

Executive Summary

Everyone who lives in the Delta understands that all boats rise together at high tide. Restore the Delta states the environmental concerns and needs of those who will be harmed first by the Delta tunnels project (including what we refer to in this report as Delta environmental justice communities), and advocates for water quality and quantity policies that will serve the entire Delta community.

Delta environmental justice (EJ) communities have a rich historical legacy of reclaiming Delta islands, farming, and aiding landowners through generations of labor to build the wealth of this region. They have their own stories to tell and their own needs to represent regarding Delta water quality, and public access to urban Delta waterways. While half our staff lives and works within the environmental justice community in San Joaquin County, we ourselves are not, by definition, members of Delta EJ communities. But as we represent the Delta in water policy forums, RTD would be remiss were we to ignore the enormous contributions of the Delta's EJ communities to Delta and California life and history.

Our goal in producing this report is to create a solid base of Delta EJ research and related tools to empower local social and environmental justice groups to advocate for themselves in our state's water management processes, as well as help document concerns of Northern California Indian Tribes about Delta water mismanagement. We look forward to various Delta community groups using their own stories to address their own groups' concerns in a manner that connects Delta history, water management science, environmentalism, and economics in the years to come.

What does Restore the Delta mean when we say "Delta environmental justice" communities? What and who are Delta EJ communities? Chapter 1 briefly describes the Delta region and its role in California's water resource development history and geography. Then this chapter defines and describes what environmental justice is. We then use this definition to describe Delta EJ communities throughout the Delta region. (Appendix 1 provides more detailed supporting data.) In short, they are peoples of the Delta who include non-white populations, those who are impoverished of any age, gender, race, or ethnicity in the region, and people who face language barriers. The Delta region is also beset by serious economic and nutritional disparities, including unemployment, low educational attainment rates, and food deserts, all described in Chapter 1.

The Sacramento-San Joaquin River Delta, including the San Francisco Bay-Delta estuary, is one of the most environmentally significant ecosystems on the West Coast of the Americas. Yet, despite its undeniable connection to the preservation of iconic fish and wildlife species, its impact on billion dollar West Coast economies from farming to fishing and tourism, and its integral role in preserving the public health of San Joaquin and Contra Costa Counties, California's political and entrepreneurial elites have spent over half a century pursuing ownership of the Bay-Delta, not only to acquire wealth, but to grasp political and economic power that comes from controlling our state's most indispensable public trust resource: clean water. The latest iteration of this powerplay is the California WaterFix, formerly titled the Bay Delta Conservation Plan (BDCP—more commonly known today as the Delta tunnels project). Its history and effects are described in Chapter 2.

Chapter 2 describes three broad areas of tunnels' impacts on the Delta: first, how the project is essentially illegal for failing to reduce reliance of other regions on the Delta for their future water needs; second, the project has direct impacts to flows and water quality in the Delta; and third, it will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities.

BDCP, began in late 2006, gained political support when Jerry Brown was re-elected governor in 2010 and he again took an active interest in state water issues. In 2012, he announced a project consisting of two tunnels attached to three diversion points in the lower Sacramento River—at Clarksburg, near Hood,

and at Courtland. Water diverted from these new diversion points would flow in two tunnels thirty-five miles south to Clifton Court Forebay near Byron where it would be lifted to either Central Valley Project (CVP) or State Water Project (SWP) aqueducts. Since 2015, the tunnels project has been trimmed of ecosystem restoration pretenses of the BDCP. Its goal is to increase SWP and CVP exports and “water supply reliability” to their customers.

We at Restore the Delta have regarded this project with horror and malice because of its likely ecological effects, but especially in recent years because of its likely human toll from its water quality impacts on the Delta’s struggling regional economy. Restore the Delta’s advocacy against the tunnels is about all Delta communities’ just claim to sustainable wealth, contentment, and environmental health.

For RTD, environmental groups, Northern California Tribes, and the commercial and sport fishing industries, water reliability for California looks like a system of diverse water supply sources that offsets reduced reliance on the Delta (including local self-sufficiency and efficiency projects), while meeting long-legislated salmon-doubling population goals, ridding the Delta of invasive species and toxic stressors (like pesticides and selenium), and ensuring that reduced exports become increased inflows to and through the Delta to San Francisco Bay. In our view, water supply reliability is to be sought elsewhere than at the Delta’s expense, even though we recognize the Delta will always be a water supply donor.

Specifically, the extensive impacts of the Delta tunnels project would devastate Delta EJ communities by reducing through-Delta freshwater flows from the Sacramento River, allowing for increased residence time of polluted and salty San Joaquin River water, and intruding salt water from the San Francisco Bay. Tunnels construction and operation would result in degraded water quality for Delta farms, Delta subsistence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms. These disproportionate effects would make the Delta less desirable as a beloved place, and add to economic distress already prevalent in Delta EJ communities, and would undermine long-term growth in jobs, economic output, and sustainable economic development in the Stockton region.

This report—based on research and analysis provided in testimony to the State Water Resources Control Board (SWRCB) concerning the Delta tunnels project (also known as “California WaterFix”)—seeks to document the size and array of populations that fit established policy criteria defining members of “environmental justice communities.” For example, Restore the Delta’s home-base of Stockton is the state’s most economically distressed city, and the sixth most distressed city in the nation in 2016, with 70.2 percent of Stockton residents living in distressed neighborhoods.

