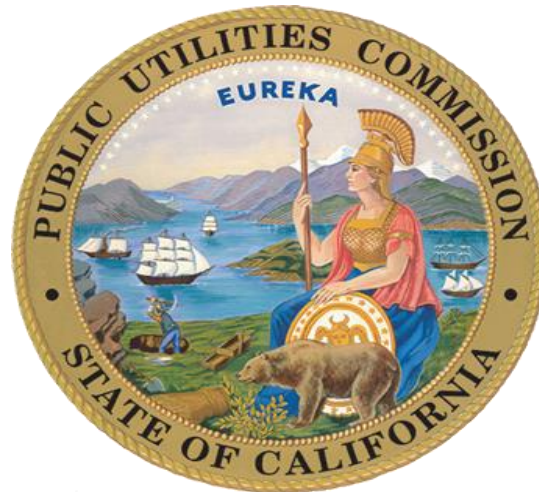




# Tribal Workshop and Consultation California Public Utilities Commission

September 16, 2019



Michael Minkus  
Advisor to commissioner  
Martha Guzman Aceves



# Workshop and Consultation Logistics

- Morning
  - Public Workshop on Telecommunications
- Afternoon
  - Private Consultation on Land Transfer Policy
- Opportunity for individual consultations
- California Tribes and Tribal communities





# Morning Telecommunications Session

- Purpose
- Maps: Statewide & Central California
- Background on Universal Service Programs
- Case Studies
- California High Cost Fund A Companies
- Discussion of Tribal Community Needs
- Brainstorm





## Purpose

- Understand and build a record to inform the California Public Utilities Commission's (CPUC's) decisionmaking
  - **Needs.** Tribal telecom needs for voice and broadband
  - **Solutions.** Models for potential solutions





## Questions to Keep in Mind

### Current voice and broadband service

- What service does your community have now?
- For tribal government, or tribal and individual businesses?
- For residential?
- Does the service meet needs?





## Questions to Keep in Mind

### Models and Solutions

- Extension or upgrade to existing service
- Tribal enterprise
- Voice improvements
- Broadband improvements
- For tribal government, business, residences, or all three?





## Terms and Vocabulary

- Carrier of Last Resort (COLR)-area a carrier is required to serve upon request.
- CLEC-Competitive Local Exchange Carrier. A registration with certain requirements, including the provision of 9-1-1, and certain benefits.
- Backhaul-high capacity internet connection from a region to the public internet.
- Basic service-elements of voice service a carrier must provide.
- ILEC-Incumbent Local Exchange Carrier. The company that originally provided service to an area.
- Service territory-area in which a company is a Carrier of Last Resort (COLR)





# Map to Inform Discussion

## Three layers

1. Tribes in California
2. Filed territories for large carriers
  - Primarily AT&T and Frontier
3. Filed territories for small carriers
  - “A Fund Companies”; 13 companies; 10 of them take subsidy







## Background on Universal Service Programs

- Four Universal Service Programs administered by the CPUC are particularly relevant
  - California High Cost Fund A
  - California High Cost Fund B
  - California Advanced Services Fund (broadband grant program)
  - California Lifeline





## California High Cost Funds A and B

- Financially support eligible telephone corporations for service in high-cost rural areas of the state.
- The B Fund supports the big carriers—AT&T, Frontier, and SureWest/Consolidated Communications
- The A Fund supports the small carriers (e.g., Calaveras, Ponderosa, Sierra, Volcano)





## Current A and B Fund Requirements

### A Fund

- Federal law “rural telephone company” 47 USC 153(44)
- Rate of return regulated
- Serve as a carrier of last resort (COLR)
- Provide basic telephone service

### B Fund

- Be a telephone corporation
- Serve high cost areas
- Serve as a carrier of last resort (COLR)
- Provide basic telephone service





# CA Advanced Services Fund (CASF) Broadband Grant Program

- Infrastructure
  - Primarily broadband grant program providing one-time costs to build infrastructure in areas unserved by a broadband provider
  - Unserved = no service is available at speeds of at least 6 Mbps download and 1 Mbps upload
- Other programs
  - Adoption
  - Line Extension
  - Consortia
  - Public Housing



## California Lifeline

- California Lifeline and Federal Lifeline provide discounts on home and cell phone services to eligible households; bundled voice and broadband are also discounted.
- Eligibility is based on income or participation in a qualifying program.
  - If a customer is on one of 13 programs, including Tribal TANF (list: <https://www.cpuc.ca.gov/ults/>) or
  - Less than 150% of Federal Poverty Level based on household size





# California Lifeline

## Combined Discounts

- **Tribal Lifeline** provides a discount of \$49.10 ( $\$9.25 + \$25 + 14.85$ ) per household for voice (landline or cell), or broadband bundled with voice.
- **Lifeline** provides a combined discount of \$24.10/ line/month ( $\$9.25 + \$14.85$ ) per household, also for voice (landline or cell), or broadband bundled with voice.
  - Enhanced LifeLine benefits are only available to low-income residents on federally recognized tribal lands.
  - Discount amounts per household for cell, landline, or broadband bundled with voice: Enhanced Lifeline: \$25, California LifeLine: \$14.85, Federal LifeLine: \$9.25.





