

AMENDMENTS TO ASSEMBLY BILL NO. 497

Amendment 1

In the title, in line 1, after “act” insert:

to add Section 13170.6 to the Water Code,

Amendment 2

In the title, in line 1, strike out “water.” and insert:

water, and declaring the urgency thereof, to take effect immediately.

Amendment 3

On page 1, before line 1, insert:

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

(a) The Sacramento and San Joaquin River systems, including their tributaries, drain water from about 40 percent of California’s land area, supporting a variety of beneficial uses, including fish and wildlife, agricultural, municipal, and tribal tradition and culture.

(b) The San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta) is one of the most important ecosystems in California and the hub of the state’s water supply system.

(c) The State Water Resources Control Board develops water quality control plans, which are enforceable standards designed to protect the water quality of lakes, rivers, and streams to ensure they can continue to be used for purposes like recreation, agriculture, and municipal uses.

(d) Water quality control plans specify beneficial uses, water quality objectives to protect those beneficial uses, and a program of implementation to achieve those objectives.

(e) The State Water Resources Control Board’s water quality control planning programs are certified as regulatory programs by the Secretary of the Natural Resources Agency and are exempt from certain procedural requirements of the California Environmental Quality Act, including the preparation of an environmental impact report, and a draft staff report for a water quality control plan update includes functionally equivalent analyses as an environmental impact report that complies with the California Environmental Quality Act.

(f) The State Water Resources Control Board is considering updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) focused on the Sacramento River and its tributaries, Sacramento-San Joaquin Delta (Delta) eastside tributaries, interior Delta flows, and Delta outflows, including consideration of proposed voluntary agreements, and the Bay-Delta Plan update process has been underway since 2009.



(g) Over the past several years, significant public engagement has occurred relative to the Bay-Delta Plan update, including all of the following:

(1) At least 15 substantive reports and notices related to reports and plans have been issued for the Bay-Delta Plan update since 2009.

(2) At least 19 public workshops and working meetings have occurred for Bay-Delta Plan update engagement since 2023.

(3) At least 10 public comment periods have been noticed and have provided opportunity for public engagement and response to comments by the State Water Resources Control Board and its staff during the Bay-Delta Plan update process.

(4) At least five independent science reviews have been conducted on the scientific basis of the alternatives in the draft updated Bay-Delta Plan.

(h) It is the intent of the Legislature to enact legislation that would streamline and accelerate the procedural steps and internal processes to allow the State Water Resources Control Board to consider final approval of the Bay-Delta Plan update as expeditiously as possible.

SEC. 2. Section 13170.6 is added to the Water Code, to read:

13170.6. (a) The board shall adopt an update to the Water Quality Control Plan for the San Francisco Bay/ Sacramento-San Joaquin Delta Estuary that addresses the Sacramento River and its tributaries, Sacramento-San Joaquin Delta eastside tributaries, and the Sacramento-San Joaquin Delta no later than August 31, 2026.

(b) (1) Notwithstanding the requirements of subparagraph (D) of paragraph (2) of subdivision (d) of, and paragraph (1) of subdivision (e) of, Section 21080.5 of the Public Resources Code, and notwithstanding the requirements of subdivision (d) of Section 3779 of, and paragraph (2) of subdivision (b) of Section 3779.5 of, Title 23 of the California Code of Regulations, the board is exempt from the requirements to prepare, provide for review, transmit to state agencies, and include written or oral responses to comments on the draft substitute environmental document titled "Staff Report/Substitute Environmental Document in Support of Potential Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary for the Sacramento River and its Tributaries, Delta Eastside Tributaries, and Delta," as updated, released for public comment prior to December 31, 2025.

(2) The absence of written or oral responses to comments on the draft substitute environmental document titled "Staff Report/Substitute Environmental Document in Support of Potential Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary for the Sacramento River and its Tributaries, Delta Eastside Tributaries, and Delta," as updated, released for public comment prior to December 31, 2025, is not a basis for determining that the board acted unlawfully or for otherwise setting aside or enjoining a board action pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to increase protection of the beneficial uses of the waters of the Sacramento River and its tributaries, Sacramento-San Joaquin Delta eastside tributaries,

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Substantive

and the Sacramento-San Joaquin Delta as quickly as possible, it is necessary that this bill go into immediate effect.

Amendment 4
On page 1, strike out lines 1 to 3, inclusive

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PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 497

CALIFORNIA LEGISLATURE—2025—26 REGULAR SESSION

ASSEMBLY BILL

No. 497

Introduced by Assembly Member Wilson

February 10, 2025



RN2600624

An act to add Section 13170.6 to the Water Code, relating to ~~water~~ water, and declaring the urgency thereof, to take effect immediately.

Amendments 1 & 2

LEGISLATIVE COUNSEL'S DIGEST

AB 497, as introduced, Wilson. San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control ~~Plan~~. Plan: update: substitute environmental document: exemption.

The Porter-Cologne Water Quality Control Act establishes a statewide program for the control of the quality of all the waters in the state and makes certain legislative findings and declarations. Existing law establishes the State Water Resources Control Board to exercise the adjudicatory and regulatory functions of the state in the field of water resources. Pursuant to its authority, the board adopted the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) that, among other things, establishes objectives to protect the beneficial uses of the water and prevent nuisance within the waters specified in the Bay-Delta Plan.

Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that 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

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that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA, except as provided, when a regulatory program of a state agency requires a plan or other written documentation containing environmental information, authorizes that plan or other information to be submitted in lieu of the EIR if the Secretary of the Natural Resources Agency has certified that regulatory program, as specified.

