

# Delta water crisis linked to California's racist past, tribes and activists say

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Tribes and environmental groups are challenging how the state manages water in the Sacramento-San Joaquin River Delta, a major source for much of California, arguing the deterioration of the aquatic ecosystem

has links to the state's troubled legacy of racism and oppression of Native people.

A group of activists and Indigenous leaders is demanding that the state review and update the water quality plan for the Delta and San Francisco Bay, where fish species are suffering, [algae blooms](#) have worsened and climate change is adding to the stresses.

The tribes and [environmental groups](#) submitted a petition to the State Water Resources Control Board demanding the state change its approach and adopt science-based standards that ensure adequate flows in the Delta to improve water quality and sustain imperiled fish, including species that are at risk of extinction.

They said the ecological crisis in the Delta has its roots in California's history of violence against Native people, the taking of land from tribes and structural racism that shaped how the [water rights](#) system was established more than a century ago. They said deteriorating conditions in the estuary represent a "continuation of California's discriminatory water management history."

They wrote in their 169-page petition that the state water board's "failure to adopt sufficiently protective water quality standards entrenches a discriminatory system of water rights that was founded on the dispossession of Indigenous Californians and exclusion of communities of color, and that continues to prioritize large-scale agricultural interests over those of vulnerable Californians living in the Delta."

The petition was filed Tuesday by the Winnemem Wintu Tribe, Shingle Springs Band of Miwok Indians, Save California Salmon, Little Manila Rising and Restore the Delta, who are represented by a legal team from Stanford Law School's Environmental Law Clinic.

The petitioners called for the state water board to carry out a review of the Bay-Delta water quality standards through a public process and to consult with tribes in updating the standards, while recognizing and incorporating tribal uses of water.

They said the state should adopt new water quality standards that ensure adequate flows in the Delta. They urged the state water board to "regulate and restructure water rights as necessary," including the most senior pre-1914 water rights, to implement the standards and to limit diversions and exports of water.

"Business as usual cannot continue. It's not sustainable," said Caleen Sisk, chief and spiritual leader of the Winnemem Wintu Tribe. "They need to rethink and redo. And do it better."

For the Winnemem Wintu, whose ancestors were displaced by the construction of Shasta Dam, salmon are central to their cultural and spiritual traditions. But endangered winter-run Chinook salmon, which migrate through the Delta, have suffered as years of drought and low reservoir levels have left the Sacramento River too warm for most of their offspring to survive.

Other threatened or endangered fish species include [delta](#) smelt, longfin smelt, spring-run Chinook, green sturgeon and Central Valley steelhead.

Sisk and others who signed the petition said the crisis in the Delta has been "exacerbated through the construction and operation of large-scale Delta water export projects to feed the growth of agricultural industries in arid areas to the south."

Large quantities of water are diverted to supply vast farmlands growing almonds, pistachios, grapes, alfalfa and other crops. Water deliveries for agriculture have been cut back substantially during the drought, forcing

growers to leave some lands dry or pump more groundwater.

But Sisk and others said the water system is structured in a way that continues to give preferential treatment to large agricultural interests that have senior water rights.

Some of the oldest rights date to the 1800s, when white settlers staked their claims, sometimes by nailing a notice to a tree.

Today, while many crops are exported in large quantities for profit, the water diversions are exacting a worsening environmental toll, Sisk said.

"How is it that Big Ag uses 80% of the water and then ships its products out of state or out of country, and uses all this water, and that the state is left with the deficit?" Sisk said. She said the current system is giving agriculture too much water, while not dedicating nearly enough for local communities, fish and the environment.

In March, Gov. Gavin Newsom's administration announced a controversial \$2.6-billion deal with major water suppliers that they say would bolster the Delta's ecosystem. Under these proposed voluntary agreements, agencies that supply farms and cities would give up some water or secure additional supplies to help threatened species, while state, federal and local agencies would fund projects to improve habitat in the watershed.

The plan has been condemned by environmentalists as a set of backroom deals negotiated out of the public eye that wouldn't provide nearly enough water for threatened fish or the overall health of the watershed.

Those who filed the petition said the proposed agreements, which have yet to be endorsed by the state water board, are the wrong approach. They said the tribes should have been consulted and the process should

instead start with updating the water quality standards.

"That process is moving forward with a framework that is not protective of the Delta," said Barbara Barrigan-Parrilla, executive director of Restore the Delta. "And science already has shown that what the Delta needs is more water moving through it."

State data show that on average, about 47% of the state's water goes to the environment, staying in rivers and wetlands. About 42% is used by agriculture, while 11% is used in cities and towns.

But the groups said in their petition that dams and water diversions have drastically reduced flows in the Delta. On average, they said, about 31% of the watershed's flow is diverted upstream from the Delta, and the combined effect of these diversions and water exports cut average annual outflow from the Delta by nearly half between 1986 and 2005.

"If nothing changes, the climate crisis will push these already tenuous conditions to the brink of disaster," they said in the petition. "Without improved management, the results will include increasing salinity, proliferation of harmful algal blooms, spread of nonnative invasive species, decline of native [fish species](#), and other harms to the estuarine ecosystem—all of which will do further violence to tribes and other vulnerable Delta communities."

Elaine Labson, health equity director of Little Manila Rising, said people who immigrated to California during the U.S. occupation of the Philippines worked in the Delta building levees and laboring in fields of asparagus, onions and potatoes. However, they didn't gain water rights.

"From 1913 to 1945, California's racist Alien Land Law prevented Filipinos from owning property, which is a prerequisite for acquiring water rights," Labson said in a statement.

Today, she said, the degraded state of Delta waterways in and around Stockton poses health risks for residents. Labson noted that high nutrient levels and warm waters, resulting in part from low flows in the San Joaquin River, create conditions that allow harmful algal blooms.

She pointed out that last year the state water board adopted a racial equity resolution in which officials "acknowledged that the historical effects of institutional racism must be confronted throughout government." If this resolution is to have meaning, Labson said, the board "must take action to restore flows to the Delta."

The state water board said officials will need to carefully evaluate the petition before responding.

"Updating the Bay-Delta Plan is one of the board's highest priorities," the agency said in a statement. "The board completed a significant update in 2018 for the Lower San Joaquin River tributaries and anticipates completing updates for the Sacramento River and Delta in the next two years."

It said this process will include an analysis of the proposed voluntary agreements, and the board will analyze the agreements "in conjunction with other alternatives for updating the Bay-Delta Plan."

Sydney Speizman, a student attorney with the Stanford Environmental Law Clinic who helped prepare the petition, said the board is supposed to update the plan and its [water quality](#) standards every three years, but it's been at least 16 years since that last happened.

"They've fallen woefully short of that duty with the standards that they have put forward," Speizman said. "The Delta is in crisis, and [climate change](#) is pushing that to the brink. And the board, we're saying, needs to act upon its duties under the law to protect this ecosystem."

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