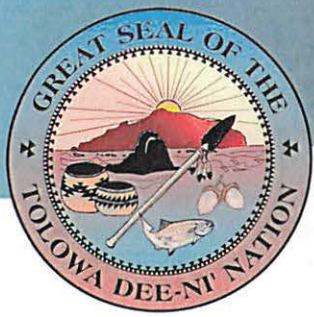


DOCKETED	
Docket Number:	17-MISC-01
Project Title:	California Offshore Renewable Energy
TN #:	255858
Document Title:	Tolowa Dee-ni' Nation Comments - Tolowa Dee-ni' Nation - AB 525 Comments
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Organization:	Tolowa Dee-ni' Nation
Submitter Role:	Public
Submission Date:	4/22/2024 2:16:54 PM
Docketed Date:	4/22/2024

*Comment Received From: Tolowa Dee-ni' Nation
Submitted On: 4/22/2024
Docket Number: 17-MISC-01*

Tolowa Dee-ni' Nation - AB 525 Comments

Additional submitted attachment is included below.



Tolowa Dee-ni' Nation

12801 Mouth of Smith River Rd. Smith River, CA 95567

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April 22nd, 2024

California Energy Commission
Docket Unit, MS-4
Docket No. 17-MISC-01
715 P Street
Sacramento, CA 95814
Submitted via electronic mail to docket@energy.ca.gov.

RE: Tolowa Dee-ni' Nation Comments on AB 525 Offshore Wind Strategic Plan

Dv-laa-ha~ Chair Hochschild and Commissioners:

The Tolowa Dee-ni' Nation's (the "Nation") ancestral territory, as defined in our Constitution, encompasses the lands and watersheds of Daa-ghestlh-ts'a' (Wilson Creek) to the south, the Ts'aa-xwii-chit (Sixes) River to the north, east to the Applegate watershed in the Coastal Range, and west to the Pacific Ocean horizon, all sea stacks including Point St. George Lighthouse and all usual and accustomed places. The Tolowa Dee-ni' Nation tribal office is headquartered in Smith River, CA.

The Nation writes to express our strong opposition to the Draft Strategic Plan developed for Assembly Bill 525 (AB 525). As stewards of our ancestral territories encompassing the lands and watersheds along the Northern California and Southern Oregon coastlines, we are deeply concerned about the potential impacts of offshore wind projects on our environment, cultural resources, and tribal sovereignty.

Our opposition to offshore wind projects aligns with our Constitutional duties and responsibilities to preserve, protect, and promote the best interests of the Tolowa Dee-ni' Nation and our ancestral territories. The concerns articulated in our resolution (Resolution 2023-47, attached here) opposing offshore wind are underscored by the need for comprehensive environmental assessments, meaningful tribal consultation, and the inclusion of Indigenous Traditional Ecological Knowledge in decision-making processes.

Additionally, the Tolowa Dee-ni' Nation faces significant challenges due to limited financial resources, which impedes our ability to devote adequate staff time and resources to conduct a thorough and thoughtful analysis of the Draft Strategic Plan for AB 525. This power imbalance, where tribal nations with limited resources are expected to engage in complex regulatory processes without sufficient support, inherently undermines the principles of meaningful consultation and equitable engagement. The financial constraints faced by our Nation highlight the urgent need for state and federal agencies to provide necessary resources and support to facilitate genuine and inclusive tribal participation in decision-making processes affecting our ancestral territories.

Key considerations for revising the Draft Strategic Plan for AB 525 include:

Tribal Consultation and Involvement: We emphasize the necessity of meaningful and government-to-government consultation with California Native American tribes, including the Tolowa Dee-ni' Nation. Adequate time and resources must be provided to tribes to prepare thoughtful comments and engage in meaningful analysis and consultation.

Jeri Lynn
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Chairperson

Scott D.
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*Vice -
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*Council
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*Council
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Dorothy
Wait
*Council
Member*

Environmental Impact Studies: Independent and comprehensive environmental impact studies must be conducted to assess potential impacts on marine ecosystems, wildlife habitats, and cultural resources within our ancestral territories.


Tribal Sovereignty and Co-Stewardship: The Draft Strategic Plan should recognize and respect tribal sovereignty, ensuring that our Nation has jurisdictional authority and co-stewardship over offshore renewable energy activities within our ancestral territories. Tribes should have co-ownership of the infrastructure, management over regulatory decisions, and equitable access to the energy provided by offshore wind projects.

Transparency and Fair Compensation: We call for transparency in the development of the Draft Strategic Plan, including provisions for fair compensation and revenue-sharing agreements that acknowledge the use of tribal lands, resources, and time.

In conclusion, we remind you of the United Nations Declaration on the Rights of Indigenous Peoples, which emphasizes the right to free, prior, and informed consent. California has a crucial role in upholding these international standards by engaging directly with the Tolowa Dee-ni' Nation on matters related to offshore wind energy. The State of California must recognize and honor our inherent rights as Indigenous Peoples, including our right to participate in decision-making processes that impact our ancestral territories. We urge California to prioritize meaningful consultation and collaboration with the Tolowa Dee-ni' Nation to ensure that our voices are heard and our concerns are addressed in the development of energy policies and projects within our traditional homelands

Shu' shaa nin-la (Thank you) for considering our comments and for your attention to this critical matter. We urge the immediate halt of further development of the Draft Strategic Plan for AB 525 until true consultation and involvement by directly affected Tribal nations, including the Tolowa Dee-ni' Nation, occurs.

