

Steve Taffolla

From: Erlinda Paniagua <epaniagua@campo-nsn.gov>
Sent: Friday, March 04, 2011 4:05 PM
To: ECOSUB; catulewind@blm.gov
Cc: 'Monique LaChappa'; 'Melissa Estes'
Subject: Tule Wind/ECO Substation Draft EIS/EIR, CBOMI Comments
Attachments: 030311 LTR, FISHER-THOMSEN, CBOMI COMMENTS.pdf

Hello

Attached is the Tule Wind/ECO Substation Draft EIS/EIR, Campo Band of Mission Indians Comments. Thank you.

Erlinda Paniagua, Executive Assistant
Campo Band of Mission Indians

This footnote confirms that this email message has been scanned by
PineApp Mail-SeCure for the presence of malicious code, vandals & computer viruses.



Campo Band of Mission Indians

Chairwoman Monique La Chappa
Vice Chairwoman Michelle Cuero
Secretary Kerm Shipp
Treasurer June Jones
Committee Nancy Cuero
Committee Dominique Connolly
Committee Benjamin Dyche

March 3, 2011

Iain Fisher, California Public Utilities Commission
Greg Thomsen, Bureau of Land Management
c/o Dudek and Associates
605 Third Street
Encinitas, California 92024
ecosub@dudek.com
catulewind@blm.gov

RE: Tule Wind/ECO Substation Draft EIS/EIR

Dear Mr. Fisher/Mr. Thomsen:

The Campo Band of Mission Indians thanks you for providing the opportunity to comment on the Tule Wind and ECO Substation Draft EIS/EIR. This is a very large document that comprehensively address a complex project. We support the approach utilized in the document to address the Campo Band of Mission Indians (Campo Band) Wind Development Project on the Campo Indian Reservation at the programmatic level. We have very few comments about the document but do want to direct your attention to some areas. We also have substantive comments regarding the tribal cultural resource consultation process utilized by the BLM for this project.

1. Please update your map, Figure D-2.9 to comply with the critical habitat designations finalized by the U.S. Fish and Wildlife Service identifying no critical habitat on the Campo Indian Reservation (Fed. Reg. June 17, 2009 (Volume 74, Number 115); Rules and Regulations; Page 28775-28862). The U.S. Fish and Wildlife Service (FWS) has no jurisdiction to designate critical habitat on Indian Reservation lands.
2. In several sections the document refers to the possibility that Campo Band's Environmental Protection Agency regulations (Campo EPA), statutes and codes, and the Bureau of Indian Affairs (BIA) guidance and regulations would apply to a wind development project on the Campo Indian Reservation. In 1994 the Campo Band promulgated statutes and regulations governing activities that may affect the natural environment on the Campo Indian Reservation. These environmental statutes and regulations are administered by the Campo Band Environmental Protection Agency (CEPA). The Campo Wind Energy Project would be regulated under these statutes and regulations, as well as applicable BIA regulations, policies and guidance.
3. In Table A-1 the document identifies land areas as state, private, federal, tribal. The CPUC has jurisdiction and authority over state, county, and private lands. This table should be corrected to reflect that only state, county, private, and some federal lands with a nexus to California public utilities, fall within CPUC jurisdiction.

Our more substantive comments address the consultation process that the BLM utilized for tribal consultation for cultural and historic properties on federal land under the BLM's jurisdiction. We do appreciate the recent efforts by the BLM staff to discuss this issue with tribes affected by development in the project area, however we do not agree with the BLM's overall tribal consultation process. Because the BLM is the land management agency which has stewardship over a large amount of acreage historically occupied by Native American Tribes, the Campo Band of Mission Indians, as well as many of our sister tribes from the Southwestern United States and Northern Mexico, have looked to the BLM to serve as stewards of sacred ancestral sites and burial grounds. Ancestors of the Kumeyaay Indians, including the Campo Band of Mission Indians, occupied these lands for 1000's of years and many generations. Current generations of Kumeyaay still visit these sacred sites to perform spiritual ceremonies, worship their ancestors, and practice their religion. Without adequate notice, the BLM must have carried out a process to change the designation of these lands to allow for rapid economic development. We were unaware that the stewardship of these lands had drastically changed, and were shocked and dismayed to learn of the number of renewable energy development projects currently identified for construction on BLM lands. The number of projects and the speed at which these projects are proceeding through the review process has overwhelmed our ability to adequately review the impacts of the projects and their accompanying destruction of sacred sites.

We are requesting that the BLM develop and perform a more adequate consultation process with all the Indian Tribes who have an interest in the cultural and sacred sites located on all the BLM lands in the United States. For many generations, Indian Tribes believed the BLM would be suitable stewards of Indian ancestral lands, allowing access for spiritual and religious purposes, protecting sacred gravesites, and minimizing destruction and disruption of these sacred sites. Instead, the BLM has proceeded hastily to make changes in its land use policies and designations, leading to massive construction and subsequent destruction of many sacred sites. These sites will be lost forever, after generations of preservation and spiritual and religious use. We request that the BLM re-consider its renewable energy portfolio on all BLM lands, and initiate a more comprehensive consultation process with all Indian Tribes, especially with all Tribes specifically affected by this project. We look forward to renewing our trust in the BLM as suitable stewards of historic ancestral lands.

Once again, thank you for the opportunity to provide comments on this document. We look forward to seeing the Final EIS/EIR.

Best regards,

A handwritten signature in black ink, appearing to read "Monique LaChappa". The signature is fluid and cursive, with the first name "Monique" being the most prominent part.

Monique LaChappa

Chairwoman

Campo Band of Mission Indians