
SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Monique Limón, Chair
2025 - 2026 Regular

Bill No:	AB 975	Hearing Date:	July 16, 2025
Author:	Gallagher		
Version:	May 1, 2025 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Katharine Moore		

Subject: Lake and streambed alteration agreements: exemptions: culverts and bridges

SUMMARY

This bill would exempt from Lake and Streambed Alteration Agreement requirements until January 1, 2027, projects to repair or reconstruct a bridge up to 30 feet in length or a culvert up to 70 feet in length within Sutter County that has been damaged or destroyed as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, in, or after, 2021, as provided.

BACKGROUND AND EXISTING LAW

Lake or Streambed Alteration Agreements (LSAAs).

The Lake or Streambed Alteration Program (Fish and Game Code (FGC) §§1600 *et seq.*) requires any person, state or local governmental agency, or public utility to notify the California Department of Fish and Wildlife (CDFW) before beginning any activity that may do any of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or
- Deposit or dispose of material into any river, stream, or lake.

If CDFW determines that the activity, as described in the notification, would substantially alter a river, stream, or lake, and that it may substantially adversely affect existing fish or wildlife resources, an LSAA is required. An LSAA is a type of permit that includes “reasonable” mitigation measures necessary to protect fish and wildlife resources.

Existing law provides for certain exclusions from the need to obtain a LSAA – particularly to undertake emergency repairs (FGC §1610). Specific categories include:

- Immediate work necessary to protect life or property;
- Immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster, as provided; and
- Emergency projects undertaken, carried out, or approved by a state or local governmental agency to maintain, repair, or restore an existing highway, as

defined, within the existing right-of-way of the highway that has been damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. This work may include work in the vicinity of the highway if needed to stem erosion and related complications, subject to certain exclusions.

In these instances, CDFW must be notified of the work within 14 days of beginning the work, and any work undertaken that does not meet the emergency criteria remains subject to regular LSAA procedures.

Sutter County.

According to materials submitted by the author, emergency repairs to certain roadway damage in Sutter County from natural disasters that would have qualified for the LSAA exclusion for emergency projects to repair an existing highway described above were not undertaken within the one year timeframe necessary to qualify for the exclusions due to a miscommunication. There appear to be 9 projects involving the repair or reconstruction of culverts of up to 70 feet long or a bridge up to 30 feet long that were damaged or destroyed due to fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide starting in 2021.

Existing law:

- 1) Provides that the Legislature finds and declares that the protection and conservation of the fish and wildlife resources of this state are of utmost public interest, that their conservation is a proper responsibility of the state and that LSAAs are enacted to provide for conservation of these resources. (FGC §1600)
- 2) Prohibits any entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from a streambed, unless CDFW determines the activity will not adversely affect fish and wildlife resources or the entity enters into an agreement with CDFW to take reasonable measures to protect fish and wildlife resources (i.e. an LSAA). (FGC §1602)
- 3) If CDFW does not issue a draft agreement within 60 days of the notification of the application being complete and the applicable fees paid, authorizes the applicant to conduct the activity as described. (FGC §1602 (a)(4)(D))
- 4) Exempts from these LSAA requirements emergency work necessary to protect life or property:
 - a) Immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in an area in which a state of emergency has been proclaimed by the Governor.
 - b) Emergency projects undertaken, carried out, or approved by a state or local government agency to maintain, repair, or restore an existing highway within the existing right-of-way of the highway, that has been damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
 - c) Defines “emergency” to mean a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate

loss of, or damage to, life, health, property, or essential public services. “Emergency” includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences such as riot, accident, or sabotage. (FGC §1601, which references the definition in Public Resources Code §21060.3)

- 5) Exempts the diversion of certain floodflows for groundwater recharge from having to obtain an LSAA until January 1, 2029. (Water Code §1242.1)
- 6) Provides that any time line prescribed for LSAA's can be extended by mutual agreement. (FGC §1607)

PROPOSED LAW

This bill would exempt from Lake and Streambed Alterations Agreement requirements until January 1, 2027, projects to repair or reconstruct a bridge up to 30 feet in length or a culvert up to 70 feet in length within Sutter County that has been damaged or destroyed as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, in, or after, 2021, as provided.

Specifically, this bill would:

- 1) Exempt from LSAA requirements until January 1, 2027, projects to repair or reconstruct a bridge up to 30 feet in length or a culvert up to 70 feet in length within Sutter County that has been damaged or destroyed as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, in, or after, 2021.
- 2) Justify the need for a special statute for Sutter County, as provided.

