

Tribal and Environmental Justice Issue Paper: Current Issues

Public Review Draft
Information Sheet



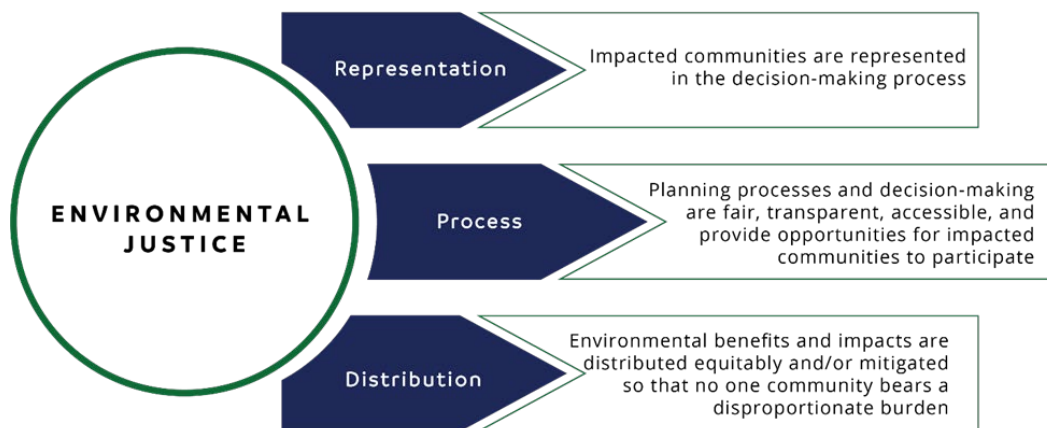
**Delta
Stewardship
Council**

A CALIFORNIA STATE AGENCY

Introduction

The Delta Stewardship Council's public draft Tribal and Environmental Justice issue paper summarizes Council staff's understanding of current tribal and environmental justice (EJ) issues within and around the Sacramento-San Joaquin Delta (Delta). Issues are presented by key topics identified and characterized based on content from 22 research interviews conducted with tribal and EJ community-based organizations and the analysis of past public comments. To triangulate the interview and public comment data, the issue paper is substantiated with additional data from a review of peer-reviewed EJ literature, agency reports, and publicly available data and analysis tools; EJ Expert Group meetings; community outreach events; and pre-consultation with four tribes, as well as the Council's tribal listening session held in April 2023.

This information sheet summarizes Council staff's current understanding of tribal and EJ issues organized around the three core tenets of EJ—distributive, representational, and procedural.



September 2024

Tribal Justice Issues

Distributive

- ***Environmental Hazards:*** Interviewees discussed a variety of environmental hazards facing 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 tribal community and part of tribal 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, 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 tribal nations and Indigenous 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.

Distributive Justice Issues



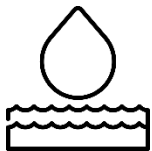
Climate change

The impacts of long-term climate trends and extreme events disproportionately impact the health, safety, and well-being of some communities over others due to differences in exposure, sensitivity, and adaptive capacity, or the capacity to respond to climate hazards (Mendez, 2020; Sze, 2020; USEPA, 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, 2021b; USEPA, 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 included 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 EJ 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 EJ Expert Group members explained 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 greenspace 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 EJ community

EJ communities, or communities using related terms such as underserved, marginalized, or disadvantaged, have been defined variably by different scholars, EJ advocates, and government agencies. Scholars have shown that government agency efforts to integrate EJ have often diverged from core EJ principles that EJ activists have long advocated for (Harrison, 2015; Liévanos, 2012; London et al., 2013), underscoring the need for clear agency definitions for EJ communities that integrate core EJ principles to ensure that actions are targeted to the most burdened communities. This difference between certain government agency definitions for EJ communities and EJ movement principles exemplifies a commonly observed discrepancy between agencies’ EJ programs and EJ movement principles (Harrison, 2015).

Agency competency in EJ

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 the 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 identified that impacted communities are consistently underrepresented or inadequately represented in decision-making processes. For example, multiple interviewees discussed disadvantaged communities as 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 EJ organizations as key barriers to meaningful involvement in Delta governance. Available literature supports that funding for CBO participation, data support, and accessible public participation practices are integral to the success of EJ policy efforts but are often insufficient (Petersen et al., 2006).

Interviewees also discussed challenges within engagement practices, identifying that agencies' public engagement is often more of a "box-checking" exercise than something that influences decisions.

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 EJ policy efforts in the Delta have failed to be transparent about how and why environmental decisions are made, and who is benefitted or harmed by those decisions has been minimal (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 EJ organizations and community members who are asked to participate in many different agency processes.

For More Information

Please email environmentaljustice@deltacouncil.ca.gov or scan the QR code to access the full public draft Tribal and Environmental Justice issue paper.



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