# Case Study: Confederated Tribes of Warm Springs, OR

## The Challenge:

- 4,800 Residents on a Reservation of 1,000 square miles
- 65% adoption rate for traditional telephone service
- 30% of households had broadband, via Digital Subscriber Line
- Public safety wireless coverage lacking
- Mobile wireless coverage lacking





# Confederated Tribes of Warm Springs

## The Solution:

- Tribal carrier (Warm Springs Telecommunications Co., WSTC) established
- Best practices from National Tribal Telecom Association (NTTA)
- Technical capacity building federal grants from USDA-Rural Development
- \$11 million in total federal, tribal, and local venture funds received
- WSTC is issued registrations (CLEC\* & ETC\*) certifications by Oregon PUC
- Oregon PUC authorizes eligibility for universal service subsidies (State High Cost and Lifeline) for WSTC
- WSTC becomes preferred telecom provider for enterprises within the Warm Springs Reservation
- Partnership with IOU Portland General Electric (PGE) provides fiber backhaul gets WSTC city prices for backhaul

\*CLEC = Competitive Local Exchange Carrier  
ETC = Eligible Telecommunications Carrier







# Confederated Tribes of Warm Springs

## Key Aspects of Success

- Started small and built the network over time
  - Started with towers for public safety network
  - Pursued federal grants even after initial denial
  - Built an internet café to use until all residences were served
- Technical expertise & capacity from national association and federal grants
- Built internal support: broadband steering committee
- Found existing partnerships: Casino as customer, access to fiber through co-ownership of dam with state utility
- Support operations with state high cost support and Lifeline





# Case Study: Havasupai Tribe, AZ

## The Challenge:

- Located at the bottom of the Grand Canyon, the Havasupai community is the most remote Native American locality in the lower 48 states.
- The community is comprised of 800 members of the Tribe.
- Lack of broadband impacted the entire community, especially local school children.
- The Bureau of Indian Education school supporting the Tribe “consistently ranked the last in the United States for educational attainment.”





# Havasupai Tribe

## The Solution:

- California-based nonprofit MuralNet, and Northern Arizona University provide professional and technical services to support network deployment.
- 2018 - Tribe files with FCC to use Educational Broadcast Service (EBS) spectrum for a tribal broadband network.
- Local wireless internet service provider (WISP) Niles Radio Communications installs network using off-the-shelf equipment.
- 2019 – FCC awards EBS spectrum to Tribe for expansion of temporarily licensed tribal LTE network using EBS spectrum over tribal lands.





## Havasupai Tribe

### Key aspects of success

- Incremental (started small)
- Free spectrum
- Worked with local partners (already working with the tribe)





## What Providers Do Now

### What A Fund Companies Do Now

- Ponderosa
  - Big Sandy, Cold Springs, or Picayune
  - Broadband outside of voice territory
- Volcano
  - Jackson Rancheria
- Sebastian
  - Construction Company

### What Other Companies Do now





## Discussion

### Current voice and broadband service

- What service does your community have now?
- For tribal government?
- For business?
- For residential?
- Does the service meet needs?

### Models and Solutions

- Extension or upgrade to existing service
- Tribal enterprise
- Voice improvements
- Broadband improvements
- For tribal government, business, residences?



# What happens next

- Commenting in the proceeding
  - On the record today
  - In writing today or you can mail or email written comments to the CPUC





# How can tribal communities submit comments to the CPUC?

**Method 1 (informal):** Write to the Public Advisor's Office

Subject: "CHCF-A (R.11-11-007) - ..."

Email: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)

Address: California Public Utilities Commission  
Public Advisor's Office  
505 Van Ness Avenue  
San Francisco, CA 94102







# How to submit comments to the CPUC?

**Method 2 (formal):** Become a party and file written comments to Rulemaking (R.11-11-007)

- Instruction on how to become a party to a proceeding:  
[http://www.cpuc.ca.gov/Party\\_to\\_a\\_Proceeding/](http://www.cpuc.ca.gov/Party_to_a_Proceeding/)
- Create formal documents:  
[https://www.cpuc.ca.gov/creating\\_formal\\_documents/](https://www.cpuc.ca.gov/creating_formal_documents/)
- Question, contact Public Advisor's Office at 1-866-849-8390





# Telecom Resource Information

Presentation info and maps here: <https://www.cpuc.ca.gov/tribal/>

## **CPUC Tribal Liaison:**

Stephanie Green ([stephanie.green@cpuc.ca.gov](mailto:stephanie.green@cpuc.ca.gov); 415-703-5245)

## **Michael Minkus, Advisor to commissioner Martha Guzman Aceves:**

Michael Minkus ([michael.minkus@cpuc.ca.gov](mailto:michael.minkus@cpuc.ca.gov); 415-703-1681)



