

Comment Set F0009
United States Department of the Interior Bureau of Indian Affairs



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

AUG 25 2008

California Public Utility Commission
Bureau of Land Management
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Re: Comments on the Recirculated Draft Environmental Impact Report/Supplemental Environmental Impact Statement and Proposed Land Use Amendment for the San Diego Gas & Electric Company Application for the Sunrise Powerlink Project; SCH No. 2006091071; DOI Control No. DES-07-58

Ladies and Gentlemen:

Thank you for the opportunity to review the subject Recirculated Draft Environmental Impact Report/Supplemental Environmental Impact Statement. On behalf of the Santa Ysabel Band of Mission Indians, we strongly urge the California Public Utility Commission and Bureau of Land Management to eliminate from further consideration, the proposed Environmentally Superior Northern Alternative as depicted on Figure 5-1 due to opposition by the Tribe. After consultation with the Santa Ysabel Chairman, the Bureau of Indian Affairs would not approve a right of way for the implementation of this alternative route across lands held in trust for the Santa Ysabel without the consent of the tribal government.

We also note that portions of the proposed alternative routes cross several other Indian reservations under the service jurisdiction of the Bureau of Indian Affairs, Southern California Agency and held in trust by the United States for the tribal beneficial owners. While these reservations are under our service jurisdiction, land use decisions of each of the potentially affected reservations are made by their respective tribal governments.

We advise the California Public Utility Commission and Bureau of Land Management to consult directly with the potentially affected tribal governments on a government to government basis to ensure that possible land use conflicts are disclosed. Should land use conflicts exist, only the tribal governments have the ability to provide a resolution. However, if a land use conflict is not resolved, the Bureau of Indian Affairs would not approve a right of way for the implementation of any of the alternative routes across lands held in trust without the consent of the affected tribal government.

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If you have any questions, please contact John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS) at (916) 978-6051.

F0009-1 cont.

Sincerely,


ACTING James J. Fletcher
Superintendent

cc: Santa Ysabel Chairman

Responses to Comment Set F0009

United States Department of the Interior Bureau of Indian Affairs

F0009-1 The commenter's opposition to the Northern Environmentally Superior Alternative is acknowledged. Please see Response to Comment E0004-42 for a discussion of Caltrans's SR79 easement across Santa Ysabel Reservation land.

BLM initiated government-to-government Native American consultation for the project, requesting information on any sacred lands, sites, or issues of cultural concern within the Proposed Project and alternatives area. As documented in Appendix 9C of the Draft EIR/DEIS, the BLM contacted 49 representatives of 22 tribal governments to elicit concerns and comments about the Proposed Project and alternatives. That consultation, which was formally initiated on July 5, 2006 is ongoing, and will continue during the Section 106 process for compliance with the National Historic Preservation Act.