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6   2ND CORRECTED TRANSCRIPT

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9   San Diego Planning Commission Hearing

10 JVR Energy Park Major Use Permit; PDS2018-MUP-18-

11 022; PDS2018-E18-22-001

12 Agenda Item #3

13 July 9, 2021

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22   NICHOLAS KOUTOUFIDIS: Good morning

23 Chair Edwards and Commissioners. I'm Nick

24 Koutoufidis with Planning and Development

25 Services or PDS. Today, Bronwyn Brown and I will

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 1   be presenting in Item 3, the request for the JVR

 2   Energy Park major use permit.  PDS is before you

 3   today recommending approval of the solar facility

 4   project with an increased buffer from the

 5   community of Jacumba Hot Springs.

 6           The JVR Energy Park site is located

 7   immediately to the east of the community of

 8   Jacumba Hot Springs and to the south of

 9   Interstate 8.  The U.S.-Mexico border is located

10   along the southern boundary and Old Highway 80

11   traverses the site.

12           The project is a solar energy

13   generation and storage facility which will

14   produce 90 megawatts of renewable electric power.

15   As originally proposed by the applicant, the

16   solar facility and major use permit area totaled

17   643 acres within the 1,356-acre project site.  In

18   response to comments from the public, the

19   applicant increased the setbacks or distance of

20   the solar facility from Jacumba Community Park

21   and Old Highway 80 which reduced the footprint of

22   the solar facility.

23           Staff recommends that an additional

24   300-foot setback from residential properties

25   north of Old Highway 80 be included, as described
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1 | in the Community Buffer Alternative in the draft
 2 | final environmental impact report prepared for
 3 | the project. For the rest of this presentation,
 4 | this alternative is referred to as the Community
 5 | Buffer Project.
 6 | Jacumba Hot Springs was once a thriving
 7 | resort destination with a population of over
 8 | 5,000, which was approximately ten times the
 9 | current population. The site was also
10 | historically used for dairy and agricultural
11 | operations. By the 1920s, rail service connected
12 | the town to San Diego and the Hotel Jacumba was
13 | known as a premier hotel and hot springs
14 | destination.
15 | Decades later, tourism declined due to
16 | increased competition from hot springs resorts
17 | further to the north and the development of
18 | Interstate 8 which removed passer-by travel on
19 | Old Highway 80. The original resort was
20 | destroyed by fire and the rail line remains
21 | inactive.
22 | However, the Jacumba Hot Springs Resort
23 | and the surrounding area continue to attract
24 | visitors and community members have a vision for
25 | revitalizing the local economy. In 1986, the

1 county designated most of the site as a specific

2 planning area, with the goal of generating

3 renewed interest in the Jacumba area.

4   The figure in this slide is the

5 conceptual plan from the 1986 environmental

6 impact report. Previously, two specific plans

7 have been submitted to the county. Jacumba

8 Valley Ranch Specific Plan was submitted in 1981,

9 but was denied in 2003 due to failure to satisfy

10 requirements related to processing the project.

11   In 2006, the Ketchum Ranch Specific

12 Plan was submitted but was subsequently withdrawn

13 in 2011. Based on the current general plan, the

14 allowable density within the specific planning

15 area is 1,110 dwelling units and could also allow

16 for a variety of visitor-oriented uses.

17   In summary, most of the site is located

18 within a specific planning area; however, no

19 specific plan has been established for the area.

20 No other larger residential development

21 applications for this site have been submitted in

22 the past ten years.

23   This slide shows the staff recommended

24 Community Buffer Project and major use permit

25 area which totals 604 acres. The additional 300-

1 foot buffer from residential properties north of

2 Old Highway 80 is shown in the enlarged view.

3 The proposed solar facility is considered a major

4 impact service and utility use and is allowed in

5 the specific planning area with the approval of a

6 major use permit in a bonded agreement to ensure

7 removal of all structures at the end of the 35-

8 year operational term of a major use permit.

9   A general plan amendment is not needed

10 for the Community Buffer Project and the

11 underlying density of the site will remain.

12 Although the solar facility development footprint

13 has been reduced, the use of improved solar panel

14 technology will allow the facility to generate 90

15 megawatts of electricity.

16   The applicant entered into a 20-year

17 term power purchase agreement approved on May 27,

18 2021, with the Community Choice Aggregation

19 Program called San Diego Community Power or SDCP.

20 Under the power purchase agreement, renewable

21 electricity will be provided to customers and the

22 cities of San Diego, La Mesa, Chula Vista, and

23 Imperial Beach, and Encinitas.

24   SDCP will purchase the power produced

25 by the solar facility and feed it into the

1   electricity grid, while SDG&E will maintain the

2   grid and deliver the power to all SDCP customers.

