



November 24, 2021

Commissioners  
 California Public Utilities Commission  
 505 Van Ness Avenue  
 San Francisco, CA 94102

Submitted via email to: [ESJActionPlan@cpuc.ca.gov](mailto:ESJActionPlan@cpuc.ca.gov)  
 Attention: Monica Palmeira, Analyst – Environmental & Social Justice Action Plan

Dear Commissioners:

On behalf of Japanese American, Asian American Pacific Islander and partner organizations, we write to express our support for the California Public Utilities Commission’s (CPUC) leadership to advance environmental and social justice through its Environmental and Social Justice (ESJ) Action Plan. We are grateful to the hard work of CPUC Commissioners and staff and appreciate the opportunity to submit comments relating to the Japanese American experience during World War II and the preservation of incarceration sites.

In light of racial prejudice directed against Asian Americans dating back over 100 years, we are grateful for the Commission’s Diversity Statement which “embraces diversity and inclusiveness as core values. Practicing inclusion involves supporting and respecting people of all backgrounds, especially those that have historically been marginalized.”

As you develop the Action Plan, we respectfully request your consideration to include the following new elements to preserve incarceration sites as places for healing and learning:

- (1) Define the Japanese American community as an “Environmental and Social Justice (ESJ) Community,” because the community was historically marginalized by unjust federal and state laws and policies including the wrongful incarceration during World War II.
- (2) Include Japanese American incarceration sites in the definition section.

- (3) Include language that the Commission consider the impact of its decisions on Japanese American incarceration sites and include protective conditions to ensure that CPUC actions do not impair or damage units of the National Park System or damage the integrity of sites designated as National Historic Landmarks or listed on the National Register of Historic Places.

As noted by Governor Newsom in 2021:

“Over two and a half years, the U.S. government removed Japanese Americans from their homes on the West Coast – without a trial or due process – forcing them into concentration camps in unfamiliar lands. Uprooted from their lives and livelihoods, they endured miserable conditions and treatment by military guards.”<sup>1</sup>

We would be grateful for the Commission’s consideration of our ESJ requests. We understand that the Commission faces many difficult challenges relating to climate change, reliability, cost, public health and safety and other important goals. We support balanced approaches to meet these important challenges. Please accept our apologies for the fact that these comments are being submitted late in the ESJ drafting process. We only recently learned about the threat to Minidoka National Historic Site and the National Park Service’s (NPS) significant concerns about a renewable energy proposal in Idaho.<sup>2</sup>

Background. For over 100 years, the State of California, and its political subdivisions, adopted laws and policies limiting the rights of Japanese, Chinese and other Asian immigrants. After the Japanese attack on Pearl Harbor, California’s political leaders supported the U.S. Government’s forcible removal of Japanese Americans from West Coast communities and the passage of federal law that imposed criminal penalties for violating exclusion orders<sup>3</sup>.

Because of the transportation challenges to move the entire Japanese American population on the West Coast, including 92,785 residents of California, the federal government located incarceration sites near railroad lines on large tracts of remote land, mostly in the western United States. Of the overall total of 120,313 Japanese Americans incarcerated, three quarters were from California. Notable Californians include Fred Korematsu (Topaz), Mitsuye Endo (Topaz), Rep. Norman Mineta (Heart Mountain), Rep. Mike Honda (Amache), Rep. Bob Matsui (Tule Lake), George Takei (Rohwer, Arkansas), Sue Kunitomi Embrey (Manzanar) and many other leaders, too numerous to list here, in military and public service, law, medicine, architecture, sciences, art, literature and other fields.

For the last thirty years, the Japanese American community in California and across the country has partnered with NPS to preserve the Manzanar, Minidoka and Tule Lake incarceration sites as units of the National Park System and designate other sites as National Historic Landmarks (NHL), including Heart Mountain, Wyoming and Topaz, Utah. Congress is currently considering bipartisan legislation to designate Amache in Colorado as a new national park. Preserving these and other incarceration sites provides opportunities to heal deep racial wounds and to help the public better understand America’s long history of anti-Asian American Pacific Islander (AAPI) prejudice, hate and violence, as part of a broader effort to combat anti-AAPI violence.

