

Tribal and Environmental Justice Issues in the Sacramento-San Joaquin Delta

Information Sheet



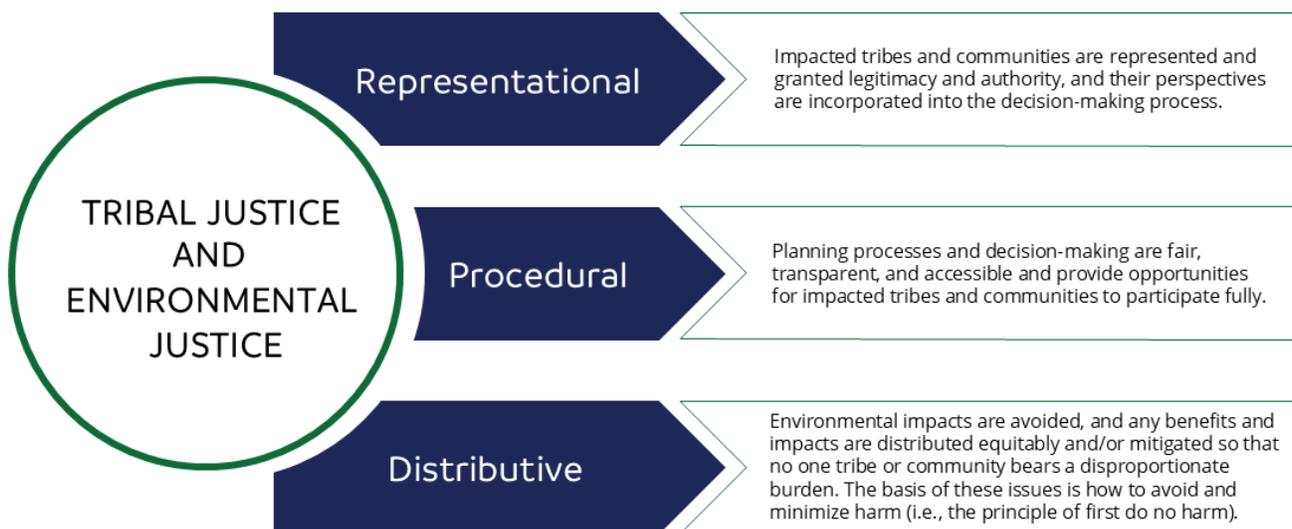
**Delta
Stewardship
Council**

A CALIFORNIA STATE AGENCY

Introduction

The Delta Stewardship Council's Tribal and Environmental Justice issue paper summarizes the Council's understanding of tribal and environmental justice issues within and around the Sacramento-San Joaquin Delta (Delta). Issues are presented by key topics identified through a review of various data sources, including past public comments submitted to the Council, interviews with community-based organizations and tribes, meetings with the environmental justice expert group established by Council staff to inform this issue paper, tribal consultation and engagement, scholarly literature and other publicly-available data, and community outreach events.

This information sheet summarizes the issues identified and presented in the issue paper, organized around the three core tenets of tribal and environmental justice —distributive, representational, and procedural justice.



Tribal Justice Issues

Distributive

- ***Environmental Hazards:*** Interviewees discussed a variety of environmental hazards facing tribes and tribal communities, including pollution exposure during ceremonial use of water; construction-related soil contamination; chemical contamination from sprayed fire retardants; soil/water contamination; wildfire smoke and other air pollutants; heat exposure; and noise pollution. Additionally, these hazards also impinge on tribal sovereignty and preservation.
- ***Water:*** One interviewee highlighted the commodification of water as an injustice linked to corruption. Rather than being treated as a life-supporting necessity for humans and ecosystems or as a member of the Indigenous community and part of Indigenous peoples' spirituality, water is treated as a resource and sold for wealth generation.

Representational

- ***Tribal Sovereignty and Preservation:*** This issue describes the violation of tribal sovereignty and associated threats to the preservation of tribal cultural practices. Tribes have inherent rights, including the right to harvest, teach, and put down prayers; exercising these rights is essential to preserving tribal traditions.
- ***Traditional Knowledge:*** Closely intertwined with tribal sovereignty and preservation is the repression of tribal and Indigenous cultural beliefs, practices, and knowledge (referred to in the issue paper as Traditional Knowledge). Sources of this injustice, according to interviewees and consulted tribes, include lack of access to land and waterfronts for stewardship, subsistence, and cultural practices, both due to colonial displacement and present-day cost of land; repression of language and associated loss of cultural/place-based knowledge; lack of understanding of tribal cultural practices (e.g., burning) fostering public resistance; and the risk of commercial appropriation (e.g., plant species harvested for health food stores) when culturally significant areas become publicly known.

Procedural

- ***Marginalization and Exclusion:*** Interviewees and tribal representatives noted that California tribes and tribal communities are marginalized and excluded in ways that inhibit their engagement in policy processes. Interviewees explicitly expressed that tribes face discrimination, including both individual and institutional racism and systemic oppression: this manifests, for example, in the failure to recognize tribal experts who do not have credentials (e.g., a Ph.D.).
- ***Consultation:*** In one interview, consultation issues were traced to the history of broken promises, starting with unratified treaties in the 1800s and the subsequent murder of Native American people, which established a precedent of unfulfilled commitments and non-enforcement of regulatory requirements to uphold tribal rights. These historic

power imbalances and injustices continue to affect tribes today, resulting in sentiments of distrust.

Distributive Justice Issues



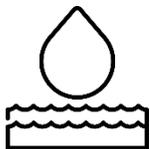
Climate change

Climate change affects everyone, but a growing amount of evidence demonstrates that climate change disproportionately affects low-income communities of color because they are more likely to experience higher exposure to climate hazards and have lower capacity to adapt due to lower financial assets, compounding effects of existing community burdens, and lack of representation in risk mitigation decisions. As a result, these communities are least equipped to anticipate, cope, and recover from climate impacts (U.S. EPA, 2021).



