

25 (B) Temporary facilities that meet both of the following
26 conditions:

27 (i) Do not require construction.

28 (ii) If they divert directly from a river or stream, the facilities
29 have protective screens on their intakes to minimize the impacts
30 of diversion to fish and other aquatic life, with those screens being
31 constructed of any rigid materials, perforated, woven, or slotted,
32 that provides water passage while physically excluding fish.

33 (8) The board may consider an application pursuant to
34 subdivision (b) of Section 1348 and issue a permit based on that
35 application pursuant to this section notwithstanding any
36 declaration that the relevant stream system is fully appropriated
37 pursuant to Article 1.3 (commencing with Section 1205) of Chapter
38 1.

39 (9) In setting fees for minor applications pursuant to this section
40 for purposes of Chapter 8 (commencing with Section 1525), the

1 board shall set those fees to reflect not more than a reasonable
 2 amount for the estimated amount of work that the application may
 3 require for the board to reach a decision on the application. The
 4 board shall not require separate applications or fees for
 5 consumptive and nonconsumptive uses of diverted water.

6 SEC. 6. Section 1348 of the Water Code is amended to read:

7 1348. For purposes of this article, a minor application shall
 8 mean either of the following:

9 (a) Any application which does not involve direct diversions in
 10 excess of three cubic-feet per second or storage in excess of 200
 11 acre-feet per year.

12 (b) An application by a groundwater sustainability agency or
 13 local agency, as defined in Section 10721, ~~for a~~ or a private entity
 14 pursuant to a memorandum of understanding or other agreement
 15 with a groundwater sustainability agency, for either of the
 16 following diversions:

17 (1) A diversion substantially similar to a diversion previously
 18 authorized by temporary permits for at least five years pursuant
 19 to Article 1.5 (commencing with Section 1425) of Chapter 6.5 and
 20 involving no greater amount of diversion, and no other points of
 21 diversion, than authorized in the last of the preceding temporary
 22 permits.

23 (2) A diversion previously authorized by a temporary permit
 24 ~~under~~ pursuant to Article 2 (commencing with Section 1433) of
 25 Chapter 6.5.

26 SEC. 7. Article 1 (commencing with Section 1420) is added to
 27 Chapter 6.5 of Part 2 of Division 2 of the Water Code, to read:

28

29

Article 1. General Provisions

30

31 1420. This article applies to applications for temporary urgency
 32 permits pursuant to Article 1.5 (commencing with Section 1425)
 33 and for temporary permits for diversion to underground storage
 34 pursuant to Article 2 (commencing with Section 1433).
 35 Notwithstanding any other law, for applications for permits that
 36 this article applies to, this article's terms determine the availability
 37 of water for diversion.

38 1421. Unless the context otherwise requires, the following
 39 definitions govern the construction of this chapter:

- 1 (a) “90/20 method” means the method for calculating water
2 availability when flows exceed the 90th percentile of historic daily
3 flow between December 1 and March 31, and the total amount of
4 water diverted is capped at 20 percent of the daily flow after
5 downstream senior diverter demand, established instream flow
6 requirements, and consideration of water quality objectives are
7 satisfied.
- 8 (b) “Basin” has the same meaning as defined in Section 10721.
- 9 (c) “Delta” means the Sacramento-San Joaquin Delta.
- 10 (d) “Diversion criteria” means specific thresholds that
11 determine when a permittee may divert, based on flows. Diversion
12 criteria are in addition to any other conditions placed on a permit.
- 13 (e) “Flood/recharge diversion criteria” means the method for
14 calculating water availability for the Sacramento River and its
15 tributaries upstream of the Delta, pursuant to which water is
16 available for diversion for recharge and beneficial uses during
17 the period of December 1 to March 31, inclusive, within a water
18 year when, on the date of measurement, cumulative unimpaired
19 runoff as of that date exceeds the 80th percentile of historical
20 cumulative water year runoff at the point of diversion, or the
21 nearest measuring point, and lasting until that cumulative water
22 year runoff is lower than the 50th percentile of historical
23 cumulative runoff at the point of diversion, or the nearest point of
24 measurement, as measured against historical cumulative water
25 year runoff measured on that date.
- 26 (f) “Groundwater sustainability agency” has the same meaning
27 as defined in Section 10721.
- 28 (g) “Groundwater sustainability plan” has the same meaning
29 as defined in Section 10721.
- 30 (h) “Local agency” has the same meaning as defined in Section
31 10721.
- 32 (i) “Location-specific diversion criteria” means criteria for
33 determining the water available for diversion pursuant to methods
34 other than the 90/20 method or the flood/recharge diversion
35 criteria that contain all of the following components:
- 36 (1) Limits diversion to the December 1 to March 31, inclusive,
37 period and from higher streamflows.
- 38 (2) Limits diversions to a portion of daily or seasonal
39 streamflow.

1 (3) *Protects existing legal users of water, including the Central*
2 *Valley Project and the State Water Project.*

3 (4) *Protects public trust resources.*

4 (5) *Allows for implementation across the specific region.*

5 (6) *Provides for the ability to efficiently forecast diversions,*
6 *operate to diversion criteria, and promote maximum diversion*
7 *opportunities pursuant to appropriate conditions.*

8 (j) *“Recharge beneficial uses” means beneficial uses supported*
9 *by groundwater recharge projects. Those uses may include, but*
10 *are not limited to, maintenance of supply in shallow domestic*
11 *wells, reductions in pumping costs, and prevention or reduction*
12 *in the rate of future land subsidence based on the severity and*
13 *likelihood of threatened subsidence.*

14 (k) *“Sustainability goal” has the same meaning as defined in*
15 *Section 10721.*

16 (l) *“Temporary permit” means a temporary urgency permit*
17 *issued pursuant to Article 1.5 (commencing with Section 1425) or*
18 *a temporary permit for diversion to underground storage issued*
19 *pursuant to Article 2 (commencing with Section 1433).*

20 1422. (a) *In determining the availability of water for*
21 *applications and permits that this article applies to, the board*
22 *shall apply the following criteria:*

23 (1) *For applications for permits for one or more diversions from*
24 *the Sacramento River or a tributary to the Sacramento River*
25 *upstream of the Delta, the board shall apply the flood/recharge*
26 *diversion criteria. Those criteria shall only determine the*
27 *availability of water during the December 1 to March 31, inclusive,*
28 *period, inclusive, and the ultimate permit shall not authorize the*
29 *diversion of more than 20 percent of daily streamflow at any point*
30 *of diversion.*

31 (2) *For other areas of the state, the board shall apply*
32 *location-specific diversion criteria to the maximum extent possible,*
33 *and shall apply the 90/20 method where it is not possible to use*
34 *location-specific diversion criteria.*

35 (b) (1) *The board shall adopt emergency regulations detailing*
36 *the 90/20 method.*

37 (2) *The board’s adoption of emergency regulations pursuant*
38 *to paragraph (1), and any amendment to those regulations, shall*
39 *be considered by the Office of Administrative Law, as necessary,*
40 *for the immediate preservation of the public peace, health, safety,*

1 and general welfare. Notwithstanding Chapter 3.5 (commencing
2 with Section 11340) of Part 1 of Division 3 of the Government
3 Code, any emergency regulations adopted pursuant to this
4 subdivision shall remain in effect until revised by the board.

5 (c) The board may consider any application that this article
6 applies to, and issue a permit based on that application, if water
7 availability for that application and permit is determined pursuant
8 to this section and notwithstanding any declaration that the
9 relevant stream system is fully appropriated pursuant to Article
10 1.3 (commencing with Section 1205) of Chapter 1.

11 1423. The requirements of Division 13 (commencing with
12 Section 21000) of the Public Resources Code and Chapter 6
13 (commencing with Section 1600) of Division 2 of the Fish and
14 Game Code do not apply to either of the following:

15 (a) Adoption of emergency regulations pursuant to this article,
16 if tribal consultation has been conducted pursuant to Sections
17 21074, 21080.3.1, 21080.3.2, 21082.3, 21084.2, and 21084.3 of
18 the Public Resources Code.

19 (b) Issuance of a temporary permit subject to this article that
20 meets all of the following criteria:

21 (1) The applicant is a groundwater sustainability agency or a
22 local agency.

23 (2) The water that the temporary permit authorizes diversion
24 of is limited to the water identified pursuant to the flood/recharge
25 diversion criteria, the 90/20 method, or location-specific diversion
26 criteria, as applicable to that temporary permit.

27 (3) Diversions are to underground storage supporting one more
28 recharge beneficial uses.

29 (4) If for a 180-day temporary permit issued pursuant to Section
30 1425, the diverter's facilities comply with subdivision (e) of Section
31 1425.

32 (5) If for a five-year temporary permit issued pursuant to Section
33 1433.1, the diverter's facilities comply with subdivision (d) of
34 Section 1433.1.

35 (6) Tribal consultation has been conducted pursuant to Sections
36 21074, 21080.3.1, 21080.3.2, 21082.3, 21084.2, and 21084.3 of
37 the Public Resources Code.

