

I. PUBLIC PARTICIPATION

The scoping process and public participation program for the East County (ECO) Substation, Tule Wind, and Energia Sierra Juarez (ESJ) Gen-Tie projects are described in this section. To collect agency and public input for the environmental review process associated with the three projects, the California Public Utilities Commission (CPUC) and Bureau of Land Management (BLM) administered a public notice and participation program. Although the public scoping requirements of the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) differ slightly, the requirements are intended to initiate the public scoping process for the environmental impact report/environmental impact statement (EIR/EIS) preparation; provide information about the ECO Substation, Tule Wind, and ESJ Gen-Tie projects; and solicit information (comments from affected public agencies, governmental representatives, tribal representatives, and the public) that will be helpful in the environmental review process.

I.1 Public Scoping Process

The EIR/EIS scoping process consisted of four elements, each of which is described in more detail subsequently in this section:

1. Publication of a Notice of Preparation (NOP) and Notice of Intent (NOI) of a joint EIR/EIS, which included a Notice of Public Scoping Meeting seeking comments from the public and affected public agencies, as required by CEQA and NEPA.
2. Public scoping meetings and meetings with agencies (January 27 and 28, 2010)
3. Summary of scoping comments in a comprehensive Scoping Report (March 24, 2010)
4. Follow-up consultation with affected agencies (February 16, April 7, and May 6, 2010).

The scoping process provides an opportunity for governmental agencies and the public to provide comments on the issues and scope of the EIR/EIS. Written comments received during the scoping process become part of the public record and are reviewed and considered by the CPUC and BLM in preparing the EIR/EIS.

I.1.1 Notice of Preparation/Notice of Intent

The CPUC issued the NOP of a joint EIR/EIS for the proposed ECO Substation, Tule Wind, and ESJ Gen-Tie projects on December 28, 2009. The NOP was distributed to the state clearinghouse; federal, state, regional, and local governmental and public agencies; elected officials of areas affected by the proposed project; and the general public. Over 170 copies of the NOP were mailed by the CPUC to stakeholders, including 15 copies to the state clearinghouse,

as well as copies to 23 federal agencies, 24 state agencies, 8 county agencies, 29 local agencies (including 3 libraries), 38 local organizations/stakeholders, and 34 Native American groups. A copy of the NOP was made available at three local repositories, including the County of San Diego Jacumba, Potrero, and Campo-Morena Village branch libraries.

In addition, a public notice was published in the San Diego Union-Tribune on December 28, 2009, and in the January 2010 edition of the Back Country Messenger, and was distributed to more than 1,500 identified property owners within a 2-mile radius of the ECO Substation, Tule Wind, and ESJ Gen-Tie projects on December 23, 2009. The 45-day public scoping period extended from the date of NOP issuance to February 10, 2010, as required by CEQA.

The BLM published the Notice of Intent (NOI) to prepare an EIS for the Proposed Tule Wind Project and the Proposed ECO Substation Project on December 29, 2009, in the Federal Register. A Notice of Public Scoping Meeting was mailed to federal, state, regional, and local agencies, elected officials of areas affected by the proposed projects, and the general public. BLM also issued a press release regarding the NOI on December 29, 2009. Copies of the NOI were made available at the BLM's California Desert District (CDD) office in Moreno Valley and at the BLM's California State Office in Sacramento. The comment period extended from the date of NOI publication to February 12, 2010.

The NOP, NOI, and public notice were also made available to the public on the CPUC's website for the ECO Substation Project at:

<http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ECOSUB.htm>

As well as the BLM's website for the Tule Wind Project at:

<http://www.blm.gov/ca/st/en/fo/elcentro/nepa/tule.html>

I.1.2 Public Scoping Meetings

The CPUC and the BLM conducted two public scoping meetings: one on January 27, 2010, starting at 7:00 p.m. at the Jacumba Highland Center (44681 Old Highway 80, Jacumba, CA 91934), and the second on January 28, 2010, at 7:00 p.m. at the Boulevard Volunteer Fire Department (39223 Highway 94, Boulevard, CA 91905). The public scoping meetings were conducted to gather comments from the public regarding the scope of the EIR/EIS and for alternatives and potential mitigation measures to be considered. Court reporters were hired to record the meeting proceedings during which 37 members of the public spoke. In addition, live Spanish translation services were offered at the scoping meetings. Section I.1.3, Scoping Report, provides additional information on comments recorded in the official record.

