

**MORETTI FAMILY  
CARRISITO RANCH  
25580 HWY 79  
SANTA YSABEL, CA 92070**

August 20, 2008

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

Re: Sunrise Powerlink RDEIR/SDEIS

To Whom It May Concern:

I have read the Sunrise Powerlink RDEIR/SDEIS and have the following comments and concerns regarding the Santa Ysabel Partial Underground Alternative Revision.

It does not appear SDG&E has properly investigated the alternative of applying to the California Department of Transportation (CalTrans) for an encroachment permit to construct the lines underground in the CalTrans Right of Way, State Highway 79.

SDG&E has indicated that the CalTrans ROW is in Tribal Land, however Section 90 of the California Streets and Highway Code clearly states:

“The department shall have full possession and control of all state highways and all Property and rights in property acquired for state highway purposes.”

Furthermore Section 379 of the California Streets and Highway Code describes Highway 79 as follows:

“379. (a) Route 79 is from:

- (1) Route 8 near Descanso to Route 78 near Julian.
- (2) Route 78 near Santa Ysabel to the Temecula city limits east of Butterfield Stage Road”

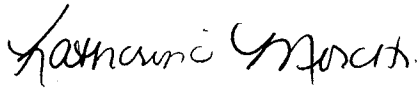
Enclosed are documents from the National Archives, Two are dated September 15, 1939 and July 1, 1939 "Public Highway – Statement of Owner" from Tribal officials acknowledging and consenting to the "public highway" as well as letter from the Land Division Claims dated November 28, 1939 showing approval of the application for public highways and a letter from the Department of Interiors again stating the approval of the Highway through Tribal Lands. By all accounts the State of California was given the right of way for a public highway and therefore has jurisdiction within the right of way.

Why hasn't SDG&E pursued this alternative of undergrounding through State Highway 79, not only for this alternative, but for the entire project? It would have far less environmental impacts and would avoid damaging private property.

It would further curtail SDG&E abuse of eminent domain and their blatant disregard of private property owners. Putting the line underground in State of California Highway 79 would have NO impacts on the agriculture lands.

I am also concerned that the "access roads" were not included in this recirculation, as they have SIGNIFICANT impacts that have not been addressed.

Respectively submitted,

A handwritten signature in cursive script, appearing to read "Katherine Moretti".

Katherine Moretti

PUBLIC HIGHWAY - STATEMENT OF OWNER

I, Francisco Osuna, allottee 25 of the Santa Ysabel Reservation No. 3, hereby acknowledge that the petition of the Department of Public Works, Division of Highways, State of California, dated August 10, 1939, for permission to open and establish a public highway across my allotment, described as Lots 1, 2, 3, and 5, and SE.1/4 of SE 1/4, Sec. 19, T. 11 S., R. 3 E., has been explained to me by the agent of the applicant and I hereby consent to the establishment of the desired public highway on payment of damages amounting to One Hundred and Forty - Five Dollars, of which allotment 1.45 acres is to be used for road right of way.

OFFICE OF INDIAN AFFAIRS  
 OCT - 9 1939  
 6460\*

Dated this 15<sup>th</sup> day of September, 1939.

Francisco Osuna

WITNESSES:

U. P. Paseto  
Geo. D. Gregory

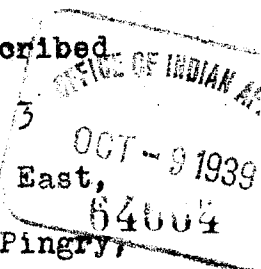
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## PUBLIC HIGHWAY - STATEMENT OF OWNER

We, Tribal Committee of the Santa Ysabel Indian Reservation, hereby acknowledge that the petition of the State of California, Department of Public Works, Division of Highways, dated \_\_\_\_\_, for permission to open and establish a public highway across Tribal Lands, described as Sections 29, 30, 32 and 33, Township 11 South, Range 3 East, and Sections 4 and 16, Township 12 South, Range 3 East, S. B. B. & Meridian, has been explained to us by G. S. Pingry, Right of Way Agent of the Division of Highways, and we hereby consent to the establishment of the desired public highway on the following conditions:

1. That the State Division of Highways expend a sum of money not less than \$2300.00 on the reconstruction of the Vulcan Road, work and the location of work to be designated by the Tribal Committee.
2. Right of way to be fenced with cedar posts placed 14 feet apart and strung with 4 strands of barbed wire.
3. All driveways or road connections, with the exception of the South Vulcan road connection which is to be closed, are to be replaced.

The proposed right of way 120 feet wide follows approximately the Southwesterly boundary of the Santa Ysabel Indian Reservation No. 3, and is partially along the existing State Highway. The new portion of right of way varies in



width to a maximum of 120 feet and covers an area of 23.0  
acres.

Dated this 1st day of July, 1989.

Winston J. Courto

David J. Courto

Francis Courto

\_\_\_\_\_

WITNESSES

Sarah Courto

Geo. A. Quincy

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE  
COMMISSIONER OF INDIAN AFFAIRS

Land Division  
Claims  
64664-39

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON

T B B  
*Handwritten initials*

The Commissioner

NOV 21 1939

of the General Land Office.

My dear Mr. Johnson:

We enclose for the permanent files of your office ..... map.....  
showing location of ~~public highway right of way~~ ..... approved to  
~~State of California~~ ..... involving  
~~allotted and tribal~~ ..... Indian lands in ~~said State~~ .....  
with blueprint copy of same for transmittal to the local land office.

Sincerely yours,

JOHN COLLIER,

Commissioner.

11-MS-20

Enclosure 2218650

Initialing Copy for File

Land Division  
Claims  
64664-39  
T B B  
v

Mr. John V. Dady,

NOV 28 1939

Supt. Mission Agency.

My dear Mr. Dady:

Referring to your letter of October 5, there have been sent you under separate cover, for appropriate disposition, maps showing approval on November 17 of the application of the State of California for a public highway right of way across allotted and tribal lands on the Santa Ysabel Reservation, subject to the conditions set out in the attached recommendation of this Office, which was approved on the same date.

You should, of course, see that compliance is had with said conditions. The allotted land damages amount to \$145. The proposed land exchange will be made the subject of a separate letter.

Sincerely yours,

(sgd.) J. M. STEWART

J. M. Stewart *JMS*  
Director of Lands

Enclosure 2218651

11-MS-20

11-MS-24

Initiating Copy for File