Shu' shaa nin-la,

for 
Jeri Lynn Thompson
Chairperson, on behalf of Tribal Council



Tolowa Dee-ni' Nation

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RESOLUTION 2023-47

OFFSHORE WIND ENERGY OPPOSITION

ADOPTED: November 9th, 2023

RESOLUTION SUMMARY: A resolution of the Tolowa Dee-ni' Nation Tribal Council, Smith River, California opposing offshore wind, expressing support for the National Congress of American Indian's (NCAI) resolution requesting a moratorium on offshore wind energy development, and urging the Department of the Interior and the Bureau of Ocean Energy Management to halt all scoping and permitting for offshore wind projects.

Whereas, The Tolowa Dee-ni' Nation is a federally recognized Indian Nation located in the Pacific Northwest and organized pursuant to the Constitution of the Tolowa Dee-ni' Nation that was duly adopted by the citizens of the Nation; and

Whereas, The Tolowa Dee-ni' Nation's ancestral territory, as defined in our Constitution, encompasses the lands and watersheds of Daa-ghestlh-ts'a' (Wilson Creek) to the south, the Ts'aa-xwii-chit (Sixes) River to the north, east to the Applegate watershed in the Coastal Range, and west to the Pacific Ocean horizon, all sea stacks including Point St. George Lighthouse and all usual and accustomed places. The Tolowa Dee-ni' Nation tribal office is headquartered in Smith River, CA, and over 80% of our ancestral territory is in the State of Oregon; and

Whereas, The Tolowa Dee-ni' Nation Tribal Council is the duly elected governing body of the Nation with the Constitutional duties and responsibilities to preserve, protect, and promote the best interests of the Nation; and

Whereas, On August 15th, 2023, the Bureau of Ocean Energy Management (BOEM) announced that it identified two Draft Wind Energy Areas (WEAs) Offshore of Oregon for Public Review; and

Whereas, On September 18th, 2023, during the BOEM Oregon Intergovernmental Renewable Energy Task Force discussion, many potentially impacted stakeholders, ocean users, Tribes, and public attendees asked about environmental impacts and the impacts on different species. The responses varied but pointed to ongoing studies and plans to follow up; and

Whereas, The studies and assessment of such impacts should be done prior to the leases to properly address environmental concerns and should be completed in conjunction with tribal involvement and/or out of the local tribal research; and

Whereas, Offshore wind projects lack centralized oversight from a single governmental agency throughout the entirety of the project lifespan; and

Whereas, The federal government has a legal obligation to consult with Tribal Nations on any activities that may affect their lands or resources; and

Whereas, The Biden administration has embraced the need to expand tribal consultation to incorporate the essential importance of tribal co-stewardship and co-management of traditional tribal lands and waters, as recently as Assistant Secretary for Indian Affairs Bryan Newland's statement before the General Assembly of the National Congress of American Indians on February 22, 2023; and

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Whereas, President Biden issued a Memorandum on December 1, 2022, titled, "Implementation of Guidance for Federal Departments and Agencies on Indigenous Knowledge," requiring federal agencies to integrate Indigenous Knowledge as a line of evidence in federal decision-making; and

Whereas, Tribal engagement requires tribal staff time and resources that often exceed a Tribe's capacity to properly engage, assess, comment, and respond; and

Whereas, Incorporating Tolowa Dee-ni' Nation Indigenous Traditional Ecological Knowledge, through co-management of traditional lands and the associated life forms is critical to protecting Tolowa Dee-ni' Nation environment and is essential to Biden Administration's stated goal of respecting and including Indigenous Traditional Ecological Knowledge in decision-making; and

Whereas, These policies of tribal consultation and inclusion must apply to energy development projects that may impact Tolowa Dee-ni' Nation ancestral territories, cultural resources, or sacred sites; and

Whereas, Tolowa Dee-ni' Nation must be included in the management, permitting, and development of power purchase agreements and both consulted and included in determining the terms and conditions of the agreements; and


Whereas, Any agreement must include negotiating fair compensation for the use of Tolowa Dee-ni' Nation lands, time, and resources, inclusion in any revenues associated with such development of Tolowa Dee-ni' Nation traditional resources as well as ensuring that the development does not harm Tolowa Dee-ni' Nation environment or cultural heritage; now, therefore, be it

Resolved, That the Tolowa Dee-ni' Nation Tribal Council opposes offshore wind projects until there is shared tribal jurisdictional authority over, and tribal management of, offshore renewable energy activities aimed at empowering Native communities through socio-economic benefits such as job opportunities, revenue sharing, and support for tribal energy development projects; and be it further

Resolved, That the Tolowa Dee-ni' Nation Tribal Council strongly urges the Department of Interior and the Bureau of Ocean Energy Management halt all scoping and permitting for offshore wind projects until completion of a comprehensive and transparent procedure adequately protecting Tolowa Dee-ni' Nation environmental and sovereign interests is developed and implemented; and be it further

Resolved, That NCAI's moratorium and tribal management resolution shall be the policy of Tolowa Dee-ni' Nation until it is withdrawn or modified by subsequent resolution; and be it finally

Resolved, That the Tribal Council of the Tolowa Dee-ni' Nation does hereby adopt this resolution, and that the Chairperson and Secretary of the Tolowa Dee-ni' Nation Tribal Council are hereby authorized to sign this resolution and any and all other documents which are necessary to effectuate the intents and purposes of this resolution.



Jeri Lynn Thompson
Council Chairperson

11-9-23
Date



Debbie Boardman
Council Secretary

11/9/23
Date

CERTIFICATION

I hereby certify that the foregoing resolution was adopted at a duly called and noticed meeting of the Tolowa Dee-ni' Nation Tribal Council held on the 9th day of November 2023 in Smith River, California, at which 7 Tribal Council members were present to constitute a quorum, by a vote of 6 *For*, 0 *Opposed*, 1 *Abstentions* and 0 *Absent*, and shall remain in full force and effect until rescinded.



Debbie Boardman, Council Secretary

11/9/23
Date