

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
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March 28, 2008

Ms. Billie C. Blanchard

CALIFORNIA PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue
San Francisco, CA 94102

Re: SCH#2006091071: CEQA Notice of Completion: draft Environmental Impact Report (DEIR) for the Sunrise Powerlink Project, Imperial & San Diego counties, California

Dear Ms. Blanchard:

Please find the comment letter of the Native American Heritage Commission for the above-referenced project. The letter, dated January 24, 2008, was mis-addressed to the site of the Public Hearing in Oceanside instead to your agency's office.. This is a very important project and one of concern to the Native American tribes in Imperial and San Diego counties. We ask that the NAHC comment letter be included in the Final EIR. Thank you for your consideration.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton".

Dave Singleton
Program Analyst

Cc: State Clearinghouse

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
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January 24, 2008

Ms. Billie C. Blanchard
CALIFORNIA PUBLIC UTILITIES COMMISSION
235 Montgomery Street, Suite 935
Oceanside, CA 92054

Re: SCH#2006091071: CEQA Notice of Completion: draft Environmental Impact Report (DEIR) for the Sunrise PowerLink Project, Imperial and San Diego Counties, California

Dear Ms. Blanchard:

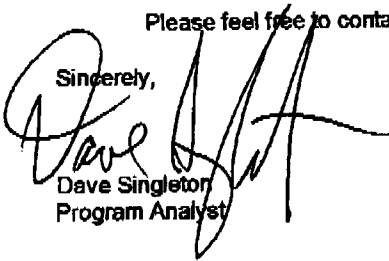
The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. This is project with significant Native American cultural sensitivity in the opinion of many of the local Native American tribes. Therefore, to adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur.. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/853-7278)/ <http://www.ohp.parks.ca.gov>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- √ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- √ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
 - * CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.
- √ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.
- √ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

**Native American Contacts
Imperial and San Diego Counties
January 24, 2008**

A0022

Ewilaapaayp Tribal Office
Harlan Pinto, Sr., Chairperson
PO Box 2250 Kumeyaay
Alpine, CA 91903-2250
wmicklin@leaningrock.net
(619) 445-6315 - voice
(619) 445-9126 - fax

Ramona Band of Mission Indians
Joseph Hamilton, vice chairman
P.O. Box 391670 Cahuilla
Anza, CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
PO Box 1120 Diegueno
Boulevard, CA 91905
(619) 478-2113
619-478-2125

Torres-Martinez Desert Cahuilla Indians
Raymond Torres, Chairperson
PO Box 1160 Cahuilla
Thermal, CA 92274
(760) 397-0300
(760) 397-8146 Fax

Manzanita Band of Kumeyaay Nation
Leroy J. Elliott, Chairperson
PO Box 1302 Kumeyaay
Boulevard, CA 91905
(619) 766-4930
(619) 766-4957 Fax

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775 Diegueno -
Pine Valley, CA 91962
(619) 709-4207

Campo Kumeyaay Nation
H. Paul Cuero, Jr., Chairperson
36190 Church Road, Suite 1 Kumeyaay
Campo, CA 91906
chairgoff@aol.com
(619) 478-9046
(619) 478-5818 Fax

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road Diegueno/Kumeyaay
Lakeside, CA 92040
(619) 742-5587
(619) 443-0681 FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#008091071; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Sunrise PowerLink Project; located in Imperial and San Diego counties, California.

**Native American Contacts
Imperial and San Diego Counties
January 24, 2008**

A0022

Torres-Martinez Desert Cahuilla Indians
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maxtm@aol.com
(760) 397-0300
(760) 397-8146 Fax

Torres-Martinez Desert Cahuilla Indians
Alberto Ramirez, Cultural Resources Coordinator
P.O. Box 1160 Cahuilla
Thermal , CA 92274
cultural_monitor@yahoo.com
(760) 397-0300
(760) 275-2686-CELL
(760) 397-8146 Fax

Fort Yuma Quechan Indian Nation
Mike Jackson, Sr., President
PO Box 1899 Quechan
Yuma , AZ 85366
qitpres@quechantribe.com
(760) 572-0213
(760) 572-2102 FAX

Cabazon Band of Mission Indians
Judy Stapp, Director of Cultural Affairs
84-245 Indio Springs Parkway Cahuilla
Indio , CA 92203-3499
lweaver@cabazonindians.org
(760) 342-2593
(760) 347-7880 Fax

Augustine Band of Cahuilla Mission Indians
Mary Ann Green, Chairperson
P.O. Box 846 Cahuilla
Coachella , CA 92236
(760) 369-7171
760-369-7161

Ewiaapaayp Tribal Office
Will Micklin, Executive Director
PO Box 2250 Kumeyaay
Alpine , CA 91903-2250
wmicklin@leaningrock.net
(619) 445-6315 - voice
(619) 445-9126 - fax

La Posta Band of Mission Indians
ATTN: James Hill, EPA Director
PO Box 1120 Diegueno
Boulevard , CA 91905
(619) 478-2113
(619) 478-2125- Fax

Ewiaapaayp Tribal Office
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(619) 445-9126 - fax

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**Native American Contacts
Imperial and San Diego Counties
January 24, 2008**

A0022

Manzanita Band of Mission Indians
ATTN: Keith Adkins, EPA Director
PO Box 1302 Kumeyaay
Boulevard , CA 91905
(619) 766-4930
(619) 766-4957 Fax

Manzanita Band of the Kumeyaay Nation
Nick Elliott, Cultural Resources Coordinator
P.O. Box 1302 Kumeyaay
Boulevard , CA 91905
(619) 925-0952 - cell
(619) 766-4930
(919) 766-4957

Campo Kumeyaay Nation
ATTN: Fidel Hyde, EPA Supervisor
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Campo , CA 91906
(619) 478-9369
(619) 478-5818 Fax

Preston Arrow-weed
P.O. Box 160 Quechan
Bard , CA 92222 Kumeyaay
(760) 353-7349

Cocopah Museum
Jill McCormick, Tribal Archaeologist
County 15th & Ave. G Cocopah
Sommerton , AZ 85350
(928) 530-2291 - cell
(928) 627-2280 - fax

Quechan Indian Nation
Bridget Nash-Chrabascz, THPO
P.O. Box 1899 Quechan
Yuma , AZ 85366
(760) 572-2423
(928) 920-6068 - CELL
b.nash@quechantribe.com

Augustine Band of Cahuilla Mission Indians
Karen Kupcha
P.O. Box 846 Cahuilla
Coachella , CA 92236
(760) 369-7171
916-369-7161

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