Unfortunately, incarceration sites are located near transmission corridors in remote, unpopulated areas, often near large tracts of public land. These areas are of interest to private companies seeking to develop

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<sup>1</sup> <https://www.gov.ca.gov/2021/02/19/governor-newsom-issues-proclamation-declaring-a-day-of-remembrance-japanese-american-evacuation-2/>

<sup>2</sup> <https://www.eenews.net/articles/wind-farm-draws-fire-for-interfering-with-wwii-incarceration-site/>

<sup>3</sup> P.L. 77-503, enacted March 21, 1942.

industrial renewable energy projects. In 2009, LS Power, a New York private equity company, tried unsuccessfully to secure a right-of-way for its Southwest Intertie Project (SWIP) power line over the entrance of Minidoka National Historic Site, in Idaho. Several years ago, California's Japanese American community worked with Indian Tribes and local partners to educate and ultimately convince the Los Angeles Department of Water and Power to reverse course on its proposal to develop an industrial solar facility adjacent to Manzanar NHS.<sup>4</sup>

In August 2021, the Secretary of the Interior Deb Haaland announced a Biden Administration decision to study a massive new wind project on federal lands in Idaho.<sup>5</sup> Despite its awareness of Minidoka NHS and the fact that its powerline right-of-way was relocated around Minidoka eleven years ago, LS Power proposed the Lava Ridge Wind Project within the historic footprint of Minidoka and within two miles of the park visitor centers. In September 2021, the NPS sent a letter to the Japanese American community highlighting the significant negative impact which would impair the park's fundamental resources and values. Attachment 1.

Our organizations are committed to collectively preserving, protecting, and interpreting the World War II experiences of Japanese Americans, and to teach social justice. Our organizations are located in California and outside the state, working to protect historic sites where Japanese Americans were forcibly incarcerated during World War II. Our organizations partner with NPS and others to protect former War Relocation Authority confinement sites and to help the public better understand this terrible chapter in our history. We also work to ensure that mass incarcerations, family separations and travel bans do not happen again.

Request #1: Include the Japanese American community in the definition of an ESJ Community.

Along with other AAPI communities in California, the Japanese American community has been historically-marginalized. For over 100 years, the State of California and its political subdivisions adopted anti-AAPI laws and policies.<sup>6</sup> The State passed and enforced alien land laws barring Asian immigrants from owning and leasing land.<sup>7</sup> California-based organizations, including the Asiatic Exclusion League and California Joint Immigration Committee lobbied Congress to pass the Immigration Act of 1924, which limited immigration from Japan and other Asian countries.<sup>8</sup> The State also barred Japanese immigrants from fishing in state waters by requiring American citizenship for fishing licenses.<sup>9</sup> In addition, the State and local school boards created segregated schools for children of Japanese, Chinese, Indian or Mongolian parentage.

Following the Japanese attack on Pearl Harbor, the State of California took official actions against Japanese Americans and supported federal efforts to incarcerate California's Japanese American community. For example, the State Personnel Board fired all Japanese Americans employed by the State based solely on their race.<sup>10</sup> Mitsuye Endo was fired as a stenographer for the California Department of Motor Vehicles. After being incarcerated in Topaz, she filed a federal lawsuit challenging the incarceration.

Starting in December 1942, the U.S. government took Japanese American men from their homes, separated them from their families and incarcerated them in prisons across the country. On February 19, 1942,

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<sup>4</sup> <https://manzanarcommittee.org/2015/06/12/klusmire-inyoregister-sovsr-stalled/>

<sup>5</sup> <https://www.doi.gov/pressreleases/interior-department-announces-next-steps-idaho-onshore-wind-energy-project>

<sup>6</sup> <http://www.npshistory.com/publications/california/5views/5views4d.htm>

<sup>7</sup> [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200HR77](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200HR77)

<sup>8</sup> <https://history.state.gov/milestones/1921-1936/immigration-act>

<sup>9</sup> [https://en.wikipedia.org/wiki/Takahashi\\_v.\\_Fish\\_&\\_Game\\_Commission](https://en.wikipedia.org/wiki/Takahashi_v._Fish_&_Game_Commission)

<sup>10</sup> <https://www.nichibei.org/2013/01/calif-state-personnel-board-apologizes-for-wwii-firing-of-nikkei-employees/>

President Franklin D. Roosevelt signed E.O. 9066, which ordered the “evacuation” of the remaining Japanese Americans on the west coast to incarceration sites in the western U.S. and Arkansas. To provide temporary facilities, the federal government established “Assembly Centers” in Fresno, Marysville, Merced, Pinedale, Pomona, Sacramento, Salinas, Santa Anita, Stockton, Tanforan, Tulare and Turlock.<sup>11</sup> Japanese Americans were kept in animal pens and other primitive living areas, while the government built the ten large relocation centers in the Western United States and Arkansas.

