

DECLARATION
ha' u mu hup
on
THE CULTURAL
hac'e da mu ya' mukuy hatja k'awdi
and
BIOLOGICAL RIGHTS OF
-Is
K' UMIM SEW'
river of the roundhouses
NISENA'N HOMELANDS
hupu k'awi

19, April 2022

Ma'c'anna pelio', yo'me'nim po:mbok, wuktapa/wuk 'pape'n

Grass Valley, Ca.

das pah, Nisena'n hupu k'awi

Nevada Irrigation District

PREAMBLE

Article One - Wuk

WE HEREBY RECOGNIZE and ESTABLISH THAT K' UMIM SEW' is a living rights bearing ancestral entity, therefore entitled to fundamental rights to live, flow and thrive, and

THAT K' UMIM SEW' remains as the center of the ancestral estate of the Nisena'n people, Nisena'n culture, and Nisena'n wellbeing and their rights to thrive and exist, and that

THIS RELATIONSHIP, creates a dialog and a lifelong responsibility through the practicing of the ethics of care and guardianship, connecting the people of the past to future generations, each generation responsible for respecting and protecting k' umim sew' and nisena'n culture from harmful risks and danger,

Article Two - P'en

THAT THE BIO-CULTURAL ECOLOGY within Nisena'n territory possesses the inherent rights to exist, flourish, regenerate and evolve, as well as the right to restoration, recovery and preservation, among others, including,

THE LIVING CULTURAL LANDSCAPE, Place Spirits and Ancestors which are themselves important elements, and in no way inferior to the landscape, but rather fundamental to it, and whereas

THESE HAVE BEEN PART OF OUR traditional stories, teachings, life ways and spirituality since the beginning of time to the present day. K' umim sew' is alive like all living creatures and is an ancestral relative of our people...the Tanku Nisena'n of the Bear River: K'apa sew

Article Three - Sap'uy

THAT K' UMIM SEW' is essential to all life and generates a positive living spirit that creates and sustains a wondrous diversity of species and ecosystems,

feeding wetlands and other aquatic habitats with water, delivering life-giving nutrients to coastal estuaries and the ocean, carrying sediments to the river delta teeming with life, and performing other essential ecological functions, and

WE UNDERSTAND THAT K' UMIM SEW' plays a vital role in the functioning of the bioregions hydrologic cycle, and that the viability of rivers to play this role depends on numerous factors, including the maintenance of surrounding river catchments, floodplains, and wetlands,

Article Four - C'uy

WE HEREBY RECOGNIZE the absolute dependence of all people on rivers and water-based systems, which support human life by providing clean and bountiful water for drinking and sanitation, fertile soil, food sources for people, recreation, bio-cultural uses, and nourishment of the human spirit, as they have done since the beginning of human memory,

WE REMAIN ALARMED that significant pollution of rivers, with organic matter from wastewater and sewage, plastic waste, pathogens and nutrients from agriculture, and contaminants from extractive industries, in addition to many other forms and sources of pollution, with resulting declines in aquatic health and biodiversity, as well as extensive negative human health pathways, exposures and cultural impacts, and

ARE CONCERNED that excessive waterway diversions and groundwater withdrawals have significantly reduced flows in rivers worldwide, with many waterways now running completely dry, despite traditional indigenous and scientific consensus that adequate flows are fundamental to the survival of river ecosystems and serve as the lifeblood of many river-dependent freshwater and riparian ecosystems,

Article Five - Ma'wuk

WE REMAIN FURTHER concerned that humans have caused wide-scale physical changes to rivers through dams and other infrastructure, which includes the construction of over 57,000 large dams worldwide that impact over two-thirds of all rivers, resulting in fragmented habitats and cultures, reduced biodiversity, imperiled fish populations, exacerbated climate change,

and retained sediment and nutrients that are fundamental to downstream ecosystem health, and are

FINDING that national, state, local and international laws pertaining to waterways are vastly inadequate to protect the integral health of rivers and river basins alike, and that these laws also fail to ensure current and future generations of humans and other species as well as ecosystems with adequate supplies of clean water to meet their basic needs,

Article Six - Tumbo

WE ARE AWARE that all people, including indigenous communities and other local communities of all spiritual faiths, have long held through their traditions, religions, customs, and laws that nature is a rights-bearing entity, and that rivers in particular are living sacred rights bearing entities possessing their own fundamental rights,

BE IT FURTHER RESOLVED THAT WE ARE ACUTELY COGNIZANT that the degradation and exploitation of rivers, prioritizing profit and privatization over sustainability, and unsustainable water use patterns is not only an environmental issue, but also a equity and rights concern for indigenous peoples and other local communities, as the destruction of rivers threatens the very existence and way of life of those who rely upon river systems for their well-being,

Article Seven - To'puy

THAT WE ARE GUIDED by the growing number of governments worldwide that seek to reverse the ongoing trend of global environmental degradation by recognizing and enforcing nature's inherent rights, including through a constitutional amendment in Ecuador, two national laws in the Plurinational State of Bolivia and Uganda, numerous state constitutional amendments in Mexico, and dozens of rights of nature ordinances in the United States and Brazil,

