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*Comment Received From: Ryan Pickering
Submitted On: 8/12/2022
Docket Number: 21-ESR-01*

Extend Operations at Diablo Canyon with Land Restoration for Local Tribe ytt Northern Chumash

To the Governors Office of California,

My name is Ryan Pickering. I am a 34-year-old energy policy researcher from Berkeley, California. The focus of my research has been the anthropology of Diablo Canyon Power Plant, the largest electricity generator in California.

The plant is located on The Pecho Coast of California, the ancestral land of yak titÉ,u titÉ,u yak tiÁ,hini Northern Chumash Tribe.

California is learning firsthand the challenges of the energy transition. We are indeed behind schedule, but it is not too late to get back on track.

Power outages are a threat to Californiaâ€™s prosperity. Keeping Diablo Canyon online will save lives. Leaders must act with honesty, integrity, humility in courage in the weeks ahead to rethink our nuclear energy strategy in California.

On July 27th 2022, Tribal Chair Mona Tucker of yak titÉ,u titÉ,u yak tiÁ,hini Northern Chumash Tribe sent a letter to the Governorâ€™s office. The letter is attached. Here is an excerpt:

BEGIN QUOTE - I would like to inform you of an important recent action passed unanimously by our Tribal Council. (Please find enclosed Resolution 2022-01, dated July 14, 2022.) This Resolution states the historical facts and our position regarding reclaiming Diablo Lands. These unceded lands were taken from our Tribe without consent, agreement, or compensation, and should be rightfully returned to us.

Now that the future of the DCPD and its surrounding lands is being debated, the state has a unique opportunity to correct a historical wrong that still affects our people today. Whether DCPD continues to operate or is decommissioned- our position regarding the future of the lands will not change. END QUOTE

The Resolution from the Tribe lays out a plan to restoring this land to indigenous ownership, including the continued operation of the facility. This is a generous offer.

I call on the Governorâ€™s office for LAND RETURN to yak titÉ,u titÉ,u yak tiÁ,hini (ytt) Northern Chumash Tribe

I call on the Governorâ€™s office KEEP DIABLO CANYON POWER PLANT ONLINE IN PARTNERSHIP WITH THE TRIBE to ensure prosperity in California.

Let us work together to find reconciliation in our abundant energy future.

Ryan Pickering
Berkeley, California

Additional submitted attachment is included below.



yak tit'yu tit'yu yak tiłhini – Northern Chumash Tribe
San Luis Obispo County and Region
660 Camino Del Rey, Arroyo Grande, CA 93420

July 27, 2022

The Honorable Gavin Newsom,
Governor of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: Diablo Lands Avila Beach, CA. – Reparations and Land Return

Dear Governor Newsom:

I'm writing on behalf of yak tit'yu tit'yu yak tiłhini Northern Chumash Tribe of San Luis Obispo County and Region (ytt Tribe) who are the Indigenous people of San Luis Obispo County and Region. Our members are the documented descendants of the pre-contact villages that existed on lands commonly referred to as Diablo Lands, located north of Avila Beach, CA. The Pacific Gas and Electric Company's (PG&E) Diablo Canyon Power Plant (DCPP) sits on these lands.

I would like to inform you of an important recent action passed unanimously by our Tribal Council. (Please find enclosed Resolution 2022-01, dated July 14, 2022.) This Resolution states historical facts and our position regarding reclaiming Diablo Lands. These unceded lands were taken from our Tribe without consent, agreement, or compensation, and *should rightfully be returned to us*.

Now that the future of the DCPP and its surrounding lands is being debated, the state has a unique opportunity to correct a historical wrong that still affects our people today. Whether DCPP continues to operate or is decommissioned- our position regarding the future of the lands will not change.

In 2018, the California Public Utilities Commission approved a settlement between PG&E, labor organizations, and environmental groups that would allow PG&E to decommission the plant. With this action, the State of California continues the practice of ignoring Indigenous rights by not informing us prior to the settlement. We believe this agreement is invalid since it does not include ytt Tribe, a primary stakeholder, as a party to the agreement.

Whether DCPP is decommissioned or continues to operate, we intend to be a party to any new agreement or settlement with the goal of assuring it includes the return of our ancestral homelands to us. We stand ready to work with the landowner, state, federal and other partners to

accomplish the return of the Diablo Lands to yak tityu tityu yak tihini Northern Chumash Tribe of San Luis Obispo County and Region.

We ask for your support of our ytt Tribe's Resolution 2022-01 and to promote negotiations between PG&E and ytt Northern Chumash Nonprofit to help us regain our homeland.

