



Northern Chumash Tribal Council

*A Native American Corporation - NorthernChumash.org
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The Northern Chumash Tribal Council Comments on Tribal Land Transfer Policy, which is Before the Decommissioning Engagement Panel For the Transfer of Tribal Lands under the Stewardship of PG&E At Diablo Canyon to Tribal Peoples

March 3, 2020

The Northern Chumash Tribal Council (NCTC) appreciates the opportunity to comment on the Draft Tribal Land Transfer Policy and NCTC looks forward to working with PG&E the IOU, the California Public Utilities Commission (CPUC) and the local community of San Luis Obispo County, to find solutions and common ground, to finalize and facilitate the Tribal Lands Transfer Policy in the best interest of all Northern Chumash Peoples. This policy is a step in the right direction for the Indigenous Peoples of California.

First NCTC has several concerns this policy. It has been brought to our attention that a member of the Decommissioning Engagement Panel has a conflict of interest, Scott Lathrup is not recognized in the Northern Chumash Community as a Tribal Spokesperson, and it is our opinion he has been supplying the Panel with misleading information and unsubstantiated facts. A Tribal Spokesperson must earn the right to be recognized as such, Mr. Lathrup has not ever appeared at any scoping/EIR meetings, appeared before any local agency and/or spoke to preserve the Chumash Culture or Heritage, It is our opinion that Mr. Lathrup has never been seen at any meetings, nor has he stood up for the Northern Chumash ancestors, not once, this does not make a spokesperson, you have to earn it. It is NCTC opinion that Mr. Lathrup should be removed from the Panel for misleading the Panel. Mr. Lathrup does not speak for the other 12 Tribal Government on the California Native American Heritage Commission list for San Luis Obispo County, but, it is Mr. Lathrup's duty as a community panelist to supply the Panel with accurate information about the indigenous community, and not self-dealing for his group only, and speak truthfully about the entire Northern Chumash Community, which he has not done, and should be removed and replaced.

The Northern Chumash Tribal Council (NCTC) is a California Native American Chumash Tribal Government, with tribal headquarters located in Los Osos CA. NCTC was formed under the guidelines of California Senate Bill 18 April 26, 2006, as a State Recognized Tribal Government, by the Native American Heritage Commission, organized and dedicated to preservation of the Northern Chumash Culture, Heritage and Sacred Sites. NCTC is dedicated to meaningful consulting with local governments, agencies, consulting with the development community, and supporting tribal community well-being. NCTC is spearheading with local community NGO the Chumash Heritage National Marine Sanctuary, a one of a kind opportunity for all future generations. NCTC was the first Tribal Government in California to negotiate changes to the General Plan, under SB18 guidelines. NCTC was the first Tribal Government in the United States to guide the County Board of Supervisor on August 9, 2011 to be the first County Government to support and indorse the UN Declaration of the Rights of Indigenous Peoples by resolution. NCTC is the first Northern Chumash Tribal Government to place a member on the Cal Poly Presidents Advisory Council. NCTC is the first Tribal Government

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to have Tomol (Chumash Sacred Canoe) Ceremonies in Avila Beach and Morro Bay. NCTC is the first Tribal Government to support high tech farming producing the first US Patented Native Organic Vertical Farming (NOVA) systems in the world.

Members of NCTC have an ancient history with the land of the Pecho Coast, family members have long been a part of that land, and the last Northern Chumash to be born on these lands is a member of NCTC. NCTC is an agriculture entity, not a casino seeking entity, and NCTC would like to secure a land base on the PG&E property, specifically the farm houses on the northern end of the property. NCTC would like to rise of our bees, fruit, and implement our newly patented thrivable vegetable growing systems, a place to bring our elders, and place to have gathering of our community, all the while sharing this beautiful lands with the broader local community. It also would be a place for education and learning of our tribal life ways, a show place our broader local community can see what NCTC is doing today for the future of our children.

NCTC has always envisioned the PG&E properties as a gem to be seen by all that want to visit our great wonderful lands; open to the public, trails, horse trails, day visitations, Tribal land base, and wholesome community recreations opportunities.

Second, NCTC was not notified by the CPUC, nor were the other 12 San Luis Obispo County Tribal Governments on the Native American Heritage Commission (NAHC) list of contacts for San Luis Obispo County. This process must have transparency, must not be limited, must not be exclusive, and must include the broader indigenous community and the broader local community of San Luis Obispo County, in all land transfer agreements. NCTC and the community of San Luis Obispo County are friends and neighbors, we work together to make it better for all.

In the policy document of the California Public Utilities Commission Investor-Owned Utility Real Property- Land Disposition – First Right of Refusal for Disposition of Real Property Within the Ancestral Territories of California Native American Tribes Document, on page 6 last sentence and page 7 see the following:

Comments:

The Commission's Emerging Trends Committee adopted a draft version of this policy in April 2019, and made the draft version available for public comment on the Commission's website. The Commission received comments from the Pacific Forest and Watershed Lands Stewardship Council, the Habematolel Pomo of Upper Lake, the Habematolel Pomo of Upper Lake, Pacific Gas & Electric Co., the Ewiiapaayp Band of Kumeyaay Indians, the Yocha Dehe Wintun Nation, the Native American Land Conservancy, the Agua Caliente Band of Cahuilla Indians, Southern California Edison Co., San Diego Gas & Electric Co., and the Manzanita Band of the Kumeyaay Nation. The Commission also conducted several workshops, both in person and via webinar, and received informal comments there.

Out of all the over almost 200 Tribes in California the commission only received comments from 7 Tribes, this is inadequate attempt at outreach, it is NCTC opinion that NAHC Tribal list for all

California Tribes was not conducted in a meaningful manner; no Tribal Government on the NAHC list in San Luis Obispo County made any comments. It is NCTC opinion that the outreach by CPUC and PG& E was inadequate. NCTC did not receive notice of this comment period. There is no hurry; this is an important document and it should be done right, with meaningful consultation with all interested Tribal parties.

Any and all agreement, MOA, MOU letters of intent and contracts based on the above referenced Tribal lands should be void. No agreements should have been made without full disclosure and transparency to all interested parties. Environmental Justice needs to be served.

How would the land be transferred? Is it free? Is it a donation? Is there bidding? What is the clear delineation of the terms for Tribal Lands transfer?

Meaningful consultation means tribal consultation in advance with the decision maker or with intermediaries with clear authority to present tribal views, this should comprise meetings and a series of communications, providing clear and detailed information about the surplus property to tribal decision makers so that the tribe can adequately assess whether historical, cultural, or spiritual resources are impacted by the disposition.

The IOU and CPUC should make every attempt to contact Tribal Governments on the NAHC list at the very least 7 times. Most tribal governments are small, and overburdened with more than 200 notices per month under AB 52, SB 18, NEPA, 106, and other regulations, and these notices usually fall on overburdened hands. An IOU notices must use this understanding, and make sure meaningful contact attempts have been made, before moving forward.

Thank you for the opportunity to comment on this so very important Policy, the Indigenous Peoples have long been forgotten, it is so inspiring to see this great support for the re-acquiring of our lands, our lands that will help us heal from the dark days.

Northern Chumash Tribal Council, Inc.