38 SEC. 8. The heading of Article 1 (commencing with Section
39 1425) of Chapter 6.5 of Part 2 of Division 2 of the Water Code is
40 amended and renumbered to read:

1 Article ~~1.5~~. 180-Day Temporary Urgency Permits

2
3 *SEC. 9. Section 1425 of the Water Code is amended to read:*

4 1425. (a) Any person, whether or not an applicant, permittee,
5 or licensee ~~under~~ *pursuant to* provisions of this division other than
6 this article, who has an urgent need to divert and use water may
7 apply for, and the board may issue, a conditional, temporary permit
8 without complying with other procedures or provisions of this
9 division, but subject to all requirements of this article.

10 (b) Prior to issuing a permit pursuant to this article, the board
11 shall make all of the following findings:

12 (1) The applicant has an urgent need for the water proposed to
13 be diverted and used.

14 (2) The water may be diverted and used without injury to any
15 lawful user of water.

16 (3) The water may be diverted and used without unreasonable
17 effect upon fish, wildlife, or other instream beneficial uses.

18 (4) The proposed diversion and use are in the public interest,
19 including findings to support permit conditions imposed to ensure
20 that the water is diverted and used in the public interest, without
21 injury to any lawful user of water, ~~and~~ without unreasonable effect
22 upon fish, wildlife, and other instream beneficial ~~uses~~. *uses, and*
23 *will support the application of water to one or more beneficial*
24 *uses, which may include recharge beneficial uses.*

25 (c) “Urgent need,” for the purposes of this article, means ~~the~~
26 *either of the following:*

27 (1) *The existence of circumstances from which the board may*
28 *in its judgment conclude that the proposed temporary diversion*
29 *and use is necessary to further the constitutional policy that the*
30 *water resources of the state be put to beneficial use to the fullest*
31 *extent of which they are capable and that waste of water be*
32 *prevented; except that the board shall not find an applicant’s need*
33 *to be urgent if the board in its judgment concludes, if applicable,*
34 *that the applicant has not exercised due diligence either ~~(1)~~ in*
35 *making application for a permit pursuant to provisions of this*
36 *division other than this article, or ~~(2)~~ in pursuing that application*
37 *to permit.*

38 (2) *In a basin that requires a groundwater sustainability plan*
39 *pursuant to the Sustainable Groundwater Management Act (Part*
40 *2.74 (commencing with Section 10720) of Division 6), the*

1 application of a local agency, groundwater sustainability agency,
2 or private entity operating pursuant to a memorandum of
3 understanding or other agreement with a groundwater
4 sustainability agency to divert and use water determined to be
5 available pursuant to Section 1422 to augment the basin's recharge
6 in order to support implementation of the sustainability goal in
7 that basin.

8 (d) The board may delegate to any officer or employee of the
9 board all or any of its functions ~~under~~ pursuant to this article, as
10 provided in Section 7.

11 (e) A temporary permit issued pursuant to this section may
12 authorize the diversions to be initiated after the date of the permit's
13 issuance, if the diversions pursuant to that permit are only
14 authorized during the 180-day period after diversions commence.
15 The applicant shall request approval of a delayed initiation period
16 as part of the applicant's initial filing of the application. When
17 delayed initiation of diversion is authorized pursuant to this
18 section, the permittee shall inform the board of commencing of
19 diversion within 10 days of initiation of diversion pursuant to the
20 temporary permit. The board shall maintain a list of notifications
21 received on its internet website.

22 (f) The board's issuance of a temporary permit to address an
23 urgent need shall be exempt from the requirements of Division 13
24 (commencing with Section 21000) of the Public Resources Code
25 and Chapter 6 (commencing with Section 1600) of Division 2 of
26 the Fish and Game Code, if tribal consultation has been conducted
27 pursuant to Sections 21074, 21080.3.1, 21080.3.2, 21082.3,
28 21084.2, and 21084.3 of the Public Resources Code, and if the
29 permitted diversions occur through either of the following:

- 30 (1) Existing diversion infrastructure.
31 (2) Temporary facilities that meet both of the following
32 conditions:
33 (A) Do not require construction.
34 (B) If the facilities divert directly from a river or stream, the
35 facilities have protective screens on their intakes to minimize the
36 impacts of diversions to fish and other aquatic life, with those
37 screens being constructed of any rigid material, perforated, woven,
38 or slotted, and provides water passage while physically excluding
39 fish.

1 (g) *In setting fees for applications for temporary urgency permits*
 2 *pursuant to this article for purposes of Chapter 8 (commencing*
 3 *with Section 1525), the board shall set those fees to reflect not*
 4 *more than a reasonable amount for the estimated amount of work*
 5 *that the application may require for the board to reach a decision*
 6 *on the application. The board shall not require separate*
 7 *applications or fees for consumptive and nonconsumptive uses of*
 8 *diverted water.*

9 *SEC. 10. Section 1431.1 is added to the Water Code,*
 10 *immediately following Section 1431, to read:*

11 *1431.1. (a) Applications pursuant to this article may be*
 12 *accepted for processing in accordance with Article 2 (commencing*
 13 *with Section 1433) where the diversion is proposed on a stream*
 14 *or stream segment that Section 1422 applies to, and the applicant*
 15 *proposed to operate pursuant to the applicable diversion criteria.*

16 *(b) A temporary permit issued pursuant to subdivision (a) may*
 17 *authorize the diversion to be initiated more than 180 days after*
 18 *date of issuance, except that authorization to divert shall*
 19 *automatically expire five years after diversions pursuant to the*
 20 *permit commence. The applicant shall request approval of a*
 21 *delayed initiation period as part of the applicant’s initial filing of*
 22 *the application. Where delayed initiation of diversion is authorized*
 23 *pursuant to this section, the permittee shall inform the board of*
 24 *commencement of diversion within 10 days of initiation of diversion*
 25 *pursuant to the temporary permit. The board shall maintain a list*
 26 *of notifications received on its internet website.*

27 *(c) The Chief Deputy Director of Water Rights may limit*
 28 *diversion under temporary permits issued pursuant to this section*
 29 *in favor of competing temporary permits based on, but not limited*
 30 *to, consideration of public interest.*

31 *(d) Temporary permits issued pursuant to this section may be*
 32 *changed, upon request, including as to the locations of recharge*
 33 *or purposes of use consistent with this article.*

34 *SEC. 11. The heading of Article 2 (commencing with Section*
 35 *1433) of Chapter 6.5 of Part 2 of Division 2 of the Water Code is*
 36 *amended to read:*

37
 38 *Article 2. Five-Year Temporary Permits for Diversion to*
 39 *Underground Storage*
 40

1 *SEC. 12. Section 1433 of the Water Code is amended to read:*

2 1433. ~~(a) Unless the context otherwise requires, the following~~
3 ~~definitions govern the construction of this article:~~

4 ~~(1) “Basin” has the same meaning as defined in Section 10721.~~

5 ~~(2) “Groundwater sustainability agency” has the same meaning~~
6 ~~as defined in Section 10721.~~

7 ~~(3) “Local agency” has the same meaning as defined in Section~~
8 ~~10721.~~

9 ~~(b)~~

10 1433. This article shall not apply to diversions within the
11 groundwater basins identified in paragraph (24) of subdivision (a)
12 of, or subdivision (c) of, Section 10720.8.

13 *SEC. 13. Section 1433.1 of the Water Code is amended to read:*

14 1433.1. (a) A groundwater sustainability agency or a local
15 agency, whether or not an applicant, permittee, or licensee ~~under~~
16 *pursuant to* provisions of this division other than this article, may
17 apply for, and the board may issue, a conditional temporary permit
18 for diversion of surface water to underground storage for beneficial
19 use that advances the sustainability goal of a groundwater basin
20 ~~under Part~~ *the Sustainable Groundwater Management Act (Part*
21 *2.74 (commencing with Section 10720) of Division 6, 6)*, without
22 complying with other procedures or provisions of this division,
23 subject to all requirements of this article. An application may be
24 filed ~~under~~ *pursuant to* this article whether or not there is an
25 adopted groundwater sustainability plan, an interim plan, or an
26 alternative ~~under~~ *pursuant to* Section 10733.6 for the basin.

27 (b) Before issuing a permit pursuant to this article, the board
28 shall make all of the following findings based upon a
29 preponderance of the evidence:

30 (1) The proposed diversion is to underground storage for
31 beneficial use consistent with subdivision (a).

32 (2) The water may be diverted and used without injury to any
33 lawful user of water, including the user’s ability to meet water
34 quality objectives. This finding may be satisfied by demonstrating
35 both of the following:

36 (A) The proposed diversion to underground storage will occur
37 only when both of the following conditions are satisfied:

38 (i) Flow in the source waterbody exceeds the claims of all known
39 legal users who divert water downstream of the proposed point of
40 diversion.

