

ASSEMBLY THIRD READING

AB 2216 (Aguiar-Curry)

As Amended May 18, 2026

Majority vote

SUMMARY

Renames the Sacramento-San Joaquin Delta Conservancy (Delta Conservancy) to the Valley and Delta Conservancy and extends the jurisdiction of the Valley and Delta Conservancy to all areas of Yolo, Sacramento, Solano, and San Joaquin Counties outside the Sacramento-San Joaquin Delta (Delta) and Suisun Marsh.

Major Provisions

- 1) Renames the Delta Conservancy to the Valley and Delta Conservancy and defines "Valley" as the lands within the Counties of Yolo, Sacramento, Solano, and San Joaquin that are outside the Delta.
- 2) Limits the jurisdiction and activities of the Valley and Delta Conservancy to the Valley, Delta, and Suisun Marsh, except for projects that meet specified conditions, including implementing the ecosystem goals of the Delta Plan or other relevant plans, as specified, within the areas under the Valley and Delta Conservancy's jurisdiction and providing significant benefits to the lands within the areas under the Valley and Delta Conservancy's jurisdiction.
- 3) Authorizes the Valley and Delta Conservancy to open satellite offices within the areas under the Valley and Delta Conservancy's jurisdiction or in the City of Sacramento. Requires that meetings of the board of the Valley and Delta Conservancy rotate among the counties under the Valley and Delta Conservancy's jurisdiction.
- 4) Establishes the Valley Program under the administration of the Valley and Delta Conservancy to support efforts that advance the environmental protection and the economic well-being of Valley residents.
- 5) Requires that funds only be allocated for activities in the Valley if there is an appropriation by the Legislature for that purpose and that funding already appropriated to the Valley and Delta Conservancy for activities in the Delta or the Suisun Marsh be used in compliance with the conditions of those appropriations and only for activities in those areas.
- 6) Increases the number of nonvoting liaison advisors to the board of the Valley and Delta Conservancy from ten to twelve by adding designees of the San Joaquin River Conservancy and the Sierra Nevada Conservancy.
- 7) Requires the board of the Valley and Delta Conservancy to prepare, adopt, and update as necessary a strategic plan for the Delta and Valley.
- 8) Authorizes the Valley and Delta Conservancy to engage in partnerships with and provide grants and loans to tribal organizations.
- 9) Requires the Valley and Delta Conservancy to cooperate and consult as necessary or appropriate with a resource conservation district that owns or operates facilities, including

lands appurtenant to those facilities, where a grant is proposed to be expended or an interest in land is proposed to be acquired.

- 10) Authorizes the Valley and Delta Conservancy to pay grantees at their full federally allocated cost allocation rate or other certified cost allocation rate, when there is no conflict with any applicable laws, and authorizes the Valley and Delta Conservancy to make advance payments on grants of up to 25% of the grant amount.
- 11) Authorizes the Valley and Delta Conservancy to fund or award grants for plans and feasibility studies consistent with its strategic plan, the Delta Plan, or other relevant plans, as specified, within the areas under the Valley and Delta Conservancy's jurisdiction.
- 12) Removes the finding that the Valley and Delta Conservancy can facilitate take protection and safe harbor agreements under the federal Endangered Species Act and the California Endangered Species Act for adjacent landowners and local public agencies.

COMMENTS

The Delta Conservancy is a state agency charged with advancing environmental protection and the economic well-being of Delta residents. Working in cooperation with partners across the Delta and Suisun Marsh, the Delta Conservancy supports projects across five goals set in the Delta Conservancy's 2022–2027 strategic plan: 1) enhance ecological conservation, restoration, and climate adaptation in the Delta and Suisun Marsh; 2) support economically and ecologically sustainable working lands in the Delta and Suisun Marsh; 3) support and enhance communities and economies in the Delta and Suisun Marsh; 4) enrich understanding of the ecological, cultural, and historical value of the Delta and Suisun Marsh, the importance of resilience, diversity, and inclusivity, and the need for stewardship; and 5) maintain an effective, sustainable, adaptable, and inclusive organization. In pursuit of these goals, the Delta Conservancy has provided more than \$130 million in state and federal funding to over 140 projects since 2010.

The "legal Delta," defined in Water Code Section 12220, covers approximately 500,000 acres of natural lands, working lands, and waterways in the Counties of Alameda, Contra Costa, Sacramento, San Joaquin, Solano, and Yolo. The Delta Conservancy's jurisdiction is currently limited to the legal Delta and the Suisun Marsh, approximately 85,000 acres of tidal marsh, managed wetlands, and waterways in Solano County.