ARGUMENTS IN SUPPORT

According to the author, “AB 975 speeds up the restoration of bridges and culverts which provide vital access to the residents of Sutter County. These repairs are overdue and this bill cuts through unnecessary red tape to repair these important roadways.”

ARGUMENTS IN OPPOSITION

None received

COMMENTS

Timeliness. Existing law clearly exempts certain emergency repairs from the need to obtain a LSAA, consistent with the underlying policy of addressing these emergencies as soon as possible. It is unclear when the miscommunication or misunderstanding occurred that resulted in Sutter County’s delay in addressing the roadway-related repairs included in this bill or when the miscommunication or misunderstanding was recognized. The proposal includes damages that extend back to 2021 – four years ago – and provides through 2026 for the work to be undertaken. At least some of the roadways identified in materials provided by the County appear to be open for use. Existing law provides, as noted above, that any LSAA time line can be extended by mutual agreement. This was not pursued by either party to Committee staff’s

knowledge. Committee staff understand that Sutter County has used the emergency exemption for roadway repairs in the past.

Sutter County pursued a LSAA for the nine projects identified in materials provided by the author's office. A LSAA between Sutter County and CDFW for these nine projects was executed on January 31, 2025 and is valid for 5 years.¹

Through the author, Sutter County cited storm damage no earlier than 2022.

In some instances, as the damage has now persisted for years, it is more than sufficient time for the surrounding environment and ecosystem to adjust to the "new normal." In other words, affected areas may now host flora and fauna dependent on the new conditions. While the affected areas appear to be relatively small, the presumption that the biological impacts would necessarily also be small may not be warranted. In view of this, there is merit in checking.

In view of this, the Committee may wish to amend the bill to exclude the nine projects in the executed LSAA, change the starting year to 2022, and require biological surveys to identify any species present, consultation with CDFW staff on appropriate protection measures, if any, and implementation of those recommended measures. [Amendment #1]

Recent related legislation.

SB 2060 (Soria, 2024) would have exempted temporary urgency permits to divert water for underground storage from LSAA requirements, as provided. (*This bill died on the Senate floor inactive file.*)

SB 122 (Committee on Budget and Fiscal Review, Chapter 51, Statutes of 2023), the Public Resources Trailer Bill, included, among other provisions, streamlined permitting to divert certain excess flood flows, including an exemption from LSAA permitting, as provided.

AB 1024 (Aguilar-Curry, 2023) would have exempted entities in specified counties that hold a registration for small domestic, small irrigation, or livestock stockpond water use from LSAA requirements. (*This bill was held in the Senate Appropriations Committee.*)

AB 830 (Soria, 2023) would have exempted from LSAA permitting requirements, temporary operation of existing infrastructure or temporary pumps to divert flood stage flows, or near-flood stage flows, to groundwater recharge in certain conditions. (*This bill was held on the suspense file in the Senate Appropriations Committee.*)

AB 1458 (Frazier, 2021) would have exempted fire-prevention and mitigation activities from LSAA requirements for projects approved by a state or local agency. (*This bill was held in the Assembly Water, Parks, and Wildlife Committee.*)

AB 947 (Gallagher, 2017) would have further defined the terms "river" and "stream" with respect to the LSAA application process. (*This bill was held in the Assembly Appropriations Committee.*)

¹ EPIMS #SUT-53568-R2

SB 506 (Nielsen, 2017) would have limited diversions and obstructions regulated by a LSAA and would have exempted maintenance and repair facilities for instream agricultural diversions. (*This bill was vetoed by then-Governor Brown.*)

SB 1026 (Nielsen, 2016) would have limited diversions and obstructions regulated by a LSAA and would have exempted maintenance and repair facilities for instream agricultural diversions. (*This bill failed passage in this Committee.*)

SUGGESTED AMENDMENTS

AMENDMENT 1

Revise proposed FGC §1610(a) as follows:

(4) (A) Projects to repair or reconstruct a bridge 30 feet long or less or a culvert 70 feet long or less within the County of Sutter that has been damaged or destroyed as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, in, or after, 2021-2022, except that no project listed in EPIMS #SUT-53568-R2 executed on January 31, 2025 pursuant to this chapter is an eligible project under this paragraph.

(B) The entity undertaking a project pursuant to this paragraph shall conduct a biological survey to identify any species that are present, consult with the department on appropriate species protections measures, and implement those recommended measures.

(C) ~~(B)~~ This paragraph shall remain in effect only until January 1, 2027, and is inoperative thereafter.

SUPPORT

Associated General Contractors of California
Sutter County Board of Supervisors

OPPOSITION

None received

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