

Delta Counties Coalition

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County
"Working together on water and Delta issues"

September 7, 2021

To: Members, California State Legislature

From: Delta Counties Coalition

Re: **SB 155/AB 155 – State Budget Resources Trailer Bill - OPPOSE**

The Sacramento-San Joaquin Delta Counties Coalition (DCC) is formed to speak with one voice on the health of the Sacramento-San Joaquin Delta. We write to request that you oppose the proposed state budget trailer bills (SB 155/AB 155) relating to resources.

Both resources trailer bills contain language that would provide a statutory exemption from CEQA for habitat projects meeting very broad criteria. The DCC is concerned that this statutory exemption could facilitate construction of tunnel to move water south of the Delta by exempting necessary mitigation from public review. In addition, the DCC is concerned that removing the requirement to conduct public environmental review processes for restoration projects (especially without any size limit) would be detrimental to communities within the Delta and throughout the state. Local communities are impacted by both construction and operation of restoration projects. The CEQA process helps ensure these projects are carefully planned and that mitigation is provided for significant impacts.

This statutory exemption is unprecedented as it would exempt a huge class of projects meeting a vague and undefined description. Excluding CEQA review for any sized restoration project is unprecedented and would take the counties and the public out of the decision making and public input process for restoration projects falling under these provisions, no matter how large and impactful. Statutory CEQA exemptions are usually approved by the Legislature for specific projects deemed important enough to bypass CEQA. In contrast here, any CEQA lead agency can rely on this exemption if the Department of Fish and Wildlife Director concurs. Thus, DCC requests that the statutory exemption for restoration projects in SB 155/AB 155, proposed Public Resources Code section 21080.56, be removed.

These bills contain language stating:

...programs and projects that improve environmental conditions to promote the recovery of native fish species in the Sacramento-San Joaquin watershed, including habitat restoration projects, multi-benefit projects that promote native species improvements while increasing climate resiliency, and projects that enable water users to make additional flows available for environmental purposes....

The DCC believes this language may be intended to help facilitate construction of a tunnel by fast tracking review of associated habitat restoration, Delta flow requirements, and/or

other conditions. In addition to this language, the latest “Budget Bill Jr.” would appropriate funding for such projects.

If the projects anticipated by the Administration are unrelated the construction of a tunnel, then the DCC would expect that language contained in several statewide bond measures would have also been included in the proposed trailer bills. This language, which was included in Propositions 1 and 68, states that funds:

...shall not be expended to pay the costs of the design, construction, operation, **mitigation** (*emphasis added*), or maintenance of Delta conveyance facilities, and that costs shall be the responsibility of the water agencies that benefit from the design, construction, operation, mitigation, or maintenance of those facilities.

In addition to inclusion of such in the funding provisions in “Budget Bill Jr.”, language should be added to any statutory exemption for restoration, such as: “This section shall not apply to projects that are required or intended to mitigate for any impact of new Delta conveyance facilities.” It is imperative that all of the impacts of a Delta tunnel project are fully reviewed under CEQA.

For these reasons, the DCC respectfully requests that you oppose SB 155 and AB 155. If you have any questions about our position, please contact us through our coordinator, Natasha Drane, at 916-874-4627 or dranen@saccounty.net.

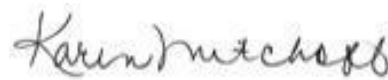
Sincerely,



Patrick Kennedy, Supervisor
Sacramento County



Mitch Mashburn, Supervisor
Solano County



Karen Mitchoff, Supervisor
Contra Costa County



Oscar Villegas, Supervisor
Yolo County



Chuck Winn, Supervisor
San Joaquin County

cc: Governor Gavin Newsom