Approximately 70 and 100 persons attended the scoping meetings in Jacumba and Boulevard, respectively, including representatives from local and state agencies, organizations, and private citizens.

I.1.3 Scoping Report

In March 2010, a comprehensive Scoping Report was published summarizing concerns received from the public and various agencies, which also included copies of comment letters received. In total, 60 letters were received: 24 from federal, state, and local agencies and organizations; 35 from individuals; and 1 from the Campo Band of Mission Indians during the NOP/NOI scoping period. Comments received through March 7, 2010, are included in the project Scoping Report.

The Scoping Report was posted on the CPUC website at:

<http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ECOSUB.htm> on March 24, 2010

As well as on the BLM project website at <http://www.blm.gov/ca/st/en/fo/elcentro/nepa/tule.html> on April 30, 2010.

The following summarizes the scoping comments received from federal, state, and local agencies, local planning groups, private and public organizations, and the general public. The Scoping Report is based on both written and verbal comments that were received during the NOP/NOI public scoping period and from the project scoping meetings held in Jacumba on January 27, 2010, and Boulevard on January 28, 2010. A number of environmental concerns were raised during the public scoping process, which focused on the project's potential effects in several environmental categories. Specific topics raised during the public scoping process are summarized below:

Project Description

A commenter noted that the EIR/EIS should clearly define the purpose and need for all three projects. Also, the purpose of the ESJ Gen-Tie Project should be clarified if it would be solely used for renewable energy from Baja California, Mexico.

Regarding operations and maintenance of the facilities, several commenters expressed concern regarding the reliability of energy production and transmission, specifically during catastrophic events such as wildfires, seismic activity in the region, lightning strikes, and high winds that may stop operation of the wind turbines. In addition, a commenter expressed concern regarding the efficiency of the amount of energy produced from wind farm developments.

Human Environment Issues

Public and agency comments raised concerns regarding the potential impacts of the Proposed PROJECT on the human environment, most often expressing concerns with the following key issues:

- Visual and aesthetic impacts of the wind turbine towers and associated aboveground transmission lines
- Increased risk of wildfire hazards due to the introduction of industrial wind turbines, new transmission lines, substations, and transformers
- Direct and indirect impacts on the recreational uses and to wilderness and environmentally sensitive areas in the project vicinity
- Increased public access resulting in increased fire danger, invasive species distribution, vandalism, and disruption of habitat in remote natural resource areas
- Conflict with the rural community character and the designated recreational and wilderness land uses in the project area
- Construction and operations noise due to: (1) helicopter noise during construction and maintenance activities, (2) operation of the proposed wind turbines, (3) emergency generators, and (4) noise and vibration effects of required blasting
- Potential health effects associated with electric and magnetic fields (EMFs) and potential public safety concerns due to the use of hazardous materials during construction and operation and the potential collapse of turbines.

Additional human environment concerns expressed include how the Proposed PROJECT could restrict the acreage available for farming, as well as its effect on cultural and historic resources, the local economy, public services and utilities, and local roads.

Natural Environment Issues

The key natural environment concern expressed was how the project would affect the biological resources in the area. Issues raised by the public and responsible agencies included potential direct, indirect, and cumulative impacts on both plant and wildlife special-status species known to occur in the region. Other natural environmental concerns dealt with air quality, hydrology, and water quality impacts.

Indirect and Cumulative Impacts

Commenters indicated that the environmental analysis should provide context for understanding the magnitude of project-related impacts by cumulatively considering the environmental effects

of other proposed energy projects in the region, in addition to all past, present, and reasonably foreseeable projects or actions within the geographic range of the project area.

Project Alternatives

Commenters expressed the need for the environmental analysis to include a full and comprehensive range of alternatives that reduce identified impacts. Suggestions from commenters regarding specific alternatives included distributed generation (DG); use of existing transmission lines in Baja California, Mexico; upgrading existing transmission lines in the U.S.; undergrounding proposed transmission lines; alternative transmission routes; alternative sites and configurations; conservation or decreased demand; and alternative technologies, including solar, combined wind and solar, nuclear, or other energy generators that achieve a majority of project objectives.

EIR/EIS Administrative and Permitting Issues

Commenters indicated that the project should analyze the consistency of the project with state and local agencies and conduct joint environmental review with all responsible agencies. All required permits should be listed and discussed.

