GOVERNMENT AFFAIRS AND COMMUNITY OUTREACH COMMITTEE MEETING AND SPECIAL MEETING OF THE BOARD OF DIRECTORS

Tuesday, January 16, 2024 3:00 p.m.

Committee Members:

Tony R. Fellow, Chair Ed Chavez, Vice-Chair



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*The Government Affairs and Community Outreach Committee meeting is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to the Government Affairs and Community Outreach Committee may attend and participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the Committee as advisory to the Board, members of the Board who are not assigned to the Government Affairs and Community Outreach Committee will not vote on matters before the Committee.

Communications

- 1. Call to Order
- 2. Public Comment

Discussion/Action

- 3. Legislative Update
 - a. Washington D.C.
 - b. Sacramento
- 4. State Bill Summaries and Positions (staff memorandum attached)

Oral Reports

- 5. Discovery Cube Education Program Update
- 6. FY 22-23 Mid-Year Update Conservation/Education Outreach

Other Matters

7.

Adjournment

Next Meeting: Monday, February 5, 2024 at 4:00 p.m.

American Disabilities Act Compliance (Government Code Section 54954.2(a))

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To request special assistance to participate in this meeting, please contact the Upper District office at (626) 443-2297 or venessa@usgvmwd.org at least 24 hours prior to meeting.







Upper San Gabriel Valley Municipal Water District

January 12, 2024

John Freshman, Ana Schwab, Lowry Crook, and Chris Keosian

Congress

Following the election of Speaker Mike Johnson, the House of Representatives was able to return to the business of the chamber at the halfway point of the 118th Congress. Amid historic gridlock, this Congress has passed several Continuing Resolutions to avoid government shutdowns, most recently in November, and in doing so punted several key deadlines to the New Year, where negotiations continue on many "must pass" legislative vehicles.

Looking Ahead to 2024

The 2024 Election will be the biggest political story of the year, and all policymaking will orbit around its electoral implications. In addition to the battle for the White House, both parties believe they can win control of both houses of Congress; the House of Representatives and the United States Senate. These elections, along with dozens of state and local elections, will introduce new and increasingly complex dynamics to an already fought policymaking environment, and will influence nearly all political, policy and regulatory conversation. The prevalence of the 2024 election in political conversation will increase exponentially as the year goes on, and calumniate in the November election. The subsequent "lame duck" transition period, between November and January, will be especially important as many "year-end" packages tend to move during this time, once the tense politics of the election year are cooling down.

As we begin what is sure to be a remarkably busy year, the following is included in this federal report, and is an outlook of what many expect will be driving Washington in 2024:

- Looming government funding negotiations & deadlines; including negotiations of FY
 24 appropriations legislation & topline spending figures
- The ongoing migrant crisis on the southern boarder & Congress' current attempt to negotiate immigration reform







- International aid to Ukraine, Israel, and Taiwan, & the negotiations surrounding those "emergency supplemental" packages
- Discussions surrounding the impeachment inquiry into President Biden, and the decision of whether or not to proceed with an impeachment resolution
- The FY 25 appropriations process, which will begin later this spring after FY 24 negotiations are resolved

Additionally, BBK will continue tracking federal movement on issues of great regional importance, which are also poised to move in 2024, including, but not limited to:

- An annual Lands Package; which could potentially include the designation of several new public lands & protected areas in Southern California
- The White Houses' pending release of PFAS Regulations for drinking water, the listing of four PFAS as "hazardous constituents" under RCRA and designation as a "hazardous substance" under CERCLA
- Developments related to legislation surrounding municipal water district cybersecurity, and vulnerabilities