# Proposed Tribal Land Transfer ▶ Policy and CPUC Process

Darcie L. Houck

California Public Utilities Commission

Tribal Consultation - Tuolumne

September 16, 2019

# Historical Context

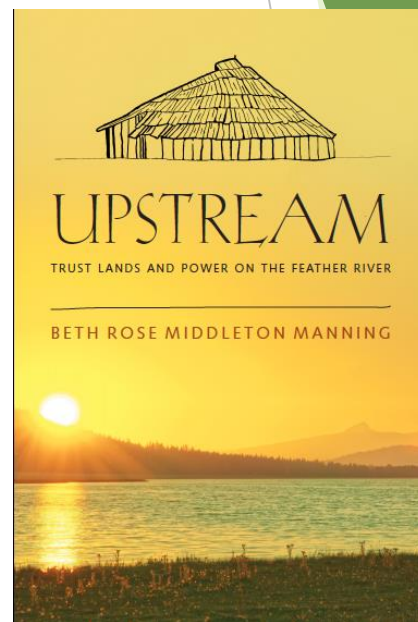
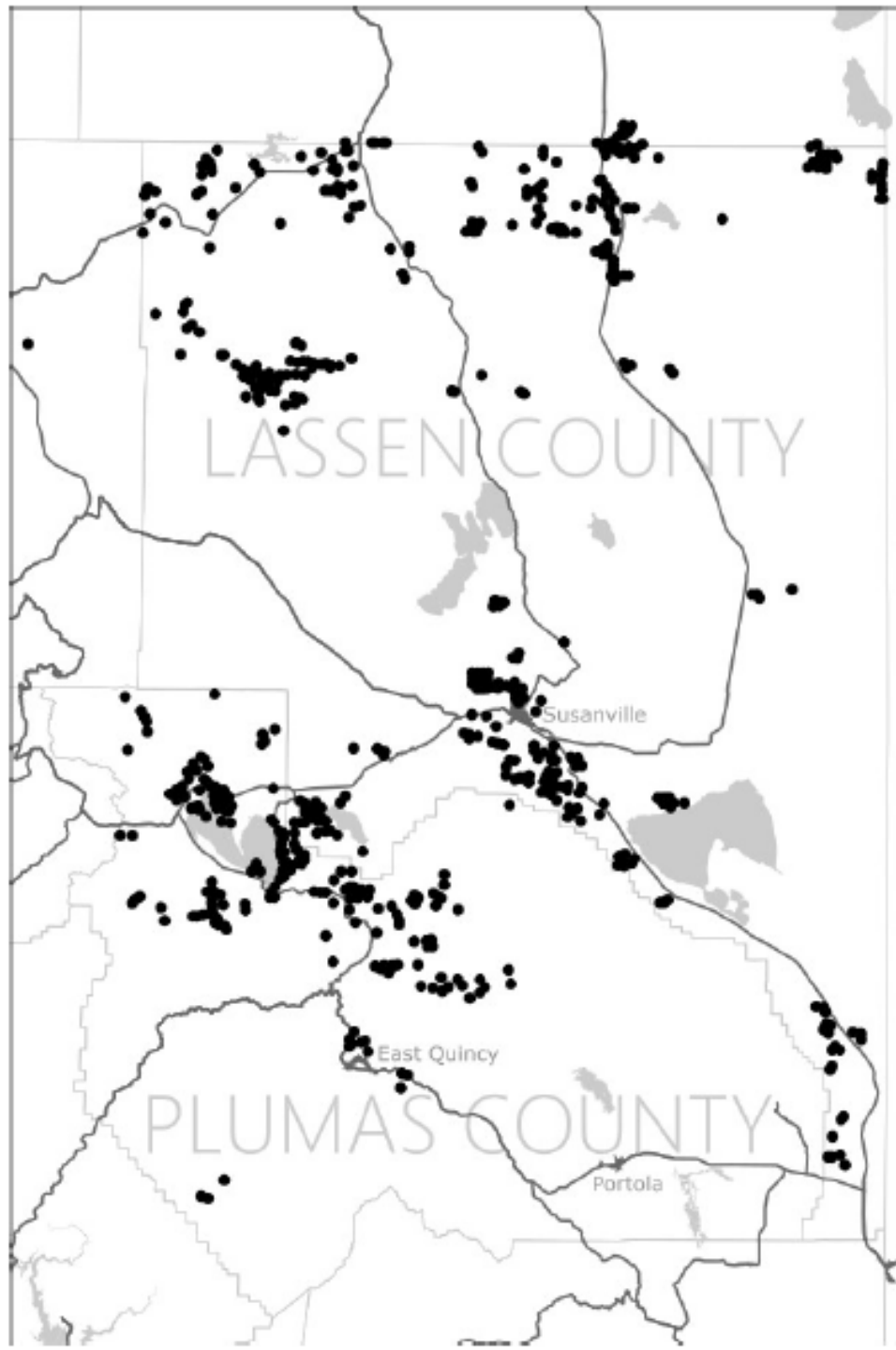
- Unratified California Treaties – 1851-52 [After treaties were not ratified with CA tribes, public domain allotments were one of the ways California Indian people obtained recognized land rights.]
- General Allotment Act (Dawes Act) 1889 Goals: encourage private property ownership, settlement, farming, and break up collective Indian lands
- Allotment could occur without tribal consent and in violation of treaties (*Lone Wolf v. Hitchcock* 1903)
- Indian Reorganization Act; 1934
- California Rancheria Termination Act of 1958; 1964 amended to terminate additional Rancherias
- Restoration -1977 forward through litigation and Congressional legislation.

Dr. Beth Rose Middleton Manning, Chair Native American Studies Department University of California, Davis has compiled the following information that was presented to CPUC Commissioners at a May 29, 2019 Emerging Trends Committee Meeting.









Individual Indian Allotments in Plumas and Lassen counties, California  
*Cartography by Michelle Tobias*



# Public Sale of Indian Lands

## At Greenville Indian Agency

# JULY 18, 1922

Sealed bids for the following listed lands will be opened at two p. m. July 18, 1922, at the Indian Agency, Greenville, California. Bidders, owners interested parties may be present. Each bid must be accompanied by a certified check, draft or certificate of deposit on some solvent bank payable to the order of the Superintendent, Greenville Agency, for ten (10) per cent of the amount offered. If the bid is accepted and the successful bidder shall fail to comply with the terms of his bid within thirty (30) days after due notice of acceptance such check or other exchange will be forfeited for the use of the owner of the land. All bids or offers should be marked with the number of the allotments, enclosed in a sealed envelope marked "Bid for Indian Land, to be opened July 18, 1922." In

no case shall a bid be less than the appraised valuation shown hereon.