1 (ii) Unregulated flow in the source waterbody will be sufficient
 2 below the proposed point of diversion to meet instream flow
 3 requirements and water quality objectives.
 4 (B) *Notwithstanding paragraph (A), water is available for*
 5 *appropriation as determined pursuant to Section 1422.*
 6 ~~(B)~~
 7 (C) To prevent injury to existing legal users of water, storage
 8 and extraction from storage in the basin ~~under pursuant to the~~
 9 proposed permit will be subject to accounting methods and
 10 reporting requirements established by any of the following:
 11 (i) A groundwater sustainability plan.
 12 (ii) An interim plan.
 13 (iii) An alternative approved pursuant to Section 10733.6.
 14 ~~(iv) The board, in applying conditions to the permit.~~
 15 (3) The water may be diverted and used without unreasonable
 16 effect upon fish, wildlife, or other instream beneficial ~~uses.~~ *uses*
 17 *pursuant to this section or Section 1422.* If the permit does not
 18 include a condition proposed by the Department of Fish and
 19 Wildlife ~~under pursuant to~~ paragraph (2) of subdivision (c) of
 20 Section 1433.2, the board shall include in the findings an
 21 explanation of why the condition is not ~~included.~~ *included,*
 22 *provided that if applicable, Section 1422 shall determine the water*
 23 *available for appropriation.*
 24 (4) The proposed diversion and use are in the public interest,
 25 including findings to support permit conditions imposed to ensure
 26 that the water is diverted and used in the public interest.
 27 (5) If there is an adopted groundwater sustainability plan, an
 28 interim plan, or an alternative ~~under pursuant to~~ Section 10733.6
 29 for the basin, the proposed diversion to underground storage is
 30 consistent with that plan or alternative.
 31 (c) The board may delegate to any officer or employee of the
 32 board all or any of its functions ~~under pursuant to~~ this article, as
 33 provided in Section 7.
 34 (d) *The board's issuance of a permit pursuant to this article is*
 35 *exempt from the requirements of Division 13 (Commencing with*
 36 *Section 21000) of the Public Resources Code and Chapter 6*
 37 *(Commencing with Section 1600) of Division 2 of the Fish and*
 38 *Game Code, if the volume of available water is determined*
 39 *pursuant to Section 1422, tribal consultation has been conducted*
 40 *pursuant to Sections 21074, 21080.3.1, 21080.3.2, 21082.3,*

1 21084.2, and 21084.3 of the Public Resources Code, and the
2 permitted diversions will occur through either of the following:

3 (1) Existing diversion infrastructure.
4 (2) Temporary facilities that meet both of the following
5 conditions:

6 (A) Do not require construction.

7 (B) If the facilities divert directly from a river or stream, the
8 facilities have protective screens on their intakes to minimize the
9 impacts of diversions to fish and other aquatic life, with those
10 screens being constructed of any rigid material, perforated, woven,
11 or slotted, and provides water passage while physically excluding
12 fish.

13 (e) In setting fees for applications for temporary urgency permits
14 pursuant to this article for purposes of Chapter 8 (commencing
15 with Section 1525), the board shall set those fees to reflect not
16 more than a reasonable amount for the estimated amount of work
17 that the application may require for the board to reach a decision
18 on the application. The board shall not require separate
19 applications or fees for consumptive and nonconsumptive uses of
20 diverted water.

21 *SEC. 14. Section 1433.2 of the Water Code is amended to read:*

22 1433.2. (a) The application for a temporary permit shall be
23 completed in accordance with Section 1260 and shall be
24 accompanied by any maps, drawings, and other data that may be
25 required by the board.

26 (b) (1) An applicant shall pay an application fee and, if a permit
27 is issued, a permit fee, both in amounts calculated in accordance
28 with the provisions of Chapter 8 (commencing with Section 1525).

29 (2) Consistent with Section 3 of Article XIII A of the California
30 Constitution and the board's authority to set fees to promote the
31 conservation and utilization of water resources in the public
32 interest, the board may adopt reduced fees ~~under pursuant to~~
33 Chapter 8 (commencing with Section 1525) for applications,
34 petitions, and permits ~~under pursuant to~~ this article. *In setting fees*
35 *for applications for temporary urgency permits pursuant to this*
36 *article for purposes of Chapter 8 (commencing with Section 1525),*
37 *the board shall set those fees to reflect not more than a reasonable*
38 *amount for the estimated amount of work that the application may*
39 *require for the board to reach a decision on the application. The*

1 *board shall not require separate applications or fees for*
2 *consumptive and nonconsumptive uses of diverted water.*

3 (c) In addition to subdivisions (a) and (b), an application shall
4 include all of the following:

5 (1) Evidence that the applicant has completed any environmental
6 review required by, or the project is exempt from, the California
7 Environmental Quality Act (Division 13 (commencing with Section
8 21000) of the Public Resources Code). To the extent funding is
9 available, the board shall review and comment on any notice of
10 preparation or draft environmental document for a project subject
11 to approval ~~under~~ pursuant to this article, and include in the board's
12 comments identification of any instream beneficial uses of waters
13 of the state that may be affected by the project. This paragraph is
14 not a limitation on the authority of the board ~~under~~ pursuant to
15 any other law.

16 (2) A notification from the Department of Fish and Wildlife
17 that the applicant has consulted with the Department of Fish and
18 Wildlife at least 30 days before submission of the application. If
19 the Department of Fish and Wildlife determines that it needs
20 additional time for review, it may provide for a longer consultation
21 period, not to exceed 60 days. The notification shall include a copy
22 of any conditions proposed by the Department of Fish and Wildlife.

23 (3) ~~(A) Except~~ *One of the following:*

24 (A) ~~Except~~ as provided in ~~subparagraph (B)~~, *subparagraphs (B)*
25 *and (C)*, a water availability analysis that quantifies, ~~under~~ pursuant
26 to a range of foreseeable hydrologic conditions, the amount of
27 unappropriated water available considering all known legal users
28 who divert water hydrologically connected to the proposed point
29 of diversion, effects on beneficial uses, including instream
30 beneficial uses, and the ability to meet water quality objectives.

31 (B) A simplified water availability analysis, if the applicant
32 proposes to divert water only when flow in the source waterbody
33 exceeds an established or calculated flood stage, or if the applicant
34 requests board consideration of a simplified water availability
35 analysis prior to submittal of the application, and the deputy
36 director finds that a simplified water availability analysis is
37 sufficient for the board to make the findings required by
38 subdivision (b) of Section 1433.1.

39 (C) *A demonstration that Section 1422 applies to the application.*

1 (4) A proposed accounting method for ~~storage and extraction~~
2 *application* of water diverted ~~under pursuant to~~ the permit to
3 *beneficial use, including recharge beneficial uses*, that is either of
4 the following:

5 (A) Certified to be consistent with the groundwater sustainability
6 plan or alternative approved pursuant to Section 10733.6 by the
7 groundwater sustainability agency for the basin where the water
8 is proposed to be stored or the local agency responsible for
9 implementing the approved alternative.

10 (B) If there is no applicable groundwater sustainability plan or
11 alternative approved pursuant to Section 10733.6, adequate to
12 demonstrate beneficial use of water ~~under pursuant to~~ the proposed
13 permit and not inconsistent with the department's standards in
14 Section 356.2 of Title 23 of the California Code of Regulations.

15 ~~SECTION 1. (a) The Legislature finds and declares as follows:~~

16 ~~(1) The Governor, over the past decade, has issued several~~
17 ~~executive orders to maximize every opportunity to recharge our~~
18 ~~groundwater supplies, thereby boosting our water supplies for~~
19 ~~communities and farms throughout the state and preparing for our~~
20 ~~hotter, drier future.~~

21 ~~(2) The recommendations of the Governor and state agencies~~
22 ~~implementing these programs and working with local groundwater~~
23 ~~sustainability agencies and water suppliers will guide legislation~~
24 ~~to advance groundwater recharge and better prepare our~~
25 ~~communities and farms for our hotter, drier future.~~

26 ~~(b) It is the intent of the Legislature to enact future legislation~~
27 ~~to further increase groundwater storage and remove impediments~~
28 ~~to recharge in a way that will maximize groundwater recharge~~
29 ~~while protecting water rights and communities, state and federal~~
30 ~~water projects, and environmental needs, including changes to the~~
31 ~~temporary urgency permitting for groundwater recharge, refining~~
32 ~~the process for unpermitted diversion of flood flows, and improving~~
33 ~~the process for permitted groundwater recharge.~~

AMENDED IN ASSEMBLY MARCH 19, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 2032

Introduced by Assembly Member Ransom

February 17, 2026

An act to ~~amend Section 2151 of~~ *add Sections 2150.6 and 2301.5 to the Fish and Game Code, to add Section 12824.1 to the Food and Agricultural Code, and to add Section 13371 to the Water Code*, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 2032, as amended, Ransom. Fish and wildlife: ~~restricted species permits:~~ *golden mussels.*

(1) Existing law, until January 1, 2030, generally prohibits a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, invasive mussels, as defined. Existing law requires a public or private agency that operates a water supply system to cooperate with the Department of Fish and Wildlife to implement measures to avoid infestation by invasive mussels and to control or eradicate any infestation that may occur in a water supply system, and, if invasive mussels are detected, to prepare and implement a plan, as specified, to control or eradicate invasive mussels within the system.

