

CONCURRENCE IN SENATE AMENDMENTS

AB 975 (Gallagher)

As Amended September 2, 2025

Majority vote

SUMMARY

Exempts specified projects to repair or reconstruct a bridge up to 30 feet long or a culvert up to 70 feet long, in the County of Sutter, that has been damaged or destroyed by a fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide between January 1, 2022 and December 31, 2024 from the need to obtain a Lake and Streambed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW). Sunsets this provision on January 1, 2027.

Senate Amendments

- 1) Limit application of the exemption in this bill to only projects damaged between January 1, 2022 and December 31, 2024.
- 2) Provide that any projects covered by the LSAA with Sutter County numbered "SUT-53568-RS" and executed on January 31, 2025 shall not be subject to the exemption in this bill.
- 3) Require the entity undertaking projects under the exemption in this bill shall conduct a biological survey to identify any species that are present, consult with DFW on appropriate species protection measures for those species, and implement the DFW recommended measures.
- 4) Provide the exemption in this bill does not apply to the state highway system or locations of intersection or connection to the state highway system.

COMMENTS

The LSAA program requires any person, state or local governmental agency, or public utility to notify DFW and enter into an LSAA prior to beginning any activity that may do one or more of the following: (1) divert or obstruct the natural flow of any river, stream, or lake; (2) change the bed, channel, or bank of any river, stream, or lake; (3) use material from any river, stream, or lake; or (4) deposit or dispose of material into any river, stream, or lake.

LSAAs determine the extent to which a planned activity within a river, stream, or lake may adversely affect fish or wildlife or habitat and what off-setting mitigation may be required. An entity proposing work in a lake or streambed must notify DFW, which triggers the negotiation of the standards that may apply to the request. At that point, the entity and DFW enter into an LSAA that contains any necessary provisions to mitigate the planned activity's potentially adverse consequences. Before issuing an LSAA, DFW typically must comply with the California Environmental Quality Act.

Current law exempts from LSAA requirements: immediate emergency work necessary to protect life or property, immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in an area subject to a declaration of emergency, and emergency projects undertaken to repair a highway damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide within one year of the damage. The entity

performing the emergency work is required to notify DFW within 14 days of beginning the work.

On January 31, 2025, DFW issued a notice of exemption from LSAA requirements to Sutter County for culvert repair projects at nine different locations on the Snake River, Pleasant Grove Creek Canal, and multiple unnamed tributaries in Sutter County. These projects are limited to the removal and replacement of culverts (including road repair and stormwater infrastructure repair), backfill of the release channels, installation of new culverts, and installation of permanent crossings. Senate amendments clarify that these projects are not subject to the LSAA exemption in this bill as these projects have already been exempted through the process for emergency exemptions under existing law.

According to the Author

The author indicates this bill arises out of a miscommunication between the County of Sutter and DFW about the length of time the county had to conduct emergency repairs under the existing exemption from LSAA requirements. Based on information provided by Sutter County, there are nine culvert repair projects that the county is currently attempting to implement. The author asserts "red tape and regulatory obscurity have held back the repair of Sutter County's small bridges and culverts for too long. The affected roadways are often the primary or only evacuation routes in wildfire zones, and communities should not risk losing evacuation access due to overregulation."

Arguments in Support

Sutter County supports this bill and maintains that it addresses a pressing need in the county to repair culverts under roadways that oftentimes serve as emergency egress routes. The county asserts that the types of projects this bill addresses "generally have minimal environmental impact" and that the activities covered "are often maintenance activities within existing rights-of-way and do not involve any new construction."

Arguments in Opposition

None on file.

FISCAL COMMENTS

The Assembly Appropriations Committee indicated that the version of this bill passed by the Assembly on May 23, 2025 resulted in minor and absorbable costs to DFW.

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 Fariás, Bains, Bennett, Boerner, Caloza, Hart, Macedo, Celeste Rodriguez, Rogers, Tangipa

ASM APPROPRIATIONS: 15-0-0

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

ASSEMBLY FLOOR: 72-0-7

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

ABS, ABST OR NV: Bryan, Chen, Lee, Nguyen, Sanchez, Sharp-Collins, Wicks

UPDATED

VERSION: September 2, 2025

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