



Amah Mutsun Land Trust | 2460 17th Avenue #1019 | Santa Cruz, CA 95062

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RE: Draft Initial Study and Mitigated Negative Declaration for the Design Level Geotechnical Investigations for the Pacheco Dam Project

Dear Mr. Sexauer:

This letter is written on behalf of the Amah Mutsun Tribal Band (“AMTB”) and the Amah Mutsun Land Trust (“AMLT”) to share their collective concerns regarding the Draft Initial Study and Mitigated Negative Declaration (“MND”) prepared by Valley Water for the Design Level Geotechnical Investigations for the Pacheco Dam Project (“the Project”).

AMTB and AMLT do not support the Pacheco Dam project that the investigations are intended to inform. AMTB and AMLT have the following comments regarding the MND’s section 4.5 “Cultural Resources” and section 4.18.3 “Tribal Consultation.”

Cultural Resources

The MND incorrectly states that the Ohlone live in this part of Central California. “Ohlone” stems from the word “Oljon.” The Oljon Tribe lived on the territory modernly known as Pescadero, California, and did not live within the Project area. There are no known Oljon survivors today. The use of the term “Ohlone” is anthropologically incorrect and offensive in that it misrepresents not only the Oljon Tribe, but other Tribes, including the AMTB who do not identify as Ohlone. Native Americans are not a monolith; each Native American Tribe has its own identity, language, customs, spirituality, stewardship practices, and government structures. Accordingly, Native American Tribes should be referred to by their unique Tribal names, a practice which is particularly important for public and consequential reports such as the subject MND. There are several scholars who have worked with Tribal communities to rethink such anthropological terms. (See Martin Rizzo-Martinez “We are not Animals” (2022); see also Kent Lightfoot and Otis Parrish (2009) California Indians and their Environment).

The MND lacks critical information regarding the cultural context of the project site. For example, there is extensive archaeological evidence of Amah Mutsun peoples living on this landscape for thousands of years. There is a registered archaeological site within close proximity that is 11,200 years old. Highway 152, known as Pacheco Pass, was an important indigenous trade route that was used by Mutsun, Yokuts, Miwok, Mono and other Tribal groups to get from the San Joaquin Valley to the Salinas Valley, San Juan Valley, and Santa Clara Valley for thousands of years. One of the largest and most impressive ceremony dance pits is located within the Project area. There are many recorded cultural resource sites within the Project area and the 200-meter buffer.

The ethnobotanical resources that exist within the Project area and broader landscape are exceptionally rich, including several kinds of acorn and nut-bearing trees, as well as numerous herbaceous plants that are valued in Mutsun culture for subsistence, medicine, and crafting material. AMTB regard plants traditionally used for cultural purposes as critical components of the environment. Yet these same plants are often overlooked by non-indigenous botanists because they are considered common plants and are not carefully documented to evaluate their densities and condition, and how they relate to other cultural resources on the landscape (e.g, bedrock mortar sites, archaeological sites, springs, traditional gathering areas). Sharing a plant list, or a plant palette with AMTB is not a substitute for having Tribal ethnobotanical practitioners document and record those plants in the field. Not all ethnobotanical occurrences are considered significant, as each occurrence must be examined holistically by a Tribal practitioner.

The MND incorrectly characterizes “the Ohlone and other native people” as “hunters, gatherers, and fisherfolk.” (MND, p. 4-64.) This mischaracterization of AMTB’s ancestors is highly insulting. In fact, AMTB’s ancestors were very effective land managers and stewards who did not domesticate plants and animals or practice field agriculture. AMTB’s traditional land stewardship practices included judicious burning, pruning, sowing, selective harvesting, and tilling. This indigenous method left a human imprint that was nuanced, subtle enough to be all but missed by early non-Indian settlers. AMTB’s ancestors echoed natural ecosystems processes through their tending practices. While hunting, gathering, and fishing was one part of AMTB’s traditional way of life, these practices were sophisticated, and took place inside of biologically diverse ecosystems with harvesting occurring as an important part of ecosystem processes, rather than at their expense.

The MND’s discussion of Native Americans perpetuates a common narrative that minimizes their humanity. It is important that the ancestors of this territory are recognized first and foremost as human beings. The ancestors of AMTB were mothers and fathers, grandparents, and children. They were educators, artists, botanists, spiritual leaders, and scientists. They had very formal ways to teach their children about their environment, about how to steward the lands and manage resources. They lived then and live now with a sacred obligation of caring for all living things because all living things are related, and therefore relatives. They learned how to care for their food and medicine plants, how to take care of their winged, finned and four legged relatives, how to use fire as an effective tool, and most of important of all, how to keep Mother Earth sacred. The MND does not acknowledge these

important facts, and in the absence of such facts the human and spiritual impact of the Project to AMTB is unfortunately missed.

The MND states, “traditional native lifeways were disrupted by the influx of European explorers and then profoundly altered by the establishment of the Spanish missions...Colonization and occupation quickly reduced Native populations, displaced them, and dramatically altered their traditional way of life” (MND, p. 4-65.) AMTB and AMLT reject this harmful narrative. This description says nothing of the destruction and domination of the ancestors of AMTB by European colonizers, nor the brutality of the Spanish mission system. The lives of AMTB’s ancestors were not simply “disrupted” or “profoundly altered.” Valley Water must not white wash the history of AMTB.

The Project will desecrate AMTB’s spiritual sites. The remains of the ancestors of AMTB will inevitably be disturbed, resulting in a violation of AMTB’s spiritual beliefs. The destruction and domination of AMTB’s ancestors never ended, rather, it continues to this day with the Project and others alike.

Tribal Consultation

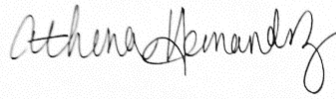
The MND discusses the issues AMTB and AMLT raised in a joint letter written to Valley Water on March 21, 2024, but overlooks important details of that letter and subsequent communications regarding consultation under Assembly Bill 52 (“AB 52”). The MND asserts that the March 21 letter raised three primary issues. In fact, the letter raised three issues regarding Tribal cultural resources. But the letter also raised a fourth issue requesting additional information about receiving a copy of an updated archaeological report from Far Western as well as clarification from Valley Water on whether AB52 consultation was ongoing or whether it had concluded. At that juncture, it was unclear to AMTB and AMLT why Valley Water offered AMTB the opportunity of “informal” consultation when AMTB had been in “formal” AB52 consultation for the larger PREP, and as the letter asserted, clarification on that point was necessary and appreciated. In its April 15, 2024 response letter, Valley Water responded to the request for additional information about receiving a copy of the archaeological report from Far Western, but Valley Water never responded to the request for clarification on the status of AB52. In the subsequent meeting with Valley Water on April 24, 2024, AMTB and AMLT raised the AB52 issue, again seeking clarification on the status and expressing confusion about what Valley Water had deemed “informal consultation.” Valley Water asserted that AMTB did not request AB 52 consultation, and therefore did not have the benefit of this type of formal consultation for the geotechnical investigation.

Subsequently, AMTB provided documentation showing that it had requested consultation on the Project. Valley Water then finally clarified that AB52 consultation was requested by AMTB and was ongoing as to the Project, but it was not requested as to the separate geotechnical investigation. AMTB and AMLT understand a “project” to mean “the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term “project” does not mean each separate governmental approval.” (See Cal. Code Regs., tit. 14, § 15378; see also Pub. Res. Code, § 21080.3.1.) Presently, it is unclear why a geotechnical investigation which is part of the Project Dam Project requires a new and separate request for AB 52 consultation.

Thank you for considering our comments.



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