Existing law prohibits the importation, transportation, possession, or live release of specified wild animals, except under a revocable, nontransferable permit, known as a restricted species permit, issued by the ~~Department of Fish and Wildlife, department,~~ in cooperation with the Department of Food and Agriculture, and only if certain requirements are met. ~~Existing law requires a written application for a~~

~~permit from a person desiring to import or transport a restricted species to contain specified information.~~

Existing law authorizes the department to issue permits, commonly known as scientific collecting permits, to take or possess any form of plant or animal life for scientific, educational, or propagation purposes.

~~This bill would make nonsubstantive changes to that written application provision.~~ *exempt from the requirement to obtain a restricted species permit a public or private agency that operates a water supply system for maintenance and operational activities to control the spread of golden mussels in the water supply system, as specified.*

This bill would require the department's Invasive Species Program, through the Golden Mussel Task Force convened by the department, to develop and adopt, by April 1, 2027, best management practices for public and private agencies that operate water supply systems to control the spread of golden mussels, as specified, and would encourage those public and private agencies to comply with those best management practices. The bill would also require the department's Invasive Species Program, through the Golden Mussel Task Force, to adopt, by April 1, 2027, guidance for scientific research conducted by or for public and private agencies that operate water supply systems to control the spread of golden mussels, as specified, and would encourage those private and agencies to comply with that guidance.

This bill would exempt scientific research to control the spread of golden mussels conducted by or for public and private agencies that operate water supply systems from scientific collecting permits issued by the department if the public or private agency participates in the Golden Mussel Task Force, as that participation may be determined by the department.

This bill would require the department to update the spatial distribution maps of golden mussel-infested water bodies posted on its internet website no less than quarterly based on monitoring and reported detections, as prescribed.

(2) Existing law requires every manufacturer of, importer of, or dealer in any pesticide, except as specified, to obtain a certificate of registration from the Department of Pesticide Regulation before the pesticide is offered for sale. Existing law requires the Director of Pesticide Regulation to endeavor to eliminate from use in the state specified pesticides, and in carrying out this responsibility, to develop an orderly program for the continuous evaluation of all pesticides actually registered, as specified.

This bill would require the department to expedite, as prescribed, the evaluation of pesticides that are a chemical treatment effective for the prevention, mitigation, control, or eradication of golden mussels in a water supply system operated by a public or private agency.

(3) Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality and prescribe waste discharge requirements in accordance with the Porter-Cologne Water Quality Control Act and the national pollutant discharge elimination system permit program.

This bill would require the state board and regional boards to expedite, as prescribed, the processing of any national pollutant discharge elimination system permit or permit modification to the extent allowable under state and federal law if the permit or permit modification is submitted by a public or private agency that operates a water supply system in order to control the spread of golden mussels.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. (a) The Legislature finds and declares all of the*
2 *following:*

3 *(1) Invasive golden mussels are a serious threat to water*
4 *infrastructure, water systems, water bodies, and ecosystem health.*

5 *(2) Golden mussels have been detected in much of the state,*
6 *creating an emerging crisis that necessitates an emergency*
7 *response.*

8 *(3) Golden mussels are more resilient than other invasive mussel*
9 *species and tolerate a wider range of water quality. Traditional*
10 *control methods, such as chemical treatment, have proven less*
11 *effective due to the increased tolerance. While chemical treatments*
12 *are being developed, the concentrations will need to be tested.*

13 *(4) Several treatment methodologies, including filters, ultraviolet*
14 *light, and chemical coatings, are available and may be effective*
15 *to control the settlement of golden mussels.*

16 *(5) In order to maintain the function of water supply systems*
17 *and facilities, golden mussels must be removed from pipes, screens,*
18 *filters, and other infrastructure. Water agencies are experiencing*
19 *a significant increase in these maintenance activities.*

1 (6) Permitting processes relating to controlling the spread of
2 golden mussels are extensive and time consuming, with permit
3 approvals subject to lengthy backlogs.

4 (7) The extensive number of permits that will be required to
5 control and mitigate the effects of golden mussels in the state must
6 be strategically leveraged to reduce the amount of time necessary
7 to prepare, submit, process, and approve subsequent permits.

8 (8) To combat the spread of golden mussels, it is necessary to
9 engage in scientific research efforts to obtain information on
10 golden mussel biology and ecology and feasibility studies for
11 prevention, mitigation, control, and eradication methods. Much
12 of this research qualifies for existing exemptions to the California
13 Environmental Quality Act (Division 13 (commencing with Section
14 21000) of the Public Resources Code).

15 (b) It is the intent of the Legislature in enacting this act to do
16 both of the following:

17 (1) Support public and private agencies that operate water
18 supply systems in the prevention, mitigation, control, and
19 eradication of golden mussels.

20 (2) Streamline and expedite permitting to support the necessary
21 rapid response to prevent serious impacts of golden mussels on
22 water infrastructure, water supply systems, and water bodies.

23 SEC. 2. Section 2150.6 is added to the Fish and Game Code,
24 to read:

25 2150.6. A public or private agency that operates a water supply
26 system shall be exempt from any permit requirement pursuant to
27 this chapter for maintenance and operational activities to control
28 the spread of golden mussels in the water supply system, including
29 removing golden mussels from pipes, screens, filters, and other
30 infrastructure.

31 SEC. 3. Section 2301.5 is added to the Fish and Game Code,
32 to read:

33 2301.5. (a) (1) The department's Invasive Species Program,
34 through the Golden Mussel Task Force convened by the
35 department, shall develop and adopt, on or before April 1, 2027,
36 best management practices for public and private agencies that
37 operate water supply systems to control the spread of golden
38 mussels until control plans can be developed and approved
39 pursuant to subdivision (d) of Section 2301. The best management
40 practices shall include common maintenance and operational

1 activities for water infrastructure, water supply systems, and water
2 bodies. The department shall, upon request, provide guidance to
3 public and private agencies that operate water supply systems
4 regarding the best management practices and shall update the
5 best management practices as necessary.

6 (2) A public or private agency that operates a water supply
7 system undertaking maintenance and operational activities to
8 control the spread of golden mussels in the water supply system
9 is encouraged to comply with the best management practices
10 adopted pursuant to paragraph (1).

11 (b) (1) The department's Invasive Species Program, through
12 the Golden Mussel Task Force, shall develop and adopt, by April
13 1, 2027, guidance for scientific research conducted by or for public
14 and private agencies that operate water supply systems to control
15 the spread of golden mussels, including biology, ecology, and
16 feasibility studies for golden mussel prevention, mitigation, control,
17 and eradication methods.

18 (2) The guidance shall include, but is not limited to, a process
19 for a public or private agency that operates a water supply system
20 to submit to the department a streamlined project proposal for
21 scientific research to control the spread of golden mussels, to
22 which the department shall respond with suggested best
23 management practices for the possession and transport of golden
24 mussels to minimize any negative impacts of the scientific research.

25 (3) A public or private agency that operates a water supply
26 system conducting scientific research, or having scientific research
27 conducted on its behalf, to control the spread of golden mussels
28 in the water supply system is encouraged to comply with the
29 guidance adopted pursuant to paragraph (1) or provided to it in
30 response to a project proposal pursuant to paragraph (2).

31 (4) Scientific research to control the spread of golden mussels
32 conducted by or for public and private agencies that operate water
33 supply systems, including, but not limited to, as part of a project
34 proposal submitted pursuant to paragraph (2), is exempt from
35 scientific collecting permits under Section 1002 if the public or
36 private agency participates in the Golden Mussel Task Force, as
37 that participation may be determined by the department.

38 (c) The department shall update the spatial distribution maps
39 of golden mussel-infested water bodies posted on its internet
40 website no less than quarterly based on monitoring and reported

1 *detections. The maps shall distinguish between reported and*
 2 *confirmed detections of golden mussels and include the date of the*
 3 *most recent map update to provide the most accurate and*
 4 *up-to-date information. The purpose of the maps shall be to inform*
 5 *water agency decisions for water supply system projects,*
 6 *maintenance, and operational activities.*

7 *SEC. 4. Section 12824.1 is added to the Food and Agricultural*
 8 *Code, to read:*

9 *12824.1. (a) The department shall expedite the initial*
 10 *evaluation, reevaluation, or continuous evaluation of any pesticide*
 11 *under Section 12824 if the pesticide is a chemical treatment*
 12 *effective for the prevention, mitigation, control, or eradication of*
 13 *golden mussels in a water supply system operated by a public or*
 14 *private agency.*

15 *(b) For purposes of subdivision (a), expediting includes, but is*
 16 *not limited to, leveraging work and analysis completed on prior*
 17 *evaluations of pesticides effective for the prevention, mitigation,*
 18 *control, or eradication of golden mussels to expedite similar*
 19 *subsequent evaluations.*

20 *SEC. 5. Section 13371 is added to the Water Code, to read:*

21 *13371. The state board and regional boards shall expedite the*
 22 *processing of any national pollutant discharge elimination system*
 23 *permit or permit modification to the extent allowable under state*
 24 *and federal law if the permit or permit modification is submitted*
 25 *by a public or private agency that operates a water supply system*
 26 *in order to control the spread of golden mussels. For these*
 27 *purposes, expediting includes, but is not limited to, all of the*
 28 *following:*

29 *(a) Assisting applicants with permit preparation and submittal.*

30 *(b) Allowing applicants to coordinate and streamline submission*
 31 *of permits.*

32 *(c) Leveraging work and analysis completed on prior permits*
 33 *to expedite the review of similar subsequent permits.*

34 *(d) Using any available emergency or urgency procedures with*
 35 *shortened timelines to process, review, and approve permits.*

36 ~~SECTION 1. Section 2151 of the Fish and Game Code is~~
 37 ~~amended to read:~~

38 ~~2151. A permit shall be issued only upon written application~~
 39 ~~from the person desiring to import or transport the species,~~
 40 ~~enumerating all of the following:~~

- 1 ~~(a) The approximate number and true scientific name of each~~
- 2 ~~species of wild animal for which a permit is requested.~~
- 3 ~~(b) The carrier and probable point of first arrival in this state of~~
- 4 ~~each shipment of the species.~~
- 5 ~~(c) The purpose for which they are to be imported or transported.~~
- 6 ~~(d) The name and address of the consignee.~~
- 7 ~~(e) The name and address of the consignor.~~

O

ASSEMBLY BILL

No. 2218

**Introduced by Assembly Member Kalra
(Principal coauthor: Assembly Member Rogers)**

February 19, 2026

An act to add Section 106.2 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2218, as introduced, Kalra. Water policy: California Native American tribes.