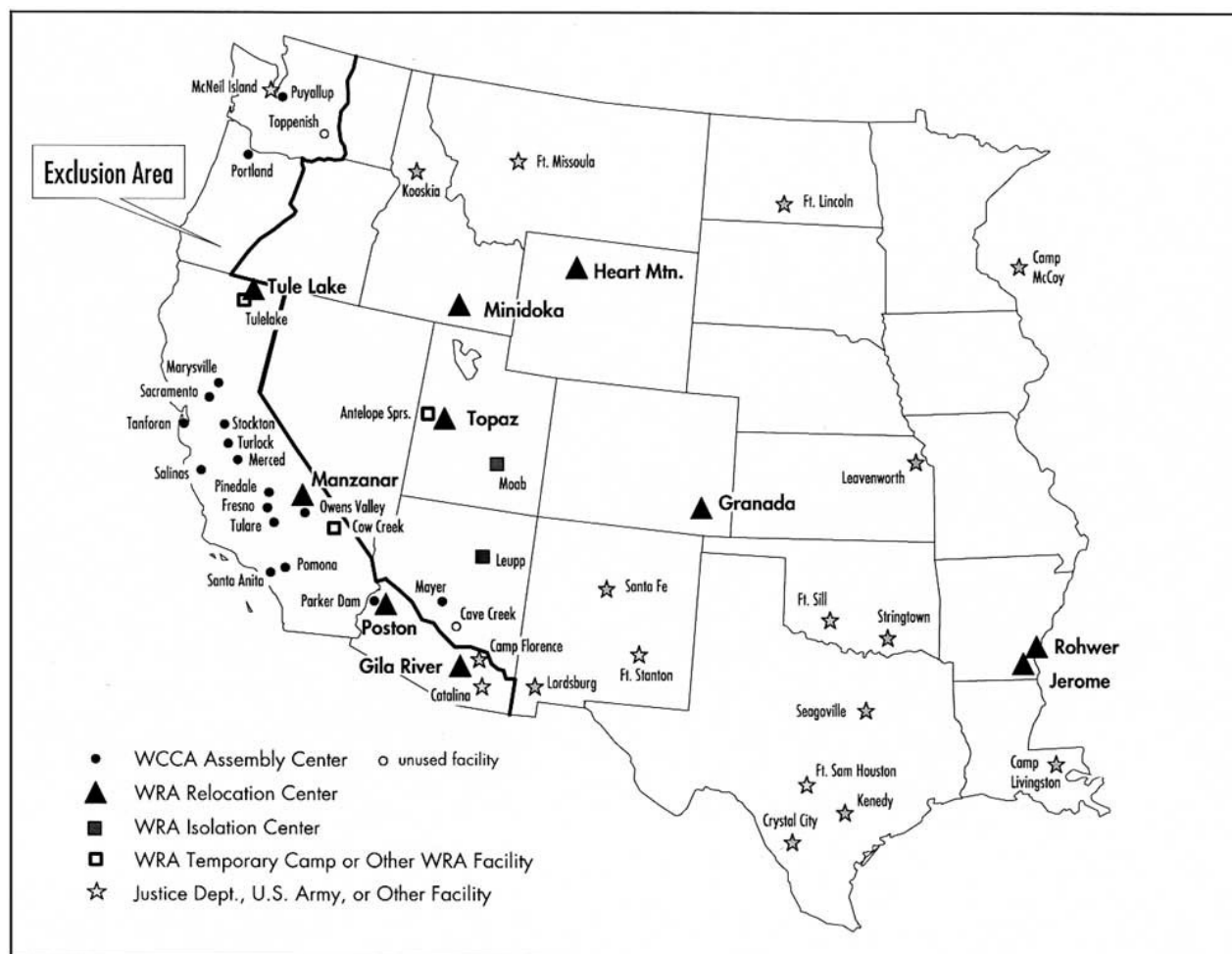


Figure 1.1. Sites in the western U.S. associated with the relocation of Japanese Americans during World War II.

Source: National Park Service, Confinement and Ethnicity, 2000<sup>12</sup>

Japanese Americans suffered terrible pain and losses. The government destroyed Japantowns, or Nihonmachi, along with thriving farming communities. The government separated fathers from their families and imprisoned them in U.S. Department of Justice and Army prisons across the country. In addition to losing almost all of their personal property, many Japanese Americans lost their homes and businesses when they could not pay property taxes. Japanese American soldiers fought and died for freedom overseas, while their families were incarcerated behind barbed wire. Through its required “loyalty oath,” the government further divided the Japanese American community between those deemed “loyal” and “disloyal.”

