



ENVIRONMENTAL LAW FOUNDATION

September 3, 2025

The Honorable Mike McGuire
President Pro Tempore
State Senate

The Honorable Robert Rivas
Speaker of the Assembly
State Assembly

The Honorable Scott Wiener
Joint Legislative Budget Committee Chair
State Senate

The Honorable Jesse Gabriel
Joint Legislative Budget Committee Vice-Chair
State Assembly

Joint Legislative Budget Committee
1020 N Street, Room 553 Sacramento, CA 95814

Subject: Opposition to the Proposed Water Quality Control Plans CEQA Exemption and Delta Conveyance Project Trailer Bills

Dear President Pro Tem McGuire, Speaker Rivas, Senator Wiener, Assemblymember Gabriel, and Members of the Budget Committee,

This letter is respectfully submitted on behalf of 40 undersigned organizations. We urge the legislature to unequivocally reject the proposed Delta Conveyance Project and Water Quality Control Plans - CEQA Exemption trailer bills that have been reintroduced in the legislature. These trailer bills would circumvent existing water rights, court rulings, and administrative process that is critical to fully informed democratic decision making. These trailer bills are an attempt to fast-track a \$60-\$100 billion infrastructure project and water diversions that have been repeatedly rejected by the public, while further degrading an already imperiled Delta ecosystem. Our concerns are outlined in further detail below.

Water Quality Control Plans - CEQA Exemption Trailer Bill

The San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan (“the Bay-Delta Plan”) establishes water quality and flow standards for the Bay-Delta watershed and is governed by both California’s Porter-Cologne Act and the Federal Clean Water Act. The current standards, which have not been updated since 1995, are inadequate to protect the Bay-Delta ecosystem. In its current environmental review, the State Water Resources Board has acknowledged that lack of freshwater flows has resulted in seven listed threatened or endangered fish species, the proliferation of toxic algae, and overall degradation of water quality. In addition, the Delta’s recreational and tourism economy has declined by 26% since 2012. The decline of the Bay-Delta has had a direct and adverse effect on Delta communities, environmental justice communities, and Tribes. The environmental analysis within the Bay-Delta Plan is required under CEQA, and is essential to understanding the impacts of current water diversions on the Delta and its communities.

The Water Quality Control Plan CEQA Exemption Trailer Bill seeks to undermine the Water Board’s authority and circumvent important analyses that provide both public and judicial oversight. The impacts of this trailer bill will not only erode one of the State’s most critical environmental regulations, but will further threaten public health, and the health of the broader ecosystem. A key provision of this bill states that exemptions only apply so long as an action does not relax editing water quality standards, but this falsely implies existing standards are adequate to meet community and ecosystem needs. Furthermore, as [stated](#) by the Legislative Analyst’s Office during the Assembly Budget Subcommittee No. 4 hearing on May 20, 2025, these exemptions would simplify efforts to implement the Voluntary Agreements (“VAs”), which is a critical piece in moving the Delta Conveyance Project (“DCP”) forward. In a January 22, 2024 letter to the Water Board, the Department of Water Resources (“DWR”) stated that, if a regulatory pathway for the Bay-Delta Plan were adopted in place of the VAs, it would “**reduce the yield of the DCP over all water year types by an average of 55%.**” Although these trailer bills are proposed separately, they are a tandem tool the Governor and DWR are using to bypass local, Tribal, and environmental concerns to achieve their own agenda.

The Delta Conveyance Project (“DCP”) Trailer Bill

The DCP trailer bill is designed to circumvent legal disputes over bond authority, water rights, and property owner protections. It would provide DWR with authority to issue bonds with no upper limit. This is alarming given an assessment performed by [ECONorthwest](#) estimates the DCP would cost between \$61 and \$116 billion dollars due to cost overruns, interest on bonds, and other “add-on” costs. Moreover, the trailer bill would award DWR water rights for the DCP that are currently disputed both in court and in an evidentiary proceeding at the State Water Board.

To date, DWR has failed to present an economic or financial analysis, a key deficiency found in a [2016 audit](#) of the WaterFix project. Without firm financial standing, DWR has proceeded with securing funds from the State Water Contractors (“SWC”), and are currently involved in a bond validation suit to obtain unlimited authority to issue bonds under the Central Valley Project Act. Several problems exist with the bonding, including the proposal for uncapped revenue pledged, the lack of a repayment timeline, and the plan to integrate this debt into the broader State Water Project. In January of 2024, a court [ruled](#) that DWR did not

have unlimited bonding authority, yet DWR continues to operate under the pretense that this authority will be granted. Integration of this bonding authority into the SWP would not only threaten the fiscal integrity of one of the most important water conveyance systems in the State, but have resounding risks to ratepayers and taxpayers alike. Among the concerning provisions contained within the proposed Delta Conveyance Project trailer bill, the attempt to override judicial oversight is of paramount concern.

