

MORONGO
BAND OF
MISSION
INDIANS



A SOVEREIGN NATION

September 22, 2015

VIA E-MAIL (westofdevers@aspenerg.com) and U.S. Mail

CPUC/BLM
c/o Aspen Environmental
235 Montgomery Street, Suite 935
San Francisco, CA 94014

Re: Morongo Band of Mission Indians Comments on the Draft Environmental Impact Report for the SCE West of Devers Upgrade Project

The Morongo Band of Mission Indians (Morongo Band) appreciates the opportunity to comment on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) for the Southern California Edison (SCE) West of Devers Upgrade Project (Project). The Morongo Band's comments are limited to correcting an error in the DEIR/DEIS concerning the legal feasibility of the Phased Alternative.

The DEIR/DEIS, Appendix 5, Alternative Screening Report, states at Ap. 5-54:

Legal and Regulatory Feasibility. The Phased Build Alternative appears to be feasible considering legal and regulatory factors. The Proposed Project has been approved by the Morongo Tribe in a ROW Agreement with SCE (see EIR/EIS Appendix 3), and there is no language in the Agreement that conflicts with the components of this alternative.

The statement that there is no language in the Agreement that conflicts with the components of this alternative is incorrect. The Morongo Band included provisions in its Agreement with SCE that reserve the Morongo Bands right to cause the United States Department of the Interior to terminate SCE's rights of way across the Morongo Reservation -- including those for the Project (ROW) -- if by January 1, 2017, SCE has not obtained all required regulatory approvals for the Project as presented by SCE to the Morongo Band. These same rights to terminate SCE's ROW are included in each of the Department of the Interior's grants to SCE of Easements and Rights of Way across the Morongo Indian Reservation for both SCE's existing facilities and the Project.

The Phased Build Alternative is materially different than the Project as presented by SCE to and accepted by the Morongo Band. Therefore, the Morongo Band could conclude that approval of the Phased Build Alternative, rather than the Project as described in Exhibit A to the DCA, does not satisfy SCE's obligation under the Agreement and the federal grants of easements and rights of way to obtain the required

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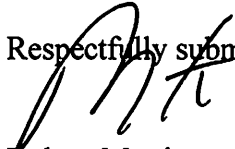
regulatory approvals by January 1, 2017, and the Morongo Band could exercise its right to direct the Department of the Interior to terminate the ROW, which would affect not

only SCE's proposed Project, but also the continued presence on the Morongo Reservation of SCE's existing 220 kV and 115 kV transmission facilities.

The DEIR/DEIS should be revised to reflect the possibility that if the Morongo Band were to conclude that the Proposed Phased Build Alternative does not satisfy SCE's obligation to timely obtain all required regulatory approvals of the Project as described in Exhibit A to the DCA, the Morongo Band could direct the Department of the Interior to cancel the ROW, in which event there would be a legal impediment to the Project.

The Morongo Band appreciates the Commission's careful and expeditious consideration of this matter.

Respectfully submitted,



Robert Martin
Chairman
Morongo Band of Mission Indians