As World War II was winding down, the government allowed families to leave camp as long as they dispersed throughout the country and did not resettle on the West Coast. As the Japanese American diaspora

<sup>11</sup> <http://www.nps.history.com/publications/nhl/theme-studies/japanese-americans-ww2.pdf>

<sup>12</sup> [https://www.nps.gov/parkhistory/online\\_books/anthropology74/index.htm](https://www.nps.gov/parkhistory/online_books/anthropology74/index.htm)

rebuilt their lives, they encountered acts of racism and prejudice in housing, employment, public education and even discrimination from cemeteries. For decades, camp survivors did not talk about their experiences: the pain was too raw. For decades, Japanese Americans grappled with the emotional pain, shame and anxiety that this could happen again.

In recent years, the Japanese American community is gratified by official apologies and efforts to preserve the camps. For example, the State Legislature passed a resolution in 2020 (House Resolution 77):

Resolved by the Assembly of the State of California, That the Assembly apologizes to all Americans of Japanese ancestry for its past actions in support of the unjust exclusion, removal, and incarceration of Japanese Americans during World War II, and for its failure to support and defend the civil rights and civil liberties of Japanese Americans during this period.<sup>13</sup>

Our organizations are also gratified by the official acts by the State of California to commemorate the Day of Remembrance and acts of courage of Japanese Americans from California to stand up to injustice, such as commemorations of the Day of Remembrance and the courage of Fred Korematsu.<sup>14</sup> These actions parallel actions at the federal level, as outlined in the timeline at the end of this letter. Acknowledging that the incarceration was wrong and preserving the camps are examples of the strength and courage of California and our nation to admit a wrong.

Request #2: Include the Japanese American incarceration sites in the definitions section.

We request that “Japanese American incarceration sites” be added to the definition section of the Action Plan. These sites are defined in federal Public Law 109-441, “an act to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II.” This Act authorizes the NPS to provide Japanese American Confinement Sites (JACS) grants to organizations working to protect and interpret these sites.

We encourage you to consider using the National Park Service definition of incarceration sites:

“[t]he ten War Relocation Authority sites (Gila River, Granada, Heart Mountain, Jerome, Manzanar, Minidoka, Poston, Rohwer, Topaz, and Tule Lake), as well as other historically significant locations, as determined by the Secretary of the Interior, where Japanese Americans were detained during World War II. These sites are specifically identified in *Confinement and Ethnicity: An Overview of World War II Japanese American Relocation Sites*, published by the Department of the Interior, National Park Service, Western Archaeological and Conservation Center.”<sup>15</sup>

As defined by NPS, other significant historic locations include: Citizen Isolation Centers, Additional War Relocation Authority Facilities, Assembly Centers and Sites, U.S. Department of Justice Facilities, U.S. Army Facilities, and Federal Bureau of Prisons.<sup>16</sup>

Request #3: Consider impact on incarceration sites and adopt protective conditions in any CPUC actions.

We support the ESJ Action Plan Goal #1 to consistently “integrate equity and access considerations throughout CPUC regulatory activities.”

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<sup>13</sup> [Bill Text - HR-77 \(ca.gov\)](#)

<sup>14</sup> Senate Resolution 69, declaring January 30, 2020 as Fred Korematsu Day of Civil Liberties and the Constitution.

<sup>15</sup> <https://www.nps.gov/jacs/downloads/22JACSNOFO.pdf>

<sup>16</sup> <https://www.nps.gov/jacs/downloads/22JACSNOFO.pdf>

We request that the Action Plan include language that the Commission consider the impact of any of its decisions on incarceration sites and incorporate protective conditions, based on federal and state standards, in any agreement which could impact these important sites. The federal standards would be based on the federal designation at the time of any CPUC action:

- A. Units of the National Park System. We'd request that any protective conditions ensure that incarceration sites that are National Park units are managed in accordance with the impairment doctrine as required by the NPS Redwoods Act of 1978 and related legislation and policies.<sup>17</sup> The NPS is required to manage National Parks like Manzanar, Tule Lake and Minidoka, "unimpaired" for the benefit of current and future generations.
- B. National Historic Landmarks. The Secretary of the Interior has designated additional sites as National Historic Landmarks, including Rohwer (Arkansas), Heart Mountain (Wyoming), Topaz (Utah) and Amache (Colorado)<sup>18</sup> As national historic landmarks, these sites are protected under federal laws.<sup>19</sup>
- C. National Register of Historic Places. Any CPUC action would maintain the integrity of sites listed on the National Register with respect to "feeling and association" and other criteria.

