



Delta Counties Coalition

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

May 30, 2023

The Honorable Toni Atkins
President Pro-Tempore
California State Senate

The Honorable Anthony Rendon
Speaker of the Assembly
California State Assembly

The Honorable Nancy Skinner, Chair
Senate Budget Committee
California State Senate

The Honorable Phil Ting, Chair
Chair, Assembly Budget Committee
California State Assembly

The Honorable Josh Becker, Chair
Senate Budget Subcommittee 2
California State Senate

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

The Honorable Dave Min, Chair
Senate Natural Resources and Water
Committee
California State Senate

The Honorable Rebecca Bauer-Kahan,
Chair
Assembly Water, Parks, and Wildlife
Committee
California State Assembly

The Honorable Ben Allen, Chair
Senate Environmental Quality
Committee
California State Senate

The Honorable Luz Rivas, Chair
Assembly Natural Resources Committee
California State Assembly

Re: Opposition to Governor's Infrastructure Budget Trailer Bills Clearing Way for the Controversial Delta Tunnel

Dear President Pro-Tempore Atkins, Speaker Rendon, Senator Skinner, Senator Becker, Senator Min, Assemblymember Ting, Assemblymember Bennett, and Assemblymember Bauer-Kahan:

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 opposes the Administration's inclusion of the Delta Conveyance Project (DCP or Delta Tunnel) in the Infrastructure Trailer Bills.

Dating back to 2009, the Legislature and Administration have consistently and deliberately avoided provisions that facilitate highly controversial and extraordinarily

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expensive isolated conveyance projects in the Delta (currently called the Delta Conveyance Project) in final versions of legislation. This has been the case, for example, with proposed resources bonds and exemptions from the California Environmental Quality Act (CEQA) that would facilitate new Delta conveyance.

This was done with purpose. Changing 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 a new conveyance system built in the north 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 14 years to construct – move forward. The inclusion of the Delta Tunnel in this proposed package of “reforms” 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 these reasons, the Delta Counties Coalition specifically requests the following changes to the [Infrastructure Package](#) released by the Office of the Governor on May 19, 2023:

1) [CEQA Judicial Streamlining](#)

The reference to the “Delta Conveyance Project” in section 21189.81(g)(1)(A) must be stricken. The Delta Tunnel would not further California’s commitments to reducing greenhouse gas emissions and protect people from the worst extremes of climate change, as claimed in the Fact Sheet for this proposed provision. If built, the project would involve significant greenhouse gas emissions, with construction emissions of 500,000 metric tons of carbon dioxide and operational emissions of 260,000 metric tons of carbon dioxide/year. The automatic designation in section 21189.81(g)(1)(A) does not even require the documentation of “greenhouse gas neutrality” and other special attributes that have been required of other projects receiving judicial streamlining. The Delta Tunnel should not be fast-tracked in this manner.

2) [Fully Protected Species Reclassification](#)

This major change in the laws affecting Fully Protected Species (taking up 57 pages of the package) is specifically targeted to ease the species permitting pathway for the Delta Tunnel and must be removed from the package. The take (killing) of Fully Protected Species, such as the iconic Greater sandhill crane, which winter in the Delta and are a major tourism draw for our area, was a major concern with respect to the former version of the Delta Conveyance Project (California WaterFix). Existing law does allow take of Fully Protected Species as part of a Natural Communities Conservation Plan. If Fully Protected Species provisions of state law are to be modified, those changes must occur within the Legislative process with appropriate public and expert input.

Throughout the Delta Tunnel planning process since Governor Newsom took office, local communities have been assured that the project would follow all applicable laws. These provisions of the Governor’s Infrastructure package discussed above directly contradict those representations and should be removed. We look forward to working

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with the Legislature to honestly address our climate goals 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 Elisia De Bord, DCC Coordinator, at 916-874-4627 or deborde@saccounty.gov.

Sincerely,



Patrick Kennedy, Supervisor
Sacramento County



Oscar Villegas, Supervisor
Yolo County



Ken Carlson, Supervisor
Contra Costa County



Mitch Mashburn, Supervisor
Solano County



Tom Patti, Supervisor
San Joaquin County