3   The solar facility will include

4   security perimeter fencing and access will be

5   provided by driveways off Carrizo Gorge Road and

6   Old Highway 80. Approximately 281,000 solar

7   panels will be installed throughout the facility.

8   The solar array is shown in gray and the major

9   use permit boundary is outlined in yellow.

10   There are two types of electric

11 current, direct current referred to as DC and

12 alternating current referred to as AC. The solar

13 panels generate DC energy. An underground system

14 will collect the energy from the solar panels and

15 connect to the inverters. An inverter converts

16 the power from the solar panels to AC power which

17 is compatible with the grid.

18   A transformer then takes the converted

19 power and increases the electricity to a higher

20 voltage. A total of 25 inverter transformer

21 platforms will be located throughout the solar

22 facility which is shown as bright green in the

23 slide. The inverter transformer platforms will

24 be connected through an underground system to the

25 substation, which will be located adjacent to the

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 1   SDG&E transmission corridor.

 2            The substation collects all solar power

 3   from the facility and further increases the

 4   voltage so it's compatible with the grid

 5   distribution level.  The substation components

 6   will be a maximum of 40 feet in height.  An

 7   overhead transmission line will connect the

 8   substation to the switchyard.

 9            The switchyard facilities include the

10   switchyard which controls the output of energy to

11   the grid and connecting lines to the existing

12   SDG&E transmission line.  The switchyard

13   facilities will be transferred to SDG&E after

14   construction.

15            The project also includes a battery

16   energy storage system.  The battery containers

17   will be adjacent to the inverter transformer

18   platforms at 25 locations throughout the

19   facility.  The battery energy storage system will

20   have a maximum capacity of 90 megawatts.  The

21   image shown depicts a typical battery storage

22   container.

23            Battery-based energy storage provides

24   flexibility to the electrical grid by storing

25   energy produced during periods of over supply and
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1   discharging it to the electrical grid during

2   periods of high demand. The solar facility will

3   include a total of 75 battery storage containers.

4   Each sealed container will be approximately 55

5   feet long, 19 feet wide, and 10 feet high, and

6   will be elevated above flood elevations.

7   The system will use lithium-ion

8   batteries. Each battery storage container will

9   have an internal fire detection and suppression

10   system. The solar panels will be mounted on

11   single-axis trackers that allow the panels to

12   track the path of the sun throughout the day.

13   Double-sided panels, referred to as bifacial,

14   will be used. This type of panel is capable of

15   generating energy from both sides of the panel.

16   The solar panels at full tilt will be

17   up to 12 feet in height from the grade of ground

18   surface at their highest point. The area

19   underneath the solar panels will be hydroseeded

20   and vegetation will be maintained throughout the

21   operational life of the solar facility for dust

22   and erosion control.

23   A decommissioning plan and a bonded

24   agreement are required to ensure decommissioning

25   of the solar facility. All components will be

1   decommissioned except the switchyard facilities

2   which will be transferred to SDG&E after

3   construction.

4   The project will be conditioned to

5   remove all components after its operational use,

6   including both above and below ground components.

7   Most of the solar facility materials can be

8   recycled or reclaimed. Remaining materials that

9   cannot be recycled or reclaimed will be contained

10 and disposed of offsite.

11   This photograph shows the existing view

12 from the residential properties in Jacumba Hot

13 Springs to the north of Old Highway 80. This

14 view is looking to the east. The open valley and

15 lowest hills are located within the project site.

16 The white colored buildings in the background are

17 part of the dairy ranch complex. The higher

18 terrain in the background is outside of the

19 project site.

20   This is a visual simulation of the

21 project proposed by the applicant, which includes

22 a 30-foot setback from the residential property

23 lines, a 15-foot-wide landscaping buffer, and

24 (indiscernible) fencing as visual screening. The

25 solar panels are visible as a dark band along the

1 top of the fence.
 2   This is a simulation of the Community
 3 Buffer Project with a 300-foot setback from the
 4 residential property lines. This slide shows a
 5 comparison of the view of the original project
 6 and the Community Buffer Project.
 7   This photograph shows the existing view
 8 from within Jacumba Community Park, which is
 9 located south of Old Highway 80. This view is
10 looking to the east. The higher terrain in the
11 background is outside of the project site. This
12 is a visual simulation of the original project.
13 There would be no setback from the park property
14 line.
15   This is simulation of the Community
16 Buffer Project with a 300-foot setback from the
17 park. This slide shows a comparison of the view
18 from the park of the original project and the
19 Community Buffer Project.
20   This photograph shows the existing view
21 from Old Highway 80 traveling eastward. This
22 view is looking to the southeast. The level
23 terrain is within the project site. The border
24 fence is visible as a dark line in the distance.
25   This is a visual simulation of the

1   original project, which is set back approximately

2   60 feet from the south of Old Highway 80. This

3   is a simulation of the revised project with an

4   increased setback totaling 180 feet.