Flood risk

The Delta region is expected to face increased flooding due to more frequent and excessive rainfall, changing river hydrology, and sea level rise in the next century due to climate change (DSC, 2021; U.S. EPA, 2021). Multiple interviewees identified allocation of levee investments, flood insurance access and affordability, land use planning and development, and subsidence as key distributive injustices.



Water

Water is both a defining feature of the Delta landscape and culture and was named by most interviewees as central to environmental injustice in the Delta. Water issues include water supply, water quality, and water affordability challenges, focusing on which communities have access to clean, reliable, and affordable water and which do not. With regards to current water management systems, interviewees described the water rights priority system as not representative of all water users, politically corrupt, and responsible for the unequal distribution of water access and benefits.



Pollution exposure and public health

Interviewees frequently mentioned air quality, pollution exposure, and public health as key environmental justice concerns for Delta communities. According to interviewees, low-income, minority,

unhoused, and tribal communities, as well as renters, youth, and elderly people, bear disproportionate impacts of air, land, and water pollution. Interviewees cited concern for long-term respiratory health impacts, the stress of unknown long-term impacts of exposure to pollutants such as harmful algal blooms (HABs), as well as other health impacts from prolonged exposure to contamination and environmental hazards.



Housing and unhoused communities

Affordable housing and the health and safety of unhoused individuals were another frequent concern among interviewees. Both interviewees and environmental justice expert group members noted that people who disproportionately suffer from issues related to housing and homelessness are often members of low-income communities, people of color, undocumented immigrants, Native Americans, people with disabilities, LGBTQ+, and people transitioning out of foster care.



Food security and access

Interviewees identified the lack of access to healthy and nutritious foods as issues of food security and food access. They identified three main drivers for these issues: inability to engage in subsistence activities, lack of transportation to access stores selling healthy foods, and concerns with the larger food system.



Recreation and outdoor access

Interviewees identified inequitable access to green space as a key concern, with minority and low-income urban communities less likely to access green and open recreational spaces.

Representational Justice Issues

Who “counts” as an environmental justice community

Environmental justice communities, or communities using related terms such as underserved, marginalized, or disadvantaged, have been defined variably by different scholars, environmental justice advocates, and government agencies. Scholars have demonstrated that government agency efforts to integrate environmental justice have often diverged from the core principles that environmental justice activists have long advocated for (Harrison, 2015; Liévanos, 2012; London et al., 2013). This underscores the

need for government agencies to clearly define environmental justice communities in a way that integrates those core environmental justice principles, to ensure that agency actions are targeted to the most burdened communities.

Agency competency in environmental justice

Interviewees felt that agencies often lack understanding of tribal government and tribal law and don't involve knowledgeable staff in tribal consultation and engagement. Participants in community outreach events emphasized the need for government agencies, consultants, and academic research staff to be trained on matters of diversity, equity, and inclusion and best practices for engaging with tribes.

Representation of EJ communities in decision-making bodies and processes

Interviewees voiced concerns that impacted communities are consistently underrepresented or inadequately represented in decision-making processes. For example, multiple interviewees discussed disadvantaged communities being inadequately accounted for or included in climate change planning processes. A few interviewees also discussed representational water justice concerns related to involvement in water decision-making processes and which communities are legitimized as having a stake in water distribution decisions. Many interviewees indicated that certain communities—notably tribes and disadvantaged communities—are excluded from or not adequately represented in water management decision-making.

Procedural Justice Issues

Barriers to meaningful involvement

Multiple interviewees identified limited resources and funding among environmental justice organizations as key barriers to meaningful involvement in Delta governance. Available literature supports that funding for community-based organization participation, data support, and accessible public participation practices are integral to the success of environmental justice policy efforts but are often insufficient (Petersen et al., 2006).

Interviewees also discussed challenges with engagement practices, stating that agencies' public engagement is often more of a "box-checking" exercise than something that influences decisions. In the 2023 Delta Residents Survey, residents reported that their top barriers to engaging in Delta issues include not having enough time (being too busy with other obligations and priorities), feeling like one's input will not affect decision-making, not knowing how or when to engage, and being unfamiliar with the issues (Rudnick et al., 2023).

Lack of transparency

Transparency in government refers to processes or conditions that enable individuals to obtain clear, accurate, and timely information about the activities of government entities,

particularly regarding decision processes and management actions that will impact their environment, health, or daily lives.

Previous environmental justice policy efforts in the Delta have failed to be transparent about how and why environmental decisions are made and who benefits or is harmed by those decisions (Petersen et al., 2006).

Lack of coordination and alignment across agencies

Both interviewees and participants at community outreach events noted a disconnect between state and local government efforts and a lack of coordination across entities working on similar issues. Better coordination among agencies is needed, including alignment of goals and processes, to make it easier for environmental justice organizations and community members who are asked to participate in many different agency processes.

Lack of trust in government agencies

The 2023 Delta Residents Survey found that a majority of Delta residents trust scientific experts, local residents, and community advisory groups more than policy makers at local, state or federal levels, to make decisions in the best interest of the Delta (Rudnick et al., 2023). This underscores the importance of government agencies working with local community groups, community leaders, and scientists when engaging residents.

For More Information

To read the Delta Stewardship Council's Tribal and Environmental Justice issue paper or find more information about this effort, visit deltacouncil.ca.gov/environmental-justice or scan the QR code.



Please email questions to environmentaljustice@deltacouncil.ca.gov

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