No bidder will be allowed to include more than one allotment in any one bid. If a prospective purchaser desires to bid on more than one allotment he must submit a separate bid for each allotment, except as follows: White River Reservoir Group, Allotments 892, 893, 894, 895, 896, 897, 898, 964 and 965; also Millsite Proposition, Allotments 200 to 206 inclusive. No bids will be received on any single allotment in these two groups; they must all sell under one bid to one bidder.

Cost of advertising and conveyances, if any, must be paid by purchaser at \$1.50 if sale price is less than \$1000; \$2.00 if sale price is more than \$1000 and less than \$2000; and \$2.50 if sale price is more than \$2000 for each allotment.

In conformity with Indian Office Regulations of June 15th, 1920, approved by the Assistant Secretary June 24th, 1920, made under the Indian Appropriation Act of February 14th, 1920, Public No. 141-66th Congress, the purchaser will be required to deposit with the Superintendent of the Greenville School, in addition to the consideration for the land the sum of \$20.00 for each allotment, such amount to be paid when the purchaser is notified that he is the successful bidder, this amount to be in addition to the cost of conveyances and advertising fees as required under the regulations governing the sale of allotted and inherited Indian lands.

The award is made to the highest bidder. The right to reject any or all bids is reserved to the Commissioner of Indian Affairs. There will be no sale until approved by Commissioner

Indian Affairs. Lands sold will be conveyed direct to the purchaser by Patent in fee simple from the United States. Each Patent issued to the purchaser will contain the following clause: "And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States."

Terms of payment are as follows: Ten per cent (10 per cent) of purchase price with the bid and balance of ninety per cent (90 per cent) within thirty (30) days after notice of acceptance of bids by the heirs or allottees.

In exceptional cases a deferred payment plan may be approved extending over three years and bearing seven (7) per cent per annum on deferred payments; the terms are ten (10) per cent of purchase price with

the bid, fifteen (15) per cent within thirty days of notice of acceptance of bid, twenty-five (25) per cent in one year; twenty-five (25) per cent in two years and twenty-five (25) per cent in three years.

The sale of a tract of land that is leased will be subject to the terms of the lease. All rentals due prior to the approval of the sale shall go to the Indian lessor. All rentals due after the date of approval shall go to the purchaser. It is understood leases are made for a term of one calendar year only, payments for same being made in advance.

The acreage on these allotments are a close approximation, as no special or absolute surveys are made by this office.

Township plats, detailed appraisal and reports of appraisers may be examined at any time during office

hours at Greenville Agency, Greenville, California. Any further information desired will be given if possible upon request.

EDGAR K. MILLER,  
Greenville, Calif. Superintendent.  
April 28, 1922.

### FORM OF BID RECOMMENDED FOR USE

I hereby submit a bid on the allotment of (Name of Indian) Allotment No. (Give number) being the (insert legal description).

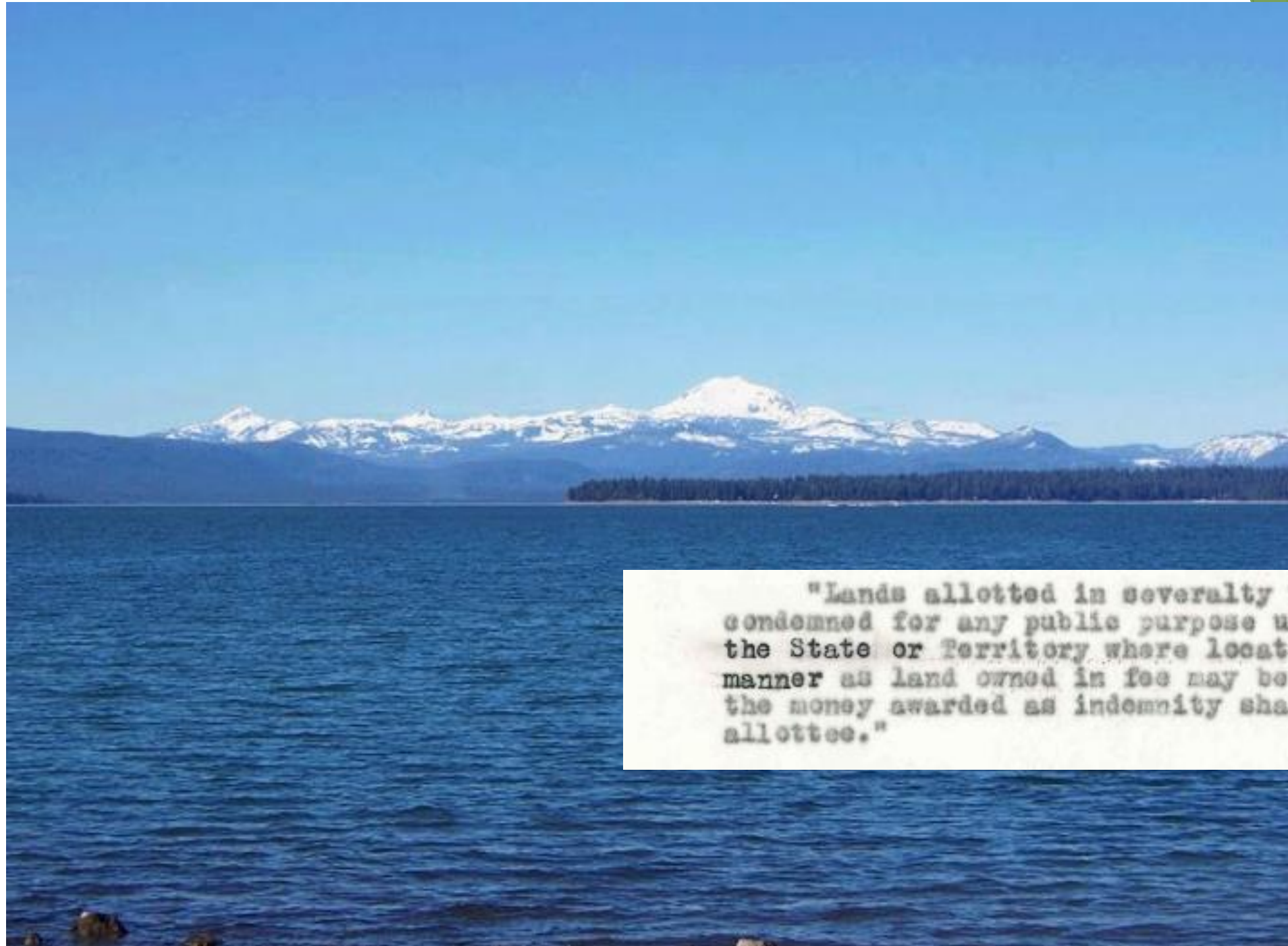
My bid on this land is \$.....  
A certified check for 10 per cent \$....., is enclosed herewith.

