November 10, 2020

Dr. David Boyd

UN Special Rapporteur on human rights and the environment   
Thematic Engagement,   
Special Procedures and Right to Development Division   
UNOG-OHCHR CH-1211 Geneva 10,   
Switzerland

Re: Input to report on the global water crisis and human rights

miSmin tuuhis (Hello) Dr. Boyd,

According to the Amah Mutsun creation story, Creator gave our Tribe[[1]](#footnote-1) the sacred responsibility to care for and steward our ancestral territory of Popeloutchom and all of its inhabitants—including the two- and four-legged, the winged, and the finned. This obligation was interrupted through the violent displacement of our people to the Missions Santa Cruz and San Juan Bautista during the colonization of modern-day coastal California, but today we are returning to active stewardship of the lands and waterways of our ancestral territory. From our perspective as the original environmental stewards of this region, we offer our concerns over the growing threats to water and a diversity of water-related lifeways, cultural practices, and beneficial uses within our territory and beyond. Recognizing that human rights are a principal focus of this report, we stress that our concerns extend also to the rights of our non-human relations with whom we share our world and wellbeing.

Following colonization, much of Amah Mutsun ancestral territory—extending from the southern reaches of the San Francisco Bay watershed south to the mountains and valleys of the Pajaro River and the neighboring watersheds that flow into Monterey Bay—was converted to support intensive agricultural production and, more recently, high-value residential real estate on the edge of Silicon Valley. These developments have caused widespread modification of watersheds along with unsustainable water-use and damage to ecological communities. As a result, various interconnected problems are becoming increasingly severe, including the reduction and contamination of surface waters, the overdraft of groundwater supplies and seawater intrusion into coastal aquifers, and the destruction of ecological integrity and habitat. The ongoing influence of climate change is expected to worsen many of these problems, while increasing the severity of drought, flooding, and wildfire in the region.

After the forced displacement of Indigenous peoples from the Monterey Bay region, an ongoing process of environmental and hydrologic modification disturbed and destroyed the ecosystems and waterways that native peoples had long stewarded and relied upon for their wellbeing. This process has included the channelization and control of many streams and rivers and the intentional drainage of large expanses of wetlands and sloughs to create landscapes amenable to large-scale agriculture. Reservoir construction in the upper reaches of the Pajaro River watershed also altered flow regimes and led to the loss of open riparian habitat. These changes have degraded or destroyed native plant communities and wildlife habitat that supported numerous species and beneficial uses vital to our culture, and have undermined other desirable ecosystem functions such as flood peak attenuation and sediment storage.[[2]](#footnote-2)

While these changes have turned the Monterey Bay region into a center of global fruit and vegetable production, most major streams, rivers, and estuaries in the region are now categorized as “impaired” by multiple pollutants under state water quality standards[[3]](#footnote-3) and many local census tracts suffer from high levels of drinking water contaminants.[[4]](#footnote-4) Additionally, in some waterways, years of uncontrolled dumping have led to localized pollution and environmental degradation. Overall, these high levels of contamination affect public and environmental health, and diminish the rights and abilities of both humans and other species to safely use water resources for direct consumption, habitat, and for a wide range of other purposes including ceremony, fishing and harvesting, and recreation. As our Tribe works to restore sacred connections and practices within our ancestral territory, these water quality impairments present important barriers to the healthy and sustainable practice of our cultural traditions. Specific examples include the accumulation of toxins within native plants used in traditional basket making as well as in fish and shellfish used as traditional food sources.

The quantity of both groundwater and surface water resources in this region is also severely impacted by the scale and intensity of the region’s agricultural production and domestic and industrial water use. Under the California Sustainable Groundwater Management Act’s designations, the groundwater basins underlying the region are experiencing “critical overdraft” and urgently require more sustainable use to support recovery.[[5]](#footnote-5) This overdraft of groundwater contributes to land subsidence and growing problems of seawater intrusion into freshwater aquifers, a process that contaminates precious and increasingly scarce freshwater vital to a wide range of uses. Dropping water tables—coupled with intensive surface water use and diversion—also reduce the water flowing through watersheds, threatening aquatic species, ecosystem integrity, and various direct and indirect uses.

Ongoing development in this region continues to drive widespread unsustainable modification of watersheds, with long-term, negative impacts for both human and biotic communities. One particularly egregious example is the proposal currently under consideration to construct a sand and gravel mine on the Amah Mutsun sacred site of Juristac, which consists of undeveloped upland and riparian environments that provide crucial hydrologic functions, wildlife habitat, and landscape connectivity to the entire region in addition to its immeasurable cultural significance for our Tribe.[[6]](#footnote-6) To proceed with such shortsighted, profit-driven development in a context of increasing water scarcity and environmental fragmentation would inarguably violate the present and future rights and wellbeing of both the larger human community and our many non-human relations.

Here in coastal California and around the world, we increasingly see the immense costs of the prevailing model of development through the rapidly worsening impacts of acute disasters such as catastrophic wildfires and floods, as well as through slow-onset hazards such as global warming, water scarcity, drought, and pandemic disease. By modifying our watersheds and ecosystems in ways that undermine their capacity to support a diverse array of species and fundamental processes and functions, we destroy the systemic resilience upon which all our wellbeing depends. Although the burdens and impacts of these mounting hazards and disasters currently disproportionately affect poor and marginalized communities and Indigenous people and people of color, the long-term effects of these processes will eventually extend to diminish the rights and wellbeing of everyone and all living things. We hold that we must acknowledge and address the unsustainable practices driving these impacts immediately.

In accordance with our vision for a healthy and sustainable future for all life, we maintain our obligation to steward our ancestral territory and to honor, through ceremony and prayer, the sacredness of Mother Earth. We will continue to work independently and in partnership with those who share our values and commitments to address the problems described above and to restore the waterways and landscapes of Popeloutchom to a condition in which the fundamental rights of humankind and our diverse relations can coexist while sustaining the health of our environment and community for generations to come.

Kan sireesum (With our heart),



Valentin Lopez, Chairman

Amah Mutsun Tribal Band

1. The Amah Mutsun Tribal Band is composed of the living descendants of the Indigenous people forcibly taken to the Missions Santa Cruz and San Juan Bautista, and is one of three historic tribes recognized under the name Ohlone. [↑](#footnote-ref-1)
2. See: Grossinger, RM, EE Beller, MN Salomon, AA Whipple, RA Askevold, CJ Striplen, E Brewster, and RA Leidy, 2008. South Santa Clara Valley Historical Ecology Study, including Soap Lake, the Upper Pajaro River, and Llagas, Uvas-Carnadero, and Pacheco Creeks. Prepared for the Santa Clara Valley Water District and The Nature Conservancy. A Report of SFEI’s Historical Ecology Program, SFEI Publication #558, San Francisco Estuary Institute, Oakland, CA. [↑](#footnote-ref-2)
3. See: https://www.waterboards.ca.gov/water\_issues/programs/tmdl/integrated2010.shtml. [↑](#footnote-ref-3)
4. See: https://oehha.ca.gov/calenviroscreen/indicator/drinking-water-contaminants. [↑](#footnote-ref-4)
5. See: https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/B118-Interim-Update-2016\_ay\_19.pdf. [↑](#footnote-ref-5)
6. See: http://www.protectjuristac.org/. [↑](#footnote-ref-6)