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August 28, 2019

The Honorable Gavin Newsom  
Governor of California  
1303 10th Street, Suite 1173  
Sacramento, CA 95814

The Honorable Mary D. Nichols, Chair  
California Air Resources Board  
1001 I Street, Suite 2828  
Sacramento, CA 95814

Re: Our Position on Tropical Forest Standard and Cap-and-Trade Program

Dear Governor Newsom and Chair Nichols:

This is an update to a recent letter to you, also submitted now as a comment to the California Air Resources Board.

Governor Newsom, you issued an apology in June for the genocide of California's Native Americans during the Gold Rush. We continue to thank and to salute you for that.

Now there is another neocolonial land rush occurring, and California is poised to be a perpetrator. We ask you to stop the adoption of the Tropical Forest Standard (TFS) by the California Air Resources Board, and shut down its political arm, the Governors

Climate and Forests Taskforce. The TFS will not only violate forest peoples' rights,<sup>1</sup> it will be a disastrous repeat of the California genocide in the tropical forests affected.

Indigenous lives and rights have been hard hit because of previous forest carbon offset projects. Despite positive intentions, offset protocols to date, including the U.N.'s Reducing Emissions from Deforestation and Forest Degradation (REDD and REDD+), have been written with industry and stakeholder influences and have resulted in grave environmental injustices internationally, including the forced removals of Indigenous peoples from their territories, and what is now known as "carbon violence" against them.<sup>2</sup>

Cap-and-Trade adversely affects California populations, often Indigenous peoples, by allowing higher levels of pollution within the state with the offset tradeoffs. Our hope is that you will end the threat of this ineffective offset program entirely.

No amount of proposed TFS oversight by the State of California can stop neo-colonial land grabs from happening to Indigenous peoples under the aegis of TFS or any other offset program. Their self-determination has been violated as well as other collective and individual human rights and fundamental freedoms.

Acre, Brazil is one of the three beachheads of California TFS. The situation for Indigenous peoples and the Amazon is dire under the presidency of President Bolsonaro, a racist who opposes action on climate change and has lamented that Indigenous peoples were not exterminated.<sup>3,4</sup>

Late in July, 20,000 miners were reported to have invaded the Yanomami reserves in the Amazon. President Bolsonaro failed to act to stop them: "Bolsonaro claims indigenous people want mining and industrial agribusiness on their lands, but the Yanomami vehemently deny such desires. They say they want self-determination over the types of businesses on their lands."<sup>5</sup>

REDD Monitor reported that in his letter opposing the TFS, Senator Wiecekowski points out "despite the on-going jurisdictional REDD programme in Acre, deforestation rates

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<sup>1</sup> <https://www.reuters.com/article/us-california-climatechange-carbon-fores/california-split-over-carbon-trading-plan-for-tropical-forests-idUSKCN1P31OP>

<sup>2</sup> <https://www.oaklandinstitute.org/carbon-violence-darker-side-green>

<sup>3</sup> <https://theintercept.com/2019/07/06/brazil-amazon-rainforest-indigenous-conservation-agribusiness-ranching/>

<sup>4</sup> <https://redd-monitor.org/2019/02/20/brazils-funding-proposal-for-redd-results-based-payments-to-the-green-climate-fund-would-set-a-terrible-precedent/>

<sup>5</sup> <https://www.theguardian.com/world/2019/jul/19/jair-bolsonaro-brazil-amazon-rainforest-deforestation>  
<https://news.mongabay.com/2019/07/yanomami-amazon-reserve-invaded-by-20000-miners-bolsonaro-fails-to-act/>

have been increasing. Between 2017 and 2018, deforestation shot up by 83%.”<sup>6</sup> REDD+ has now been labeled a failed programme.<sup>7</sup> Germany and Norway recently withdrew from Amazon Fund precisely because any kind of environmental partnership for deforestation with Bolsonaro’s Brazil is impossible.<sup>8</sup>

Meanwhile over 74,000 fires rage in the Amazon, many started on purpose with Bolsonaro’s implicit support by miners, cattle ranchers, and agribusiness. These developments also come home politically to the U.S.: “Documents reveal that those interests are being pushed in the U.S. by Republican lobbyists, friendly with President Donald Trump’s administration, who entered into talks with the Brazilian government to promote corporate investment in the Amazon.”<sup>9</sup>

Indigenous peoples have been widely impacted. In the “state of Mato Grosso, which has had more fires than anywhere else in Brazil this year, burning has been detected inside indigenous lands and nature reserves.”<sup>10</sup>

California needs to immediately desist from promoting false solutions to climate change like the TFS and the Governors' Climate and Forest Taskforce and from collaborating with the genocidal Bolsonaro regime.

The current chaos of ecocide and genocide in this new Gold Rush is unstoppable, absent the public will and intervention of Brazil’s government, which is allowing this invasion, and international sanctions. No amount of California carbon offset standards, oversight, and expenditure can control or even affect the destructive forces now unleashed. They will only create incentives for additional land grabs and carbon violence, while failing on so many other levels.

Emissions offsets were never meant to do what they’ve been asked to do. They can’t. The academic theorists who developed them admitted as much. Offsets have inherent problems that cannot be overcome.