Refer to the Scoping Report for NOP comment letters received and written comments provided during the scoping meetings.

I.1.4 Follow-Up Agency Consultation

On February 16, 2010, CPUC and BLM staff, the EIR/EIS project team, and the applicants as well as their environmental teams, met with responsible and resource agencies to discuss the status of biological resource surveys being conducted for the ECO Substation and Tule Wind projects. On April 7, 2010, CPUC and BLM staff as well as the EIR/EIS project team met with responsible and resource agencies to discuss project alternatives. The purpose of the meeting was to review the methodology and approach used in screening project alternatives. On May 6, 2010, CPUC and BLM staff, the EIR/EIS project team, and the Tule Wind project applicant and their environmental team met with the resource agencies to review the initial results of the biological resources technical report prepared for the Tule Wind Project.

I.2 Public Notice and Participation

This section summarizes the CPUC's and BLM's program of public notice and participation to maximize agency and public input on the Proposed PROJECT. It consisted of three elements: public notification, public review period, and EIR/EIS information and repository sites.

I.2.1 Public Notification

As described in Section I.1.1, the NOP and public notice was mailed on December 28, 2009, to the state clearinghouse and federal, state, and local trustee agencies that may be affected by the Proposed PROJECT, as well as agencies previously requesting notice in writing to the CPUC. The NOI was published in the Federal Register on December 29, 2009, at which time a press release was also published regarding the NOI. A Notice of Availability (NOA) of the Draft EIR/EIS will be sent to property owners within a 2-mile radius of the Proposed PROJECT at the time the Draft EIR/EIS is released. The notice will include information about how to access the EIR/EIS and will identify the environmentally superior alternative(s) and the dates and times and locations of any CPUC/BLM informational workshop(s), as well as the CPUC's public participation hearings.

I.2.2 Public Review Period

In compliance with the California Public Resources Code Section 21091(a), CEQA Guidelines Section 15105(a) (14 CCR 15000 et seq.), and 40 CFR 1506.6, the CPUC and BLM provided a public review period for the EIR/EIS as described in the NOA as well as the Dear Reader letter at the beginning of this EIR/EIS. To initiate the Draft EIR/EIS public review period, the BLM also published the NOA for the Draft EIS in the Federal Register. The Draft EIR/EIS was noticed and distributed as follows:

- A Notice of Completion (NOC) was sent the state clearinghouse and a public NOA was sent to interested parties specifying dates for the comment period (distributed December 22, 2010) and was also posted on CPUC's website
- An NOA was published in the Federal Register (Vol. 75, No. 246) on December 23, 2010, specifying ~~dates for the~~ end of the comment period
- BLM issued a news release on December 23, 2010, announcing availability of the Draft EIR/EIS on their project website
- The Draft EIR/EIS was distributed to interested parties identified in the EIR/EIS mailing list and also made available via the Internet on both CPUC's and BLM's websites
- The NOA was published in a regional newspaper, the *San Diego Union Tribune*, on December 24, 2010, as well as in a local newspaper, the *Back Country Messenger*, in the January 2011 monthly edition.

During this period, the CPUC and BLM invited the public and interested groups to comment on the content of the Draft EIR/EIS.

I.2.3 EIR/EIS Information and Repository Sites

The repository sites listed below are where citizens may view the EIR/EIS and make copies:

- Jacumba Public Library, located at 44605 Old Highway 80, Jacumba, CA 91934
- Campo-Morena Village Branch Library, located at 31356 Highway 94, Campo, CA 91906
- Potrero Branch Library, located at 24883 Potrero Valley Road, Potrero, CA 91963
- Dudek offices, located at 605 Third Street, Encinitas, CA 92024
- BLM CDD Office, located at 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553-9046
- BLM El Centro Field Office, located at 1661 S. 4th Street, El Centro CA 92243
- BLM's California State Office, located at 2800 Cottage Way, Sacramento, CA 95825.

In addition, documents related to the Proposed PROJECT and the EIR/EIS ~~have been made~~are available on the CPUC's and BLM's project websites at:

~~<http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ECOSUB.htm>~~~~http://www.epuc.ca.gov/environment/info/dudek/sngs/SNGS_Home.htm~~

<http://www.blm.gov/ca/st/en/fo/elcentro/nepa/tule.html>.