Sign full name and give postoffice address.



# Power site withdrawals

- ▶ PL 109 (1908), “An Act To relinquish, release, and confirm the title of certain lands in California to the Western Power Company” canceled 890 acres of state and federal land and transferred it to the power company.
- ▶ June 25, 1910 (36 Stat., 847), (power site reserves Nos. 234 and 245): These power-site withdrawals contained about 2,250 acres of lands covered by Indian allotments, as well as about 1,080 acres in unapproved State and lieu selections, and 80 acres [of] homestead entries.



"Lands allotted in severalty to Indians may be condemned for any public purpose under the laws of the State or Territory where located in the same manner as land owned in fee may be condemned, and the money awarded as indemnity shall be paid to the allottee."

INDIAN ALLOTMENT APPLICATION FOR LANDS OUTSIDE OF ANY INDIAN RESERVATION.

(Act February 8, 1887, Stat. 24, p. 388, as amended by act February 28, 1891, Stat. 26, p. 794.)

United States Land Office,

Susaville Cal

March 27 1894

APPLICATION No. 163

I, John Jenkins, being an Indian of the Big Meadows tribe, do hereby apply to have allotted my minor child Goodseener Jenkins Age 16 years, under the provisions of the fourth section of the act of Congress, approved February 8, 1887 (Stat. 24, p. 388), as amended by act of February 28, 1891 (Stat. 26, p. 794), the

SW<sup>1/4</sup> of SE<sup>1/4</sup>  
~~SE<sup>1/4</sup> of SW<sup>1/4</sup> Sec 15~~  
~~E<sup>2</sup> of NW<sup>1/4</sup> of Sec 22~~  
T<sup>27</sup> R 8 E T<sup>10</sup> D<sup>1</sup> M

Part of the Western  
Brown Co.

This land is valuable only for grazing purposes.

containing 160 acres.

Witnesses:  
W. P. McCall  
J. A. Roseberry

John Jenkins

United States Land Office,

Susaville Cal

March 27 1894

I, J. A. Roseberry, Register of the Land Office, do hereby certify that the above application is for surveyed lands, and that there is no prior valid adverse right to the same.

J. A. Roseberry, Register.



Bob Shafer, an Indian of the Greenville Jurisdiction, being duly sworn, makes the following statement; That about fourteen years ago before they started to build the dam at Big Meadows, Mr Bidwell now of Greenville, California, who was connected with the Great Western Power Company getting lands under the Great Western project, came to my place in Butt Valley with another man, I don't remember who the other man was, maybe he was with the Western Power Company, and Mr Bidwell said to me, "You got to go to Quincy"; I said, "what for?"; He said, "This place they going to make something out of it, you better go get your money". I said, "I don't want to sell this place". He said, "They going to make a tunnel" and I suppose they going to pay me for it. He said, "This your land and if they don't make tunnel here it belongs to you, if they make tunnel you get other land somewhere else". My wife was there, we were working in garden. Two or three days after I went to Quincy, and they took me to a room in a Bank, I don't know whether I signed paper or not, they asked me what kind of money I wanted, Horace Mc Beth was Clerk, he paid me about two hundred fifty dollars, Bidwell was at the table, two or three other white men were there, John Jenkins and Thompson Jim were there, Jenkins boy that was drowned in Meadows was there, Celia Jenkins and all the Jenkins girls were there, I saw Thompsons woman and Meadows woman get some money and the Jenkins boy who was drowned got money. I lived on the place about a year after this happened, and I had trouble with sheepman who told me, he rented this place from Power Company and it was'nt my land. I then moved to Prattville.