5   This slide shows a comparison of the

6   original project and the Community Buffer

7   Project. Along the north side of Old Highway 80,

8   the setback would be 110 feet from the highway.

9   During processing of the project, the

10   county received comments from stakeholders,

11   including the Jacumba Community Sponsor Group,

12   community members of Jacumba Hot Springs, local

13   business owners, and glider pilots. In addition,

14   various organizations, agencies, and tribes

15   provided comments.

16   These comments included concerns

17   related to visual resources, biological

18   resources, glider use of the Jacumba Airport, and

19   fire. This slide shows a comparison of the

20   existing view from state land that was recently

21   transferred to Anza-Borrego Desert State Park and

22   a simulation of the solar facility.

23   At higher elevations, most of the solar

24   facility is visible. A portion of Jacumba Hot

25   Springs is visible in the right side of the

1   photo. The visual impact analysis and the

2   environmental impact report determined that the

3   solar facility's impacts to view from the

4   community of Jacumba Hot Springs, state and

5   federal public lands, Old Highway 80 and

6   Interstate 8 will be significant.

7   Although mitigation measures would

8   reduce the impacts, these visual impacts would

9   remain significant and unavoidable. The

10   Community Buffer Project will include a 435-acre

11   biological open space easement, which is

12   highlighted in dark green in the slide. The open

13   space is contiguous to undeveloped state and

14   federal lands to the west and includes the

15   Boundary Creek corridor.

16   Preservation of the on-site open space

17   will be -- provide habitat for a range of species

18   and provide for wildlife movement. With

19   implementation of the mitigation measures

20   identified in the final EIR, all impacts to

21   biological impacts would reduce to less than

22   significant.

23   The Jacumba Airport is unattended and

24   mainly used by gliders. PDS staff coordinated

25   with the Department of Public Works Airports, the

1   San Diego Airport Authority, and the U.S.

2   Department of Defense throughout processing of

3   the project. There is an adopted Airport Land

4   Use Compatibility Plan also known as an ALUCP for

5   the Jacumba Airport.

6   An ALUCP is a plan that guides property

7   owners and local jurisdictions in determining

8   what types of proposed new land uses are

9   appropriate around an airport. An ALUCP also

10   protects an airport from new incompatible land

11   uses that could restrict an airport's operations.

12   Airport safety zones are established as

13   part of an ALUCP and land use restrictions and

14   requirements are established to protect people

15   and property on the ground and in the air. The

16   Jacumba Airport ALUCP establishes five safety

17   zoning areas for the purposes of evaluating

18   safety compatibility of development.

19   The proposed solar facility is

20   compatible with the ALUCP safety zone

21   requirements. When forced to make an emergency

22   landing, pilots will usually attempt to do so in

23   the most open areas readily available. To

24   enhance safety, both for people on the ground and

25   the occupants of the aircraft, the ALUCP contains

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 1    criteria requiring a certain amount of open land

 2    near the Jacumba Airport for emergency landings.

 3             This photograph shows open land that is

 4    located on Old Highway 80 and is parallel to the

 5    airport runway.  The solar facility will be

 6    located on both sides of the highway, but has

 7    been set back as discussed previously.  The

 8    proposed solar facility will exceed the minimum

 9    required dimensions of open land to provide a

10    safety landing area for gliders and aircraft in

11    the event of emergency.

12             The Community Buffer Project will

13    comply with all requirements of the Jacumba

14    ALUCP.

15             BRONWYN BROWN:  A fire protection plan

16    has been prepared, which identifies fires and

17    identifies measures that will mitigate those

18    risks.  These measures include improved access,

19    fuel modifications zones throughout the solar

20    facility, water tanks, steel poles, a 24-hour

21    phone number to a remote-control center that can

22    shut the solar facility off, and a training

23    program for the San Diego County Fire Protection

24    District.

25             County fire station 43 is located
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 1  approximately one-half mile from the boundary of

 2  the proposed solar facility.  The Community

 3  Buffer Project is required to implement a fire

 4  protection and mitigation agreement which

 5  requires approval by the Board of Supervisors.

