

VIEJAS

TRIBAL GOVERNMENT

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April 11, 2008

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

SENT VIA FAX: 866-711-3106

RE: Draft EIR/EIS, Sunrise Powerlink Project

Dear Sir or Madam:

The Viejas Band of Kumeyaay Indians (hereinafter "Viejas Band") is a federally recognized Indian Tribe as evidenced by current listing in the Federal Register at Vol. 72, No. 55, p. 13648 as the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California. The Viejas Band is a self-governing tribe exercising sovereign authority over the Viejas Indian Reservation, located on the eastern edge of Viejas Mountain. The Viejas Band also shares joint ownership (with the Barona Band) of the Capitan Grande Indian Reservation located to the north of Viejas Mountain.

In response to the Draft EIR/EIS for the Sunrise Powerlink Project, the Viejas Band submits the following comments concerning the protection of cultural and natural resources, economic development and environmental justice. These comments will be followed by a fully inclusive and more lengthy comment letter submitted as part of the government-to-government consultation process.

The Viejas and Capitan Grande Indian Reservations are the last of the homelands over which the sovereign band exercises governmental authority. The Viejas Band literally has no place else to go to avoid the wide range of impacts the community will face from the proposed alternatives. The alternative routes for San Diego Gas & Electric's proposed transmission line would severely impact the Viejas and Capitan Grande Reservations, the tribal members who live there and sacred Native American cultural sites, such as Viejas Mountain.

According to information provided by the CPUC, the Viejas and Capitan Grande Reservations are at the crossroads for every alternative route being considered by the CPUC. The routes all converge at a point just east of Viejas. In addition, the alternate routes labeled "BDC", "D" and "I-8" are adjacent to the Viejas and Capitan Grande Reservations and/or directly cross other area reservations.

Accuracy of Corridor Location

The Capitan Grande Reservation was established in 1875. The true boundaries of the reservation have not been surveyed by BLM cadastral surveyors or private surveyors. Without a survey, the location of the proposed corridors on or off tribal lands is unknown. Moreover, the finding of any field investigation to determine impacts to cultural and environmental resources would be incomplete and possibly inaccurate. The BLM has surveyed the Viejas Reservation, but there are conflicting survey reports for lands in Section 21, which is a border section of the Reservation.

Impacts to Historical Cultural Sites

The mountain slopes located to the east of the reservation, where the "D" and "BCD" routes are proposed, are historically significant cultural areas and within the view shed of Viejas Mountain, a sacred site to the Kumeyaay. Chiquito and Poser peaks, located in the mountains to the east of Viejas Reservation may also be considered important sites to the Kumeyaay.

The Bureau of Indian Affairs has no records of a comprehensive cultural resource survey for the Capitan Grande Indian Reservation. The Viejas Band has requested that SWCA Environmental Consultants analyze the impact of energy corridors within a one mile radius of the Viejas or Capitan Grande Reservations as impacting historic properties of significant religious and cultural importance to the Kumeyaay that would be eligible for listing on the National Register.

Severe Visual Impacts

The proposed route would place the transmission line on a mountain slope that is highly visible from the reservation. The line would degrade pristine view sheds for tribal members and visitors alike. The view shed is identified in the Alpine Community Plan and through the Alpine Revitalization process as a critical element of the scenic highways.

Routes Directly Impact Other Tribal Lands

The Interstate 8 routing alternative, which follows Interstate 8, crosses land owned by the Viejas Band which is subject to a pending fee-to-trust transfer. The CPUC is essentially misleading the public that this is a viable alternative as the property could potentially be placed in federal trust before the EIR/EIS is finalized. Project maps and newspapers provide conflicting reports on the need and location of a substation on land owned by the Viejas Band.

Proposed Wilderness Area

The north south corridor also crosses forest service lands that have been proposed for "road less" and "wilderness designation." The Viejas Band has worked closely with volunteers and elected officials to increase the protection for tracts of forest land without roads to preserve

pristine wilderness and to increase the protection of Capitan Grande Reservation. Energy corridors through these lands will severely impact the ability to preserve and protect tribal lands, increase trespass, and increase the risk of wild fires.