# Race and Gender basis of “Relinquishments”

FILES

October 11, 1956

Douglas Clark, Area Realty Officer  
Sacramento Area Office

Visit of Joseph (Joaquin) Meadows concerning the relinquishment by  
John Meadows of his allotments Sus-145 and Sus-1014.

It appears from the files that allotment Sus-145 was relinquished  
because of non-Indian blood of the allottee. Allotment Sus-1014  
was relinquished in favor of the Great Western Power Company and  
there is no record of the allottee having received any compensation

Allotment 1014, 80 acres,  
was condemned by the Superior  
Court of Plumas Count in a  
decree dated Nov. 22, 1902.  
No record has been made of the  
compensation to the allottee.

E. K. M.

SEE FILE SUS. 145 AND THE FILE  
GREAT WESTERN POWER COMPANY,  
RESERVOIR.



# “No compensation”

- ▶ Rose Meadows Salem, daughter of John Meadow, allotted, land taken, re-allotted, then land taken because she did not meet settlement criteria

I, Rosée Meadows Salem, being first duly sworn, depose and say that on March 26, 1894 I was allotted the SE<sup>1</sup>/<sub>4</sub> SE<sup>2</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>4</sub> SE<sup>2</sup>/<sub>4</sub>, SW<sup>2</sup>/<sub>4</sub> NE<sup>2</sup>/<sub>4</sub>, Section 5, Township 26 North, R. 7 E. This land being settled on many years before by my Grandfather, John Meadow, we lived on this land for seven (7) years after it was allotted. We cut hay on it for many years. In 1901, or 1902, Gus Bidwell told us that we had lost our land and would have to move away. We had all along Butt Creek - eight hundred (800) acres. I think that the Power Company wanted it.

same was cancelled for the reason that she was the daughter of a white man, without her knowledge or without giving her a chance to prove she was entitled to make entry under the allotment act. Last above mentioned action on the part of the Commissioner of the Interior seems might have been cancelled if she had been allowed to take an allotment on

The records of this Office show that this Indian was the daughter of a white man, but that she has always been recognized as a member of the Digger Indian Tribe. The records do not show the Commissioner of the Interior that he ever made her a citizen.

It is not known what steps if any were taken to reimburse this applicant for loss sustained from her original entry. In this connection and for your information the land has proven very valuable. As it is understood that it is now included in the project of the Great Western Power Company and would approximately be worth from \$10,000.00 to \$12,000.00. It would therefore appear that if the applicant is now





# J. B. WALKER, STATE LUMBER

One serious thing to bear in mind is that we are almost entirely dependent upon the Red River Lumber Company for our market in getting rid of these lands and that no offense should be given them to make them decide to purchase no more Indian timber or lands,

