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Tribunal Considers the Rights of Nature in the San Francisco Bay-Delta

Antioch, CA – Today, the Bay Area Rights of Nature Alliance, Restore the Delta, and Move to Amend held a “Rights of Nature Tribunal” regarding the proposed Delta Tunnels (California WaterFix) proposal.

The San Francisco Bay-Delta lies polluted and suffering in a state of perpetual, human-made drought. An estimated 95 percent of the historic Delta natural habitat has been lost. Between 2.1 million to 6.9 million acre-feet of water is exported from the Delta every year. Numerous Delta species face extinction, including the Delta Smelt and Winter-run Chinook Salmon. Marine species that depend on Delta fish for food, such as the Southern Resident Killer Whale, are also imperiled by failing Bay-Delta ecological health.

Dozens of U.S. and international laws have begun recognizing rights and legal standing for ecosystems and species as a new framework for environmental protection, including for the beleaguered Delta. These laws and tribunals are inspired by the Universal Declaration of Rights of Mother Earth.

“This is the first local nature’s rights Tribunal based on the extraordinarily successful International Rights of Nature Tribunal held in Paris during December’s climate talks,” said Linda Sheehan with Earth Law Center.

The Tribunal today addressed alleged violations of nature’s rights and human rights posed by state and federal water management decisions and by Governor Brown’s proposed Delta Tunnels, which would significantly reduce flows needed for Delta waterways and fish.


The Bay Area Rights of Nature Tribunal explored ways to confront a system of law that harms people and nature, identified new strategies to protect nature’s and human rights and to begin the process of healing the Delta. Judges considered water diversions from the Delta not just under existing environmental law, but from the perspective of the inherent rights of ecosystems and species, including the inherent right of the Delta to flow.

Sample Testimony by Witnesses

Roger Mammon, Delta resident and fisherman:
“Sadly, I have watched this magnificent ecosystem slowly die over the past 30 years. When I first began fishing in the Delta I was amazed watching salmon jump out of the water on their way to the Pacific. I look at the Delta as a huge lung that inhales and exhales twice a day through natural tidal movement. A huge weight has been placed on its chest and this once mighty estuary is now gasping for breath.”

Darcie Luce, Friends of the San Francisco Estuary:
“The Delta and the San Francisco Bay are one big estuary. There are now 13 fish species listed as threatened or endangered in the Delta. More than 40 percent of water is diverted, when scientists tell us at least 75 percent of the fresh water should flow through the estuary to be fully protective of fish and wildlife. With the Delta Tunnels, the amount of diverted water will remain the same or be increased. We need more freshwater flows to save the Delta, not less.”

Barbara Barrigan-Parrilla, Restore the Delta:
“What does it mean to destroy the Delta ecosystem? Four million rural and urban residents live in the five Delta counties. The proposed Tunnels would destroy these communities that depend on a healthy delta, and their sustainable ways of life.”

Statements by the Judges

Shannon Biggs, Movement Rights:
“I have watched the harms to the Delta increase my entire life. The Delta is so polluted that it is now unsafe to eat more than one fish a month. Who decides which communities are to be sacrificed? Which fish? The Delta has been violated, raped. There is another way.”

Tim Stroshane, Delta Water Policy Expert:
“We find state and federal water agencies guilty of promoting a tunnel project that would enlarge harm to the beleaguered Delta. These difficulties arise because water is being treated as a commodity, which a water industry seeks to profit from.”

Gary Mulcahy, Winnemem Wintu tribe:
“The rights of nature have been inherent from the beginning of time. We need to get rid of the concept of dominion over the Earth. We — the salmon, the water, the trees, the spiders — are all one thing. The more pieces you take from the whole, the closer you come to becoming extinct. Just like the salmon that my people depended upon.”

At the conclusion of the Tribunal, Linda Sheehan, serving in the role of Prosecutor for the Earth said:
“The rights of people and nature to life-giving water are fundamental rights, and they must be recognized and protected. I urge you to reject the destruction of the Delta and Delta communities, and to call for solutions that respect the laws of nature.”

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