Respectfully Submitted,



Mona Olivas Tucker,
Tribal Chair
Olivas.Mona@gmail.com

Enclosre
ytt Resolution 2022-01

CC: Eleni Kounalakis, Lieutenant Governor
John Laird, State Senator
Salud Carbajal, US Congressman
Jordan Cunningham, Assemblyman
Dawn Oritz-Legg, San Luis Obispo CO Supervisor
Dianne Feinstein, US Senator
Alex Padilla, US Senator
David Hochschild, Chair, California Energy Commission
Alice Busching Reynolds, President, California Public Utilities Commission



yak tit'yu tit'yu yak tilhini – Northern Chumash Tribe
San Luis Obispo County and Region
660 Camino Del Rey, Arroyo Grande, CA 93420

Resolution 2022-01

Re: REPARATIONS AND LAND RETURN

WHEREAS, yak tit'yu tit'yu yak tilhini Northern Chumash Tribe of San Luis Obispo County and Region (ytt Tribe) are the documented aboriginal people of the villages of čanu, tsityiwi, tsitpxatu, pepatsu, and wexetmimu', villages known to be located on and near Diablo Lands on the coast of San Luis Obispo County, CA.; and

WHEREAS, the Diablo Lands were taken from the ytt Tribe without consent, agreement, or compensation; and

WHEREAS, acts of California colonialism include land theft and forced removal of Indigenous peoples from our ancestral homelands, with attempt to silence our stories and ancestral practices rooted in our sacred lands; and

WHEREAS, our goal and responsibility has always been to regain our homeland to continue our stewardship as we have since time immemorial; and

WHEREAS, the inherent values of our tribal stewardship is specifically consistent and aligned with kincentric ecological practices of preservation and conservation of these lands, as well as protection of cultural, natural, and biological resources, cultural landscapes, sensitive habitats and natural environments, waterways, coastline, and offshore waters; and

WHEREAS, these tribal values are consistent with Governor Newsom's October 2020 Executive Order N-82-20, committing California to protect 30% of our lands and waters by 2030 (The 30X30 Initiative), which includes working to acknowledge and help resolve the climate crisis; and

WHEREAS, every building owned by private parties, corporations, and governmental entities are built on confiscated Tribal land which continues to rob each generation of Indigenous people sustenance, economic well-being, life ways, and the critical experience of familial relationships with the land itself, thus perpetuating historical inequity and trauma; and

WHEREAS, Indigenous peoples globally are calling for Restoration, Restitution, and Reparation, and the growing Land Back movement in which private parties, corporations, and

governmental entities are returning land and providing compensation for the use of land to Indigenous Tribes and Nations; and

WHEREAS, The Pacific Gas and Electric Company's (PG&E) Diablo Canyon Power Plant (DCPP) sits on Diablo Lands; and

WHEREAS, In December 2018, the Diablo Canyon Decommissioning Engagement Panel filed *A Strategic Vision* with the California Public Utilities Commission stating, "The transfer, by easement or fee title, of a portion of the Diablo Canyon Lands for exclusive use by the Native American community should be considered;" and

WHEREAS, in June 2019, Governor Newsom issued Executive Order N-15-19 acknowledged "...the violence, exploitation, dispossession and the attempted destruction of tribal communities" that took place in California, and which continue to harm Tribal communities; and

WHEREAS, in December 2019, the California Public Utilities Commission adopted a Tribal Land Transfer Policy giving California Tribes the Right of First Offer on any of their ancestral lands from investor-owned utilities in the event of liquidation of property; and

WHEREAS, Descendants of Native Rancherias in the Diablo lands Vicinity: *A Northern Chumash Ethnohistorical Study*, (Johnson, September, 2020) stating in reference to ytt Tribe, "Clearly this tribal group is that which demonstrates the strongest case for cultural affiliation with the Diablo Lands area"; and

WHEREAS, in June 2022, the California Legislature passed Bills AB180, AB205, and SB122, paving the way for the continued operation of DCPP has created an urgency for ytt Tribe to claim our ancestral homelands; and

WHEREAS, the circumstances surrounding the scheduled closure of the DCPP have now changed with legislation by the state and federal government in response to the need for electricity and an unprepared power grid for the State of California; and

WHEREAS, with either continued or discontinued operations of DCPP, the State of California should act to address Restorative Justice, Restitution, and Reparation for ytt Tribe; and

WHEREAS, private parties, corporations, and governmental entities should participate in Restorative Justice, Restitution, and Reparation for the Indigenous People of California and share compensation for the use of facilities that are located on Tribal ancestral lands; and

NOW THEREFORE BE IT RESOLVED, as governed by the Tribal Council of yak tit^yu tit^yu yak tilhini Northern Chumash Tribe of San Luis Obispo County and Region, we will do all in our

means to raise political and monetary support necessary to fulfill our land stewardship responsibilities and regain our homelands; and

BE IT FINALLY RESOLVED that this legacy is our inherent responsibility for the future of our families and for the betterment and health of all Californians.

CERTIFICATION

This is to certify that this resolution was adopted at a duly called Tribal Council Meeting of yak tit^yu tit^yu yak tihini Northern Chumash Tribe of San Luis Obispo County and Region on the 14th day of July 2022 by a vote of 7 FOR, 0 AGAINST, with 0 ABSTAINING.



Mona Olivas Tucker, Chair