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Yurok Tribe, Resolution 24-33

Additional submitted attachment is included below.



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548



RESOLUTION

of the

YUROK TRIBAL COUNCIL

RESOLUTION NO: 24-033
DATE APPROVED: APRIL 11, 2024
SUBJECT: STATEMENT OF THE YUROK TRIBE IN
OPPOSITION TO PLANNED OFFSHORE WIND
ENERGY DEVELOPMENT

WHEREAS: The Yurok Tribe is a sovereign native nation and federally recognized tribe;

WHEREAS: The Yurok Tribal Council is the governing body of the Yurok Tribe under the authority of the Yurok Constitution of 1993;

WHEREAS: The Yurok Tribe is eligible for all rights and privileges afforded to federally recognized tribes, including but not limited to, the rights and privileges afforded under the Hoopa-Yurok Settlement Act;

WHEREAS: The Yurok Constitution of 1993 provides that the Ancestral Territory of the Yurok Tribe “extend[s] unbroken along the Pacific Ocean coast (including usual and customary offshore fishing areas) from Damnation Creek, its northern boundary, to the southern boundary of the Little River drainage basin”;

WHEREAS: The Yurok Tribe has never ceded its rights in the Ancestral Territory, including those lands and waters within the Pacific Ocean (“Ancestral Ocean Territory”) to any other entity;

WHEREAS: The United States and the State of California have yet to recognize the Yurok Tribe’s sovereign authority to determine whether and how the Ancestral Ocean Territory should be developed and managed, despite repeated calls by the Yurok Tribe for such recognition;

WHEREAS: The United States Department of the Interior, Bureau of Ocean Energy Management (BOEM), by designating the Humboldt Call Area, designating the Humboldt Wind Energy Area, designating the two lease areas OCS-P 0561 and OCS-P 0562, conducting an auction of the two lease areas, executing the two lease agreements granting the exclusive right to develop a project to generate energy using wind turbine generators and any associated resources assessment activities, as well as associated offshore substation platforms, inner array cables, and subsea export cables (“collectively, “Offshore Wind Projects”), and determining the adequacy of lessee Native American Tribal Communication Plans without required government-to-government consultation with the Yurok Tribe, with no consideration of the Yurok Tribe’s sovereign, unceded claims over the Ancestral Ocean Territory, and against the Tribe’s repeated requests to engage in a process of co-management over the Ancestral Ocean Territory, has acted in violation of its trust responsibility over the the use, access, and protection of the federally reserved rights of the Yurok Tribe, and in contravention of Executive Order 14112, Joint Secretarial Order 3403, the 2021 Interagency Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty and Reserved Rights (“Interagency MOU”), and the Cooperative Agreement between the United States Department of the Interior and the Yurok Tribe for the Cooperative Management of Tribal and Federal Lands and Resources in the Klamath River Basin of California (“Cooperative Agreement”);

WHEREAS: The proposed Offshore Wind Projects, if constructed to the height and diameter and in the spatial arrangement currently anticipated, will significantly and adversely impact cultural viewsheds and thereby devastate sacred Tribal Cultural Landscapes from the Yurok High Country to the offshore horizon;

WHEREAS: The proposed Offshore Wind Projects present an unknown yet profound risk of significant adverse impacts to the interlinked coastal ecosystem extending from the deep ocean to the headwaters of the Klamath River, including to salmon and other aquatic life necessary for subsistence;

WHEREAS: The proposed Offshore Wind Projects are likely to cause numerous impacts to Yurok Tribal communities, including exacerbating the ongoing crisis of Missing and Murdered Indigenous People as well as light and noise pollution;

WHEREAS: To date, scientific research has not demonstrated any of these impacts can be adequately mitigated;

WHEREAS: Further significant adverse impacts may occur within the Ancestral Territory from infrastructure which will bring offshore wind energy to market, including hundreds of miles of high-voltage transmission lines, which does not yet exist, but will come to exist as a matter of

course if the Offshore Wind Projects are allowed to reach a point of inevitability;

WHEREAS: Throughout the coordination of planning and permitting processes for such infrastructure, neither BOEM nor the other pertinent federal and state permitting agencies has acted in accordance with their commitments to tribes, recognized and accounted for the Yurok Tribe's inherent sovereign authority over the Ancestral Territory, or offered to work with the Yurok Tribe to develop a holistic plan to mitigate all significant adverse impacts of the Offshore Wind Projects and needed additional transmission and distribution systems;

WHEREAS: BOEM's actions to date have demonstrated an intent to proceed with permitting the Offshore Wind Projects in spite of the deeply flawed process herein described, and without regard to whether any reasonably foreseeable significant adverse impacts can be fully mitigated;

WHEREAS: BOEM and the lessees, having been given ample opportunity, have failed to demonstrate or assure the Yurok Tribe that the energy to be produced or other benefits to be derived from the Offshore Wind Projects, such as revenue from rate increases or power sales, will be equitably shared with, or that any meaningful benefits, such as lower electricity rates will accrue to, the Yurok Tribal community or broader community of the California North Coast;

WHEREAS: The membership of the Yurok Tribe has clearly and consistently voiced the concerns expressed herein;

WHEREAS: Numerous other tribes of the California North Coast have publicly expressed opposition to the Offshore Wind Projects, citing concerns the same as or similar to those expressed herein; and

WHEREAS: The impacts of the Offshore Wind Projects will affect not only the current Yurok Tribal community, but the generations to come.

NOW THEREFORE BE IT RESOLVED: That the Yurok Tribe stands now in opposition to the planned Offshore Wind Projects in the Ancestral Ocean Territory of the Yurok Tribe and along the California North Coast;

BE IT FURTHER RESOLVED: That the Yurok Tribe demands that BOEM immediately halt all plans and processes to designate additional wind energy lease areas in the Ancestral Ocean Territory of the Yurok Tribe;

BE IT FURTHER RESOLVED: That the Yurok Tribe calls upon BOEM to commit to deny any Construction and Operations Plan which does not include measures to fully mitigate all reasonably foreseeable significant adverse impacts of the Offshore Wind Projects;

BE IT FURTHER RESOLVED: That the Yurok Tribe requests consultation with BOEM, pursuant to Executive Order 14112, Joint Secretarial Order 3403, the Interagency MOU, and the Cooperative Agreement regarding co-management of the Ancestral Ocean Territory with respect to the federally reserved fishing rights of the Yurok Tribe and the impacts of the Offshore Wind Projects thereon;

BE IT FURTHER RESOLVED: That the Yurok Tribe requests consultation with the State of California regarding planning and permitting of infrastructure attendant to the Offshore Wind Projects, such as new transmission infrastructure, to ensure the complete protection of cultural and natural resources within the Ancestral Territory;

BE IT FURTHER RESOLVED: That the Yurok Tribe stands in solidarity with those other tribes of the California North Coast who have similarly expressed opposition to the Offshore Wind Projects; and

BE IT FURTHER RESOLVED: That the Chairperson is hereby authorized to sign this Resolution and to negotiate all matters pertaining hereto and that the Recording Secretary is authorized to attest.

C*E*R*T*I*F*I*C*A*T*I*O*N

This is to certify that this Resolution Number 24-033 was approved at a duly called meeting of the Yurok Tribe on April 11, 2024 at which a quorum was present and that this Resolution Number 24-033 was adopted by a vote of 7 for and 0 opposed and 0 abstentions. This Resolution Number 24-033 has not been rescinded or amended in any way.

DATED THIS 11TH DAY OF APRIL, 2024



Joseph L. James, Chairman
Yurok Tribal Council

ATTEST:



Sherri K. Provolt, Secretary
Yurok Tribal Council