This bill would require the board to adopt an update to the Bay-Delta Plan that addresses the Sacramento River and its tributaries, Sacramento-San Joaquin Delta (Delta) eastside tributaries, and the Delta no later than August 31, 2026. The bill would exempt the board from the requirements to prepare, provide for review, transmit to state agencies, and include written or oral responses to comments on a specified draft substitute environmental document, as provided.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law makes available to the Natural Resources Agency bond funds for, among other things, implementing an updated State Water Resources Control Board’s San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan (Bay-Delta Water Quality Control Plan), which establishes water quality control measures and flow requirements needed to provide reasonable protection of beneficial uses in the watershed.~~

~~This bill would state the intent of the Legislature to enact future legislation relating to the Bay-Delta Water Quality Control Plan.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

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

- + SECTION 1. The Legislature finds and declares all of the
- + following:
- + (a) The Sacramento and San Joaquin River systems, including
- + their tributaries, drain water from about 40 percent of California’s
- + land area, supporting a variety of beneficial uses, including fish
- + and wildlife, agricultural, municipal, and tribal tradition and
- + culture.

Amendment 3

+ (b) *The San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta) is one of the most important ecosystems in California and the hub of the state’s water supply system.*

+ (c) *The State Water Resources Control Board develops water quality control plans, which are enforceable standards designed to protect the water quality of lakes, rivers, and streams to ensure they can continue to be used for purposes like recreation, agriculture, and municipal uses.*

+ (d) *Water quality control plans specify beneficial uses, water quality objectives to protect those beneficial uses, and a program of implementation to achieve those objectives.*

+ (e) *The State Water Resources Control Board’s water quality control planning programs are certified as regulatory programs by the Secretary of the Natural Resources Agency and are exempt from certain procedural requirements of the California Environmental Quality Act, including the preparation of an environmental impact report, and a draft staff report for a water quality control plan update includes functionally equivalent analyses as an environmental impact report that complies with the California Environmental Quality Act.*

+ (f) *The State Water Resources Control Board is considering updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) focused on the Sacramento River and its tributaries, Sacramento-San Joaquin Delta (Delta) eastside tributaries, interior Delta flows, and Delta outflows, including consideration of proposed voluntary agreements, and the Bay-Delta Plan update process has been underway since 2009.*

+ (g) *Over the past several years, significant public engagement has occurred relative to the Bay-Delta Plan update, including all of the following:*

+ (1) *At least 15 substantive reports and notices related to reports and plans have been issued for the Bay-Delta Plan update since 2009.*

+ (2) *At least 19 public workshops and working meetings have occurred for Bay-Delta Plan update engagement since 2023.*

+ (3) *At least 10 public comment periods have been noticed and have provided opportunity for public engagement and response to comments by the State Water Resources Control Board and its staff during the Bay-Delta Plan update process.*

+ (4) *At least five independent science reviews have been conducted on the scientific basis of the alternatives in the draft updated Bay-Delta Plan.*

+ (h) *It is the intent of the Legislature to enact legislation that would streamline and accelerate the procedural steps and internal processes to allow the State Water Resources Control Board to consider final approval of the Bay-Delta Plan update as expeditiously as possible.*

+ SEC. 2. *Section 13170.6 is added to the Water Code, to read:*
+ 13170.6. (a) *The board shall adopt an update to the Water Quality Control Plan for the San Francisco Bay/ Sacramento-San Joaquin Delta Estuary that addresses the Sacramento River and its tributaries, Sacramento-San Joaquin Delta eastside tributaries, and the Sacramento-San Joaquin Delta no later than August 31, 2026.*

+ (b) (1) *Notwithstanding the requirements of subparagraph (D) of paragraph (2) of subdivision (d) of, and paragraph (1) of subdivision (e) of, Section 21080.5 of the Public Resources Code, and notwithstanding the requirements of subdivision (d) of Section 3779 of, and paragraph (2) of subdivision (b) of Section 3779.5 of, Title 23 of the California Code of Regulations, the board is exempt from the requirements to prepare, provide for review, transmit to state agencies, and include written or oral responses to comments on the draft substitute environmental document titled “Staff Report/Substitute Environmental Document in Support of Potential Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary for the Sacramento River and its Tributaries, Delta Eastside Tributaries, and Delta,” as updated, released for public comment prior to December 31, 2025.*

+ (2) *The absence of written or oral responses to comments on the draft substitute environmental document titled “Staff Report/Substitute Environmental Document in Support of Potential Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary for the Sacramento River and its Tributaries, Delta Eastside Tributaries, and Delta,” as updated, released for public comment prior to December 31, 2025, is not a basis for determining that the board acted unlawfully or for otherwise setting aside or enjoining a board action pursuant*

+ to the California Environmental Quality Act (Division 13
+ (commencing with Section 21000) of the Public Resources Code).
+ SEC. 3. This act is an urgency statute necessary for the
+ immediate preservation of the public peace, health, or safety within
+ the meaning of Article IV of the California Constitution and shall
+ go into immediate effect. The facts constituting the necessity are:
+ In order to increase protection of the beneficial uses of the waters
+ of the Sacramento River and its tributaries, Sacramento-San
+ Joaquin Delta eastside tributaries, and the Sacramento-San
+ Joaquin Delta as quickly as possible, it is necessary that this bill
+ go into immediate effect.

Page 1

1 SECTION 1. ~~It is the intent of the Legislature to enact future~~
2 ~~legislation relating to the San Francisco Bay/Sacramento-San~~
3 ~~Joaquin Delta Estuary Water Quality Control Plan.~~

Amendment 4

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