 6           This agreement will ensure funding for

 7  fire fighting and emergency medical resources.

 8  The fire protection plan and fire protection and

 9  mitigation agreement has been reviewed and

10  approved by the county fire authority.  With

11  implementation of the fire protection plan and

12  the fire mitigation agreement, the project will

13  have a less than significant wildfire impact.

14           In order to grant a major use permit,

15  findings must be made demonstrating that a

16  project is compatible with the community

17  character.  For the Community Buffer Project, the

18  major use permit findings can be made based on

19  setbacks, the interim nature of the use, the

20  intensity of the uses that could be allowed under

21  a specific plan, and existing energy

22  infrastructure.

23           A 300-foot buffer will be provided

24  between the solar facility and community of

25  Jacumba Hot Springs.  The solar facility will
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1   also be set back along both sides of Old Highway

2   80. Landscaping and screening on the fencing

3   will also be provided. Minimal low-level

4   lighting will be installed only at the entrances.

5   The solar facility will also be largely

6   unstaffed; thus, there would be no significant

7   impact to the community from traffic.

8   The solar facility is considered an

9   interim use and is allowed in the specific

10   planning area land use designation upon approval

11   of a major use permit. A major use permit may be

12   granted for any use pursuant to a bonded

13   agreement to ensure the removal of all structures

14   and electrical components within a specified

15   amount of time.

16   The specific planning area designation

17   on the site would allow for the residential and

18   other uses with up to 1,110 dwelling units. The

19   proposed location, size, design, and operating

20   characteristics of the Community Buffer Project

21   will be consistent with the bulk and scale

22   anticipated for the site by the adoption of the

23   specific planning area.

24   A number of factors contribute to the

25   suitability of the site for a solar facility.

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1   These include the existing 138 kV electrical

2   transmission line located within the site, which

3   connects to the Boulevard substation.  Thus, this

4   location would not trigger major upgrade costs

5   which are among the most important factors in

6   project feasibility.

7            Recent renewable energy projects and

8   associated SDG&E infrastructure have resulted in

9   a change to the physical setting of the site and

10  surrounding neighborhood character.  An existing

11  transmission corridor transects the northern area

12  of the Community Buffer Project site which

13  includes the 155-foot-tall Southwest and Sunrise

14  Powerlink 500 kV transmission towers and the 150-

15  foot-tall Boulevard, 138 kV transmission line.

16            The existing Jacumba solar facility and

17  the SDG&E-owned East County substation are within

18  two miles of the site's eastern boundary.  Based

19  on staff's analysis of the Community Buffer

20  Project, the findings for a major use permit can

21  be made.  The Community Buffer Project has been

22  reviewed for compliance with the California

23  Environmental Quality Act.  An EIR was prepared

24  and made available for a 61-day public review

25  period from October 8 to December 7, 2020.
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 1              A total of 153 comment letters were
 2    received during the public review period with
 3    most of the comments being in opposition to the
 4    project.  Comments on the draft EIR were received
 5    from the tribes, agencies, organizations, as well
 6    as from individuals.
 7              Ten issue areas had potentially
 8    significant impacts that will be mitigated to
 9    less than significant.  These include air
10    quality, biological resources, cultural
11    resources, hazards and hazardous materials,
12    hydrology and water quality, geology, noise,
13    paleontological resources, tribal cultural
14    resources, and wildfire.
15              The EIR determined that the project
16    would have a significant and unavoidable impacts
17    to visual resources and mineral resources; thus,
18    a statement of overriding considerations has been
19    prepared and is included as an attachment to the
20    hearing report.  A decision-making agency may
21    decide to adopt a statement of overriding
22    considerations for a project because the agency
23    views that the economic, social, technological,
24    and other benefits resulting from the project
25    outweigh its significant adverse environmental
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 1   effects.
 2              On May 18, 2021, the Jacumba Community
 3   Sponsor Group voted to recommend denial of the
 4   project by a vote of five yeses and zero nos,
 5   citing concerns with the proximity of the
 6   proposed solar facility to the community of
 7   Jacumba Hot Springs and impacts to community
 8   character, socioeconomic including future
 9   tourism, scenic vistas, wildlife, Jacumba Airport
10   glider operations, groundwater, and fire hazards.
11              The Jacumba Community Sponsor Group
12   stated that they would be in support of a solar
13   facility project if it was reduced to 300 acres
14   in size and moved north of Old Highway 80, away
15   from the town of Jacumba Hot Springs and the
16   Jacumba Airport.
17              (sound drops) 2021, the Jacumba
18   Community Sponsor Group submitted an alternative
19   solar facility layout to the county named Equity
20   for Jacumba Alternative.  This alternative
21   reduces the solar facility to 300 acres and
22   focuses the development north of the town of
23   Jacumba Hot Springs.
24              PDS finds that the project will assist
25   the state in achieving greenhouse gas emission
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1   reduction goals by producing enough renewable