Landowners would also lose rights if the trailer bill passes, as it removes crucial protections and legal pathways to contest DWR's acquisition of real property puts Delta landowners and prime agricultural land at a disadvantage in any negotiations. Circumventing rights enshrined in the fifth amendment of the constitution removes landowners' ability to challenge "fair compensation" for the governments taking of their land for the purposes of this project.

Other bill provisions narrow the ability of impacted parties to bring forth protests, a foundational element of our democratic processes. Placing significant requirements on water rights protests effectively removes small Tribal, community, and environmental groups ability to compile the information needed to contest harmful proposals before the Water Board.

Recent statewide polling indicates that 58% of voters oppose the DCP. This is consistent with ongoing public opposition to the various iterations of the DCP that have been proposed over the past several decades, including the Peripheral Canal, WaterFix, and the Bay Delta Conservation Plan. Rejected by California voters in 1981, this project continues to be pushed forward under the guise of a "climate solution," but inflexible, grey infrastructure that negatively impacts the Delta is antiquated and ill equipped to handle the anticipated hydrological changes associated with climate change.

Conclusion

Expediting massive, costly infrastructure projects that are the currently subject of numerous legal proceedings is not only bad policy, but will have resounding impacts to Californians for decades to come. **These judicial, administrative, and public processes are foundational to the democratic process, and while they take time, they ensure that any steps taken are in the interest of ALL Californians.** The legislature should not acquiesce to Governor Newsom's unconscionable attempt to override our democratic processes and public opinion. For the reasons outlined above, the undersigned respectfully urge the legislature to reject these proposals in their entirety.

Sincerely,

Vice Chair Malissa Tayaba
Shingle Springs Band of Miwok
Indians

Gary Mulcahy
Government Liaison
Winnemem Wintu Tribe

Barbara Barrigan-Parrilla
Executive Director
Restore the Delta

Lauren Weston
Executive Director
Acterra: Action for a Healthy
Planet

Sherri Norris
Executive Director
California Indian Environmental
Alliance

Andrew Christie
President
California Land Watch

Chris Shutes
Executive Director
California Sportfishing
Protection Alliance

Carolee Krieger
Executive Director
California Water Impact Network

Ector Olivares
Program Manager
Catholic Charities of Stockton

Opposition to the Proposed Water Quality Control Plans CEQA Exemption and Delta Conveyance Project Trailer Bills

Rene Hersey
President
Cats & Canines, Inc

Elizabeth Reid-Wainscoat
Campaigner
Center for Biological Diversity

Toni McNeil
Executive Director
Concrete Development, Inc

Ashley Overhouse
Water Policy Advisor
Defenders of Wildlife

Norm Cassin
Delta Flyfishers

Dan Silver
Endangered Habitats League

Pamela Heatherington
Environmental Center of San
Diego

Nathaniel Kane
Executive Director
Environmental Law Foundation

Amber Jamieson
Water Advocacy Director
Environmental Protection Information
Center

Conner Everts
Environmental Water Caucus
Southern California Watershed
Alliance

Friends of Mission Creek

Scott Artis
Executive Director
Golden State Salmon Association

Pedro Hernandez
CA State Program Manager
GreenLatinos

Gloria Alonso
Environmental Justice Advocacy
Coordinator
Little Manila Rising

Osha Meserve
Local Agencies of the North Delta

Michael Martin, Ph.D.
Director
Merced River Conservation
Committee

Thomas Hogye
Conservation Chair, President
Emeritus
NCCFFI / Santa Cruz Fly Fishing

Dr. C. Mark Rockwell
Northern California Council, Fly
Fishers International

Matthew Baker
Policy Director
Planning and Conservation
League

Scott Webb
Director of Advocacy
Resources Renewal Institute

Richard B. Allen
Former San Francisco Planning
Commissioner
Save Lake Merced founding member

Robert M. Gould, MD
San Francisco Bay Physicians
for Social Responsibility

Christopher Pederson
President
San Francisco League of
Conservation Voters

Efraim Lopez
Science and Policy Director
Save California Salmon

Sarah Bates
Treasurer
SF Crab Boat Owners
Association

Molly Culton
Chapter Organizing Manager
Sierra Club California

Allison Boucher
Tuolumne River Conservancy

Peter Drekmeier
Policy Director
Tuolumne River Trust

Konrad Fisher
Director
Water Climate Trust

Dr. Elizabeth Dougherty
Executive Director
Wholly H2O