



May 30, 2025

Hon. James Gallagher
Assembly Republican Leader
California State Assembly

Hon. Brian Jones
Senate Republican Leader
California State Senate

Re: **Proposed budget trailer bills relating to the Delta Conveyance Project.**

Dear Assemblyman Gallagher and Senator Jones,

This is to inform you that the Howard Jarvis Taxpayers Association **must oppose** the governor's budget trailer bills relating to the Delta Conveyance Project. Although HJTA has no position on the need for the project, we have serious concerns about this specific proposal. The courts have an important and independent role in our constitutional structure as both a check on government and protector of fundamental rights, including property rights. These proposed trailer bills undermine that role.

First, it would streamline the process for acquiring the land for the Delta tunnel through eminent domain. Government Code 7267.2 requires public entities, before adopting a specific resolution and initiating negotiations, to establish an amount that it believes to be just compensation and to make an offer to the property owners and when making the offer to provide the property owner with certain information relating to how the amount was established. The homeowner is allowed to review a copy of the appraisal. This project would be exempt from those requirements.

Second, it amends Water Code § 11260, which is at the heart of current litigation because it establishes the DWR's authority to make "modifications" to the Feather River Project. The trial court ruled that DWR's proposed Delta tunnel, which would divert water directly from the Sacramento River before it enters the Delta, was more than a mere "modification." This would amend section 11260 to describe the Delta tunnel as a valid modification. Whether the proposed Delta tunnel constitutes a valid "modification" of the Feather River Project is a question of law that, under our "separation of powers" system of government, belongs to the judicial branch, not the Legislature, so this amendment is improper.

Third, it would impose a short 60-day statute of limitations on lawsuits challenging approvals or authorizations issued by DWR or any other public agency related to the Delta tunnel and would require that the litigation (including appeals) be wrapped up

within 270 days. It also prohibits the courts from issuing any injunction or other court order that would impede construction unless the court finds that construction presents “an imminent threat to public health and safety.” This compressed timeframe for concluding litigation fails to consider the backlog in many courts resulting in long delays for plaintiffs to get a hearing. This requirement should not be imposed without providing an exception for delays that are not the plaintiff’s fault.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Kaufman", with a stylized, flowing script.

Scott Kaufman
Legislative Director