I.3 Distribution of the EIS/EIR/EIS and Public Information Meetings

I.3.1 Draft EIR/EIS Distribution and Public Information Meetings

~~The Draft EIR/EIS public review period was initiated through submittal of an NOC with the Governor's Office of Planning and Research (State Clearinghouse) and publication of the NOA in the Federal Register. The NOC and NOA specified dates for the official public review and comment period.~~

~~The lead agencies published their respective news releases identifying the date, time, and location of where the document was available for review and how to provide comments during the public review period.~~

The Draft EIR/EIS was made available via the Internet and was also distributed to responsible agencies and interested parties who requested to be included on the mailing list during and after the public scoping period. According to the CEQA Guidelines, Section 15205(d), and NEPA (40 CFR 1506.10), the customary review period of a Draft EIR/EIS is 45 days. In accordance with CEQA and NEPA, the Notice of Availability (NOA) of the Draft EIR/EIS was distributed to

more than 1,500 federal and state agencies; county and local jurisdictions; regional and local agencies, including local libraries; Native Americans; attorneys; private citizens; and the State Clearinghouse. The NOA, distributed on December 22, 2010, notified agencies, interested parties, and the public of the public review period of the Draft EIR/EIS, which began on December 24, 2010, and ended 54 days later on February 16, 2011. Recognizing that the public review period began during the holidays, the public comment period was extended past the typical 45-day public review period for a total of 54 days.

In early February, the CPUC and BLM, at the request of EPA, announced another extension of the public comment period from February 16, 2011, to March 4, 2011—an additional 16 days beyond the original 54 days, for a total of 70 days. The extension notice was mailed on February 10, 2011, to the 1,500 + distribution list and was also published on the CPUC and BLM project websites. In addition, a one-page notice was prepared and sent to the Jacumba and Boulevard postmasters for posting on community boards within local post offices; the Highland Senior Center in Jacumba; as well as the three area libraries, including the Jacumba Public Library, Campo-Morena Village Branch Library, and Potrero Branch Library. The *Back Country Messenger* posted the extension notice on their community calendar as well (<http://plus.calendars.net/backcountry>).

Furthermore, public information meetings on the Draft EIR/EIS were held at the Jacumba Highland Center on January 26, 2011 and the Boulevard Volunteer Fire Department on February 2, 2011. The NOA of the Draft EIR/EIS and the date of the public meetings were published concurrently with distribution of the Draft EIR/EIS.

I.3.2 Final EIR/EIS Preparation and Distribution

More than 235 people and organizations participated in the public comment process by providing Internet-based comments or postal letters. Approximately 1,711 individual comments were received on the Draft EIR/EIS during the public review period. The CPUC and BLM reviewed all comments and made changes to the EIR/EIS, as appropriate. Responses to comments are provided in Volume 3 of this Final EIR/EIS. ~~All written and oral comments received from public agencies and interested parties during the Draft EIR/EIS public review period will be reviewed and evaluated by the lead agencies. Individual responses and modifications to the Draft EIR/EIS will be prepared as necessary to any substantive comments received. The Final EIR/EIS will consist of:~~

- The Draft EIR/EIS and revisions in response to any substantive public comments are presented in ~~strikeout~~-underline format in the Final EIR/EIS
- Comments and recommendations received on the Draft EIR/EIS either verbatim or in summary

- A list of persons, organizations, and public agencies commenting on the Draft EIR/EIS
- The responses of the lead agencies to significant environmental points raised in the review and consultation process.

The specific issues raised during the Draft EIR/EIS review process are summarized below according to the following major themes:

- Project Description
- Alternatives
- Human Environment Issues
- Natural Environment Issues
- Cumulative Impacts.

Project Description. Commenters expressed concern regarding adequacy of the project description. Further, comments noted concern that the ESJ Gen-Tie Project would not only import energy from renewable resources from Baja California, Mexico as well as that projects in Mexico that connect to the California energy grid should comply with CEQA. In addition, concerns were expressed that proposed future expansion of the ECO Substation would result in additional renewable energy development not addressed in the EIR/EIS.

Alternatives. Many public comments suggested the No Project/No Action or that distributed generation should be the preferred alternative to the Proposed PROJECT.

Human Environment Issues. Public comment raised concerns regarding the potential impacts of the proposed project on the human environment, expressing concerns with low frequency noise, shadow flicker, dirty electricity and health concerns associated primarily with the operation of the wind turbines. In addition, the public raised concerns about fire safety with regard to introduction of the transmission lines and wind turbines in the high risk fire area as well as impacts to property values.

