

Tribal Council

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Clara Guy
Tribal Elder

Henry Contreras
Council Member

Mel Vernon
Council Member

Mary Lou Beltran
Council Member

Carrie Lopez
Tribal Advisor

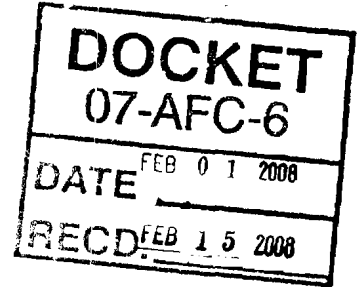
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**SAN LUIS REY BAND
of Mission Indians**

Carlsbad
07-AFC-6



February 1, _____, 2008

Re: Comments on Proposed Carlsbad Energy Center
Project _____

Dear Paul Richins,

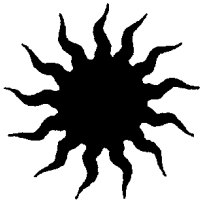
The San Luis Rey Band of Mission Indians hereby submits the following comments on the proposed Power Plant - is it possible to receive a copy of the EIR for this project. _____ ("Project").

The San Luis Rey Band ("Band" or "Tribe") is a San Diego County Tribe whose traditional territory includes the current cities of Vista, Oceanside, Carlsbad, San Marcos and Escondido, among others. The Band's primary concerns are the preservation and protection of cultural, archaeological, sacred and historical sites of significant to the Band located within the Project area.

The Band is concerned about protecting the unique and irreplaceable cultural resources which will be affected by the Project. The Tribe is also concerned about the appropriate and lawful treatment of Native American human remains and cultural and sacred items which are likely to be disturbed during the Project's development and ground disturbing activities. The Band does have a Most Likely Descendant on file with the Native American Heritage Commission in the event that human remains are discovered during the grading process.

The need for mitigation measures for this Project are undisputed. The strongest protections must be afforded to protect these invaluable resources. The Band intends to use all appropriate and necessary procedures available to ensure that these resources are properly addressed via the CEQA and SB 18 processes.

To ensure a complete and undisputed understanding by all parties regarding the protection of these priceless resources, the Band respectfully



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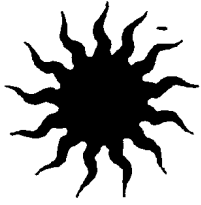
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requests that the following mitigation measures be added as mandatory conditions for approving the grading permit for the Project. The Developer must be required to submit written proof of these requirements before the permit may be issued.

1. The Developer must execute a Pre-Excavation Agreement with the Band prior to any ground-disturbing activities on the Project site. The agreement will, at minimum, include the following provisions:
 - A. Require appropriate treatment of human remains and cultural items.
 - B. Require a good faith effort by the parties to agree on what is appropriate treatment and dignity when addressing human remains and cultural items.
 - C. Require that any human remains or cultural items recovered during the grading process be returned to the Band, and not curated in a facility absent the express written consent of the Band.
 - D. Require avoidance for all significant and sacred archaeological sites which may be found during development. Avoidance is the preferred method of preservation under CEQA for such resources.
 - E. Require Native American monitors to be present during all ground-disturbing activities.
 - F. Provide for the compensation of tribal monitors at the expense of the Developer.

2. Additionally, the Band requests that Native American monitors be added as a mandatory requirement, in addition to any archaeological monitor required by state law.

With these clarifications, the San Luis Rey Band believes that the mitigation measures described above will provide adequate protection for the cultural resources and human remains that may be discovered in the Project area. The Band intends to carefully monitor this Project to ensure that the requirements imposed by CEQA and SB 18 are rigorously applied for the duration of the Project.



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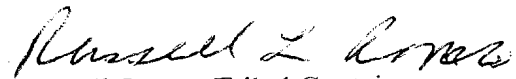
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The Band truly appreciates the commitment of California Energy Commission to continue consultation with the Tribe during the Project. We look forward to continuing this positive relationship and we thank you for your assistance in protecting our invaluable Luiseño cultural resources.

Sincerely,


Russell Romo, Tribal Captain
San Luis Rey Band of Mission Indians