Existing law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water and the human right to water.

This bill would declare that it is the established policy of the state to acknowledge and correct the inequities caused by state-sanctioned acts of termination, removal, and assimilation inflicted upon all California Native American tribes through compensation, legal recognition of rights, or replacement of benefits lost. The bill would require all relevant state agencies, including the Department of Water Resources and the State Water Resources Control Board, to consider and incorporate this policy when revising, adopting, or establishing rights, policies, regulations, permits, or grant criteria to address identified inequities.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 106.2 is added to the Water Code, to
2 read:

1 106.2. (a) It is hereby declared to be the established policy of
2 the state to acknowledge and correct the inequities caused by
3 state-sanctioned acts of termination, removal, and assimilation
4 inflicted upon all California Native American tribes through
5 compensation, legal recognition of rights, or replacement of
6 benefits lost.
7 (b) All relevant state agencies, including the department and
8 the state board, shall consider and incorporate this policy when
9 revising, adopting, or establishing rights, policies, regulations,
10 permits, or grant criteria to address identified inequities.

ASSEMBLY BILL

No. 2630

Introduced by Assembly Member Bennett

February 20, 2026

An act to amend Section 1841 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2630, as introduced, Bennett. Water diversion and use: adoption of regulations.

Existing law authorizes the State Water Resources Control Board to adopt regulations requiring measurement and reporting of water diversion and use by persons, including, among others, those authorized to appropriate water under a permit, a license, a registration for small domestic, small irrigation, or livestock stockpond use, or a certificate for livestock stockpond use. For the initial regulations, existing law requires that they be adopted as emergency regulations and provides that the emergency regulations remain in effect until revised by the state board. Existing law also exempts the initial regulations from the California Environmental Quality Act.

This bill would require that all further regulations adopted by the state board pursuant to these provisions be adopted as emergency regulations and remain in effect until revised by the state board, and would exempt them from the California Environmental Quality Act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1841 of the Water Code is amended to
 2 read:
 3 1841. (a) The board may adopt regulations requiring
 4 measurement and reporting of water diversion and use by either
 5 of the following:
 6 (1) Persons authorized to appropriate water under a permit,
 7 license, registration for small domestic, small irrigation, or
 8 livestock stockpond use, or certification for livestock stockpond
 9 use.
 10 (2) Persons required to comply with measurement and reporting
 11 regulations pursuant to subparagraph (B) of paragraph (1) of
 12 subdivision (e) of Section 5103.
 13 (b) The ~~initial~~ regulations that the board adopts pursuant to this
 14 section shall be adopted as emergency regulations in accordance
 15 with Chapter 3.5 (commencing with Section 11340) of Part 1 of
 16 Division 3 of Title 2 of the Government Code. The adoption of
 17 the ~~initial~~ regulations is an emergency and shall be considered by
 18 the Office of Administrative Law as necessary for the immediate
 19 preservation of the public peace, health, safety, and general welfare.
 20 Notwithstanding Chapter 3.5 (commencing with Section 11340)
 21 of Part 1 of Division 3 of Title 2 of the Government Code, any
 22 emergency regulations adopted under this section shall remain in
 23 effect until revised by the board.
 24 (c) The adoption of the ~~initial~~ regulations pursuant to this article
 25 is exempt from Division 13 (commencing with Section 21000) of
 26 the Public Resources Code.

O

AMENDED IN ASSEMBLY MARCH 19, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 2728

Introduced by Assembly Member Soria

February 20, 2026

An act to amend Sections 12405, 12410, and 12415 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2728, as amended, Soria. ~~Water delivery infrastructure. Open and Transparent Water Data Act.~~

Existing law, the Open and Transparent Water Data Act, requires the Department of Water Resources, the State Water Resources Control Board, and the Department of Fish and Wildlife to coordinate and integrate existing water and ecological data from local, state, and federal agencies for specified purposes, including, among others, improving the management of the state's water resources.

This bill would specify for purposes of that provision that improving the management of the state's water resources includes improving the efficacy of management actions.

The act requires the Department of Water Resources, in consultation with the California Water Quality Monitoring Council, the State Water Resources Control Board, and the Department of Fish and Wildlife, in accordance with a specified schedule, to create, operate, and maintain a statewide integrated water data platform that, among other things, integrates existing water and ecological data information from multiple databases.

This bill would require, by August 1, 2027, the Department of Water Resources to make available on the platform specified information from

state and federal agencies, including information on hatchery production, release, and escapement.

~~Existing law declares that California’s water infrastructure continues to age and deteriorate and safeguarding California’s supply of clean and safe water for homes, businesses, and farms is an essential responsibility of government, and critical to protecting the quality of life for all Californians.~~

~~This bill would state the intent of the Legislature to enact subsequent legislation related to water delivery infrastructure~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 12405 of the Water Code is amended to*
2 *read:*

3 12405. The department, the state board, and the Department
4 of Fish and Wildlife shall coordinate and integrate existing water
5 and ecological data from local, state, and federal agencies. The
6 purposes for integrating water and ecological data include, but are
7 not limited to, providing adequate information to implement the
8 Sustainable Groundwater Management Act (Part 2.74 (commencing
9 with Section 10720)), improving the management of the state’s
10 water resources, *including the efficacy of management actions,*
11 and bringing greater transparency to water transfers and the market.

12 SEC. 2. *Section 12410 of the Water Code is amended to read:*

13 12410. (a) The department, in consultation with the California
14 Water Quality Monitoring Council, the state board, and the
15 Department of Fish and Wildlife, shall create, operate, and maintain
16 a statewide integrated water data platform in accordance with
17 Section 12415 and the following schedule:

18 (1) By January 1, 2018, the department shall do both of the
19 following:

20 (A) Make public the protocols developed pursuant to Section
21 12406.

22 (B) Publish a strategic plan for data management to guide the
23 implementation of this part.

24 (2) By April 1, 2018, the department shall release any request
25 for proposals necessary for the development of a statewide
26 integrated water data platform.

1 (3) (A) By September 1, 2019, the department shall make
2 available existing water and ecological data held by state agencies
3 on the platform.

4 (B) The department shall quarterly add the information described
5 in subparagraph (A) not available as of September 1, 2019, that
6 becomes available at a later date.

7 (4) (A) By August 1, 2020, the department shall make available
8 on the platform available water and ecological data related to
9 California water supply and management that is held by the
10 following agencies:

- 11 (i) The United States Bureau of Reclamation.
- 12 (ii) The United States Fish and Wildlife Service.
- 13 (iii) The National Oceanic and Atmospheric Administration.
- 14 (iv) The United States Geological Survey.
- 15 (v) The United States Forest Service.

16 (B) The department shall quarterly add the information described
17 in subparagraph (A) not available as of August 1, 2020, that
18 becomes available at a later date.

19 (5) By August 1, 2020, the department shall make available on
20 the platform any other existing information listed in Section 12415.

21 (6) *By August 1, 2027, the department shall make available on*
22 *the platform any other existing information listed in subdivision*
23 *(b) of Section 12415.*

24 (b) The department may partner with an existing nonprofit
25 organization, with a new nonprofit organization that the department
26 creates, organized under paragraph (3) of subsection (c) of Section
27 501 of Title 26 of the United States Code, or with another state
28 agency to create, operate, or maintain, or any combination thereof,
29 the platform.

30 (c) Notwithstanding subdivision (a), the department may enter
31 into an agreement with an existing nonprofit organization, with a
32 new nonprofit organization that the department creates, organized
33 under paragraph (3) of subsection (c) of Section 501 of Title 26
34 of the United States Code, or with another state agency for that
35 nonprofit organization or state agency to create, operate, or
36 maintain, or any combination thereof, the platform.

37 (d) The Department of Technology is deemed to have delegated
38 to the department any authority over the implementation of this
39 part granted to it pursuant to Section 11546 of the Government
40 Code.