Economist Thomas D. Crocker, who originally developed the theory of tradable emissions permits as a University of Wisconsin graduate student in 1966, indicated his

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<sup>6</sup> <https://redd-monitor.org/2019/08/22/letter-from-california-senator-bob-wieckowski-i-write-to-express-our-strong-opposition-to-the-air-resources-boards-tropical-forest-standard/#more-47611>

<sup>7</sup> <https://redd-monitor.org/2019/08/28/guest-post-the-amazon-fires-mark-the-end-of-redd/>

<sup>8</sup> <https://www.theguardian.com/world/2019/aug/16/norway-halts-amazon-fund-donation-dispute-brazil-deforestation-jair-bolsonaro>

<sup>9</sup> <https://theintercept.com/2019/08/23/gop-lobbyists-help-brazil-recruit-u-s-companies-to-exploit-the-amazon/>  
<https://theintercept.com/2019/08/27/amazon-rainforest-fire-blackstone/>

<sup>10</sup> <https://www.theguardian.com/environment/2019/aug/23/amazon-fires-global-leaders-urged-divert-brazil-suicide-path>

own doubts in 2009, “I’m skeptical that cap-and-trade is the most effective way to go about regulating carbon.”<sup>11</sup>

The other originator of emissions trading, John Dales, was also skeptical of using the idea to address global warming: “It isn’t a cure-all for everything . . . There are lots of situations that don’t apply.”<sup>12</sup>

Offsets were, however, pushed to become economic generators from disaster capitalism. Previous offset programs in these areas have failed to deal with offsets’ inherent problems and are rife with corruption, violence, and fraud. In addition, the U.N.’s REDD+ offsets have allowed and encouraged offset project lands to be clearcut, deforested, harvested, mined, and replanted with monoculture plantations and industrial agriculture, to maximize industrial resource extraction and development.

Remaining Indigenous lands are often the last, relatively intact ecosystems left to us. Our hope is that they remain under Indigenous stewardships for the benefit of the entire planet. The persistence of life as we know it on Earth hangs in the balance.

While entire ecosystems are under continuous threat of destruction, so too are Indigenous cultures and legacies of intimate knowledge of their lands and places, sacred to them, spanning back thousands upon thousands of years in place.

Their lands and places were and still are sacred—their deities, their ancestors, their sources of survival, their final resting places, their histories, their lives. Indigenous realities of their relationships to the Earth and the facets of the sacred are as complex, grand, and ancient as those of Europeans. It is equivalent to Europeans’ cathedrals, generations of ancestors entombed, battlefields, gardens, lofty mountain peaks. Recently there was world-wide horror as Notre Dame burned. Imagine if that conflagration had been deliberately set by France’s own policies.

South America is still alive as the sacred place of a monumental great serpent, Amaru-ka. Its many facets, its sacred mountains and rivers, its lush and mysterious forests, the beings who inhabit them, are all held with great respect, for many reasons.

The greater San Francisco Bay Area has been sacred to the Ohlone for well over 5,000 years, older than Stonehenge.<sup>13</sup> Their culture heroes, including Coyote, Hummingbird, and Condor/Eagle—are immanent in the landscape there, the Bay as the Condor/Eagle, with wings outstretched.

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<sup>11</sup> [www.wsj.com/article\\_email/SB125011380094927137-IMyQjAxMDI5NTEwMzExMTMzWj.html](http://www.wsj.com/article_email/SB125011380094927137-IMyQjAxMDI5NTEwMzExMTMzWj.html)

<sup>12</sup> [www.wsj.com/article\\_email/SB125011380094927137-IMyQjAxMDI5NTEwMzExMTMzWj.html](http://www.wsj.com/article_email/SB125011380094927137-IMyQjAxMDI5NTEwMzExMTMzWj.html)

<sup>13</sup> <http://www.sacredamerica.org/2018/04/dancing-on-edge-of-pacific.html>

Yet the Bay Area has been engulfed by development and pollution, including from the industrial oil facilities at Richmond, Martinez, Rodeo, and Benicia.<sup>14</sup> The threat to communities such as these in California from the fossil fuel industries is massive and ongoing. These facilities all touch the great bird's wings—and pollute the Bay.

Noting California's standing as a "majority people of color state," the California Air Resources Board's own Environmental Justice Advisory Committee reported weaknesses of the Cap-and-Trade program and advised, "Minimize or eliminate carbon offsets, and international forestry offset programs such as REDD, since it can diminish direct industrial emissions reduction at fence-line communities and compromise GHG reductions in the state."<sup>15</sup>

The real solution is to cut pollution at source, keep fossil fuel in the ground, support clean energy, and implement a just transition here in California.

The Tropical Forest Standard will fuel land grabs and violence in the rainforests. Brazil's profiteers are already burning the rainforest down, stoked by corporate interests. California is about to give them more license to do so, as well as license to the state's polluters to pollute.

These rainforests, these lands, rivers, and air, are sacred, not just to the Indigenous still there, but to all of us. We cannot exist without them.

The Earth is holding her breath. So are we all.

With respect,

Lou-Anne Fauteck Makes-Marks, Ph.D.  
Founder, Sacred America

Tom Goldtooth  
Executive Director, Indigenous Environmental Network

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<sup>14</sup> [https://ecology.iww.org/PDF/misc/BayAreaRefineryInfrastructure.pdf?bot\\_test=1](https://ecology.iww.org/PDF/misc/BayAreaRefineryInfrastructure.pdf?bot_test=1)

<sup>15</sup> [https://ww3.arb.ca.gov/cc/ejac/meetings/041014/final\\_ejac\\_recommendations.pdf](https://ww3.arb.ca.gov/cc/ejac/meetings/041014/final_ejac_recommendations.pdf)

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