Michael A. Khus-zarate

Northern Chumash Bear Clan 5 March, 2020

To Whom It May Concern,

My name is Michael Bear-Walking Khus-zarate, son of Pilulaw Khus of the Northern Chumash Bear Clan (this corresponds roughly to the San Luis Obispo county). I am requesting that on behalf of my clan and the Chumash people that I represent, that I be included in the process for Party Status in Pacific Gas & Electric Company’s (PG&E) Application A18-12-008.

I grew up on the Central Coast where my family has always resided and still do so. I now live in the Fresno area and work as an educator at Clovis Unified School District. However, I maintain close ties with my family and tribal members on the central coast.

The Northern Chumash Bear Clan (NCBC) under the leadership of Pilulaw Khus has long been active in the San Luis Obispo area, conducting ceremony, participating in local events, visiting local schools and protecting Chumash cultural resources. She is the author of Earth Wisdom: A California Chumash Woman (University of Arizona Press).

We have made a special effort to educate the public about Chumash culture by participating in various local events such as Earth Day and by going into classrooms to share songs and stories with the children. The message reflects our cultural values of respect for human rights, world peace and protection of the environment while reminding the non-Indian public of the continued relevance of the Chumash people. We have also been heavily involved in protecting Chumash cultural resources by consulting with city, county, state and federal agencies on projects throughout our traditional territory.

Protecting Chumash cultural resources has been a priority, particularly in spiritually significant sites. One of these places is the Carrizo Plain National Monument in northeastern San Luis Obispo county. I have served on the Monument’s Native American Advisory Council since 1998. This advisory group has been open and inclusive of all interested Native groups, Chumash and Salinan alike. The CPNM Management Plan now includes a robust preservation and mitigation plan for cultural resources thanks to the efforts of the Advisory Council. We have also led Summer Solstice ceremony there every year since 1988 when the site became open to the public.

Another significant site, the so-called “Whales Cave” at Avila Beach near Diablo Canyon suffered from an oil spill and clean-up operation from 1997-98. The US Coast Guard as the lead agency in that operation coordinated with the NCBC to safeguard Chumash cultural resources from further damage during the months long clean-up operation.

NCBC approached Pacific Gas & Electric Company in 1987 for access to the nuclear plant area to conduct the Winter Solstice ceremony and to pray for the remains of over a dozen Chumash people whose burials had been disturbed during the construction of that nuclear plant. We were subject to a rigorous security background check before we were granted access for the overnight vigil and ceremony. Subsequently, the ceremony was successfully conducted every December for four years without incident and with the full support and cooperation of PG&E. Again, our ceremony was open to all Native groups and individuals who wished to participate.

It is not unfair to say, that NCBC and other Native tribal groups have usually been supported in our efforts by the non-Indian public. Numerous city, county and federal officials have met with us and consulted with us over these many years. Broad, county-wide support by the mainstream public for inclusion of Native interests in projects that impact cultural resources is indicated in the record whenever the public has been asked their opinion.

However there are some in the native community itself who have taken the misguided position of “exclusivity”, claiming that only their group should have standing in the Party Status process. These people claim singular and exclusive interest and legitimacy throughout the county and in particular at Diablo Canyon.

This is wrong on at least two counts.

First, the historical and genealogical record does not support this unprecedented, radically narrow interpretation of the background and composition of the Chumash community. Historians and most anthropologists have rejected this interpretation. They note that it is largely based upon incomplete and fragmentary records from the Mission era. Spanish missionaries did not ever complete what we would call a census count of the native population. Their record keeping was focused upon the standard church recordings of births, marriages and deaths that occurred among their native neophytes. These records simply did not include everybody. Nor is there any way to scientifically verify those records, as no other European institutions bothered to record the native populations, such as the Spanish military nor the Mexican authorities that followed.

Later during the early American settlement period of the late nineteenth and the early twentieth centuries, there were a few scholars who attempted to investigate the California native peoples, notably Alfred Kroeber and JP Harrington. Again, there were no real census counts available. They were working with minimal information.

The 1997 Final Reports and Recommendations to the Congress of the United States, compiled by the congressionally appointed Advisory Council on California Indian Policy (ACCIP, of which I belonged as a representative for the un-acknowledged tribes) provides a summary of the historical record of neglect by the federal government (California state government policy was initially one of genocide with death squads and removal of all of the indigenous populations). Demographers estimate that at least 95% of the California indigenous population was wiped out by the turn of the last century.

Thus, it should not be surprising to anybody that many California Indians would look upon government officials and academics with suspicion if not bitter contempt as they struggled to survive in a hostile environment that had once been their secure homelands. So, when such men as linguist J.P. Harrington solicited California native people for their cooperation there were many who refused or kept silent. This sentiment remains in many native communities today. Even when Harrington secured “informants” to aid his linguistic research, his intention was not to record a comprehensive history or ethnology of the Chumash.

The second reason that “exclusive” groups are wrong, is because they have not learned their own tribal values and culture. Depending upon non-Native academics and others for our identity and status as Native people rather than our own Native communities, is a colonial and degrading approach that is no longer aligned with international standards. The UN’s Declaration of the Rights of Indigenous Peoples, adopted by the General Assembly on 13 September, 2007 includes the following:

**Article 33 1.** Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live. 2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

**Article 18.** Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

History shows that the decimated and dispersed Chumash and California Indians survived by joining together in mutual support at the local and regional levels. When for instance, the people were sick or pregnant and could not afford mainstream physicians they turned to native midwives and “Indian doctors” and it didn’t matter what clan or tribal group their ancestors derived from. My own great-great grandfather, Pacifico Gallego-Archuleta was known to the Venturno-Chumash of Ventura because he was one of these “Indian doctors” who traveled to the south coast area frequently in his day. The importance of such pan-tribal\*, pan-Indian networks cannot be overstated and they have carried forward even to the present day. These social/cultural networks have helped enable the revival of many California tribal groups.

One of the most well-known Elders and spiritual leaders who traveled to the central coast from southern California during the so-called American Indian re-awakening of the 1960-70’s at the invitation of the Chumash community, was Therman McCormick, Sr. (Lusenio). In response to a question about who an Indian is today, he dryly replied: “now, we’re all mongrels”. His message was that what matters most is our respect for one another as the descendants of the few survivors of the indigenous California people, and not the purity of our individual biological lineage. Therman McCormick believed in the inclusive values that were rooted in his traditional spirituality as he had been taught.

Indeed, the ACCIP recommendation to Congress in its Final Report was an expansive one: a singular definition for “California Indian”, that would acknowledge both the original culture of all the tribes and the diverse composition of the Native peoples of California that is a reality today.

Finally, I want to say that the Northern Chumash Tribal Council led by Fred Collins has my endorsement. Their position of inclusion for all interested Native groups is in keeping with the spirit of community, cooperation and mutual support that the NCTC has upheld for decades throughout the San Luis Obispo area. I join with the Council to continue to protect and preserve Diablo Canyon by having it restored to the whole Chumash community.

Sincerely,

Michael Khus-zarate

Former Member, Congressional Advisory Council on California Indian Policy

Former Chair, Native American Advisory Council for the Carrizo Plain National Monument

First Wot, Northern Chumash Bear Clan

*\* Note: there is no scientific or government consensus on the definition of “tribe”. In California the term is used loosely to describe family-clan groups and multiple family groups.*