2   energy power for 57,000 homes, which will offset

3   emissions that might otherwise have been emitted

4   by non-renewable energy by 508,658 metric tons of

5   carbon dioxide.

6   The energy produced will provide 4.4

7   percent of San Diego Community Power's annual

8   energy requirements. The applicant is currently

9   pursuing a project labor agreement which

10   guarantees a project will use union labor for the

11   duration of project construction.

12   Because the project complies with the

13   relevant codes and regulations and the required

14   findings can be made, staff recommends the

15   commission recommend that the Board of

16   Supervisors approve the Community Buffer Project

17   as detailed in the staff report. However, staff

18   recognizes the Planning Commission may wish to

19   consider other options.

20   The Planning Commission has several

21   options. You can recommend approval of the

22   project, recommend approval of the project with

23   modifications or conditions, or deny the project.

24   This concludes staff presentation. We

25   are available for any questions.

1   CHAIR MICHAEL EDWARDS: Thank you for

2   staff presentation. Are there any questions from

3   the Commissioners at this time? Commissioner

4   Barnhart.

5   COMMISSIONER DOUGLAS BARNHART: Well, I

6   might add that this is one of my concerns about

7   the last meeting we had, because we're locating

8   the facility in an area that's not going to

9   receive any benefit from it because all the

10   electricity's coming to the coast, Chula Vista

11   and Encinitas. So I voiced that concern pretty

12   aggressively in the last meeting, and here we

13   are, right on point.

14   But besides that general comment, what

15   is the lifespan of the facility?

16   NICHOLAS KOUTOUFIDIS: The lifespan of

17   the facility is 35 years.

18   COMMISSIONER DOUGLAS BARNHART: Okay,

19   so after 35 years, we're going to decommission it

20   and you stated that most of the components of the

21   project could be recycled. Does that include the

22   battery storage?

23   NICHOLAS KOUTOUFIDIS: Commissioner

24   Barnhart, through the chair, I'd have to check on

25   that, but I do not believe that it can be

1   recycled.

 2   COMMISSIONER DOUGLAS BARNHART: Okay,

 3   so what do you do with these -- I have a system

 4   at my house. I have solar panels and I have

 5   battery backup and I have all of that, so I'm

 6   quite familiar with how all this works from an

 7   engineering point of view, but I'm concerned with

 8   the -- that, you know, a lot -- the reason to do

 9   this is -- one of the reasons to do the alternate

10   power is for protection of the environment.

11   So I'd like to know from the applicant

12   what is the plan to handle these batteries after

13   the 35 years. Where do they go? That's my first

14   question. The second question I would like to

15   answer -- I'd like an answer on is you showed us

16   some elevations in which you showed the panels

17   barely appearing above the fence. But we're also

18   operating in a flood plain and so (sound drops)

19   to avoid the impacts of the flood plain.

20   You're elevating the panels and you

21   also have these water tanks which are pretty good

22   size. Now, is the elevations we're looking at,

23   the panels, do they include the elevated earth

24   work for those panels and what's the visual

25   impact of the water tanks?

1   NICHOLAS KOUTOUFIDIS: Commissioner

     2   Barnhart through the chair, the panels would not

     3   exceed 12 feet in height as shown in the visual

     4   simulations, even with -- even if it is located

     5   within the flood area and that's the battery

     6   storage containers and inverters would be raised

     7   in certain areas.

     8   COMMISSIONER DOUGLAS BARNHART: And how

     9   much would that elevation raise be?

    10   NICHOLAS KOUTOUFIDIS: The majority of

    11   the site would not be needed to be raised;

    12   however, the battery storage and inverter and

    13   transformer base of the structures could be

    14   needed to be raised between 4.5 inches --

    15   COMMISSIONER DOUGLAS BARNHART: I doubt

    16   that.

    17   NICHOLAS KOUTOUFIDIS: -- 18 inches to

    18   4.5 feet.