Negotiations Continue on Foreign Military Assistance

Negotiations between party leaders in the Senate, and involving the White House, continued last month over the holiday break, and since Congress has returned to Washington, on President Biden's \$106 billion budget supplemental funding package to provide military assistance to Israel, Ukraine, and other foreign assistance programs. At the request of Congressional Republicans, the negotiations have also included additional funding and policy changes for border security; a historically difficult area to achieve compromise in Congress. While both sides continue talking, only incremental progress has been made towards a deal on the package, and despite these negotiations receiving significant attention in recent weeks, lawmakers have struggled to reach an agreement on the package. Ukrainian President Volodymyr Zelenskyyvisited Washington making an urgent plea for continued assistance, prompting the White House to offer significant willingness to compromise on immigration in exchange for foreign assistance. These concessions have sounded alarm bells among some Congressional Democrats, including Sen. Alex Padilla. Until recently, the House had largely been left out of military assistance talks, and Speaker Mike Johnson has suggested that any immigration package less restrictive than the House Republicans H.R. 2, which is guite restrictive, would be a nonstarter in the House. Both sides continue to believe a deal is possible and have continued talking, despite the narrow path.







Such attention on the foreign supplemental has placed President Biden's requested \$56 billion domestic supplemental package intended for disaster relief and other domestic programs in limbo. These priorities may be negotiated as part of broader funding packages this year.

House Authorizes Impeachment Inquiry into President Biden

The House of Representatives voted along party lines to officially authorize the Republican led impeachment inquiry into President Biden by a vote of 221-212. GOP leadership decided to hold the vote in an effort to put more legal weight behind their congressional subpoenas. So far, the House Republican investigation into President Biden hasn't produced conclusive evidence that President Biden committed impeachable offenses. However, the GOP continues to probe whether Biden was improperly involved with his family's business dealings while serving as Vice President.

Should an impeachment proceeding move forward, it will introduce new tension to an already fraught Congress, and pile on to a monumentally busy agenda in Washington prior to the 2024 election cycle.

President Biden Signs 2024 National Defense Authorization Act (NDAA) into Law

President Biden signed the 2024 National Defense Authorization Act (NDAA) into law on December 22^{nd} , 2023, as both chambers of Congress entered into recess. This extends a streak which began in 1961 of Congress passing the NDAA annually, and completes one major "to-do list" item for the 118^{th} Congress, which has at times struggled to enact landmark legislation. The \$886.3 billion package includes a 5.2% pay increase for service members.

House T&I Subcommittee on Water Resources and Environment Meets to Discuss WRDA 2024 Stakeholder Priorities

On December 13th, 2023, the House Transportation and Infrastructure Committee (T&I), Subcommittee on Water Resources and Environment convened for a hearing to discuss stakeholder priorities for the Water Resources Development Act (WRDA) of 2024. This marks the second hearing in preparation for the Committee's drafting and passing of the sixth consecutive bipartisan WRDA. These efforts aim to guarantee effective and reliable







water infrastructure for American families, businesses, farms, and the overall economic development of the nation.

Increasing Focus on Water Supply and Conservation

During his opening statement, Full Committee Chairman Sam Graves (R-MO-6) expressed displeasure with how many resources are going towards ecosystem restoration "science experiments" when more needs to be going to projects with tangible outcomes like flood control and channel navigation. Chairman Graves witness, Shane Kinney of the Coalition to Protect the Missouri River, went on in his written testimony to list flood control, channel navigation and water supply as the most important issues facing the United States Army Corps of Engineers (Corps).

In his testimony, Dave Mitamura, Executive Director of the National Water Supply Alliance (NWSA), emphasized the importance of redirecting attention to water supply in light of aging infrastructure, population growth, and escalating frequency and severity of droughts. While affirming that water supply should remain a state and local responsibility, Mr. Mitamura advocated for heightened collaboration and an expanded role for the U.S. Army Corps of Engineers (USACE) in supporting the projects needed by these entities, especially in the realm of managing water storage. The American West in particular needs increased resources and collaboration to find solutions to capture and store water as efficiently as possible.

Stemming off this discussion, Congressman Doug LaMalfa (R-CA-1) sought further insights into the collaborative efforts between the Orange County Water District and the Corps at Prado Dam. He was particularly interested in understanding how we can emulate their coordinated release of reservoir water in anticipation of an approaching storm, subsequently recharging the Orange County Groundwater Basin and providing essential flood control for nearby communities. Congressman LaMalfa highlighted missed opportunities for water capture due to permitting challenges at reservoirs around California, and questioned how to address this issue. Congressman LaMalfa suggested an increased focus on the capturing of rainfall and snowfall could alleviate the need for desalination efforts that come with large price tags.

