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November 30, 2016

Office of the Assistant Secretary- Indian Affairs
Office of Regulatory Affairs & Collaborative Action
1849 C Street, NW
MS 3642
Washington, DC 20240.

consultation@bia.gov

RE: National Congress of American Indians (NCAI) Comments on Federal Infrastructure Permitting – Stand with Standing Rock and Federal Infrastructure Permitting

Dear Sir or Madam:

The Sycuan Band of the Kumeyaay Nation (“Sycuan”) is a federally recognized, sovereign American Indian Tribe. The Sycuan Reservation was established by an Executive Order issued on December 27, 1875 and by an act of the United States Congress (26 Stat. 712-714 c.65) (“Reservation”). On May 7, 1972, Sycuan adopted Articles of Association, which were approved by the Secretary of Interior on August 18, 1972; said Articles have been further amended by Sycuan and said amendments have been ratified and approved by the General Council of Sycuan and the Secretary of Interior.

The Sycuan Band submits this letter in support of the National Congress of American Indians (NCAI) Comments on Federal Infrastructure Permitting – Stand with Standing Rock and as comments for the Department of Interior, Justice and Army regarding Federal decision making on infrastructure projects.

The Kumeyaay Nation has inhabited and managed our traditional territory from the Pacific Ocean to the desert and approximately 75 miles north and south of the international border. Our traditionally and cultural affiliated territories of interest are unanimously embodied in the unceded Kumeyaay Nation territory within the exterior political boundaries established by the State of California for San Diego, Imperial, Riverside and Orange Counties.

Furthermore, the Kumeyaay Nation has exclusively and continuously occupied these lands since the beginning of time and before recorded history. Until approximately 2000 years ago, traditional knowledge, supported by archaeological and anthropological records, indicates the Kumeyaay Nation exclusively occupied these lands until other Native Nations expanded their resource use corridors into the further regions of the Kumeyaay Territory. The Sycuan Band of the Kumeyaay Nation is also traditionally and culturally affiliated with cultural resources now submerged in the Pacific Ocean from 3 to

17 kilometers further westward than today's coastline and as far as we could travel to harvest marine resources.

The Sycuan Band requests the Department of Interior, Justice and Army add language to programs regarding the particulars of tribal lands in Southern California. Primarily the fact that our treaties were not ratified and yet we have not ceded our original territory. Please include language that specifies the need to consult with federally-recognized tribes, with or without treaties, for federal infrastructure permitting within tribal traditional territories. The Sycuan Band also requests that measures and standard are developed to compensate tribes for their participation and consultation.

In addition, we are providing several examples of the major infrastructure projects that have recently impacted the Kumeyaay Territory. These are only examples as the number of projects are too many to inventory here.

The Kumeyaay Nation was first exposed to long distant energy projects in 2005 with the application to the California Public Utilities Commission (CPUC) and Bureau of Land Management (BLM) for the Sunrise Powerlink Transmission Line Project - a project of the San Diego Gas & Electric Company (SDG&E) to construct a 150-mile transmission line from SDG&E's Imperial Valley Substation near El Centro, Imperial County, to coastal San Diego.

In 2011, Kumeyaay Nation began consultation with BLM on the Ocotillo Wind Express Energy Project, funded by Pattern Energy. The project desecrated vast swath of land that is part of the Kumeyaay Territory and an irreplaceable traditional cultural landscape. Ancient ceremonial sites, geoglyphs and other remnants of the tribes' history are scattered across the 12,500 acres where the turbines were placed.

Kumeyaay cultural resources have been documented throughout the Kumeyaay Territory. The absence of visible cultural resources does not preclude their existence. Certain plants, animals, habitats and use areas are also considered cultural resources. Below ground cultural resources may also be present without any manifestation on the surface.

If you need any additional information, please Lisa Haws, Cultural Resource Manager, at (619) 312-1935. Thank you.

Sincerely,



Cody J. Martinez
Chairman