In addition to protecting the Delta's critical role in ensuring reliable water supply for California, the Delta Protection Act establishes the "coequal goal" of protecting, restoring, and enhancing the Delta ecosystem, to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. The Delta is a complex and ecologically important region, home to nearly 750,000 people, with 350,000 acres of land in active production, three state park system units, and, especially at the edges of the Delta, increasingly dense residential and commercial developments. The Delta is also home to hundreds of species of native plants and animals and forms a key component of the Pacific Flyway migratory bird corridor.

The legal boundary of the Delta is not cleanly demarcated on the ground, and communities beyond the boundaries of the Delta face many of the same challenges as Delta residents, without the support of a state conservancy. Wildfire hazards, habitat loss, and impacts to environmental justice communities affect the areas surrounding the Delta, which are linked both culturally and

geophysically to the Delta. When state and federal funding is routed through conservancies, the artificial boundary line could be the difference between a community having access to resources or not. Additionally, partnerships with the peripheral urban areas could increase outdoor access within the Valley and Delta and contribute to economic sustainability in the region.

The lands in the Valley surrounding the Delta comprise part of the Delta's watershed. Since 2021, the state has increasingly focused on watershed-scale planning and project implementation for state conservancies, with watershed-defined extensions of the Baldwin Hills, Sierra Nevada, and San Gabriel and Lower Los Angeles Rivers and Mountains Conservancies.

According to the Author

According to the author, "The Sacramento-San Joaquin Delta is a uniquely biodiverse region that provides habitat for over 750 species, supplies drinking water for 27 million Californians, and contains over 6 million acres of prime agricultural land. Since its creation in 2010, the Delta Conservancy has awarded over \$130 million in state and federal funding for critical projects that provide tangible benefits to all Californians. The Delta Conservancy has helped fund the wetland rehabilitation, carbon capture, and the expansion of habitat-friendly agriculture, and it plays a key role in protecting the Delta ecosystem and its vibrant economy. This bill expands the Delta Conservancy's jurisdiction to help facilitate projects that benefit the Delta. By incorporating the entirety of Sacramento, San Joaquin, Solano, and Yolo counties into the covered territory, this bill will create a more comprehensive, watershed-focused approach to conservation."

Arguments in Support

The Nature Conservancy writes: "the Delta Conservancy has a proven track record of working with local communities to identify shared objectives and develop locally supported projects that provide a statewide benefit. [This bill] will expand the area that receives those benefits, support larger watershed scale projects and new sources of funding." Writing about the need for expansion to additional areas, Yolo County writes: "this proposed expansion of the Delta Conservancy has local support and would cover important areas of the state that are not currently covered by a conservancy. Some of these areas have significant wildfire risk and have not had access to the recent funding packages for conservancy wildfire resilience projects."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, this bill has the following fiscal impact:

- 1) Ongoing annual cost pressure of an unknown amount, possibly in the hundreds of thousands to millions of dollars (General Fund, special fund, or future bond funds) to fund projects in the expanded jurisdiction of the Valley and Delta Conservancy. While the Proposition 4 climate bond allocates \$29 million to the Delta Conservancy, these dollars are restricted to the existing footprint of the Delta Conservancy.
- 2) The California Natural Resources Agency (CNRA) notes initial boundary expansion, outreach, and planning will likely result in a negligible increase in staff workload. CNRA expects future funding sources (most likely bond funds) to include a set-aside for agency implementation and staffing costs to administer projects in the expanded area, consistent with previous natural resource bonds.

For context, since its creation in 2010, the Delta Conservancy has awarded over \$130 million in state and federal funding for more than 140 projects that improve recreation opportunities, drive tourism, fund locally supported restoration and climate resilience projects, and support Delta agriculture. The annual operating budget for the Delta Conservancy is approximately \$2.6 million. This funds 14 positions (12 of which are filled and two of which are vacant).

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year (FY) and ongoing.

VOTES

ASM WATER, PARKS, AND WILDLIFE: 11-1-1

YES: Papan, Jeff Gonzalez, Alanis, Alvarez, Bennett, Boerner, Caloza, Gallagher, Hart, Ward, Rogers

NO: Bains

ABS, ABST OR NV: Ávila Farías

ASM NATURAL RESOURCES: 14-0-0

YES: Bryan, Ellis, Alanis, Connolly, Garcia, Haney, Hoover, Kalra, Macedo, Muratsuchi, Pellerin, Schultz, Hart, Zbur

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

ABS, ABST OR NV: Hoover, Dixon, Ta, Tangipa

UPDATED

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