NEPA/CEQA Nexus

The analysis of additional alternatives to the preferred SDG&E route through Anza Borrego State Parks transfers the environmental impact of the corridor from State Parks to US Forest Service. The Viejas Band requests the BLM address the impacts on state versus federal lands and tribal trust lands.

Risk of Wildfires

Following the January 2007 Second Round of Scoping meetings, two alternatives were eliminated because of the risk of wildfires and concurrent power outages. Now that those routes have been eliminated, how does the risk of wildfires impact each of the corridors currently in analysis?

Environmental Reports

The Viejas Band has requested but not received copies of the confidential cultural resource report with site records.

Additional Alternatives

The US Forest Service requested that an alternative be fully analyzed in the EIS/EIR that would not require an amendment to the Forest's 2005 Land Management Plan. Equal consideration should be given to other federal governments and thus, the EIS/EIR should include alternatives that would not adversely impact the economic development, cultural resources, and land use plans of the tribe.

Consideration of Cumulative Impacts or Segmentation of Environmental Analysis

The National Environmental Policy Act requires that all known cumulative impacts of multiple projects be analyzed collectively. There are three additional corridor studies underway through the Energy Policy Act of 2005. The State of California is also designating suitable transmission corridors for high-voltage electric transmission lines to ensure reliable and efficient electricity delivery. How does the Sunrise Powerlink environmental analysis incorporate these additional projects? If not, this segmentation is inappropriate.

Environmental Justice

The Environmental Justice evaluation is weak. Environmental Justice refers to locating facilities in minority or economically disadvantaged communities. The purpose of the Environmental Justice evaluation is to empower disadvantaged communities and those who do not have the 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, and employment, as well as, racial minority populations. If alternative routes can be eliminated and rerouted to protect the recreational areas for hang gliders, then they can certainly be eliminated to protect the limited tribal lands of the Kumeyaay.

In the late nineteenth century, the Kumeyaay of Viejas Indian Reservation were originally relegated to the Capitan Grande Indian Reservation, frequently referred to as the "old" reservation. The Capitan Grande Indian Reservation was to be the permanent home of this group of Diegueno or Mission Indians, comprised of the ancestors of the current Viejas and Barona Bands of Kumeyaay Indians.

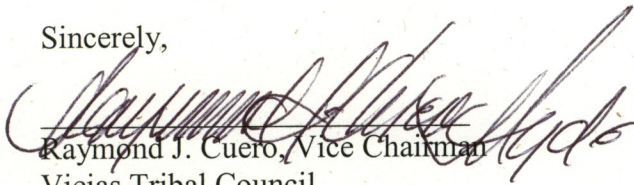
This permanent home did not last. As the non-Indian populations grew throughout the County of San Diego, demand for water increased. In the early 1930s, the most valuable part of the Capitan Grande Reservation (the San Diego River) was forcibly sold to the City of San Diego, requiring the inhabitants to find new homes. The heart of the Capitan Grande Reservation is now the site of the El Capitan Reservoir.

With the proceeds of the sale, the Bands bought new home sites including the former Baron Long Ranch in the Viejas Valley. This site became the Viejas Indian Reservation. When the Band moved to Viejas Valley in 1935, they changed their name to reflect their new home. The Viejas and Barona Bands remain the joint beneficial owners of the 16,000-acre Capitan Grande Indian Reservation. The traditional homelands have been reduced and sacred sites such as Viejas Mountain were taken from the Kumeyaay and the people were eventually confined to small reservations, which represent just a fraction of the Kumeyaay's former home.

Conclusion

The Viejas Band literally has no where else to go to avoid the wide range of impacts the community will face from the proposed alternatives. The alternative routes for San Diego Gas & Electric's proposed Sunrise Powerlink Project would severely impact the Viejas and Capitan Grande Reservations, the tribal members who live in the area and the sacred Native American cultural sites such as Viejas Mountain. The impacts cannot be mitigated and will severely impact the health, wellness and economic sustainability of the Viejas Band and future generations. For additional information regarding the Viejas Band, these comments or further information, please contact Lisa Haws, Land Use Manager at (619) 659-2341. Thank you for your attention to these issues.

Sincerely,


Raymond J. Cuero, Vice Chairman
Viejas Tribal Council
Viejas Band of Kumeyaay Indians