

### Updated General Plan comments

Lisjan Nation <cvltribe@gmail.com>

Tue 9/12/2023 5:41 PM

To:Rajagopalan, Lakshmi <LRajagopalan@oaklandca.gov>

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📎 1 attachments (2 MB)

Oakland General Plan updates .pdf;

## SUPPLEMENTAL EXHIBIT - COMMENT LETTER FROM CONFEDERATED VILLAGES OF LISJAN NATION

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Lakshmi,

Please find attached new updated General Plan comments from the Tribe.

**'Uni (Respectfully),**

***Corrina Gould, Tribal Chair***

Confederated Villages of Lisjan Nation





*Confederated Villages of Lisjan Nation*  
(510) 575-8408 ♦ PO Box 6487 Oakland CA 94603



September 11, 2023

VIA EMAIL: LRajagopalan@oaklandca.gov

City of Oakland

Bureau of Planning

250 Frank H. Ogawa Plaza

Suite 3315

Oakland, CA 94612

Dear Honorable Members of the City Council and the Office of the City Planner,

I submit these comments today to address a critical matter that requires immediate action. We are disappointed with the lack of proper consultation with the City of Oakland on the General Plan Update, despite us reaching out in 2021, having a Zoom meeting on July 15, 2021, and our comprehensive letter that was submitted to the City in October, 2021. Our goal was to consult early and provide input at the beginning of the process so that the Tribe's concerns, which were many, could be addressed in a timely manner. Sadly, our effort was a waste of our time and resources because it appears that no one ever read our letter or incorporated any of our early comments into the Update.

Now, years later, we are faced with the daunting process of reviewing a completed General Plan Update that does not include any of our input. After a meticulous review of the City of Oakland's 2045 General Plan Update, there remains a glaring absence of commitment from the city to safeguard tribal cultural resources. We emphatically request the inclusion of Cultural Resource protection requirements outlined in SB 18, AB 52, and AB 168 be included with the Goals, Policies, and



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Actions of the 2045 General Plan Update. Our plea is based on a profound historical context that cannot be ignored.

First, it is disheartening to note that there are no references to Cultural Resource Protection in the City Planning Code, the Standard Conditions of Approval, any of the new proposed plans, or any of the previously approved plans. These laws, which are designed to protect the cultural heritage of our Native American communities, stand as a testament to our commitment to justice and equity.

Second, the City of Oakland's General Plan Update Technical Memo of April 4, 2021, underscores a glaring truth:

“Oakland’s current General Plan neither acknowledges nor addresses the deep-seated colonialism and injustices inflicted upon native peoples on this land. Moreover, it fails to recognize their continued presence in the city. The absence of targeted outreach to tribal members, on whose ancestral land the City was built, further perpetuates these historical wrongs.”<sup>1</sup>

It is evident that the proposed plan falls short of addressing these grave injustices, with an alarming lack of outreach in the drafts. Within this comprehensive GPU document, there are only four fleeting mentions of native communities, a stark reminder of systemic neglect.

Third, I draw your attention to California Assembly Bill 168 (AB 168), signed into law on September 20, 2020, with the purpose of safeguarding tribal cultural resources across the state. Preceding that, in 2015, California Assembly Bill 52 (AB 52) was enacted, requiring tribal consultation during the CEQA process. These legislative actions reflect the State’s firm commitment to collaborating with California Native Tribes in preserving our cultural resources, including sacred sites like the West Berkeley Shellmounds.



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Fourth, it is imperative to acknowledge the consultation requirements defined in the State of California Senate Bill 18 (SB 18), which outlines a comprehensive framework for consultation between governmental agencies and California Native Tribes. This legislation defines consultation as “a meaningful and timely process that involves open communication, mutual respect, and the genuine consideration of tribal perspectives and concerns in decision-making processes.” Incorporating these consultation requirements, as outlined in SB 18, into the 2045 General Plan Update is essential to ensure a robust and meaningful engagement with tribal communities in Oakland that consist of more than one or two meetings. This step will both align the city with state laws and also demonstrate a genuine commitment to fostering collaboration and preserving our rich cultural heritage.

The City of Oakland holds a pivotal role in ensuring these vital protections are upheld and enforced. Failure to incorporate these provisions into the Plan would hinder the small tribes fighting tirelessly to protect their resources. This momentous opportunity must not be squandered.

If this document is to be employed by the City Council, the City Planner, developers, and individuals considering relocating to our city, it must serve as a resounding declaration. It must make clear that the tribes will play an integral part in any significant changes to our landscapes, thereby initiating the process of rectifying the historical wrongs as elucidated in the Technical Memo.

We continue to offer our availability to work on the GPU; however, we must express our difficulties with the current draft. It is with regret that we find the draft to be challenging to work with, necessitating a different version that facilitates easier markups. We respectfully request an editable Word version of the Plans.

While we have only provided a few specific suggestions for the General Plan Update, we must emphasize our dissatisfaction with the Plan in its current state. Given the opportunity, we would advocate for a complete overhaul of the Plan, one that reflects the perspective of California Native communities. We earnestly urge you to



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demonstrate your unwavering commitment to justice, equity, and the preservation of cultural heritage by embracing the provisions outlined in AB 52 and AB 168, while also considering the additions we have suggested below. We encourage our city to lead by example, acknowledging our shared history and securing a brighter future for all. Together, we can forge a path that upholds the rights and heritage of California Native Americans.

Sincerely,

Corrina Gould

Tribal Chairwoman

Cc: lkaminski@oaklandca.gov, mbranson@oaklandcityattorney.org,  
khaynes@oaklandca.gov,

dfindley@oaklandca.gov



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## RECOMMENDATIONS

There is a short mention of the Ohlone people on page 3 under the subheading “Learning From the Past” within the Introduction. Other than being a carbon copy of previous mentions of our people from past City documents, it speaks of us as people of the past. We respectfully request consultation to personally update this section as the current stewards of the land. What is listed currently is inaccurate, as we have been continual stewards regardless of colonial interruption.

Under Pipeline Projects we request that “the requirements of AB 52 and AB 168 will be adhered to” be added.

At EJ-1.13 add AB 52 and AB 168.

At EJ-4.5 add AB 52 and AB 168 for new construction only.

At EJ-8.5 add “Consult with Native American Tribes.”

At EJ-1.12 add AB 52 and AB 168.

(Because all of the City Documents have excluded the requirements)

At SAF-1 add section SAF-1.5 Consult with Native American Tribes to gather Tribal Ecological Knowledge (TEK).

At SAF- A.12 add Consult with Native American Tribes to gather Tribal



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Ecological Knowledge (TEK).

To Appendix A-Mitigation Monitoring and Reporting add CUL-3 titled "Cultural Resources Treatment Agreement." ( This agreement would serve to address the treatment and disposition of cultural resources and human remains in definite terms between the Tribe and the Developer.)