Congresswoman Frederica Wilson (D-FL-24) also inquired about Mr. Mitamura's perspective on the Corps' apprehension regarding resource allocation as their responsibilities potentially expand to include water supply. Mr. Mitamura contended that similar concerns arose when ecosystem restoration was added to their priorities. He





stressed that the Corps' fundamental role is to aid the nation in its water resource development needs, with water supply growing in importance. At the very least, Mr. Mitamura suggested that the Corps should allow local and state entities to assume a more significant role in supporting their duties, such as conducting studies and managing water storage.

Both Mr. Mitamura and Congressman LaMalfa advocated during the hearing for an expansion of the programs created in WRDA 2020 Section 1043, which introduced pilot programs to assess the cost-effectiveness and project delivery efficiency of allowing non-Federal entities to assist in the conduction of the Corp's feasibility studies. Their proposed expansion of these pilots could help to address concerns about the growing burden of water supply responsibility within the Corps, with the goal of reducing timelines and increasing coordination with local and state entities.

Feasibility Study Cost Shares

Mr. Kinne proposed during his testimony that feasibility studies with regional or national significance should receive a higher federal cost share. Jim Weakley, President of the Lake Carriers' Association, further emphasized this in his written testimony, advocating for the complete federal funding (100%) of any study, design, or construction related to improvements in Great Lakes "connecting channels," similar to the funding model for the Soo Locks. He argued that such projects should not necessitate a nonfederal sponsor due to the national importance of ensuring the uninterrupted functionality of the Great Lakes and the economic value it brings to the entire nation.

House T&I Subcommittee on Water Resources and Environment Holds Hearing on WRDA 2024 U.S. Army Corps of Engineers Perspectives

On December 5th, 2023, the House Transportation and Infrastructure Committee (T&I), Subcommittee on Water Resources and Environment conducted a hearing to receive the perspective of the United States Army Corps of Engineers (Corps) regarding past provisions and considerations for the upcoming biennial Water Resources Development Act, as they prepare to draft the 2024 iteration of the bill.

Water Supply

Early in the hearing, Ranking Member Grace Napolitano (D-CA-31) called for a reevaluation of the United States Army Corps of Engineers (Corps) role in addressing national water





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supply challenges. She emphasized the Corps' growing role in addressing climate change challenges, urging their full support in providing communities access the Corps' resources and technical expertise. Making water supply and conservation a priority for the Corps could enhance their role in the future of the Colorado River and other sustainability projects nationwide.

Ranking Member Napolitano further voiced concerns regarding the Corps' prioritization of flood risk management, aquatic ecosystem restoration, and navigation over water supply initiatives. She questioned whether the Corps' concern over internal resource allocation might hinder proactive measures for water supply. In response, Assistant Secretary Michael Connor highlighted the Corps' holistic approach, citing the Prado Dam flood control project as an example where they turned a predicted storm into an opportunity to benefit water supply through forecast-informed reservoir operation (FIRO). During this scenario, the Corps released water from the reservoir to replenish groundwater, knowing that the storm would supply the water needed to restore the reservoir to its operational level.

Congressman John Garamendi (D-CA-8), questioned Assistant Secretary Connor about his stance on including water supply as an authorized mission of the Corps. Connor expressed agreement, noting that it should serve as a complementary objective to their existing priorities of channel navigation, flood control, and ecosystem restoration. This response indicated lingering concerns within the Corps about expanding their responsibilities without additional resources and careful consideration of potential drawbacks to their current priorities.

