



**To: Members of the California State Legislature**  
**From: Wade Crowfoot, California Natural Resources Secretary**  
**Re: Section 23 of Natural Resources Trailer Bill, AB/SB 155**  
**Date: September 9, 2021**

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Section 23 of the Natural Resources Trailer Bill (Assembly and Senate Bill 155) would expedite focused habitat restoration projects by exempting such projects from the environmental review requirements of the California Environmental Quality Act (CEQA). As climate change accelerates and its impacts threaten the health and viability of fish and wildlife, this proposal can expedite important restoration of ecosystem function and species habitat. The proposal would be implemented on a pilot basis with a 2025 sunset.

The proposed CEQA exemption may only be applied to habitat restoration projects. By its own terms, it can only be used for projects that are exclusively focused on habitat. Further, the language specifically precludes construction activities, except for construction activities that are solely related to habitat restoration.

Accordingly, this proposed exemption cannot and will not be used to accelerate the Department of Water Resources' proposed project to establish underground water conveyance through the Delta. That project is not exclusively focused on habitat and will require substantial construction activities, unrelated to restoration, which makes the proposed CEQA exemption in Section 23 inapplicable to that project.

715 P Street, 20<sup>th</sup> Floor, Sacramento, CA 95814 Ph. 916.653.5656 [www.resources.ca.gov](http://www.resources.ca.gov)