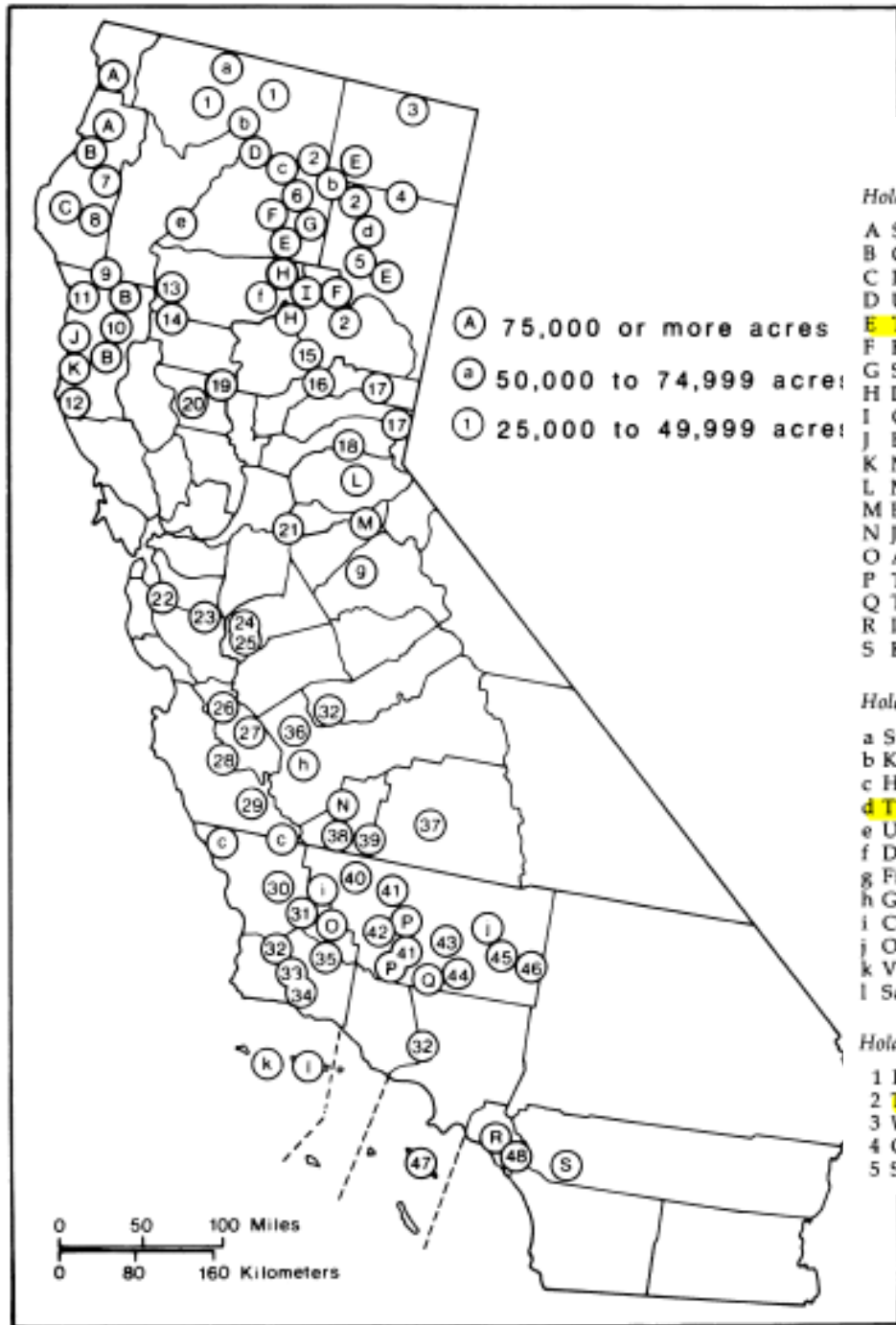
000 Westwood Project



## PAUL BUNYAN GUARDIAN OF RED RIVER'S FOREST

For thirty years, 1914 to 1944, Paul Bunyan has been the emblem of The Red River Lumber Company. His likeness is the company's trademark\* and his spirit has been a friendly presence in many relations with employees, the trade and the public. Paul Bunyan will continue as the trademark and the symbol of Red River's current and future activities, particularly in the administration of large tracts of virgin pine forest in the California Sierra.





Key for Figure 2 (opposite)

*Holdings 75,000 or more acres*

- A Simpson Timber
- B Georgia-Pacific
- C Pacific Lumber
- D U.S. Plywood-Champion Papers
- E T. B. Walker heirs**
- F Kimberly-Clark
- G Sunkist Growers
- H Diamond International
- I Collins Pine
- J Boise Cascade (Union Lumber)
- K Masonite
- L Michigan-California Lumber
- M Bendix (American Forest Products)
- N J. G. Boswell/Boston Ranch
- O Armendaris Land Development
- P Tenneco
- Q Tejon Ranch
- R Irvine
- S Kaiser-Aetna (Rancho California)

*Holdings between 50,000 and 74,999 acres*

- a Sunkist Growers
- b Kimberly-Clark
- c Hearst Corporation
- d T. B. Walker heirs**
- e U.S. Plywood-Champion Papers
- f Dye Creek Cattle
- g Fibreboard (Pickering Lumber)
- h Giffen
- i C. Twisselman heirs
- j O.M. Rudnick
- k Vail & Vickers
- l Santa Cruz Island

*Holdings between 25,000 and 49,999 acres*

- 1 International Paper
- 2 T. B. Walker heirs**
- 3 Weyerhaeuser
- 4 Corporation/Moon Valley/Rocky Hill Ranches
- 5 Sunkist Growers

- 6 Times-Mirror (Publishers Forest Products)
- 7 U.S. Plywood-Champion Papers
- 8 Fort Baker Ranch
- 9 Dean Witter
- 10 Mendocino River/My Ranch
- 11 Georgia-Pacific (Rockport Redwood)
- 12 Longview Fibre
- 13 Crane Mills
- 14 Commander Industries
- 15 Georgia-Pacific (Feather Falls Development)
- 16 Soper-Wheeler
- 17 Fibreboard
- 18 Bendix (American Forest Products)
- 19 Zumwalt
- 20 E. J. Mitchell
- 21 Arroyo Seco Ranch
- 22 Leslie Foods
- 23 N-3 Cattle
- 24 Kaiser-Aetna (Gill Ranch)
- 25 Simon Newman
- 26 Quien Sabe Ranch
- 27 Los Muertos Ranch
- 28 Topo Ranch
- 29 Tom Mee Ranch
- 30 Chimineas Investment
- 31 Cammatta Ranch
- 32 Newhall Land & Farming
- 33 Sisquoc Ranch
- 34 San Fernando Rey Ranch
- 35 Cuyama Ranch
- 36 Anderson Clayton (Vista del Llano Farms)
- 37 J. G. Boswell/Boston Ranch
- 38 Salyer Land
- 39 Bangor Punta (South Lake Farms)
- 40 Getty Oil
- 41 Roberts Farms
- 42 Buena Vista Farms
- 43 H. & W. Rankin
- 44 Benguet California (Stallion Springs)
- 45 H. A. & A. C. Hansen
- 46 Great Western United (California City)
- 47 Santa Catalina Island
- 48 Mission Viejo