WOTUS Jurisdictional Decisions

The committee hearing served as an opportunity to delve into concerns surrounding jurisdictional decisions of waters of the United States (WOTUS), particularly in light of the conforming rule issued on September 8th, 2023. Assistant Secretary Connor addressed the backlog of jurisdictional decisions that need to be made, highlighting the approval of 631 determinations so far, with a remaining backlog of over 4000. While most determinations have been non-controversial, contentious cases will contribute to refining the continuous surface connection test, as defined by the Supreme Court. Connor outlined the plan to prioritize jurisdictional determinations, engage with the public, and develop guidance documents in the coming year. Representative John Duarte (R-CA-13) pressed him on the timeline, citing lingering uncertainty in certain areas of his district. However, Assistant Secretary Connor referred back to his earlier response, emphasizing their efforts







to address a substantial backlog and the need for patience, given the early stage of the process.

Environmental Permitting Reform

Congressman Garamendi briefly highlighted the necessity for environmental permitting reforms, suggesting that California's Environmental Quality Act (CEQA) become the sole requirement for environmental reviews in his respective state. While CEQA is acknowledged as a substitute for the National Environmental Policy Act (NEPA) in certain federal projects due to its stricter requirements, Congressman Garamendi advocated for its expansion to include dredging programs. This streamlined approach aims to expedite the process and eliminate redundant efforts, ultimately reducing project timelines, costs, and associated uncertainties.

Senate Committee on Energy and Natural Resources Advances California Lands Package

On December 14th, the Senate Committee on Energy and Natural Resources held a business meeting to consider pending legislation, with multiple bills focused on the public lands and wilderness designations in California, Colorado, Oregon, and Washington. Included among these bills was Senator Alex Padilla's S. 1776, PUBLIC Lands Act, which seeks to enhance protections for public lands in northwest California, the Central Coast, and Los Angeles by designating new wilderness areas, wild and scenic rivers, and expanding the San Gabriel National Monument. Senator Padilla's bill passed out of committee on vote of 10 to 9. The Committee's efforts on these pieces of legislation indicate momentum toward Congress' potential consideration of a comprehensive national public lands package. Movement of a Senate lands package is important as it may provide an avenue for forward movement on Rep. Raul Ruiz's (D-CA-25), H.R. 5660, Chuckwalla National Monument Establishment and Joshua Tree National Park Expansion Act, or Rep. Adam Schiff's (D-CA-30) H.R.5881, Rim of the Valley Corridor Preservation Act.

Federal Budget/Appropriations



House Speaker Mike Johnson and Senate Majority Leader Chuck Schumer agreed on Sunday, January 7th to a \$1.59 trillion topline for government spending in FY2024, aiming to avoid a government shutdown. The deal includes \$886 billion for defense and \$704 billion for non-defense spending. However, Democrats claim the non-discretionary







spending figure is \$772.7 billion, bringing the total to \$1.66 trillion, citing a side agreement. The agreement involves \$10 billion in IRS cuts and recovers \$6.1 billion in unspent COVID aid funds. The agreement reinforces the spending cuts and regulatory changes from the Fiscal Responsibility Act, which former Speaker Kevin McCarthy and Senate Majority Leader Chuck Schumer negotiated in May of 2023. The continuance of this agreement has yielded pushback against Speaker Johnson from more conservative members of the Republican conference. This pushback has created uncertainty in the agreements feasibility, and opened some question as to whether or not right wing members of the House would call for a vote to remove him as Speaker in the coming weeks, as they did for former Speaker McCarthy under similar circumstances.

This agreement comes on the eve of expiration of the most recent Continuing Resolution (CR), which was composed of two laddered funding deadlines in 2024:

January 19th:

Agriculture
Energy and Water
Transportation-HUD
Veterans Affairs

February 2nd:

Commerce-Justice-Science
Defense
Financial Services & General Government
Homeland Security
Interior-Environment
Labor-HHS-Education
Legislative Branch
State & Foreign Operations

House Republicans have been eager to enact all twelve annual appropriations bills under regular order in order to avoid another CR. With so many other priorities before the Congress, bitter polarization in the chambers, and limited time, there is some speculation as to whether the Republican controlled House and Democrat controlled Senate will be able to accomplish this goal. A short term CR may be necessary in order to keep government funded beyond the upcoming deadlines, to allow enough time for bills to be written under the new topline figures.