Environmental justice communities have been blatantly disregarded during the state’s tunnels project deliberations and during the water quality control planning processes. More interested in the project’s brand than its environmental justice impacts, the state and federal water agencies undertook a shallow “astroturf” survey in 2010 claiming to represent input from California environmental justice communities statewide. Then they did minimal outreach to actual Delta EJ communities about how the tunnels’ impacts would affect them directly. Moreover, many of their “outreach” documents were not translated into other languages until Delta EJ community groups and Restore the Delta got involved. Chapter 2 also identifies injustices that loom for Northern California Indian tribes, whose cultural reliance on salmon will be destroyed by the tunnels project if it is built and operated.

Water quality planning is another area where Delta EJ concerns must be addressed now and in the future. In Restore the Delta’s experience, the State Water Resources Control Board (SWRCB) has been the state agency most responsive and sensitive to environmental justice issues, including those experienced by Delta residents. While responsive and sensitive, SWRCB is also cautious. They take ample time to evaluate new policies and courses of action before committing to them. This outlook at least partially explains why SWRCB has taken at least twenty-three years to complete a thorough review and revision

of the latest Bay-Delta Plan governing water quality.

As discussed in Chapter 3, the recent Bay-Delta Plan amendments process, and that process's implications for Delta EJ communities, reveal how SWRCB has gotten some things right, and where water quality improvements may still be made. All in all, the SWRCB acknowledges that action must be taken to improve flows and protect Delta water quality, but continues to delay, until at least this November, decisions that would benefit Delta EJ communities. The question we are left with is can the environmental justice community afford these delays?

Chapter 3 describes what the Bay-Delta Water Quality Plan would do, and its strengths and weaknesses. In short, SWRCB seems committed to improving flow conditions for fish, which could have other positive benefits for raising hopes and prospects for fish and people in the Delta. But we express in this chapter lingering concerns in light of the fact that SWRCB proposes the plan simultaneous with its consideration of water rights changes that would also benefit the Delta tunnels project. It remains unclear at this writing whether SWRCB will protect Delta flows for fish and people or allow outside interests vastly increased power and control over Delta water resources at the expense of Delta EJ communities.

The significance of SWRCB's upcoming decisions is magnified by the fact that the Metropolitan Water District of Southern California (MWD) looms large in the Delta's future and the future of Delta EJ communities. MWD now owns five Delta islands (Chippis, Webb, Holland, Bouldin, and Bacon), and is the controlling entity on two new "joint powers authorities" launched recently to govern design, construction, and financing of the tunnels project. This means that the most Delta-interested Southern California water agency is now an immediate neighbor, quite probably our largest Delta landowner, and wields considerable power over looming water diversions here. Delta residents—including especially our environmental justice communities—will be confronted with this distant and largely indifferent power in their midst whether MWD is a good or a bad neighbor.

Chapter 4 of this report reviews what we understand to date about MWD's presence here. We ask what we think are crucial questions as Delta water planning and projects move forward. How does the Delta as a region respond to its new neighbor? Particularly, how do Delta EJ communities respond to its new neighbor? Who will keep eyes on our new neighbor so Delta residents know what is coming their way?

We conclude that the Delta is not a problem for Delta people. The Delta is our home, where our hearts lie and our livelihoods are made. But the water problems of the rest of California are frequently laid at our doorstep, problems the distant powers demand we solve. Whether communicating with the general public, media, government agencies, water districts, agriculture organizations, tech advocates, or elected officials, Delta-region city and county governments, water agencies, and non-profit groups are almost always expected to address our proposed solution for the Delta. Unwilling to solve their internal watershed problems, Californians from elsewhere prefer to burden Delta ecosystems and economies to solve their problems through water exports, and then criticize Delta interests for daring to question the efficacy of their and the state's management of the Delta and California water. More often than not, our concerns are met with statements like: "If Delta interests oppose the tunnels, they must have a plan for how importing cities like Silicon Valley and Los Angeles will get water without the project," or "If Delta interests insist that more freshwater flows are needed for restoration of the estuary, they must also solve the water needs of agri-businesses upstream."

This burden needs to shift. Sacrifice for the good of California water supply and environmental health needs to be shared. The Delta has borne most of the sacrifice with the exploitative exports and collapsing native ecosystems and fish species it has endured over the last half-century. Our report details how proposals to increase water exports and revamp water quality regulation will likely affect the residents and citizens of the Delta's future—including its environmental justice communities—extending into the next half-century.

Restore the Delta maintains that DWR needs to scrap the tunnels project for the reasons listed page-by-page in this report—from construction impacts to water quality degradation; from project costs to looming privatization of the state’s primary water delivery system; from destruction of habitat for greater sandhill cranes and the failure to double salmon populations to significant rate and property tax increases for water users to loss of jobs for Delta EJ communities.

All Delta people as Americans have rights: rights to beneficially use water for drinking, fishing, farming, swimming, and to protect the public trust. And we fight to continue exercising these rights every day of our lives.

It is the state’s responsibility to lead water management planning for all Californians, including Delta residents and Delta EJ communities. DWR has a responsibility to manage water, a public trust resource for all Californians, but instead it has functioned as a wholly-owned subsidiary of the Metropolitan Water District as described in Chapter 4 with the creation of the Delta Conveyance Finance Authority. We believe that the cure going forward for the state’s planning failure as exemplified by California WaterFix and the complete dismissal of Delta EJ communities is inclusion, transparency, and accurate analysis that considers multiple solutions to the water crisis within the Delta and throughout California.

We believe that the cure going forward is a radical embracing of the 2009 Delta Reform Act by political and water agency leaders, as well as the State Water Resources Control Board, in all planning processes. This established body of laws requires reduced reliance on the export of Delta water. Actions to prepare for California’s future water needs follow from this official state policy. The Delta Reform Act requires restoring the Delta’s waterways and ecosystem, in addition to protecting Delta economies and communities as places of cultural and historical significance.