



Delta Counties Coalition

Contra Costa County | Sacramento County | San Joaquin County | Solano County | Yolo County

"Working together on water and Delta issues."

May 16, 2025

The Honorable Mike McGuire President
Pro-Tempore
California State Senate

The Honorable Scott Wiener, Chair
Senate Budget Committee
California State Senate

The Honorable Ben Allen, Chair
Senate Budget Subcommittee 2
California State Senate

The Honorable Monique Limon, Chair
Senate Natural Resources and Water
Committee
California State Senate

The Honorable Catherine Blakespear, Chair
Senate Environmental Quality Committee
California State Senate

The Honorable Robert Rivas
Speaker of the Assembly
California State Assembly

The Honorable Jess Gabriel, Chair
Assembly Budget Committee
California State Assembly

The Honorable Steve Bennett, Chair
Assembly Budget Subcommittee 3
California State Assembly

The Honorable Diane Papan
Assembly Water, Parks, and Wildlife
Committee
California State Assembly

The Honorable Isaac Bryan, Chair
Assembly Natural Resources Committee
California State Assembly

Re: Opposition to Governor's Budget Trailer Bills that Would Change Numerous Laws for the Controversial Delta Tunnel (Files 70823 and 71942)¹

Dear President Pro-Tempore McGuire, Speaker Rivas, Senator Wiener, Senator Allen, Senator Limon, Assemblymember Gabriel, Assemblymember Bennett, Assemblymember Papan and Assemblymember Bryan:

The Delta Counties Coalition (DCC), representing the five counties that comprise the California Delta and the millions of Californians who live in our communities, strongly object to the Administration's May Revision related to the Delta Conveyance Project (Delta Tunnel).

¹ Available at: <https://trailerbill.dof.ca.gov/public/trailerBill/pdf/1263> and <https://trailerbill.dof.ca.gov/public/trailerBill/pdf/1266>.

The proposals, unrelated to state budgeting policy and inappropriately suggested for inclusion in a state spending plan, would change several, separate parts of state law to benefit some parts of California, to the detriment of Californians within and north of the Delta five county area. These large-scale changes in law, if adopted without proper consideration and policy review, would likely also have unanticipated effects on other projects and areas of the state.

First, the trailer bill would change longstanding requirements regarding deadlines to put water to beneficial use that would apply only to the State Water Project. This change to the State Water Board's water rights permitting process is far reaching and conflicts with decades of Board and court decisions that protect legal users of water throughout the state. Second, in response to the fact that DWR lost in court on its financing plan for the tunnel, the proposal would change state law to allow the project to issue an unlimited amount of bonds to pay for the tunnel, to be repaid by participating public water agencies – meaning taxpayers and ratepayers would be forced to foot the bill for this project no matter how expensive it becomes. Third, it would undermine the ability of our five counties to defend our communities, constituents and ecosystems in court by treating this 45-mile-long tunnel project like a four-block NBA basketball arena, changing the process by which the project's environmental challenges are reviewed in court --- while the litigation is ongoing. The difference here is that every city and county affected by this project in the Delta region opposes the tunnel, unlike smaller, local projects that often have support of local agencies and communities. And finally, this proposal would empower the state to more easily and forcibly acquire thousands of acres of land, furthering the harm to our communities' legacy farmers and ranchers. None of these provisions deserve support, and certainly not in a budget bill that runs on a truncated process with no policy review committee process and very little time for public review, scrutiny and feedback.

Dating back to 2009, the Legislature and administration have consistently and deliberately avoided provisions that facilitate highly controversial and extraordinarily expensive isolated conveyance projects in the Delta (currently called the Delta Conveyance Project) in final versions of legislation. This was the case, for example, with proposed resources bonds and streamlining of the California Environmental Quality Act to facilitate new Delta conveyance. When the Governor last attempted this type of surprise legislative move through the state budget in 2023, the Legislature pushed back on the inclusion of such a divisive and expensive project. We are looking once again to your leadership in protecting the Delta as a place and preserving the existing processes that apply to this controversial and divisive project.

The Legislature's sterling track record on this issue has been established through thoughtful and decisive actions. Changing a long list of existing laws for the explicit benefit of this highly controversial project would pick "winners and losers" between those living within and near the Delta and those that primarily seek to export more water from the Delta through massive new diversions near Sacramento that are larger than any other existing diversion except those already operated by the state and federal governments in the south Delta. Disadvantaged and culturally significant communities in the Delta would be gravely and permanently damaged, if not

completely destroyed, should the project – which is so large it spans three counties and would take an estimated 14 years to construct – moves forward. The inclusion of the Delta Tunnel in May Revision is contrary to the policies the administration and Legislature have espoused in recent years, and is a breach of trust and understanding that has existed for nearly a decade and a half.

For those legislators representing areas that may receive water through this proposed tunnel, we urge you to consider the facts. The tunnel would not help create additional water storage, and no new water could be made available through the tunnel. A generous estimate suggests the *potential* of a 10-15% increase in water supplies because of reduced carriage water requirements that currently apply to water deliveries from existing pumps in the south Delta. And there is no limit on how much the project can cost, and those who receive this water must pay for it. As the Delta Counties Coalition has been advocating for over a decade, there are much better ways to meet the state's water supply needs than this risky tunnel being irresponsibly advanced by the Governor, and we continue to stand ready to assist in those efforts. For these reasons, the Delta Counties Coalition urges the Legislature, alongside the Delta Legislative Caucus, to reject the Governor's divisive trailer bill proposals when they come before you for consideration.

Throughout the Delta Tunnel planning process since Governor Newsom took office, local communities have been assured that the project would follow all applicable laws. The provisions of the Governor's Infrastructure package discussed above directly contradict those representations and must be removed. We look forward to working with the Legislature to honestly address our state's long-term water supply needs without hastily making major changes in law to benefit powerful special interest groups at the expense of the California Delta.

Thank you for your consideration. Feel free to contact us directly or through DCC Coordinator Elisia De Bord at 916-874-4627 or deborde@saccounty.gov.

Sincerely,



Patrick Hume, Supervisor
Sacramento County



Oscar Villegas, Supervisor
Yolo County



Shanelle Scales-Preston, Supervisor
Contra Costa County



Mitch Mashburn, Supervisor
Solano County



Steven Ding, Supervisor
San Joaquin County