    19   COMMISSIONER DOUGLAS BARNHART: So

    20   basically, the earthwork would -- is only an 18-

    21   inch increase in elevation to site the panels in

    22   those flood plain areas? And how big are these

    23   water tanks? Isn't it true that you showed us

    24   the best possible view on the pro -- on the

    25   elevations and not the worst possible?

1   NICHOLAS KOUTOUFIDIS: The solar panels

2 --

3   CHAIR MICHAEL EDWARDS: No. no, no --

4   NICHOLAS KOUTOUFIDIS: -- the

5 conservative view --

6   CHAIR MICHAEL EDWARDS: Let's --

7   NICHOLAS KOUTOUFIDIS: -- will not

8 exceed 12 feet.

9   CHAIR MICHAEL EDWARDS: Hold on, staff.

10 Let's maintain civility here. I don't care much

11 for laughing and catcalling. Go ahead, staff.

12   NICHOLAS KOUTOUFIDIS: And the maximum

13 height of the water tanks would be 15 feet.

14   COMMISSIONER DOUGLAS BARNHART: And how

15 high is the perimeter fence?

16   NICHOLAS KOUTOUFIDIS: It is 7 feet

17 high.

18   COMMISSIONER DOUGLAS BARNHART: Okay,

19 so you're going to see these water tanks way over

20 that fence. Is that accurate? Let's just get

21 the information out. I mean --

22   NICHOLAS KOUTOUFIDIS: That's correct.

23   COMMISSIONER DOUGLAS BARNHART: --

24 we'll make a decision on it, but we need to make

25 a decision on real information of what we've got.

1 Now my last question is, we went to the community

 2 planning group and the community planning group

 3 gave a list of things such as -- one of them was

 4 the flood plain and a few other things and then

 5 the type of panel and they also, if I remember

 6 right, were -- the cleaning of the panels,

 7 whether or not we were going to use groundwater

 8 or not.

 9   And then all of those, most of those

10 answers unless I missed it -- I probably did; I

11 apologize for that. You're much more familiar

12 with it than I am, but where is the applicant on

13 all of those suggestions from the community

14 planning group? And I think we -- I think we'd

15 like to -- I would like to see the answer to

16 every one of those specifically, are they or are

17 they not. They said they'd check on it. Check

18 on it, check on it.

19   Well, I'm sorry, but checking on it is

20 probably really not going to cut it today. We're

21 going to want some -- we're going to want some

22 answers where they're at with that community

23 planning group because we got a lot of people

24 that don't want this and you got a planning group

25 that says, well, what about this, this, this, and

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 1   this and the applicant is backpedaling, so they

 2   need to put their big boy pants on and answer

 3   this stuff.  That's my questions.

 4           CHAIR MICHAEL EDWARDS:  Thank you.

 5   Staff, if I understood you, even though there's a

 6   -- if I misstate what you said, feel free to

 7   correct me.  There's a 7-foot fence but walkers

 8   or passers by will be able to see the tops of the

 9   panels, correct?

10           NICHOLAS KOUTOUFIDIS:  That's correct.

11           CHAIR MICHAEL EDWARDS:  And

12   Commissioner Barnhart's questions on the water

13   tanks, they are rather large and it's pretty

14   obvious that you can't camouflage those, so I

15   take it those will also be visualized from the

16   roads and/or nearby areas, correct?

17           NICHOLAS KOUTOUFIDIS:  Chair, that's

18   correct.

19           CHAIR MICHAEL EDWARDS:  And for my

20   questions, Commissioners, is this.  Is there --

21   and maybe it's in here and I missed it.  Is there

22   a landscaping component such that the tanks, for

23   lack of a better term, will be buffered by trees

24   or the fence or can you explain that for me?

25           NICHOLAS KOUTOUFIDIS:  Chair, there
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1   will be landscaping along the residential

2   properties for the town and along Old Highway 80

3   as long -- as well as along certain portions of

4   Carrizo Gorge Road and Jacumba Community Park.

5   CHAIR MICHAEL EDWARDS: Okay. At some

6   point in time today, could you show the

7   commission what the landscape plan is and I take

8   it, without knowing that we cannot put trees next

9   to the tanks because it's probably a fire hazard,

10 so I guess that's self-evident, but --

11   WOMAN 1: (indiscernible).

12   CHAIR MICHAEL EDWARDS: That's a good

13 point. I guess you could bury the tanks.

14   Commissioners, do you folks have any

15 questions at this time or should we proceed? Go

16 ahead, Commissioner Hough.