BEING FURTHER EVIDENCED by the growing Legal Recognition of the Inherent Rights of Rivers, including through a New Zealand treaty recognizing the Whanganui River (or "Te Awa Tupua") as "an indivisible and living whole" and "a legal person," with appointed guardians to

represent the River's interests: a Colombia Constitutional Court decision ruling that the Atrato River basin possesses rights to "protection, conservation, maintenance, and restoration" and other court rulings throughout Colombia establishing the rights of rivers and river basins; several resolutions passed by First Nations, including a Nez Perce General Council resolution recognizing the rights of the Snake River to exist, flourish, evolve, flow, regenerate, and to restoration, and a Yurok Tribe resolution recognizing the rights of the Klamath River to exist, flourish, and naturally evolve free from pollutants and contamination; a Bangladesh High Court ruling that all rivers have legal rights; and an Ecuadorian Provincial Court ruling enforcing the constitutional rights of the Vilcabamba River and calling for its remediation and rehabilitation

Article Eight - Pe' nc'uy

BE IT FINALLY RESOLVED AND AFFIRMED that recognizing that Nisena'n rights are connected to the rights of nature, and in particular recognizing those river rights contained in this Declaration, will foster the creation of a new legal, social and cultural paradigm based on living in respect for future generations and in harmony with nature and respecting both the rights of nature and human rights, particularly with reference to the urgent needs of Nisenane and other indigenous communities and the ecosystems they have long protected.

WITNESSED AND ATTESTED TO BELOW

By The

**LIZZIE ENOS NISENA'N HUMWAK BOT' AT' AMBE'
INC.**

19, April 2022

Das Pah, Nissen'n hupe k'awi

Republic of Nisena'n Constitution

Article One

Natural Law

- 1) Harmony: Human activities, within the framework of plurality and diversity, should achieve a dynamic balance with the cycles and processes inherent in Mother Earth and Rights of Nature;
- 2) Collective Good: The interests of society, within the framework of the rights of Mother Earth, prevail in all human activities and any acquired right;
- 3) Guarantee of Regeneration: The state, at its various levels, and society, in harmony with the common interest, must ensure the necessary conditions in order that the diverse living systems of Mother Earth may absorb damage, adapt to shocks, and regenerate without significantly altering their structural and functional characteristics, recognizing that living systems are limited in their ability to regenerate, and that humans are limited in their ability to undo their actions;
- 4) Respect and defend the rights of Mother Earth: The state and any individual or collective person must respect, protect and guarantee the rights of Mother Earth for the well-being of current and future generations;
- 5) No Commercialism: Neither living systems nor processes that sustain them may be commercialized, nor serve anyone's private property;
- 6) Multiculturalism: The exercise of the rights of Mother Earth require the recognition, recovery, respect, protection, and dialogue of the diversity of culture, feelings, values, knowledge, skills, practices, transcendence, science, technology and standards of all the culture of the world who seek to live in harmony with nature.

Lizzie Enos Nisena'n Humwak Bot'at' ambë, Inc.

Nisenan Homelands



Nisenan Eco Systems & Watersheds

Watersheds:

The USGS National Watershed Boundary Dataset (WBD) is a comprehensive aggregated collection of hydrologic unit data consistent with the national criteria for delineation and resolution. The Nisenan understand that these Watershed boundaries are determined solely upon science-based hydrologic principles, not favoring any administrative boundaries or special projects, nor particular program or agency or indigenous thinking. The Watershed boundaries chosen for this map represent the hydrologic unit codes (HUC) 8-digit (4th level) for the entire United States. The national names given for these 4th level watersheds are:

Watershed HUC8 Names: Honcut Headwaters-Lower Feather, Lower American, North Fork American, Upper Bear, Upper Coon-Upper Auburn, Upper Yuba, and South Fork America. These represent Nisenan centric 4th level watershed areas. These are our ancestral lands in terms of western watershed boundaries in general. As can be seen in the Map, the Upper Bear is central Tanku.

Principle Counties: are shown as El Dorado, Nevada, Placer, Sacramento, Sierra, Sutter, and Yuba; just touching Yolo, Glenn, Butte and other Counties.

NisenanTerritory (Homelands):

The Nisenan (Tanku) territory presented on this map is from the Historic Native American Territories in California, pre-contact, based on Handbook of North American Indians Vol. 8. Bean, L. J., & Smith, C. R. This representation of the Nisenan ancestral homelands is in context to and for understanding the Tanku and other indigenous historical and present territories together with indigenous thinking. The depicted areas are not legal jurisdictional boundaries in either indigenous or western legal or thinking systems.

Legend

Nisenan Historic Territory

Nisenan

Tanku Watersheds

HUC-8 Names

- Honcut Headwaters-Lower Feather
- Lower American
- Lower Sacramento
- North Fork American
- South Fork American
- Upper Bear
- Upper Coon-Upper Auburn
- Upper Yuba



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community