

Comment Set A0006  
Campo Kumeyaay Nation



**Campo Kumeyaay Nation**

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**Chairman** H. Paul Guero, Jr.  
**Vice Chairman** Ralph Goff  
**Secretary** Kerm Shipp  
**Treasurer** Michael Connolly Miskwish  
**Committee** Jackie Lelafu  
**Committee** Christopher Thornton  
**Committee** Nehemiah Dyche

February 25, 2008

CPUC/BLM  
c/o Aspen Environmental Group  
235 Montgomery Street, Suite 935  
San Francisco, CA 94104

RE: Draft EIR/EIS, Sunrise Powerlink Project

Dear Sirs:

Thank you for the opportunity to comment on the Sunrise Powerlink

As you're aware, the Campo tribal government has weighed in twice on the proposed Sunrise Powerlink. In our first correspondence with the PUC we expressed a willingness to listen and review the details of the project in the EIR process. We also asked that potential direct benefits to the Campo Reservation population be included with your evaluation of the potential impacts. Subsequently, we sent a letter of opposition to the newly released Alternative Route D due to the disproportionate impact to area residential use. We also asked that land access arrangements be made prior to determining that a route through the Reservation is a viable alternative.

After reviewing the document, we have made some decisions regarding the proposed route through the Campo Indian Reservation, as well as some general comments regarding the document.

Comments-

The document is unclear regarding the weighting of dissimilar impacts. For example, underground lines in some areas may reduce the visual impact while dramatically increasing the potential for impacts to archeological resources. Since the integrity of the archeological site is difficult if not impossible to mitigate through relocation, it seems that a heavier weight should go to this factor than to aesthetic impacts. It appears that aesthetics gets heavier weight, particularly, in proposing alternatives through wealthier communities.

It is also clear that the impacts to the La Posta, Manzanita and northern Campo Reservations from an alternative routing north of all three Reservations has not been adequately evaluated. This should be done prior to finalizing the route preferences.

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The Environmental Justice evaluation is weak. Environmental Justice refers to siting or locating facilities in minority or economically disadvantaged communities. EJ policy was enacted to help empower those who do not have political clout to get fair treatment. There is no substantive socioeconomic evaluation of the proposed routes. There should be a detailed comparative analysis of the routes based on income, education, employment, as well as, racial minority populations.

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It is clear that there is no direct benefit to the Campo Indian Reservation. In fact, the project would likely have an adverse direct financial impact on our present and proposed tourism based businesses near the freeway. This adverse impact is not adequately addressed in the document but further evaluation is not required if this alternative is dropped, as we now request. We have also sent a letter to SDG&E denying access for the purpose of surveying this alternative route.

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We look forward to maintaining open lines of communication regarding this project and ask to be included in any future evaluations. We also ask to be consulted regarding the direct impacts to any archeological sites along the adopted route.

Additional comments may be submitted before the close of comment deadline.

Sincerely,



H. Paul Cuero, Jr.  
Chairman  
Campo Kumeyaay Nation

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April 11, 2008

**VIA E-MAIL (sunrise@aspeneg.com) AND**  
**U.S. POSTAL SERVICE PRIORITY MAIL**

Billie Blanchard, CPUC  
Lynda Kastoll, BLM  
c/o Aspen Environmental Group  
235 Montgomery Street, Suite 935  
San Francisco, CA 94104-3002

**Re: Comments of the Campo Band of Mission Indians on the Draft Environmental Impact Report/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**

Dear Ms. Blanchard and Ms. Kastoll:

We write on behalf of the Campo Band of Mission Indians (also known as the Campo Band of Kumeyaay Indians) ("Band"), a federally-recognized Indian tribe with lands located within the boundaries of the State of California, to comment on the above-referenced Draft Environmental Impact Report/Environmental Impact Statement and Proposed Land Use Amendment ("Draft EIR/EIS"). The Band appreciates the efforts made by the CPUC and the BLM ("Lead Agencies") to engage in government-to-government consultations with the Band. These comments are submitted in furtherance of that consultative relationship. As the Lead Agencies are aware, the Band has previously submitted comments on the Proposed Project and Alternatives to the Project. The comments made herein reflect the Band's final position on the Proposed Project and the Project Alternatives as described in the Draft EIR/EIS.

**I. Tribal Jurisdiction/Land Use**

The Band must point out at the outset that it is somewhat dismayed by the Lead Agencies' apparent failure, despite the ongoing dialogue with the Band and other potentially affected Indian tribes, to recognize the most basic facts about tribal governments and their authority to make land use decisions regarding tribal lands. The Draft EIR/EIS fails to

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acknowledge tribal jurisdiction over matters occurring on tribal lands, repeatedly stating that other entities -- the County of San Diego and the San Diego Association of Governments ("SANDAG") are examples -- have authority to make decisions regarding tribal lands when that is not, and has never been, the case.<sup>1</sup>

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The introduction to Land Use impacts is set out in section D.4 of the Draft EIR/EIS. The first sentence of section D.4.1 should be rewritten as follows:

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The Proposed Project and alternatives are located within, or pass adjacent to, or near the boundaries of various federal, State, tribal, and local jurisdictions, including ...[the names of affected tribes should be included in the list jurisdictional entities].

D.4-1. Further down on the same page, the Draft EIR/EIS recites that access to tribal lands is restricted and that information about tribal land use was limited to visual inspection from public roadways and through publicly available information. *Id.* The Band suggests that through government-to-government consultation with affected tribes, much of this information could have been made available to the Lead Agencies.

In the same vein, the Lead Agencies appear to have adopted land use categories employed by SANDAG for purposes of the Draft EIR/EIS. *See* Table D.4-1 and notation of "Source". The Draft EIR/EIS describes different land use classifications to include: Agriculture, Commercial and Office, Industrial, Parks and Recreation/Open Space, Public Facilities and Utilities, Residential, *Tribal*, Water, and Sensitive Land Uses. Table D.4-1 (emphasis added); *see also* E.1.4-9, E.5-117, E.5-118 (all referring to "tribal" land use). It may make sense for the County to designate lands as "tribal", meaning lands within the exterior boundaries of the County but over which the County lacks jurisdiction. However, from the Band's perspective, "tribal" land use is a meaningless designation. The Band, like other jurisdictions, has a Land Use Plan. *See Campo Band of Mission Indians Land Use Code* (1992). Different areas on the Band's reservation are set aside for various uses including residential, cluster residential, grazing, agricultural, commercial, civic, tribal enterprise, industrial and wilderness.<sup>2</sup> *Id.* Figure 6.2-1. The Band's Land Use Plan should be included in Appendix 2, the Policy Screening Report (which should also be amended to include a heading for "Tribal" documents), and

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<sup>1</sup> These comments are generally focused on the Band's specific concerns. However, in many instances, they are equally applicable to other tribes and the Draft EIR/EIS should be revised in a comprehensive manner to correctly refer to tribal jurisdiction and land use authority.

<sup>2</sup> For example, at E.5-133, the Draft EIR/EIS recites that a "substation would either be constructed on private land or Reservation land and thus there are no wilderness or recreation areas associated with the proposed substation." This statement fails to consider that the Band has designated portions of its Reservation wilderness areas in its Land Use Plan. *Id.*