

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 639 Author:(Soria)

As Amended Ver:June 11, 2025

Majority vote

SUMMARY

Exempts specific weirs on the Kings River that have at least three feet of freeboard from regulation and oversight by the Division of Safety of Dams (DSOD) within the Department of Water Resources (DWR).

Senate Amendments

Narrow the exemption in this bill so that it only applies to specific weirs within the Kings River system: Peoples Weir, Reynolds Weir, Last Chance Weir, Lemoore Division Weir, Island Weir, Crescent Weir, Stinson Weir, Empire Weir No. 1, and Empire Weir No. 2.

COMMENTS

Any structure that meets the definition of "dam" is considered a "jurisdictional dam" and is subject to regulation and oversight by DSOD within DWR. There are more than 1,200 jurisdictional dams in California. DSOD ensures dam safety by:

- 1) Reviewing and approving dam enlargements, repairs, alterations, and removals to ensure that the dam appurtenant structures are designed to meet minimum requirements;
- 2) Performing independent analyses to understand dam and appurtenant structures performance. These analyses can include structural, hydrologic, hydraulic, and geotechnical evaluations;
- 3) Overseeing construction to ensure work is being done in accordance with the approved plans and specifications;
- 4) Inspecting each dam on an annual basis to ensure it is safe, performing as intended, and is not developing issues. Roughly one-third of these inspections include in-depth instrumentation reviews of the dam surveillance network data; and
- 5) Periodically reviewing the stability of dams and their major appurtenances in light of improved design approaches and requirements, as well as new findings regarding earthquake hazards and hydrologic estimates in California.

Certain types of structures (e.g., those that are smaller and impound water principally for agricultural purposes) are exempt from oversight by DSOD.

This bill applies to specific weirs on the Kings River that are also part of the federal flood control system. The federal flood control system consists of structures constructed by the U.S. Army Corps of Engineers for local flood protection that are operated and maintained by local agencies post-construction. Such facilities must meet federal standards and are subject to federal flood control regulations.

The weirs exempted from DSOD oversight by this bill were evaluated in a report commissioned by the Kings River Conservation District in November 2024. This evaluation concluded a

failure of the flashboards at full storage on each of these structures would not impact any bridge structures crossing the channel downstream and not have any impact to the levees since the flood would be contained in the channel and drop in elevation as it moves downstream.

This bill specifies that to be exempt from DSOD oversight a weir must have three feet of "freeboard." In an open channel, freeboard is the distance measured from the maximum water level to the uppermost watertight portion of a surrounding channel. One might think of "freeboard" as a safety buffer that helps prevent water overtopping a channel by compensating for factors that can contribute to water levels higher than anticipated, such as waves, surges, or splashes.

According to the Author

Water impounding and delivery systems called "weirs" do not typically cross the entirety of rivers or streams, do not impound water above the river levees and are only operated during low-flow periods to pool water for delivery to adjacent farms and ranches. Any spill would be contained entirely within a streambed leading the Department of Water Resources to rate them as very low hazard. Despite this rating, DWR's Division of Safety of Dams includes weirs in their maintenance and inspection schedule and imposes fees of \$56,000 on all water impounding structures despite not posing an equivalent safety risk as a dam. This has significantly increased the cost to operate and maintain these weirs with no practical increase in safety for California's residents. AB 639 specifies that these impounding facilities do not count as dams under the Department's inspection program in a very narrow exemption to ensure affordable water deliveries while maintaining California's high safety standards for dams."

Arguments in Support

The Kings River Conservation District (KRCD) supports this bill and states that the study commissioned by KRCD "concluded there is not threat to the public health and safety or property that warrants continued oversight and inspections by [DSOD]." KRCD further maintains that "the weirs characterized by this bill function during low flow periods on affected canals or streams for the exclusive purpose of pooling water for delivery to nearby farms and fields and are considered low hazard facilities."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, this bill would result in an annual reduction in fee revenue of an unknown but likely minor amount offset by a relatively minor reduction in workload resulting from DSOD no longer providing oversight of current and future excluded structures, including annual maintenance inspections, construction oversight, and application reviews.

The Senate Appropriations Committee did not hear this bill and, instead, reported it to the Senate Floor pursuant to Senate Rule 28.8; indicating this bill does not appropriate money, does not result in significant state costs or require the appropriation of funds, and will cause no significant reduction in revenues.

VOTES:**ASM WATER, PARKS, AND WILDLIFE: 13-0-0**

YES: Papan, Jeff Gonzalez, Alvarez, Ávila Farías, Bains, Bennett, Boerner, Caloza, Hart, Macedo, Celeste Rodriguez, Rogers, Tangipa

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hadwick, Hart, Pacheco, Solache, Ta

ABS, ABST OR NV: Pellerin

ASSEMBLY FLOOR: 73-0-6

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Solache, Soria, Stefani, Ta, Tangipa, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Gallagher, Papan, Ramos, Schultz, Sharp-Collins, Valencia

SENATE FLOOR: 38-1-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Wahab, Weber Pierson, Wiener

NO: Hurtado

ABS, ABST OR NV: Valladares

UPDATED

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