Natural Environment Issues. Public comment raised concerns with the potential impacts that the proposed project would have on biological resources, particularly with regard to the golden eagle and condors, bats, Quino checkerspot, big horn sheep, and wildlife corridors. Comments were also raised regarding water quantity and quality, visual impacts, and climate change. Further, commenters raised concerns regarding sacred cultural, historic, religious, and archaeological Kumeyaay ancestral sites within the project area and the Section 106 consultation process.

Cumulative Impacts. Public comments noted that the EIR/EIS should include projects throughout the southwestern United States in its cumulative analysis as well as additional cumulative analysis for the Sunrise Powerlink Project as well as biological resources and traditional cultural properties.

These areas of concern are analyzed in the appropriate sections of the Final EIR/EIS. Responses to these concerns raised during public review of the Draft EIR/EIS are provided in Volume 3 of the Final EIR/EIS. Recurring comments on the Draft EIR/EIS are addressed through common responses that are provided in Section 2.0 of Volume 3 of the Final EIR/EIS.

I.3.3 After Final EIR/EIS Completion

After the Final EIR/EIS is completed, the CPUC will make a final decision for the ECO Substation Project. For NEPA, following a 30-day Protest Period and concurrent 30-day Governor's Review, the BLM will resolve valid protests and prepare two separate Records of Decision (one for the ECO Substation and one for the Tule Wind Project). The NOAs for the two Records of Decision will be announced in the Federal Register.

Responsible agencies, including the County of San Diego, California State Lands Commission, Bureau of Indian Affairs, and Ewiiapaayp Band Kumeyaay Indians ~~will~~may also use the EIR/EIS for their permitting processes. Following certification of the EIR/EIS by the CPUC, the County of San Diego ~~will~~could choose to either rely on the CPUC/BLM environmental document to meet their CEQA requirements ~~use the EIR/EIS for their~~its discretionary action under CEQA in their consideration of issuing the major use permits (Major Impact Service Utility) for the Tule Wind and ESJ Gen-Tie projects, as portions of those projects are within their jurisdiction, or amend, supplement, and/or prepare additional documentation to meet their environmental compliance needs. The County Planning Commission will make the final decision in considering and issuing the major use permits. Since portions of the Tule Wind Project will occur on lands under the jurisdiction of the California State Lands Commission and the Bureau of Indian Affairs, they ~~will~~may choose to use the EIR/EIS for consideration of their required discretionary actions, as will responsible resource agencies.

I.4 Consultation with Agencies

I.4.1 Federal, State, and Local Agencies

The following federal and state agencies were consulted and/or commented during preparation of the Draft and Final EIR/EIS:

- Advisory Council on Historic Preservation
- Bureau of Indian Affairs

- California Department of Fish and Game, South Coast Region
- California Department of Parks and Recreation
- California Department of Transportation, District 11 Planning Division
- California Natural Resources Agency, Department of Parks and Recreation
- California Public Utilities Commission, Rail Crossings Engineering Section
- California State Lands Commission
- California State Senate
- California State Water Resources Control Board
- California Wind Energy Association
- Congress of the U.S. House of Representatives
- Department of Defense
- Department of Homeland Security
- Department of Public Health
- Department of State, Office of Environmental Policy, Bureau of Oceans and International Environmental and Scientific Affairs
- Federal Aviation Administration
- Federal Energy Regulatory Commission, Office of Energy Projects
- Governor's Office of Planning and Research (State Clearinghouse)
- International Boundary and Water Commission United States and Mexico
- Office of Historic Preservation
- U.S. Border Patrol
- U.S. Department of Agriculture Forest Service
- U.S. Department of Energy
- U.S. Department of the Interior
- U.S. Environmental Protection Agency
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service.

In addition, the following local agencies were consulted and/or commented during preparation of the EIR/EIS:

- Alpine Mountain Empire Chamber of Commerce
- Boulevard Fire Department
- CalFire Campo Battalion
- CalFire McCain Valley Camp
- CalFire San Diego Unit
- Campo Fire Department
- County of San Diego, Department of Planning and Land Use
- Jacumba Community Services District
- Jacumba Rural Fire Protection District
- Lake Morena Village Council
- Mountain Empire Unified School District
- San Diego County Board of Supervisors
- San Diego East County Chamber of Commerce
- San Diego Economic Development Corporation
- San Diego Rural Fire Protection District
- San Diego Sheriff, Mountain Empire Station.