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In addition to these two tranches of government funding in January and February, Congress has set up reauthorization deadlines for the Federal Aviation Administration (FAA) and Foreign Intelligence Surveillance Act (FISA) for March and April, respectively, adding two more massive negotiations to Congress' long to-do list for the New Year.

Administration/Agency

White House Completes Review of EPA Rule to List Four PFAS under RCRA

On December 21st, the White House Office of Management and Budget (OMB) completed their review of an EPA rule proposing the listing of four PFAS (PFOA, PFOS, PFBS, GenX) as "hazardous constituents" under the Resource Conservation and Recovery Act (RCRA). This move allows regulators to enforce cleanup actions for releases from regulated waste facilities. The OMB's approval follows a related RCRA rule on hazardous constituents, and once finalized, both rules empower regulators to impose RCRA cleanup requirements on these PFAS. The EPA's action fulfills a 2021 commitment to list PFAS as hazardous constituent. Challenges to this ruling are expected to come from industry groups who have concerns future designations of these microplastics that could create Superfund liabilities, as well as the Department of Defense who has fought against cleanup requirements for Air Force bases that utilize firefighting foam containing these PFAS.

EPA to Release National Primary Drinking Water Regulation Rulemaking

The White House is finalizing consideration of public comments on, and is expected to release a ruling in January, regarding a determination for the EPA to regulate Maximum Contaminant Levels (MCL) of PFAS in drinking water. The proposed rule would require public water systems to monitor for these PFAS, notify the public of the levels of these PFAS, and reduce the levels of these PFAS in drinking water if they exceed the proposed standards.

White House Begins Final Review of EPA Rule To Designate PFAS Under CERCLA

The White House is also finalizing EPA's proposed rule to designate PFOA and PFOS as "hazardous substances" under CERCLA. Once final, the rule is expected to trigger litigation. The impending rule has already raised the conversation over potential legislative exemptions for "passive receivers" of PFAS, such as water utilities. The passive receivers





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have many concerns, one of which includes the impact of Superfund designation and associated costs and the impact on the ratepayers. The debate has stalled bipartisan PFAS legislation in the Senate Environment and Public Works Committee.

Funding Opportunities



The Bureau of Reclamation opened the WaterSMART: Aquatic Ecosystem Restoration Projects opportunity. This grant will support the study, design, and implementation of restoration projects that improve the health and ecosystem for fish, wildlife, and aquatic habitats. Applications are due **January 24**, **2024**. More information can be found <u>here</u>.

The Bureau of Reclamation opened their funding opportunity for WaterSMART: Planning and Project Design. This grant opportunity is available to assist in improving water management operations, and planning activities related to water supply. This includes water access for disadvantaged communities, project-specific design elements, and comprehensive drought contingency plans. Proposals received after October 17, 2023, and before **April 2, 2024**, at 4:00 p.m. (MT) will be considered for FY 2024 funding, contingent on appropriations. More information can be found <a href="https://example.com/here-

U.S. Department of Agriculture

The Natural Resources Conservation Service opened the Watershed and Flood Prevention Operations Program. This program provides assistance for watershed projects directly related to agriculture, and that work to mitigate impacts from flooding and natural disaster. Funds can also be used to bolster watershed protection, water supply, wildlife habitats, and hydropower resources. Applications are provided with continuous availability, administered by the NRCS office. More information can be found <a href="https://example.com/here-e

The Natural Resources Conservation Service opened their Emergency Watershed Protection Program. This program provides assistance for communities who are recovering from natural disasters. Funds will support projects that remove debris, repair drainage facilities, repair levees and other infrastructure, work needed on severely damaged land, and others. Applications are provided with continuous availability, administered by the NRCS office. More information can be found <a href="https://example.com/here-example.c







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GOVERNMENTAL REPRESENTATION

January 2, 2024

TO:

Government Affairs and Community Outreach Committee, Upper San Gabriel

Valley Municipal Water District

FROM: Steve Baker

SUBJECT: January 2, 2024, Legislative Update

Happy new year! I hope everybody had a great holiday.