1 (e) Nothing in subdivision (a) shall prevent a state agency from
2 disseminating, managing, or publishing data separately from the
3 platform.

4 *SEC. 3. Section 12415 of the Water Code is amended to read:*

5 12415. The statewide integrated water data platform created
6 pursuant to Section 12410 shall, at a minimum, do all of the
7 following:

8 (a) Integrate existing water and ecological data information
9 from multiple autonomous databases managed by federal, state,
10 and local agencies and academia using consistent and standardized
11 formats.

12 (b) Integrate the following datasets, as available:

13 (1) The department's information on State Water Project
14 reservoir operations, groundwater use, groundwater levels, urban
15 water use, and land use.

16 (2) The state board's data on water rights, water diversions, and
17 water quality through California Environmental Data Exchange
18 Network (CEDEN).

19 (3) The Department of Fish and Wildlife's information on fish
20 ~~abundance and distribution.~~ *abundance, fish distribution, and*
21 *hatchery production, release, and escapement.*

22 (4) The United States Geological Survey's streamflow
23 conditions information through the National Water Information
24 System.

25 (5) The United States Bureau of Reclamation's federal Central
26 Valley Project operations information.

27 (6) The United States Fish and Wildlife Service's, United States
28 Forest Service's, and National Oceanic and Atmospheric
29 Administration Fisheries' fish abundance *and hatchery production,*
30 *release, and escapement* information.

31 (c) Provide data on completed water transfers and exchanges,
32 including publicly available or voluntarily provided data on the
33 volume, price, and delivery method, identity of the buyers and
34 sellers, and the water right associated with the transfer or exchange.

35 (d) Provide documentation of data quality and data formats
36 through metadata.

37 (e) Adhere to data protocols developed by state agencies
38 pursuant to Section 12406.

39 (f) Be able to receive both spatial and time series data from
40 various sources.

1 ~~SECTION 1. It is the intent of the Legislature to enact~~
2 ~~subsequent legislation related to water delivery infrastructure.~~

O

Assembly Constitutional Amendment

No. 11

Introduced by Assembly Members Macedo and Alanis

March 24, 2025

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 8 to Article X thereof, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

ACA 11, as introduced, Macedo. California Water Resiliency Act.

The California Constitution declares that the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, and that the right to the use of water does not extend to the waste or unreasonable use, method of use, or method of diversion of water.

This measure, the California Water Resiliency Act, would require the Treasurer to annually transfer an amount equal to 1% of all state revenues from the General Fund to the Water Conveyance and Capacity Infrastructure Fund, which the measure would create. The measure would continuously appropriate moneys in the fund to the California Water Commission for its actual costs of implementing these provisions and for administering grants for the entitlement, repair, design, and construction of water infrastructure projects that will maintain or expand the availability of clean, safe drinking water for homes and businesses, and water for agricultural uses, consistent with area of origin water rights.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2025–26 Regular
3 Session commencing on the second day of December 2024,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 First—(a) This measure shall be known, and may be cited, as
8 the California Water Resiliency Act.

9 (b) The Legislature finds and declares all of the following:

10 (1) Safe, sufficient, and affordable water is fundamental to our
11 quality of life and key to the economic development of our
12 communities. Previous constitutional amendments have prioritized
13 spending for public education, public safety, and transportation.

14 (2) It is long past time for Californians to prioritize spending to
15 maintain and increase California’s storage and supply of clean,
16 safe drinking water for homes and businesses, water for agricultural
17 use, and treatment, purification, and reclamation of stormwater
18 and wastewater, while maintaining adequate water supplies for
19 the environment.

20 (3) Achieving short-term and long-term drought resiliency will
21 require an increase in the supply of water; however, water projects
22 take years to permit, and once issued, those permits can be subject
23 to lengthy litigation, thus increasing the cost and delaying the
24 realization of new water supplies.

25 Second—That Section 8 is added to Article X thereof, to read:

26 SEC. 8. (a) The Treasurer shall annually transfer an amount
27 equal to 1 percent of all state revenues eligible to be appropriated
28 pursuant to Article XIII B from the General Fund to the Water
29 Conveyance and Capacity Infrastructure Fund, which is hereby
30 created in the State Treasury. The first annual transfer shall occur
31 in the first fiscal year following the operative date of this section.

32 (b) The transfer of funds pursuant to subdivision (a) shall not
33 reduce the amount of moneys required to be applied by the State
34 for support of the public school system and public institutions of
35 higher education pursuant to Section 8 of Article XVI.

36 (c) Moneys in the Water Conveyance and Capacity Infrastructure
37 Fund are hereby continuously appropriated, notwithstanding
38 Section 13340 of the Government Code and without regard to
39 fiscal years, to the California Water Commission for its actual
40 costs of implementing this section and administering grants for

1 the entitlement, repair, design, and construction of water
2 infrastructure projects that will maintain or expand the availability
3 of clean, safe drinking water for homes and businesses, and water
4 for agricultural uses, consistent with area of origin water rights.

5 (d) (1) Only a public agency, special district, joint powers
6 authority, or a public-private partnership shall be eligible to apply
7 for a grant awarded pursuant to this section.

8 (2) A project awarded a grant pursuant to this section shall be
9 owned, in whole or in part, by the applicant.

O

AMENDED IN SENATE MARCH 19, 2026

AMENDED IN SENATE FEBRUARY 18, 2026

SENATE BILL

No. 872

Introduced by Senator McNerney

(Coauthors: Senators Archuleta, Cortese, Hurtado, Ochoa Bogh, and Richardson)

(Coauthors: Assembly Members Harabedian and Wallis)

January 6, 2026

An act to ~~amend Section 39719.4 of the Health and Safety Code, relating to climate change, add Part 10 (commencing with Section 12996) to Division 6 of the Water Code, relating to water, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 872, as amended, McNerney. ~~Climate change: funding priorities: Delta Levees and Canal Subsidence Fund.~~

~~The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include in its regulation of those emissions the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund. Existing law requires, beginning with 2026-27 fiscal year, that funds be allocated according to a specified priority, including, among other things, that the sum of \$1,000,000,000 be reserved for appropriation by the Legislature in the annual Budget Act or other statute.~~

Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, declares that the Sacramento-San Joaquin Delta (Delta) is a critically important natural resource for California and the nation and it serves as both the hub of the California water system and the most valuable estuary and wetland ecosystem on the west coast of North and South America. Existing law establishes in the Natural Resources Agency the Department of Water Resources. Existing law requires the department and the Department of Fish and Wildlife to determine the principal options for the Delta and requires the department to evaluate and comparatively rate each option for its ability to do specified things, including, among others, to maintain Delta water quality for Delta users, and to preserve, protect, and improve Delta levees. Existing law establishes in the agency the Sacramento-San Joaquin Delta Conservancy. Existing law requires the conservancy to act as a primary state agency to implement ecosystem restoration in the Delta and to support efforts that advance environmental protection and the economic well-being of Delta residents.

~~This bill would require, of that amount, beginning with the 2026–27 fiscal year and continuing~~ *establish the Delta Levees and Canal Subsidence Fund in the State Treasury and, upon appropriation, would make the moneys in the fund available to the Secretary of the Natural Resources Agency for expenditure consistent with the allocations described below. The bill would authorize the secretary to seek out, and the fund to accept, state moneys from, among other sources, any bond funds, the General Fund, or the Greenhouse Gas Reduction Fund. The bill would authorize the fund to accept moneys from nonstate sources, including federal and private moneys, and would continuously appropriate those moneys without regard to fiscal year, for allocation as described below, thereby making an appropriation. The bill would require the secretary to allocate moneys in the fund, through the 2046–47 fiscal year, the sum of \$150,000,000 be appropriated subject to funding availability, as follows: (1) in the amount of \$150,000,000, annually, to the Department of Water Resources for the purposes of supporting capital improvements to restore the original design water conveyance capacity for state water conveyance systems impacted operationally by land subsidence, and the sum of \$150,000,000 be appropriated annually (2) in the amount of \$150,000,000, annually, to the Sacramento-San Joaquin Delta Conservancy conservancy for projects in the Sacramento-San Joaquin Delta to improve existing levees, as specified, thereby making an appropriation. specified. The bill would*

require the secretary to proportionally reduce the above-described amounts if there is insufficient moneys in the fund, as provided. The bill would prohibit funds provided by these provisions these moneys from being expended to pay the costs of the design, construction, operation, mitigation, or maintenance of any additional Sacramento-San Joaquin Delta conveyance facilities, as provided.

Vote: $\frac{2}{3}$ -majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Climate change continues to have an immense impact on
4 California's water systems and changing precipitation patterns,
5 increasing flood and drought risks, sea level rise, and aging
6 infrastructure are all combining to cause significant risks to our
7 ability to protect water quality in the Sacramento-San Joaquin
8 Delta (Delta), protect flood-vulnerable communities, maintain
9 water deliveries, and ensure climate-responsive water operations.

