

# SACRED AMERICA

## NATIVE AMERICAN SACRED PLACES

July 22, 2019

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

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

Dear Governor Newsom:

You apologized publicly last month for the genocide of California's Native Americans during the Gold Rush. We thank and 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. 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 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 people, 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 forestry offset program. Their self-determination has not been respected to date.

---

<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>

This past week, 20,000 miners were reported to have invaded the Yanomami reserves in the Amazon. Brazil's 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>3</sup>

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 can not 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 own doubts in 2009 as retired academic, "I'm skeptical that cap-and-trade is the most effective way to go about regulating carbon, . . . He says he prefers an outright tax on emissions because it would be easier to enforce and provide needed flexibility to deal with the problem":<sup>4</sup>

Mr. Crocker sees two modern-day problems in using a cap-and-trade system to address the global greenhouse-gas issue. The first is that carbon emissions are a global problem with myriad sources. Cap-and-trade, he says, is better suited for discrete, local pollution problems. "It is not clear to me how you would enforce a permit system internationally," he says. "There are no institutions right now that have that power" . . .

The other problem . . . is that quantifying the economic damage of climate change—from floods to failing crops—is fraught with uncertainty.<sup>5</sup>

The other originator of emissions trading, John Dales, "was also a skeptic of using the idea to tame global warming." "It isn't a cure-all for everything . . . There are lots of situations that don't apply."<sup>6</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 deforested,

---

<sup>3</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/>

<sup>4</sup> Jon Hilsenrath, "Cap-and-Trade's Unlikely Critics: Its Creators," *The Wall Street Journal* (13 August 2009), [www.wsj.com/article\\_email/SB125011380094927137-IMyQjAxMDI5NTEwMzExMTMzWj.html](http://www.wsj.com/article_email/SB125011380094927137-IMyQjAxMDI5NTEwMzExMTMzWj.html)

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

harvested, mined, and replanted with 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 in Indigenous stewardships as immense carbon sinks 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.

As an example, the greater San Francisco Bay Area has been sacred to the Ohlone for well over 5,000 years, older than Stonehenge.<sup>7</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.

Yet the Bay Area has been engulfed by development and pollution, including from the industrial oil facilities at Richmond, Martinez, Rodeo, and Benicia.<sup>8</sup> The threat to communities such as these in California from the petroleum industries is massive and ongoing. And 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 fenceline communities and compromise GHG reductions in the state."<sup>9</sup>

Would it not make more sense to put mitigation for pollution into the communities most impacted by them, here in California, than to continue offsets? And wouldn't it be more logical to provide more stringent caps for polluters?

---

<sup>7</sup> <http://www.sacredamerica.org/2018/04/dancing-on-edge-of-pacific.html>

<sup>8</sup> [https://ecology.iww.org/PDF/misc/BayAreaRefineryInfrastructure.pdf?bot\\_test=1](https://ecology.iww.org/PDF/misc/BayAreaRefineryInfrastructure.pdf?bot_test=1)

<sup>9</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)

The Tropical Forest Standard can not be trusted to stop the land rush in the rainforests. Brazil's profiteers are already in place. California is about to give them more license to do so, as well as license to the state's polluters to pollute.

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

The Earth is holding her breath.

With respect,

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

Electronically Submitted

[governor@gov.ca.gov](mailto:governor@gov.ca.gov)

Copies to:

[rachel.wagoner@gov.ca.gov](mailto:rachel.wagoner@gov.ca.gov)  
[christine.hironaka@gov.ca.gov](mailto:christine.hironaka@gov.ca.gov)  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[sectyblumenfeld@calepa.ca.gov](mailto:sectyblumenfeld@calepa.ca.gov)  
[malinda.dumisani@calepa.ca.gov](mailto:malinda.dumisani@calepa.ca.gov)  
[anna.ferrera@calepa.ca.gov](mailto:anna.ferrera@calepa.ca.gov)  
[yana.garcia@calepa.ca.gov](mailto:yana.garcia@calepa.ca.gov)  
[mnichols@arb.ca.gov](mailto:mnichols@arb.ca.gov)  
[dist1@bos.cccounty.us](mailto:dist1@bos.cccounty.us)  
[david.garcia@arb.ca.gov](mailto:david.garcia@arb.ca.gov)  
[veronica.eady@arb.ca.gov](mailto:veronica.eady@arb.ca.gov)  
[senator.atkins@senate.ca.gov](mailto:senator.atkins@senate.ca.gov)  
[senator.allen@senate.ca.gov](mailto:senator.allen@senate.ca.gov)  
[senator.hueso@senate.ca.gov](mailto:senator.hueso@senate.ca.gov)  
[senator.monning@senate.ca.gov](mailto:senator.monning@senate.ca.gov)  
[senator.wieckowski@senate.ca.gov](mailto:senator.wieckowski@senate.ca.gov)  
[speaker.rendon@assembly.ca.gov](mailto:speaker.rendon@assembly.ca.gov)  
[assemblymember.bloom@assembly.ca.gov](mailto:assemblymember.bloom@assembly.ca.gov)  
[assemblymember.friedman@assembly.ca.gov](mailto:assemblymember.friedman@assembly.ca.gov)  
[assemblymember.eduardogarcia@assembly.ca.gov](mailto:assemblymember.eduardogarcia@assembly.ca.gov)  
[assemblymember.garcia@assembly.ca.gov](mailto:assemblymember.garcia@assembly.ca.gov)  
[assemblymember.kalra@assembly.ca.gov](mailto:assemblymember.kalra@assembly.ca.gov)  
[assemblymember.reyes@assembly.ca.gov](mailto:assemblymember.reyes@assembly.ca.gov)  
[assemblymember.skinner@assembly.ca.gov](mailto:assemblymember.skinner@assembly.ca.gov)  
[nidia.bautista@sen.ca.gov](mailto:nidia.bautista@sen.ca.gov)  
[shaina.brown@sen.ca.gov](mailto:shaina.brown@sen.ca.gov)

alexis.castro@sen.ca.gov  
derek.chernow@sen.ca.gov  
kip.lipper@sen.ca.gov  
katerina.robinson@sen.ca.gov  
nancy.skinner@sen.ca.gov  
henry.stern@sen.ca.gov  
bethany.westfall@sen.ca.gov  
roseryn.bhudsabourg@asm.ca.gov  
autumn.burke@asm.ca.gov  
mark.farouk@asm.ca.gov  
matthew.hamlett@asm.ca.gov  
zachary.leary@asm.ca.gov  
lawrence.lingbloom@asm.ca.gov  
marie.liu@asm.ca.gov  
sean.macneil@asm.ca.gov  
alana.mathews@asm.ca.gov  
chad.mayes@asm.ca.gov  
chris.reefe@asm.ca.gov  
mark.rossow@asm.ca.gov  
guy.strahl@asm.ca.gov  
mandi.strella@asm.ca.gov