The Legislature reconvened their 2023-24 legislative session on January 3rd. Over the fall break, Speaker Rivas announced several new Committee Chairs as well as Committee members for the upcoming session. The announcement includes Assemblywoman Diane Papan (D-San Mateo) as the new Chair of the Assembly Water, Parks & Wildlife Committee. Unfortunately, there are currently no Members from the San Gabriel Valley on the Committee.

We anticipate the big issues for the upcoming year will be the state budget deficit and work on a water bond. The Legislative Analyst's Office has projected the state will have a multi-year deficit of \$68 billion as a result of the economic downturn. The Governor is required to release his budget proposal for the upcoming year by Wednesday, January 10th. We will be monitoring the Governor's budget proposals and updating you on issues of interest. The state has a rainy day fund that totals about \$30 billion. It is premature to speculate how the rainy day fund will be used to address the budget shortfall. We anticipate the Governor's budget will have a variety of budget cuts, particularly where there is funding unspent for projects that were budgeted previously. Last year the Governor hinted he was open to having a Parks/Water bond on the November 2024 ballot. There are two bills in the process that would put a \$13 billion bond on the November ballot. There is speculation that the Administration wants to see the size of the bond reduced significantly. The Administration and Legislature will be negotiating over the coming months on the final details of the Parks/Water bond. The deadline to resolve the issue is June 30th.

The deadline for new bills to be introduced in 2024 is February 16th. Last year, there were 2,700 bills introduced prior to the deadline. We anticipate a similar number of bills will be proposed this year. We will be reviewing newly introduced bills to determine the impact on Upper District and working with Patty and you to take positions on bills of interest.

MEMORANDUM



ITEM 4.

DATE: January 16, 2024

TO: Government and Community Affairs Committee and Board of Directors

FROM: General Manager

SUBJECT: 2-Year State Legislative Bill Summaries

During the 2023-2024 legislative session, nine bills have become two-year bills. Upper District staff is currently working with Steve Baker of Aaron Read & Associates to continue monitoring these bills, including two bond measures, SB 867 and AB 1567.

2-Year Bills

AB 62 (Mathis): Statewide water storage: expansion – SUPPORT

This bill would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by the year 2040.

AB 422 (Alanis): Natural Resources Agency: statewide water storage: tracking - **SUPPORT**This bill would require the Natural Resources Agency, on or before June 1, 2024, to post on its publicly available internet website information tracking the progress to increase statewide water storage, and to keep that information updated.

AB 460 (Bauer-Kahan): State Water Resources Control Board: water rights and usage: interim relief: procedures – **NEUTRAL**

This bill would authorize the State Water Resources Control Board to conduct specified investigations or proceedings to inspect the property or facilities of a person or entity, as specified..

AB 1337 (Wicks): State Water Resources Control Board: water shortage enforcement – **NEUTRAL** This bill would authorize the State Water Board to adopt wide-ranging regulations and enforce them through curtailing diversions or use of water under any claim of right.

AB 1567 (Garcia): Safe Drinking Water, Wildlife Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2023 – **SUPPORT UNLESS AMENDED**

This bill would enact the Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.

SB 23 (Caballero): Water supply and flood risk reduction projects: expedited permitting – **SUPPORT** This bill would require a project proponent, if already required to submit a notification to the Department of Fish and Wildlife, to submit to the department the certified or adopted environmental review document, as applicable, for the activity in the notification.

SB 366 (Caballero): The California Water Plan: long-term supply targets – **SUPPORT**This bill would revise and recast certain provisions regarding The California Water Plan to, among other things, require the department to instead establish a stakeholder advisory committee and to expand the membership of the committee to include tribes, labor, and environmental justice interests.

SB 687 (Eggman): Water Quality Control Plan: Delta Conveyance Project — OPPOSE

This bill would require the board to adopt a final update of the 1995 Water Quality Control Plan for the San
Francisco Bay/Sacramento-San Joaquin Delta Estuary, as provided, before the board may consider a change in
point diversion or any other water rights permit or order for the Delta Conveyance Project.

SB 867 (Allen): Drought, Flood and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024 – SUPPORT UNLESS AMENDED This Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.