I.4.2 Non-Governmental Organizations

The following non-governmental organizations were consulted and/or commented during preparation of the EIR/EIS:

- Adams Broadwell Joseph and Cardozo PC Attorneys at Law (On behalf of International Brotherhood of Electrical Workers)
- Alpine Community Planning Group
- Anza-Borrego Foundation
- Back Country Coalition
- Backcountry Against Dumps
- Boulevard Community Planning Group

- Boulevard/Jacumba/La Posta Fire Safe Council
- Border Power Plant Working Group
- California Center for Sustainable Energy
- California State Parks Foundation
- Campo Lake Morena Business Association
- Campo Lake Morena Community Planning Group
- Clean Tech San Diego
- Committee for Responsible Growth
- Courtney Ann Coyle Attorney at Law (On behalf of Carmen Lucas)
- Crest Dehasa Community Planning Group
- Descanso Community Planning Group
- E-Cooustic Solutions (On behalf of Backcountry Against Dumps)
- ENTRIX
- Enel Green Power, North America, Inc.
- Energia Sierra Juarez U.S. Transmission, LLC
- Foley and Lardner, LLP (On behalf of Invenegy Wind California, LLC)
- Gatzke, Dillon, and Ballance LLP (On behalf of EcoLogic Partners, Inc.)
- Greg Erdmann (On behalf of OCAS Inc.)
- Herum/Crabtree Attorneys (On behalf of JAM Investments, Inc.)
- HOPE of the Mountain Empire
- Industrial Environmental Association
- Iberdrola Renewables, Inc. (Tule Wind, LLC)
- JAM Investments, Inc.
- Jacumba Community Sponsor Group
- Jamul Dulzura Community Planning Group
- Jeff Hamann (on behalf of Hamann Companies)
- Lakeside Community Planning Group
- Law Offices of Cynthia L. Eldred (On behalf of San Diego Rural Fire Protection)

- Law Offices of Stephan C. Volker (On behalf of Backcountry Against Dumps, The Protect Our Communities Foundation, East County Community Coalition, and Donna Tisdale)
- Mountain Empire Business Association
- Mountain Empire Gentleman's Club
- Mountain Empire Resources Information Task Force
- Mountain Health and Community Services
- Native American Heritage Foundation
- Nature Conservancy
- Natural Resources Defense Council (On behalf of Defenders of Wildlife, Sierra Club, Center for Biological Diversity, Audubon California, San Diego Audubon Society)
- Ned Israelsen (On behalf of Thunder Valley, LLC)
- Off-Road Business Associations, Inc
- Pine Valley Community Planning Group
- Pinney, Caldwell and Pace Attorneys at Law (Trustee of the Walapi Properties Retirement Plan Trust)
- Potrero Community Planning Group
- Powers Engineering
- Protect Our Communities Foundation
- Rasayana
- Rural Economic Action League
- Sacred Rocks Reserve
- San Diego County Archaeological Society
- San Diego Gas and Electric
- San Diego-Imperial Counties Labor Council
- San Diego Audubon Society
- San Diego Regional Chamber of Commerce
- San Diego Renewable Energy Society
- Save Our Rural Environment
- Sempra/ESJ

- Sierra Club San Diego
- South County Economic Development Council
- Tecate Community Sponsor Group
- Terra-Gen Power, LLC
- Westfield.

I.4.3 Native American Tribes

The following federally recognized Native American Indian tribes were consulted and or provided comment during preparation of the EIR/EIS:

- Barona Band of Mission Indians
- Campo Band of ~~Kumeyaay~~ Mission Indians
- Ewiiapaayp Band Kumeyaay Indians
- Inaja-Cosmit Band of Mission Indians
- Jamul Indian Village
- La Posta Band of ~~Mission~~ Kumeyaay Indians
- Manzanita Band of ~~the Kumeyaay Nation~~ Indians
- ~~Quechan Indian Tribe~~ Mesa Grande Band of Mission Indians
- ~~Viejas Band of Kumeyaay Indians~~ San Pasqual Band of Diegueno Indians
- Santa Ysabel Band of Diegueno Indians
- Sycuan Band of Kumeyaay Nation
- ~~Kwaaymii Laguna Band of Mission Indians~~ Viejas Band of Kumeyaay Indians.

