



MAR 04 2011

Manzanita Band of the Kumeyaay Nation

March 2, 2011

Iain Fisher, CPUC
Greg Thompson, BLM
C/O DUDEK
605 Third Street
Encinitas, CA 92024

RE: SCH#2009121079 Joint NEPA/CEQA Joint DEIR/DEIS Public Comments
for the East County Substation/Tule Wind. Energia Sierra Juarez Gen-Tie Projects

Dear Mr. Fisher and Mr. Thompson,

In response to the Draft EIR/EIS for the Tule Wind project and SDG&E East County Sub-Station, the Manzanita Band of the Kumeyaay Nation respectfully requests that the following comments and observations be duly noted in the record and taken under serious consideration prior to any action on the projects by the California Public Utilities Commission (CPUC), the Bureau of Land Management (BLM), or the United States Department of the Interior (DOI).

As a sovereign nation, the Manzanita Tribal Government is generally in favor of renewable energy projects and understands the need for infrastructure such as transmission lines, substations, and switchyards to facilitate the delivery of renewable energy to consumers. In fact, Manzanita has, as noted in the draft EIR/EIS, a renewable energy project in the research and planning stage of development itself.

However, Manzanita takes exception to the inference in the Tule Wind / East County Sub-Station draft EIR/EIS that the CPUC has any standing whatsoever regarding the Manzanita project which is on Tribal land and therefore completely

out of the jurisdiction of the CPUC. Our project will be evaluated under an EIS with the Bureau of Indians Affairs (BIA) as the lead agency.

With this said, the Manzanita Government would also like to read into the record that it will not support any project, and this includes but is not limited to renewable energy, transmission lines, sub-stations, and switchyards that endangers the Golden Eagle population in the region or promotes the likelihood of any negative impact on any significant cultural, historic, religious, or archaeological Kumeyaay ancestral sites in the region. This position of the Manzanita Government includes our own Manzanita wind energy project and is accorded one of our highest priorities. We will place all available resources toward defending the Golden Eagles and protecting our sacred ancestral grounds.

Based on the Tule Wind draft EIR/EIS we object to any approval or furtherance of the process toward approval of the environmental document because it lacks adequate protection for the Golden Eagle and lacks protective measures for the significant ancestral Kumeyaay sites in the project areas.

The Golden Eagle is an essential religious and spiritual co inhabitant of the land with the Kumeyaay people. This relationship dates back to before recorded time. Over the past several decades the total population of the eagles in the region has been documented as significantly declining.

The primary reason for the decline in eagle population is due to the influx of human disturbance to and around the core nesting areas and foraging territories necessary to sustain a healthy eagle population. With development of the Tule Wind project this will further exacerbate the decline of the golden eagles not only by the proximity of the turbines to the core nesting areas, and not only by dramatically reducing the necessary foraging territory, but also by significantly increasing the access humans have into the area. All factors will further endanger an already declining eagle population. We see no viable or acceptable mitigation that will eliminate this risk. Additionally, no Avian Protection Plan is proposed or developed in conjunction with the proposed project.

We encourage the CPUC, BLM, and DOI to reject the application of the proposed project on this basis alone. The protection of the Golden Eagle as a primary cultural and religious symbol of the Kumeyaay Nation outweighs any potential benefits a wind project would provide.

In addition, the proposed projects also have no plan in place to avoid the significant and sacred cultural, historic, religious, and archaeological Kumeyaay ancestral sites in the region and doesn't address the effects of the total desecration

of this highly important and significant cultural landscape of the Kumeyaay People.

The Kumeyaay people once roamed from the ocean to the desert of Southern California and into Northern Baja California, Mexico. Due to the development of most of this region there are few Kumeyaay ancestral sites left undisturbed. McCain Valley and the Jacumba are the last of such critically important sites.

Both McCain Valley and Jacumba have such a concentration of sites that they are to be considered archaeological districts, which are interconnected. The proposed projects do not take into consideration the negative impacts on these last of the Kumeyaay ancestral and sacred grounds.

The proposed draft EIR/EIS has no adequate provisions to avoid the Kumeyaay ancestral districts and no mitigation will be acceptable other than complete avoidance. These are the last of the critically important areas to the original Native American inhabitants and stewards of this land. Many of these locations contain cremation of human remains as well as ceremonial and religious tribal gathering sites that date back thousands of years. There is no replacing these, which represent the last of their kind.

As such the Manzanita Government request that no further action by the CPUC, BLM, or DOI that would move these projects toward approval based on the fact that the detrimental impact to the Kumeyaay ancestral districts would produce irreversible harm should the proposed projects be allowed to proceed to construction.

No potential benefit of the proposed project would in any way shape or form come close to measuring up to the harm they would create, and no mitigation is acceptable other than complete avoidance of the Kumeyaay ancestral districts.

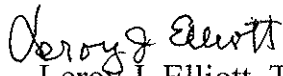
In summary, The Manzanita Band of the Kumeyaay Nation stands against any and all projects that endanger the Golden Eagles of the region and stands against any project that negatively impacts any of the last significant Kumeyaay ancestral districts left on earth.

We encourage our Kumeyaay brothers and sisters as well as other Tribal Governments to stand with us to protect the last of these sacred grounds of our forefathers. We ask you to stand with us in not only protecting the primary symbol of our cultural and religious practice, our Golden Eagles, but also encourage you to actively get involved in developing a plan to promote and increase a viable and sustainable Golden Eagle and California Condor population as the responsible stewards of the land our Creator endowed us with thousands of years ago.

We are requesting that the Department of Interior including the Bureau of Land Management and the Bureau of Indian Affairs honor their Trust responsibility to the Kumeyaay People to protect the Golden Eagles and our ancestral, cultural, and archaeological heritage in the McCain Valley, San Diego County California.

The proposed Tule Wind project will both decimate the ancestral Kumeyaay sites in the last remaining Kumeyaay archaeological district left and create an unacceptable risk for a significant decline in an already downward spiral for a healthy golden eagle population. As such the project should summarily be rejected in its entirety. There are other viable wind energy sites that provide the same benefits without the deplorable and irreversible impacts Tule Wind creates for the Golden Eagles and the Kumeyaay Nation.

Sincerely,



Leroy J. Elliott, Tribal Chairman
Manzanita Band of the Kumeyaay Nation

cc: Honorable Barbara Boxer Senator
Honorable Dianne Feinstein Senator
Honorable Bob Filner Congressmen
Honorable Duncan D. Hunter Congressmen
Larry Echo Hawk, Assistant Secretary of Indian Affairs
Amy Dutschke, BIA Pacific Regional Director
Bob Abbey, Director BLM
Jim Abbot, Acting Regional Director
John M Fowler, Executive Director ACHP
Nancy Brown, BLM Liaison ACHP