In addition to their federal designations, the State of California has listed Manzanar and Tule Lake as California Historical Landmarks.

By incorporating this language into the Action Plan, the CPUC can complement federal standards and provide an important backstop to federal protections, in the event that the federal government does not follow its policies.

Adding this language would also further the goals of the California Civil Liberties Public Education Act. The purpose of the Act "is to sponsor public educational activities and the development of educational materials to ensure that the events surrounding the exclusion, forced removal, and internment of citizens and permanent residents of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood."<sup>20</sup>

Adopting these recommendations would also provide companies seeking approvals from CPUC with important notice about these historically-significant sites. By learning about these historic resources early in the planning process, renewable energy companies can avoid "high conflict" areas, when siting renewable energy projects, transmission lines and other facilities. Incorporating these recommendations will provide clear "rules of the road" and help companies avoid choosing sites which impact racial, environmental and social justice and which entail significant project risk and litigation uncertainty that would jeopardize efforts to meet CPUC renewable energy and reliability goals.

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<sup>17</sup> <http://npshistory.com/publications/management/mgt-policies-2006.pdf>, see p. 10-11

<sup>18</sup> National Park Service, Japanese Americans in World War II Theme Study. [japanese-americans-ww2.pdf](http://japanese-americans-ww2.pdf) ([npshistory.com](http://npshistory.com))

<sup>19</sup> <https://www.nps.gov/subjects/nationalhistoriclandmarks/faqs.htm> "Federal funding or licensing of activities that affect historic properties are regulated principally by [Section 106](#) and [Section 110\(f\)](#) of the National Historic Preservation Act. Other Federal effects are listed in [36 CFR § 65.2](#). Under Sections 106 and 110(f) of the Act, Federal agencies must "take into account" the effects of their undertakings on historic properties, and afford the [Advisory Council on Historic Preservation](#) an opportunity to comment on the undertaking and its effects. Implementing regulations of the Advisory Council may be found in [36 CFR § 800 "Protection of Historic Properties,"](#) which establishes a process of consultation with the [State Historic Preservation Officer](#) and the Advisory Council leading, in most instances, to agreement on how the undertaking will proceed... If a Federal activity will "directly and adversely affect" a National Historic Landmark, Section 110(f) of the Act also calls for Federal agencies to undertake "such planning and actions as may be necessary to minimize harm to such Landmark." As with Section 106, the agency must provide the Advisory Council with a reasonable opportunity to comment in accordance with 36 CFR § 800."

<sup>20</sup>[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=EDC&sectionNum=13000](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=13000)

As stated by Governor Newsom in 2021: “the internment of Japanese Americans was a betrayal of our most sacred values as a nation that we must never repeat. This stain on our history should remind us to always stand up for our fellow Americans, regardless of their national origin or immigration status, and protect the civil rights and liberties that we hold dear.”

If you have any questions, please feel free to contact Robyn Achilles, Executive Director, Friends of Minidoka ([Robyn@Minidoka.org](mailto:Robyn@Minidoka.org)) or Dan Sakura, advisor to Friends of Minidoka ([dan@sakuraconservationstrategies.com](mailto:dan@sakuraconservationstrategies.com)).

By preserving the integrity of Japanese American incarceration sites unimpaired, CPUC can help ensure that these sites provide benefits to the Japanese American community, combat anti-AAPI hate and violence and help ensure that this painful chapter in our history is never repeated.

Thank you for considering our requests.

Sincerely,

Amache Historical Society II, CO  
Asian and Pacific Islander Americans in Historic Preservation, CA  
Bainbridge Island Japanese American Community, WA  
Bainbridge Island Japanese American Exclusion Memorial Association, WA  
Coalition to Protect America’s National Parks, DC  
Densho, WA  
Fred T. Korematsu Institute, CA  
Friends and Family of Nisei Veterans, CA  
Friends of Minidoka, ID  
Go For Broke National Education Center, CA  
Heart Mountain Wyoming Foundation, WY  
Historic Wintersburg, Huntington Beach, CA  
Japanese American Citizens League, National, CA  
    Alaska Chapter, AK  
    Dayton Chapter, OH  
    Florin-Sacramento Valley Chapter, CA  
    New York Chapter, NY  
    Pacific Southwest District Chapter, CA  
    Puyallup Valley Chapter, WA  
    Seattle Chapter, WA  
Japanese American Confinement Sites Consortium, CA  
Japanese American Memorial Pilgrimages, WA  
Japanese American National Library, CA  
Japanese American National Museum, CA  
Japanese American Religious Federation of San Francisco, CA  
Japanese Community Youth Council, CA  
Japanese Cultural and Community Center of Northern California, CA  
Manzanar Committee, CA  
Minidoka Pilgrimage Planning Committee, WA  
National Parks Conservation Association, DC  
National Trust for Historic Preservation, DC  
San Jose Nikkei Resisters, CA  
Honorable Sharon Tomiko Santos, Washington State House of Representatives  
Tule Lake Committee, CA