10 (b) Before passage of the Sustainable Groundwater Management
11 Act (Part 2.74 (commencing with Section 10720) of Division 6 of
12 the Water Code), groundwater pumping and other factors resulted
13 in significant land subsidence in the San Joaquin Valley. According
14 to the State Water Project Adaptation Strategy, this subsidence
15 threatens to reduce the water carrying capacity of the State Water
16 Project by 87 percent by 2040 if not repaired, putting drinking
17 water for 27,000,000 residents and 750,000 acres of farmland in
18 California at risk.

19 (c) The State Water Project is the single largest energy user in
20 state, using about 3 percent of total statewide consumption, and
21 with subsidized canals increasing the energy it takes to move water,
22 if these subsidence impacts to the State Water Project are not
23 addressed, there will be unnecessary increased energy usage and
24 associated costs.

25 (d) Each public water agency contracted with the Department
26 of Water Resources is obligated to pay the capital and operation
27 and management costs of the State Water Project in order to
28 participate in the State Water Project, and the Department of Water
29 Resources is authorized to issue bonds for the capital costs under

1 the Central Valley Project (Part 3 (commencing with Section
2 11100) of Division 6 of the Water Code) that each state water
3 contractor repays along with other expenses billed by the
4 Department of Water Resources, including annual operation and
5 maintenance costs.

6 (e) Damage to the State Water Project due to subsided canals
7 is largely caused by groundwater pumping actions done outside
8 of the public water agencies' service areas. Obligations to pay the
9 costs of repair of the canals would significantly increase annual
10 costs to public water agencies and their ratepayers.

11 (f) The Delta supports local communities, businesses, and more
12 than 400,000 acres of farmland, 80 percent of which is considered
13 United States Department of Agriculture prime farmland, and it
14 is also a national heritage site, a site of critical cultural importance
15 to several indigenous tribes, and a thriving ecosystem supporting
16 several native species of plants and animals.

17 (g) The Delta is also experiencing the impacts of climate change,
18 including, but not limited to, increasing droughts, more extreme
19 precipitation events, earlier snowmelt, and sea level rise that all
20 create concerns for how to manage the dynamic ecosystem in a
21 way that continues to support human life and natural ecosystems.

22 (h) The Delta is supported by 1,100 miles of levees that provide
23 protection to residences, businesses, agricultural lands, tribal
24 cultural sites, and infrastructure and help ensure fresh drinking
25 water supply to millions of Californians. However, many levees
26 date back to the 1800s and no longer meet the United States Army
27 Corps of Engineers' standards. If levees are breached, human life
28 and property in the Delta would be at risk, and saltwater intrusion
29 into the fresh water that feeds the state and federal water projects
30 could threaten the drinking water sources for over one-half of the
31 people in the state.

32 (i) The Sacramento-San Joaquin Delta Reform Act of 2009
33 required, among other things, that the Delta Stewardship Council
34 establish a plan to reduce flood risk and guide prioritization of
35 state investments in the Delta. The resulting Delta Levees
36 Investment Strategy (DLIS) is a risk-based prioritization for levee
37 investments in the Delta adopted by the Delta Stewardship Council
38 as part of the Delta Plan on January 1, 2024. The goal is to
39 maximize flood protection for people, property, water supply, the
40 delta ecosystem, and infrastructure, for the benefit of all

1 Californians. While the strategy provides a risk-based prioritization
2 of levee repairs in the Delta, it does not currently have funding
3 sources to meet its goals.

4 (j) The Sacramento-San Joaquin Delta Reform Act of 2009 also
5 established that it is state policy to reduce reliance on the Delta in
6 meeting the state’s future water supply needs by investing in
7 improved water use efficiency, water recycling, advanced water
8 technologies, and other regional water supply projects. These
9 alternative water supplies will continue to be critical to protecting
10 and preserving the overall health of the Delta, and critical to the
11 protection of a diverse clean water supply for the people of
12 California.

13 ~~SEC. 2. Section 39719.4 of the Health and Safety Code is~~
14 ~~amended to read:~~

15 ~~39719.4. Beginning with the 2026-27 fiscal year, moneys in~~
16 ~~the funds shall be allocated in the following priority:~~

17 ~~(a) (1) Amounts described in Sections 4210 to 4214, inclusive,~~
18 ~~of the Public Resources Code to replace the revenues generated~~
19 ~~by the State Responsibility Area fire prevention fee authorized by~~
20 ~~Section 4212 of the Public Resources Code.~~

21 ~~(2) Amounts appropriated by subparagraph (A) of paragraph~~
22 ~~(3) of subdivision (g) of Section 6377.1 of the Revenue and~~
23 ~~Taxation Code.~~

24 ~~(3) The sum of three million dollars (\$3,000,000) for the~~
25 ~~establishment of the Legislative Counsel Climate Bureau.~~

26 ~~(b) After the amounts specified in subdivision (a) are fully~~
27 ~~allocated, as determined by the Department of Finance, the~~
28 ~~remaining moneys in the fund shall be allocated as follows:~~

29 ~~(1) Notwithstanding Section 13340 of the Government Code~~
30 ~~and subject to Section 39719.3, the sum of one billion dollars~~
31 ~~(\$1,000,000,000) is continuously appropriated without regard to~~
32 ~~fiscal year to the High-Speed Rail Authority for the following~~
33 ~~components of the initial operating segment and Phase I Blended~~
34 ~~System as described in the 2012 business plan adopted pursuant~~
35 ~~to Section 185033 of the Public Utilities Code:~~

36 ~~(A) Acquisition and construction costs of the project.~~

37 ~~(B) Environmental review and design costs of the project.~~

38 ~~(C) Other capital costs of the project.~~

39 ~~(D) Repayment of any loans made to the authority to fund the~~
40 ~~project.~~

1 ~~(2) (A) The sum of one billion dollars (\$1,000,000,000) is~~
2 reserved for appropriation by the Legislature in the annual Budget
3 Act or other statute.

4 ~~(B) It is the intent of the Legislature that the amount reserved~~
5 pursuant to subparagraph (A) is allocated in the following amounts
6 for the 2026—27 fiscal year:

7 ~~(i) The sum of one hundred twenty-five million dollars~~
8 ~~(\$125,000,000) for transit passes:~~

9 ~~(ii) The sum of twenty-five million dollars (\$25,000,000) for~~
10 seed funding for a University of California Climate Research
11 Center.

12 ~~(iii) The sum of fifteen million dollars (\$15,000,000) for~~
13 rebuilding Topanga Park.

14 ~~(iv) The sum of eighty-five million dollars (\$85,000,000) for~~
15 an entity chosen by the Legislature to support climate-focused
16 technological innovation, related research, and the deployment of
17 climate solutions identified in the scoping plan prepared pursuant
18 to Section 38561.

19 ~~(C) Notwithstanding subparagraph (A) and of the amount~~
20 described in therein, both of the following are appropriated
21 annually, beginning with the 2026–27 fiscal year and continuing
22 through the 2046–47 fiscal year:

23 ~~(i) The sum of one hundred fifty million dollars (\$150,000,000)~~
24 ~~to the Department of Water Resources for the purposes of~~
25 supporting capital improvements to restore the original design
26 water conveyance capacity for state water conveyance systems
27 impacted operationally by land subsidence. The department shall
28 prioritize projects based on the volume of water capacity they can
29 restore to the state water system, and shall provide priority to
30 projects where the surrounding groundwater basin is implementing
31 best management practices aligned with the goals of the Sustainable
32 Groundwater Management Act (Part 2.74 (commencing with
33 Section 10720) of Division 6 of the Water Code), or the equivalent
34 as determined by the department, to manage land subsidence, as
35 determined by the department.

36 ~~(ii) The sum of one hundred fifty million dollars (\$150,000,000)~~
37 ~~to the Sacramento-San Joaquin Delta Conservancy for projects in~~
38 the Sacramento-San Joaquin Delta to improve existing levees,
39 including multibenefit levee projects that protect, enhance, or
40 restore habitat, and improve water quality. The Conservancy shall

1 prioritize projects that improve the sustainability of local or state
2 water supplies, and projects that improve instream, riparian, flood
3 plain, and wetland habitat. For purposes of this subdivision,
4 “Sacramento-San Joaquin Delta” has the same meaning as
5 described in Section 12220 of the Water Code.

