



## Day of Action for Water Justice July 5, 2023 Restore our Rivers for Tribes, Communities and the Environment

### Coalition Statement

As representatives of tribal, environmental justice, fishing, and conservation communities, we call on the Newsom Administration to set California on a path to a sustainable water future.

California’s water management system is broken. This is especially evident in the Bay-Delta and its watersheds. California’s approach to allocating water suffers from two major structural flaws.

First, it was [built on a racist legal system, the 19th century](#) “war of extermination” on California’s Indigenous Peoples. It also prohibited people of color from owning land and water rights. Unlike other states, California has not acknowledged that Tribes are the first in time water right holders. Disenfranchised communities continue to suffer the consequences of these

inequities to this day. Tribal, environmental justice, and other stakeholder communities have been historically, and continue to be, kept from key decision-making processes.

Second, California's consumption of limited water supplies is unsustainable. Overzealous water diversion from California's Central Valley rivers and the Delta has led to endangered status for six Bay-Delta native fish species including Chinook Salmon. Water diversions have also severely impacted Tribal subsistence fishing in the Bay-Delta, its tributary rivers and the Trinity and Klamath River systems. The ecological impacts extend into the Pacific Ocean; California closed its Chinook Salmon fishery this year ([for only the third time in state history](#)) because the state has mismanaged the rivers where these remarkable fish spawn and grow. Excessive water diversions have also caused polluted waterways and significant toxic algae outbreaks that threaten public health in Delta environmental justice communities and state drinking water supplies.

The perpetual quest of water agencies to divert ever more water from the Bay-Delta and its rivers exacerbates the negative effects of this inequitable and unsustainable water management system. Correcting these problems requires aggressive action to reduce the state's water demand. Climate change only adds urgency to this need.

***We urge the Newsom Administration to take the following steps:***

**Support pending legislation that will strengthen protections for California's waterways and the communities that depend on them.**

- AB 1337 (Wicks) which would authorize the State Water Resources Control Board (SWRCB) to curtail diversions when water is not available.
- AB 460 (Bauer-Kahan) which would increase the SWRCB's ability to halt illegal water diversions and penalties for those diversions.
- SB 389 (Allen) which would increase the SWRCB's ability to confirm the amount of water that senior water rights holders are entitled to so that more water can be available for fishery or other beneficial uses of water in times of scarcity.

**Stop wasting taxpayer and ratepayer dollars on expensive water infrastructure projects that fail to address the underlying issue of unsustainable demand.**

- Governor Newsom's Delta Conveyance ("Delta Tunnel") scheme and the proposed Sites Reservoir double-down on California's unending efforts to divert ever more water from the over-tapped Bay-Delta watershed. Each of these projects would cost billions to build and maintain and will cause additional damage to the salmon industry, cultural resources, and to ecosystems that are already collapsing. The money and agency resources dedicated to these projects could be put to much better use through investments in water recycling, urban stormwater capture, efficiency, repurposing of marginal agricultural land, and other means of reducing California's demand for water.

**Reverse Trump-era policies that destroy our salmon fisheries, imperiled fishes, and water quality.**

- Governor Newsom promised to defend California’s rivers, fish, wildlife, and communities from President Trump’s unprecedented rollback of environmental protections. Indeed, the state sued the federal government over the Trump Administration’s Endangered Species Act biological opinions for imperiled Bay-Delta and Trinity River fishes – also known as “Trump’s Extinction Plan.” But the state’s plan for managing its State Water Project is nearly identical to the federal plan the State has fought in court to invalidate. The state’s “Trump Light” plan increases water exports from the Delta and increases harm to species that are collapsing. The invalidated Trump biological opinions also serve as the foundation for proposed “voluntary agreements” that the Newsom Administration has negotiated with powerful water districts, while excluding tribes and impacted environmental justice communities.

**Require the State Water Resources Control Board to [complete its update of its Bay-Delta Water Quality Control Plan \(Bay-Delta Plan\)](#) with science-based safeguards that protect our fisheries and communities.**

- The SWRCB is in year 15 of a required three-year review of the Bay-Delta Plan. Most of the Plan’s standards date to 1995. The Water Board and state and federal agencies admit that current requirements are inadequate to protect native fish and wildlife or basic water quality. Adequate water quality safeguards must achieve the Plan’s objectives of restoring Central Valley Chinook Salmon populations and maintaining viability of other native fishes, while identifying and protecting Tribal Beneficial Uses of water and protecting impacted environmental justice communities from toxic algae. For four-and-a-half years, the Newsom Administration has blocked updates to the Bay-Delta Plan and implementation of new standards that were adopted in 2018.

**Engage with our communities to develop 21st century approaches to sustainable water management that protect California’s environment and people.**

- Equitable, balanced, and sustainable decisions cannot be achieved in processes that exclude those who suffer most from environmental degradation. The Governor has not met directly with representatives of Tribal, conservation, fishing and environmental justice communities in the Delta watersheds on water issues since becoming governor.
- Our communities have generations of experience with and knowledge of California’s waterways. Developing durable and sustainable solutions to California’s water crisis requires engaging with those who are most directly affected by, and versed in, the current system’s excesses and inequities, but who also have experience creating on-the-ground solutions.

**Support, acknowledge, and if asked, adjudicate Tribal water rights.**

It is not enough to apologize for genocide and to set beneficial uses. California must acknowledge that Tribes are the “first in time” water rights holders and work with Tribes to use water rights in setting instream flows to protect significant species and Tribal Beneficial Uses.

- Work with the Federal Government (the trustee) and federally and state recognized Tribes to set flows for water quantity and quality that support fish even in cases where this will require adjudication or readjudication.
- And, the state must work with non-recognized Tribes to create laws, executive orders, and processes for protecting the rights and beneficial uses of non-recognized Tribes, when the trustee will not work to protect or adjudicate Tribal water rights.

**Include Tribal Beneficial Uses in water planning updates and then ensure that those beneficial uses are protected.**

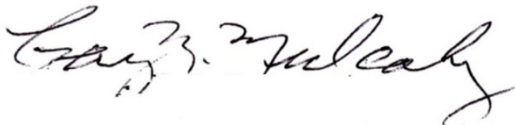
- We fully support the inclusion of Tribal Beneficial Uses in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan)
- Tribal subsistence and cultural use continuance depends on the ongoing reciprocal relationships of Tribal families to these Tribal Beneficial Uses of water. Since time immemorial these waters have sustained Tribal families in a reciprocal way.
- It is important that the governor recognize that healing depends on the health and full protection of waters in each Tribes' traditional territories, including those of the Sacramento River, Bay-Delta, and San Francisco Bay.



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