17   COMMISSIONER TOMMY HOUGH: Thank you,

18 Mr. Chair. I appreciate it. I had two

19 questions. One was, I kind of wanted to move

20 forward with my colleague Commissioner Barnhart's

21 question regarding groundwater issues.

22   Solar panels, especially a solar panel

23 project this size, and I think as far as solar

24 panel projects go, I think this is going to be

25 about the best one we're going to see that's

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1    going to be coming along in the next several

2    years, but nevertheless, this is an enormous

3    size.  It does require a great deal of water to

4    clean these panels off as part of regular

5    maintenance.

6              I'd like to know and have on the record

7    what the water status is for this project and

8    where this water's going to be coming from and

9    how it's going to affect the nearby community of

10   Jacumba Hot Springs.

11             I have another question, too, Mr.

12   Chair, but we can address that first.

13             CHAIR MICHAEL EDWARDS:  Staff, could

14   you have -- on that question.

15             MARK SLOVIC:  Commissioner Hough

16   through the chair.  The county's groundwater

17   geologist Jim Bennett is on the line and he can

18   respond to that specific question.  Jim if you

19   could answer Commissioner's Hough's question;

20   thank you.

21             JIM BENNETT:  Hi, Commissioner Hough.

22   This is Jim Bennett with planning and development

23   services.  The water for the solar panels is

24   going to be 11 acre-feet per year provided by on-

25   site wells.  Historically, just to put it into
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 1   context, when this was a farm for spinach, they
 2   were using between 740 acre-feet and up to 995
 3   acre-feet per year.
 4              Eleven acre-feet of water use for the
 5   solar panels, while that, in quantity, that's a
 6   large amount of water, the impacts to the
 7   groundwater basin and the community would be less
 8   than significant, actually pretty close to
 9   negligible.  We're talking about almost
10   immeasurable in terms of the town on the 11 acre-
11   feet per year.
12              CHAIR MICHAEL EDWARDS:  You had another
13   question?
14              COMMISSIONER TOMMY HOUGH:  Yes, sir,
15   thank you.  And thank you for the answer, staff.
16   The other question was -- and as the gentleman
17   indicated, this is a -- previously a spinach
18   farm.  As I understand it from the documents,
19   this is former ag land.  My question is, does the
20   site impact any original habitat?  Is there any
21   native habitat on this site?
22              ASHLEY SMITH:  Commissioner Hough
23   through the chair.  There is some native habitat
24   on the side.  The majority of the impacts will
25   occur to fallow ag lands.  Those will be
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1    mitigated at a half-to-one ratio and the other

2    native habit will be mitigated at the appropriate

3    ratios that range from one-to-one to three-to-

4    one.

5              COMMISSIONER TOMMY HOUGH:  If I may,

6    Mr. Chair, would the landscaping affect this

7    native habitat, the proposed landscaping?

8              ASHLEY SMITH:   Sorry, Commissioner

9    Hough.  I'm not quite sure --

10             COMMISSIONER TOMMY HOUGH:  So you --

11             ASHLEY SMITH:  -- question.

12             COMMISSIONER TOMMY HOUGH:  Yeah, it's

13   quite all right.  So I think you indicated that

14   the area that would be impacted by the actual

15   solar structures would be on the restored ag

16   land, but there would be, you know, original

17   habitat contained within the footprint of this

18   site, would that original habitat be impacted by

19   the proposed landscaping?  I think the

20   landscaping was mentioned for the exterior.

21             ASHLEY SMITH:  Commissioner Hough

22   through the chair.  So the landscaped areas would

23   be considered in the overall footprint that is

24   considered impacted, so if there are any native

25   habitats removed in order to install that
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 1   landscaping, that has all been provided

 2   mitigation.

 3            COMMISSIONER TOMMY HOUGH:  Thank you.

 4   I just -- I appreciate the attention given to

 5   burrowing owls on the site.  That's good.  This

 6   is golden eagle habitat.  They don't like people

 7   and I think any native or undisturbed habitat

 8   that's going to be the site of Quino checkerspot

 9   butterflies, which is a threatened species and a

10   concern in this area.  Thank you, staff.  I

11   appreciate it.

12            CHAIR MICHAEL EDWARDS:  Thank you,

13   Commissioners.  Commissioners, any other

14   questions at this point in time or should we

15   proceed?  Commissioner, go ahead.

16            COMMISSIONER GINGER HITZKE:  Thank you,

17   Mr. Chairman.  My question is on the

18   decommissioning plan, and I know it's not

19   something that we have yet, but I'm curious how

20   the amount of the bond is calculated.  Is that

21   something, you know, kind of like a public

22   improvement bond where the applicant's engineer

23   provides the cost estimate or if that's something

24   that staff has.