6 ~~(D) Funds provided by this subdivision shall not be expended~~
7 ~~to pay the costs of the design, construction, operation, mitigation,~~
8 ~~or maintenance of any additional Sacramento-San Joaquin Delta~~
9 ~~conveyance facilities. Those costs shall be the responsibility of~~
10 ~~the water agencies that benefit from the design, construction,~~
11 ~~operation, mitigation, or maintenance of those facilities.~~

12 ~~(e) (1) After the amounts specified in subdivisions (a) and (b)~~
13 ~~are fully allocated, as determined by the Department of Finance,~~
14 ~~the remaining moneys in the fund, notwithstanding Section 13340~~
15 ~~of the Government Code, are continuously appropriated, without~~
16 ~~regard to fiscal year, as follows:~~

17 ~~(A) The sum of eight hundred million dollars (\$800,000,000)~~
18 ~~to the Strategic Growth Council for the Affordable Housing and~~
19 ~~Sustainable Communities Program created by Part 1 (commencing~~
20 ~~with Section 75200) of Division 44 of the Public Resources Code.~~
21 ~~Of the amount appropriated in this subparagraph, no less than 10~~
22 ~~percent of the annual proceeds of the fund shall be expended for~~
23 ~~affordable housing, consistent with the provisions of that program.~~

24 ~~(B) The sum of four hundred million dollars (\$400,000,000) to~~
25 ~~the Transportation Agency for the Transit and Intercity Rail Capital~~
26 ~~Program created by Part 2 (commencing with Section 75220) of~~
27 ~~Division 44 of the Public Resources Code.~~

28 ~~(C) The sum of two hundred fifty million dollars (\$250,000,000)~~
29 ~~to the State Air Resources Board for community air protection~~
30 ~~programs and allocated for financial incentives to reduce mobile~~
31 ~~and stationary sources of criteria air pollutants or toxic air~~
32 ~~contaminants consistent with community emissions reduction~~
33 ~~programs developed pursuant to Section 44391.2 and for support~~
34 ~~for local air districts’ implementation of Chapter 136 of the Statutes~~
35 ~~of 2017.~~

36 ~~(D) The sum of two hundred million dollars (\$200,000,000) to~~
37 ~~the Transportation Agency for the Low Carbon Transit Operations~~
38 ~~Program created by Part 3 (commencing with Section 75230) of~~
39 ~~Division 44 of the Public Resources Code. Moneys shall be~~
40 ~~allocated by the Controller, according to requirements of the~~

1 program, and pursuant to the distribution formula in subdivision
2 (b) or (c) of Section 99312 of, and Sections 99313 and 99314 of,
3 the Public Utilities Code.

4 ~~(E) The sum of two hundred million dollars (\$200,000,000) to~~
5 ~~the Department of Forestry and Fire Protection and allocated as~~
6 ~~follows:~~

7 ~~(i) Eighty-two and one-half percent for healthy forest and fire~~
8 ~~prevention programs and projects that improve forest health and~~
9 ~~reduce emissions of greenhouse gases caused by uncontrolled~~
10 ~~wildfires.~~

11 ~~(ii) Seventeen and one-half percent for the completion of~~
12 ~~prescribed fire and other fuel reduction projects through proven~~
13 ~~forestry practices consistent with the recommendations of the~~
14 ~~California Forest Carbon Plan, including the operation of~~
15 ~~year-round prescribed fire crews and implementation of a research~~
16 ~~and monitoring program for climate adaptation.~~

17 ~~(F) The sum of one hundred thirty million dollars~~
18 ~~(\$130,000,000) is transferred to the Safe and Affordable Drinking~~
19 ~~Water Fund established pursuant to Section 116766 for the~~
20 ~~purposes of Chapter 4.6 (commencing with Section 116765) of~~
21 ~~Part 12 of Division 104.~~

22 ~~(2) (A) Moneys appropriate pursuant to paragraph (1) shall be~~
23 ~~used for the purpose of facilitating the achievement of reductions~~
24 ~~of greenhouse gas emissions in this state in accordance with the~~
25 ~~requirements of Section 39712 or to improve climate change~~
26 ~~adaptation and resiliency of disadvantaged communities or~~
27 ~~low-income households or communities, consistent with Division~~
28 ~~25.5 (commencing with Section 38500).~~

29 ~~(B) For purposes of the moneys appropriated pursuant to~~
30 ~~paragraph (1), a state agency may comply with the requirements~~
31 ~~of paragraphs (2) and (3) of subdivision (a) of Section 16428.9 of~~
32 ~~the Government Code by describing how each proposed~~
33 ~~expenditure will improve climate change adaptation and resiliency~~
34 ~~of disadvantaged communities or low-income households or~~
35 ~~communities.~~

36 ~~(3) If, for any fiscal year the Department of Finance determines~~
37 ~~that, after fully allocating the amounts pursuant to subdivisions~~
38 ~~(a) and (b), there are insufficient annual proceeds to fully provide~~
39 ~~for the appropriations specified in paragraph (1) in addition to any~~
40 ~~state operations costs appropriated in the annual Budget Act, the~~

1 amounts specified in paragraph (1) shall be proportionally reduced
2 as determined by the Department of Finance.

3 ~~(d) Any amounts in the fund not needed to fully fund the~~
4 ~~amounts pursuant to subdivisions (a), (b), and (c) in a fiscal year~~
5 ~~are available to be appropriated by the Legislature in the annual~~
6 ~~Budget Act or other statute.~~

7 *SEC. 2. Part 10 (commencing with Section 12996) is added to*
8 *Division 6 of the Water Code, to read:*

9

10 *PART 10. DELTA LEVEES AND CANAL SUBSIDENCE FUND*

11

12 *12996. Unless the context otherwise requires, the definitions*
13 *below govern the construction of this part:*

14 *(a) "Conservancy" means the Sacramento-San Joaquin Delta*
15 *Conservancy, established pursuant to Division 22.3 (commencing*
16 *with Section 32300) of the Public Resources Code.*

17 *(b) "Department" means the Department of Water Resources.*

18 *(c) "Fund" means the Delta Levees and Canal Subsidence Fund*
19 *created pursuant to Section 12997.*

20 *(d) "Sacramento-San Joaquin Delta" has the same meaning as*
21 *described in Section 12220 of the Water Code.*

22 *(e) "Secretary" means the Secretary of the Natural Resources*
23 *Agency.*

24 *12997. (a) The Delta Levees and Canal Subsidence Fund is*
25 *hereby created in the State Treasury. Upon appropriation by the*
26 *Legislature, moneys deposited into the fund shall be available to*
27 *the secretary for expenditure consistent with this part.*

28 *(b) (1) The secretary may seek out, and the fund may accept,*
29 *state moneys, including, but not limited to, from the General Fund,*
30 *special funds, the Greenhouse Gas Reduction Fund created*
31 *pursuant to Section 16428.8 of the Government Code, or any bond*
32 *funds, for purposes of this part.*

33 *(2) The fund may accept moneys from nonstate sources,*
34 *including, but not limited to, federal and private moneys, for*
35 *purposes of this part.*

36 *(3) The secretary may establish accounts within the fund.*

37 *(4) Notwithstanding subdivision (a), and Section 13340 of the*
38 *Government Code, any nonstate funds, including, but not limited*
39 *to, federal and private funds, in the fund are continuously*

1 appropriated without regard to fiscal year to the secretary for
2 expenditure consistent with this part.

3 (c) The secretary shall allocate moneys in the fund in the
4 following manner:

5 (1) (A) The sum of one hundred fifty million dollars
6 (\$150,000,000) annually through the 2046-47 fiscal year, subject
7 to funding availability, to the department for the purpose of
8 supporting capital improvements to restore the original design
9 water conveyance capacity for state water conveyance systems
10 impacted operationally by land subsidence.

11 (B) The department shall prioritize projects based on the volume
12 of water capacity they can restore to the state water system, and
13 shall provide priority to projects where the surrounding
14 groundwater basin is implementing best management practices
15 aligned with the goals of the Sustainable Groundwater
16 Management Act (Part 2.74 (commencing with Section 10720)),
17 or the equivalent as determined by the department, to manage land
18 subsidence, as determined by the department.

19 (C) The department may adopt guidelines to implement this
20 paragraph. The Administrative Procedure Act (Chapter 3.5
21 (commencing with Section 11340) of Part 1 of Division 3 of Title
22 2 of the Government Code) does not apply to the adoption of the
23 guidelines by the department to implement this paragraph. Before
24 adopting or revising the guidelines or other standards, the
25 department shall provide an opportunity for public comment and
26 at least one public workshop.

27 (2) (A) The sum of one hundred fifty million dollars
28 (\$150,000,000) annually through the 2046-47 fiscal year, subject
29 to funding availability, to the conservancy for projects in the
30 Sacramento-San Joaquin Delta to improve existing levees,
31 including multibenefit levee projects that protect, enhance, or
32 restore habitat, and improve water quality.

33 (B) The conservancy shall prioritize projects that improve the
34 sustainability of local or state water supplies, and projects that
35 improve instream, riparian, flood plain, and wetland habitat.

36 (C) The conservancy may adopt guidelines to implement this
37 paragraph. The Administrative Procedure Act (Chapter 3.5
38 (commencing with Section 11340) of Part 1 of Division 3 of Title
39 2 of the Government Code) does not apply to the adoption of the
40 guidelines by the conservancy to implement this paragraph. Before

1 *adopting or revising the guidelines or other standards, the*
2 *conservancy shall provide an opportunity for public comment and*
3 *at least one public workshop.*

4 *(d) If there are insufficient moneys in the fund to fully provide*
5 *for the allocations specified in subdivision (c), the amounts shall*
6 *be proportionally reduced as determined by the secretary.*

7 *(e) Moneys provided by this part shall not be expended to pay*
8 *the costs of the design, construction, operation, mitigation, or*
9 *maintenance of any additional Sacramento-San Joaquin Delta*
10 *conveyance facilities. Those costs shall be the responsibility of the*
11 *water agencies that benefit from the design, construction,*
12 *operation, mitigation, or maintenance of those facilities.*