

Comment Set A0035
U.S. Department of Interior - Bureau of Indian Affairs



United States Department of the Interior

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

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

APR 11 2008

Re: Comments 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

Ladies and Gentlemen:

Thank you for the opportunity to review the subject Draft Environmental Impact Report/Environmental Impact Statement. We note that portions of the proposed alternative routes cross several 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. The reservations include: Campo, La Posta, Viejas and Santa Ysabel. 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 strongly urge 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.

If you have any questions, please contact John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS) at (916) 978-6042.

Sincerely,

Superintendent

A0035-1

Responses to Comment Set A0035

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- A0035-1 The commenter's request that affected tribal governments be contacted is acknowledged. Formal consultation under Section 106 of the National Historic Preservation Act is currently underway by BLM with affected tribes. If and when the Proposed Project or one of the alternatives is approved, the Section 106 process will be completed for the selected route prior to construction. This phased approach to Section 106 would be implemented under a Programmatic Agreement (pursuant to 36 CFR 800.14(b)) among the lead federal agency (BLM, or USFS for some alternatives), the California State Historical Preservation Officer (SHPO), the Advisory Council, and any affected Native American tribes.
- Appendix 1 (Alternatives Screening Report) and Section H (Comparison of Alternatives) in the Draft EIR/EIS state that the legal feasibility of any route on tribal land is dependant on tribal approval (see pages H-35 and H-94 in the Draft EIR/EIS).