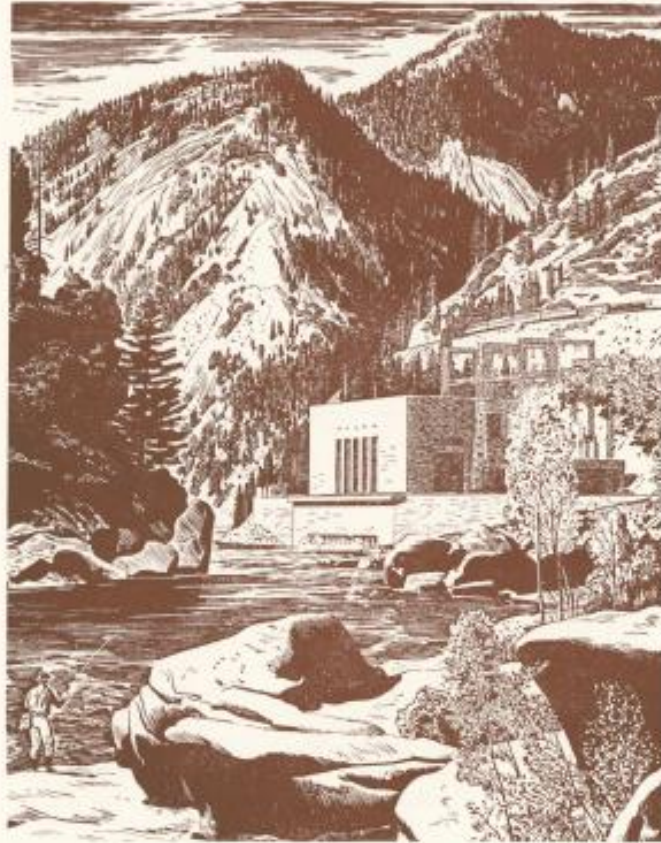
FIG. 2—Largest private landholdings in California (key opposite).



Big Meadows, CA, photo from Cook, circa 1910-1920



**P·G<sup>and</sup>E's**  
**FEATHER RIVER**  
*Powerland*



*Rock Creek Powerhouse*

Water Resources  
Center Archives

PACIFIC GAS & ELECTRIC COMPANY

Promotional brochure on the “PG&E Powerland” or “Feather River Powerland.” This document lauds PG&E’s “Stairway of Power” in the Feather River Canyon (Pacific Gas & Electric Company, “Feather River Development,” circa 1957, WRCA, Hans Albert



*Along with their gathering sites, the Maidu lost salmon and snapping turtles, ceremonies, language, and song—‘everything that goes with the land...We have always been looking for compensation for what we lost. Always.’ - Lorena Gorbet, 2014*



# Proposed Tribal Land Transfer Policy

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the right side of the slide, creating a modern, layered effect. The text is positioned on the left side of the slide, set against a plain white background.



# Executive Order B-10-11 and N-15-19

- ▶ Executive Order B-10-11 declares that “the State is committed to strengthening and sustaining effective government-to-government relationships between the State and the Tribes by identifying areas of mutual concern and working to develop partnerships and consensus,” and directs state executive agencies and departments to “encourage communication and consultation with California Indian Tribes.”
- ▶ Executive Order N-15-19 reaffirms and incorporates the principles set out in B-10-11. The Executive Order recognizes that the State historically sanctioned for over a century “depredations and prejudicial policies against California Native Americans”, and establishes a Truth and Healing Council to be led and convened by the Governor’s Tribal Advisor.



# Consistency with Commission Tribal Consultation Policy

- ▶ The proposed tribal land transfer policy is to be read consistent with the Commission's Tribal Consultation Policy, which requires that the Commission:
  - ▶ provide notification of Commission proceedings to tribes,
  - ▶ encourage tribal participation in Commission proceedings, and
  - ▶ meaningfully consider tribal interests and the protection of tribal sacred places and cultural resources.

# Purpose of Proposed Tribal Land Transfer Policy

- ▶ On April 26, 2018, the California Public Utilities Commission adopted its first Tribal Consultation Policy.
- ▶ Consistent with the goals of the Tribal Consultation Policy and Executive Orders B-10-11 and N-15-19, this proposed policy provides a first right of refusal to California Native American tribes or groups where investor owned utilities (IOUs) seek to divest surplus property outside of FERC project boundaries (with additional considerations for FERC project properties).
- ▶ The proposed policy requires IOUs to affirmatively consult with tribes where the surplus property proposed to be divested is within the tribes aboriginal territory to determine whether there is interest in acquisition of the land and to address any potential mitigation that may be needed to protect cultural resources if properties are not transferred to a tribe or are within FERC project boundaries and the property is being transferred to an entity other than the Tribe.

# Tribal Consultation

- ▶ Comply with Commission tribal consultation policy
- ▶ Three tribal consultations will be schedule :
  - ▶ One in Central California - Monday, September 16, 2019; Black Oak Casino Hotel Conference Center- Host Tuolumne Me-Wuk Tribe
  - ▶ One in Northern California - Monday, September 30, 2019; Sapphire Palace at Blue Lake Rancheria - Host Blue Lake Rancheria
  - ▶ One in Southern California - Friday, October 11, 2019; Host Pechanga Band of Luiseno Mission Indians
- ▶ Tribes may request additional consultation or meetings with Commissioners, Commission Tribal Liaison Stephanie Greene or staff.
- ▶ Consultation feedback and public comment will be considered and revisions as appropriate prior to the Commission vote scheduled for November 7, 2019.

# Proposed Process and Timeline

- ▶ Presentation to Emerging Trends Committee
  - ▶ May 29, 2019
- ▶ Outreach and notice to Tribal Governments
  - ▶ May-October 2019
- ▶ Tribal Consultation Meetings
  - ▶ September-October 2019
- ▶ Public Comments on Policy [Policy and information on how to submit comments is posted on CPUC website]
  - ▶ Fall (by October 15, 2019 preferred but will consider all comments prior to vote by CPUC on proposed policy.)

# Proposed Process and Timeline (continued)

- ▶ Review Public Comments
  - ▶ September, October 2019 and any comments received prior to vote on proposed policy
- ▶ Place Policy on Commission Agenda for Vote
  - ▶ November 7, 2019

Questions?

Discussion