**Attachment 1 – Letter from NPS**

## **TIMELINE OF ACKNOWLEDGMENT AND PRESERVATION (FEDERAL)**

- 1976 – President Gerald Ford signs a proclamation formally terminating Executive Order 9066 and apologizes for the incarceration.
- 1979 – Minidoka listed on the National Register of Historic Places.
- 1988 – President Ronald Reagan signs the Civil Liberties Act
- 1990 – The Japanese American Citizens League and local partners commemorate Minidoka as part of Idaho’s Centennial.
- 1990 – President George H.W. Bush apologizes to camp survivors, who receive \$20,000 in reparations.
- 1992 -- Congress passes bipartisan legislation to establish Manzanar NHS in California.
- 2000 – Official groundbreaking of the Japanese American Memorial to Patriotism in Washington, DC
- 2001-- President Clinton designates Minidoka as a National Monument.
- 2003 -- The Minidoka Pilgrimage Planning Committee organizes the first pilgrimage.
- 2006 -- President George W. Bush signs the Japanese American Confinement Sites Act into law.
- 2008 -- Congress passes bipartisan legislation to expand and redesignate Minidoka as a National Historic Site and include the Eagledale Ferry Dock site on Bainbridge Island, Washington, in the park.
- 2008 -- President George W. Bush protects the Tule Lake Center as part of a National Monument.
- 2009 -- LS Power seeks to build the Southwest Intertie Project (SWIP) Line over the entrance to Minidoka. At the direction of Secretary Ken Salazar, BLM relocates the SWIP Line away from the park.
- 2010 -- Congress passes legislation to approve the SWIP Line relocation (Sec. 2003, P.L. 111-212)
- 2015 -- President Obama establishes the Honouliuli National Monument in Hawaii.



- 2018 – In *Trump v. Hawaii*, Chief Justice John Roberts wrote for the majority: “The forcible relocation of U.S. citizens to concentration camps, solely and explicitly on the basis of race, is objectively unlawful ...”
- 2019 – Congress ratifies and redesignates the Tule Lake National Monument and the Honouliuli National Historic Site.
- 2020 – NPS opens the new visitor center at Minidoka.
- January 2021 -- Minidoka marks its 20<sup>th</sup> anniversary as a place for healing, learning and celebrating.
- January 2021 – President Biden signs Executive Order 13985 to advance racial equity “for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.”
- February 2021 – President Biden reaffirms the formal apology to Japanese Americans.
- April 2021 – Sec. Haaland issues Secretarial Order 3399 which requires DOI Bureaus to “engage potentially impacted environmental justice communities early in the project planning process. ‘Early in the project planning process’ includes when a Bureau/Office has enough information on a proposed action to determine that an environmental assessment or an environmental impact statement will be prepared.”
- May 2021 – In signing the COVID-19 Hate Crimes Act, President Biden acknowledges centuries of AAPI and Native Hawaiian leadership to help build our nation, “only to be stepped over, forgotten, or ignored...considered, by some, the ‘other’ ... it’s wrong.”
- May 2021 -- President Biden signs Executive Order 14031 to advance policies to: “promote inclusion and belonging for AA and NHPI communities, including by expanding public education and knowledge of AA and NHPI people and their diverse cultures, languages, and histories.”
- July 2021 – The U.S. House passes bipartisan legislation (416-2) to create Amache National Historic Site, in southeast Colorado.
- August 2021 – BLM announces its Notice of Intent for Lava Ridge Wind Project in Idaho.
- September 2021 – The National Park Service sends a letter outlining significant concerns about the impact of Lava Ridge on Minidoka National Historic Site.
- October 2021 – The Japanese American community sends comment letters to the BLM expressing concerns about the Lava Ridge proposal.