The following Native American tribal individuals or organizations were also consulted with by the BLM and or provided comment during preparation of the EIR/EIS:

- Carmen Lucas of the Kwaaymii Laguna Band of Indians
- Kumeyaay Cultural Repatriation Committee.

The BLM consults with Indian tribes on a government-to-government basis in accordance with several authorities including NEPA, the NHPA, the American Indian Religious Freedom Act, and Executive Order 13007. Under Section 106 of the NHPA, the BLM consults with Indian

tribes as part of its responsibilities to identify, evaluate, and resolve adverse effects on historic properties affected by BLM undertakings. The BLM invited tribes to consult on the proposed Tule Wind and ECO Substation projects during the earliest stages of project planning. Tribal consultation was initiated by the BLM by letter for the Tule Wind Project on December 19, 2008. Tribal consultation was initiated by letter by the BLM for the ECO Substation Project on December 9, 2009. This letter also determined that Tule Wind and the ECO Substation projects were connected actions that would undergo Section 106 review concurrently. Additional letters were sent by the BLM for both projects on April 1, 2010, and September 20, 2010. A Section 106 Consulting Party Meeting was held on March 1, 2011, to discuss separating the Tule Wind and ECO Substation projects for the purposes of Section 106 review.

Additional letters specifically sent regarding the Tule Wind Project were sent on February 3, 2011, March 17, 2011, and July 14, 2011, that addressed progress on both the Section 106 and NEPA processes. Follow-up phone calls were made, and site visits were also conducted with interested tribes. Formal Government-to-Government meetings have been held with several tribes including: the Campo Band of Mission Indians, the Manzanita Band of Kumeyaay Indians, and the Ewiiapaayp on multiple occasions.

An additional letter for the ECO Substation Project was sent on March 25, 2011, inviting tribes to a Section 106 Consulting Party Meeting. This meeting was held on April 19, 2011, to discuss the Section 106 process to date. The ECO Substation Project was also addressed at the formal government-to-government meetings held with the Campo Band of Mission Indians and the Manzanita Band of Kumeyaay Indians.

During consultations with Indian tribes, a number of concerns or issues have been discussed and it cannot be stated that there is consensus between the Kumeyaay tribes as to their views on the Proposed PROJECT. At least one Kumeyaay tribe feels that well-planned and executed projects can coexist with cultural resources if handled and permitted appropriately; however, consultation with other tribes is revealing strong concern about the Proposed PROJECT and potential adverse effects. Many have expressed to the BLM the importance and sensitivity of cultural resources within and near the ECO Substation proposed ROW and the Tule Wind development area and that these resources are of great cultural significance. They view the high density of resources as a potential district and consider the areas as a whole to be sacred cultural landscape that will be directly impacted by the insertion of the projects' industrial elements to the natural area. Specifically, two tribes have indicated that a certain geological feature including Lost Valley Rock, which is within the ROW proposed for the Tule Wind Project, holds significant cultural value and that the project will cause direct, indirect and cumulatively adverse effects by introducing a visual intrusion to the clear view sheds from and to culturally important places within and near the project area. Several tribes have also indicated that they attach sacred,

religious, and cultural significance to the cremations/burials that have been identified within the area of potential effect (APE) for the projects. They have expressed concern about the potential for additional unknown cremations/burials which may be located within the project area but are as yet undiscovered. Although direct impacts to most of the archaeological sites and all of the known cremation areas have been avoided through project redesign, some tribes have stated that they feel there is still an impact to the sacred values they attribute to these cremations. Finally, some tribes have expressed strong concern to the BLM over the potential for indirect impacts from the project to cultural resources through the creation of additional access roads into the area that could be used by off-road enthusiasts.

The BLM is committed to continued consultation with tribes regarding the projects on these and other specific issues.

- ~~Barona Group of the Capitan Grande~~
- ~~Sycuan Band of the Kumeyaay Nation~~
- ~~Santa Ysabel Band of Diegueno Indians~~
- ~~Mesa Grande Band of Mission Indians~~
- ~~Manzanita Band of the Kumeyaay Nation~~
- ~~Ah-Mut Pipa Foundation~~

I.5 References

14 CCR 15000–15387 and Appendix A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

40 CFR 1500–1518. Protection of Environment; Chapter V: Council on Environmental Quality.

California Public Resources Code, Sections 21000–21177. California Environmental Quality Act, as amended.

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