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UNFINISHED BUSINESS

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Bill No: SB 650  
Author: Cabaldon (D)  
Amended: 8/18/25 in Assembly  
Vote: 21

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SENATE NATURAL RES. & WATER COMMITTEE: 6-0, 4/8/25

AYES: Limón, Seyarto, Allen, Hurtado, Laird, Stern

NO VOTE RECORDED: Grove

SENATE JUDICIARY COMMITTEE: 13-0, 4/29/25

AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern,  
Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 34-0, 5/15/25 (Consent)

AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon,  
Caballero, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Hurtado, Jones,  
Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Pérez,  
Richardson, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg,  
Valladares, Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Alvarado-Gil, Cervantes, Grove, Padilla, Reyes, Rubio

ASSEMBLY FLOOR: 64-0, 8/28/25 – Roll call not available.

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**SUBJECT:** The Sacramento-San Joaquin Delta Reform Act of 2009

**SOURCE:** Author

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**DIGEST:** This bill amends the Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act) to add state and local public agencies to those entities authorized to appeal a certification of consistency, to impose a 90-day statute of limitations to challenge certain actions of the Delta Stewardship Council, and to add a severability clause to the Delta Plan.

*Assembly Amendments* of 8/18/25 declare the intent of the Legislature that members of the Delta Stewardship Council have knowledge about the Delta.

## **ANALYSIS:**

Existing law:

- 1) Establishes coequal goals of providing a reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem pursuant to the Delta Protection Act (Public Resources Code §29702 and Water Code (Wat. C.) §85054).
- 2) The Sacramento San Joaquin Delta Reform Act of 2009:
  - a) Establishes the Council as a state agency to develop and implement the Delta Plan to guide state and local agency actions in the Delta to protect, enhance, and sustain the unique cultural, historical, recreational, agricultural, and economic values of the Delta as an evolving place in a manner consistent with the coequal goals of the Delta Protection Act. Requires Council members to possess diverse expertise and reflect a statewide perspective. (Wat. C. §85200 *et seq.*)
  - b) Requires state and local agencies proposing specified projects (or “covered actions”) in the Delta to certify to the Council that the covered action is consistent with the Delta Plan. Any person that believes a covered action is inconsistent with the Delta Plan may file an appeal within 30 days with the Council to review its consistency with the Delta Plan (Wat. C. §85225 *et seq.*).
    - i) Defines a “person” as any person, firm, association, organization, partnership, business trust, corporation, limited liability company, or company. (Wat. C. §19)
  - c) Requires the appeal to be heard by the Council within 60 days of the date of the filing of the appeal and requires the Council to make its decision on the appeal within 60 days of hearing the appeal. (Wat. C. §85225.20)
  - d) Requires the Council, after a hearing on an appealed action, to make specific written findings. (Wat. C. §85225.25)

This bill:

- 1) Declares that it is the Legislature's intent that Council members have knowledge about the Delta.
- 2) Adds state and local public agencies to those entities authorized to appeal a certification of consistency.
- 3) Requires a legal challenge to the Council's adoption or amendment of the Delta Plan or specified appeals procedures for consistency certifications developed by the Council be brought within 90 days of the state of the Council's final decision.
- 4) Requires a legal challenge to the Council's determination of an appeal to a consistency certification be brought in accordance with specified Code of Civil Procedure provisions and within 90 days of the date the Council adopts its written findings.
- 5) Makes the provisions of the Delta Plan severable.

## **Background**

The Delta Reform Act. In November 2009, the California Legislature passed the Delta Reform Act SB 1 X7, (Simitian, Chapter 5, Statutes of 2009), one of several special-session bills enacted that year related to water supply reliability, ecosystem health, and the Sacramento-San Joaquin River Delta. Among other things, the Delta Reform Act created the Delta Stewardship Council (Council) and required the Council to develop and adopt an enforceable long-term sustainable management plan for the Delta (referred to as the Delta Plan) to achieve the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem.

A "covered action" is a plan, program, or project, as defined by the California Environmental Quality Act (CEQA), that

- will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh,
- will be carried out, approved, or funded by the state or a local public agency,
- is covered by one or more provisions of the Delta Plan, and

- will have a significant impact on achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests within the Delta. (Wat. C.) §85057.5(a))

“Covered actions” are required to be consistent with the Delta Plan and the Delta Reform Act establishes a certification process for demonstrating consistency with the Delta Plan. Any state or local agency proposing to undertake a qualifying action, or “covered action,” must submit to the Council a written certification of consistency with detailed findings as to whether the covered action is consistent with the Delta Plan.

Any person who claims that a proposed covered action is inconsistent with the Delta Plan and, as a result of the inconsistency, that action will have significant adverse impact on the achievement of one or both of the coequal goals may appeal a certification of consistency with the Council within 30 days of the certification’s submission. If there are no appeals, the state or local public agency may proceed to implement the covered action.

The Delta Reform Act also specifies certain actions that are not considered “covered actions.”

[See the Senate Natural Resources and Water Committee analysis for more detailed background.]

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee, this bill will result in minor and absorbable costs to the Council.

**SUPPORT:** (Verified 8/28/25)

Association of California Water Agencies  
California Central Valley Flood Control Association  
Contra Costa Water District  
Delta Counties Coalition  
Delta Stewardship Council

**OPPOSITION:** (Verified 8/28/25)

None received

**ARGUMENTS IN SUPPORT:** According to the author, “[w]ith fifteen years of experience implementing the Delta Reform Act, there are clear lessons on how we can improve the framework to provide more certainty for needed projects and facilitate the implementation of the Delta Plan. These updates will support the Delta Stewardship Council in their mission to further the state’s co-equal goals of providing a more reliable water supply and protecting the Delta ecosystem, all while recognizing the Delta as an evolving place.

“SB 650 will provide critical updates to the Delta Reform Act, clarifying the ability of public entities to engage in appeal processes, establishing a time limit for challenging Council actions to provide certainty for beneficial public projects to move forward, and ensuring an enforceable state plan for the Delta continues to protect the Delta even if part of the Plan is challenged in court. In order to preserve time for community input and organizing, the statute of limitations is set for 90 days, 30 days longer than processes in comparable state agency processes.

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8/28/25 16:50:13

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