25            And is there any --I?m curious what the
```

1   dollar amount of that bond is and if it's -- it's

2   a 35-year bond, which seems like kind of far out

3   and those costs -- I don't know what things are

4   going to cost in 35 years and what kind of

5   escalation factors are used, and if we can

6   require any portion of that bond to be in cash at

7   this time. Those are my -- so those are my

8   questions and I'm happy to wait until after

9   public comment to get answers on those.

10   CHAIR MICHAEL EDWARDS: That's okay.

11   Do -- staff, do you have the answers to

12   commissioner's questions?

13   NICHOLAS KOUTOUFIDIS: Yes,

14   Commissioner Hitzke through the chair, the

15   decommissioning plan will be required prior to

16   building permit issuance. The actual bond amount

17   is provided -- a certified engineer will provide

18   a cost estimate to -- for that amount. That has

19   to also be reviewed by our engineers and county

20   counsel and agreed upon prior to the -- prior to

21   the decommissioning plan being issued and then

22   that is a bond that's provided to the county once

23   the terms are accepted.

24   COMMISSIONER GINGER HITZKE: Does that

25   engineer include an escalation factor, just

```
 1   considering it's 35 years out?

 2           NICHOLAS KOUTOUFIDIS:  Yes, it does.

 3           CHAIR MICHAEL EDWARDS:  So the answer

 4   is, we don't have a specific dollar amount and we

 5   won't until further review by engineering groups

 6   occur, reviewed by counsel.  Is that correct?

 7           RANDALL SJOBLOM:  That's correct,

 8   chair.

 9           COMMISSIONER GINGER HITZKE:  My

10   question is, can we -- yeah.

11           CHAIR MICHAEL EDWARDS:  Any more

12   questions?

13           COMMISSIONER GINGER HITZKE:  Well, can

14   we require a portion of it to be in cash as a

15   condition of approval?

16           CHAIR MICHAEL EDWARDS:  I don't know

17   the answer to that.  Counsel, can we?

18           RANDALL SJOBLOM:  Sorry, one more time?

19           COMMISSIONER GINGER HITZKE:  Can we

20   require that a portion of that amount that would

21   otherwise be bonded to be in cash in lieu?

22           RANDALL SJOBLOM:  No.  What we require

23   is some sort of form of security.  Normally

24   that's a bond.  Sometimes, it could be a letter

25   of credit in some circumstances, but it's pretty
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 1   unusual in this circumstance to require a full

 2   cash bond for something like that.

 3             COMMISSIONER GINGER HITZKE:  The cash

 4   could be use -- cash as security, correct?

 5             RANDALL SJOBLOM:  Cash could be used as

 6   security; that is correct.

 7             COMMISSIONER GINGER HITZKE:  Okay.

 8             CHAIR MICHAEL EDWARDS:  I think the

 9   bonds are pretty standard.  I don't know the

10   county wants to get involved in accounting for

11   cash and paying interest.  Just my observation

12   from having commissioner negotiated some bonds.

13   Any event, if there are no more question, we'll

14   now invite any community planning groups or

15   sponsor groups wishing to make a presentation to

16   the Commissioners.  Madam Secretary, do we have

17   any requests to speak in person from the Jacumba

18   Community Sponsor Group?

19             SECRETARY:  We do have the chair,

20   Cherry, here to speak on behalf of the Jacumba

21   Sponsor Group.  Cherry, if you can come forward.

22   You have five minutes.

23             CHERRY DIEFENBACH:  Excuse me?  I

24   didn't hear you.

25             SECRETARY:  Sorry.  You have five
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 1   minutes.
 2           CHERRY DIEFENBACH:  I thought when you
 3   were talking earlier, you said I had ten.  Was
 4   that referring to a different someone?
 5           SECRETARY:  For the sponsor groups,
 6   there's five minutes, and three minutes for
 7   individuals.
 8           CHAIR MICHAEL EDWARDS:  So are you --
 9   madam, are you requesting ten minutes?
10           CHERRY DIEFENBACH:  I am requesting ten
11   minutes, sir.
12           CHAIR MICHAEL EDWARDS:  Is that
13   acceptable?  It's acceptable.  Go ahead.
14           CHERRY DIEFENBACH:  Thank you.  Thank
15   you.  Good morning.  My name is Cherry
16   Diefenbach.  I'm the chair of the Jacumba Sponsor
17   Group.  It's a really small group, five people.
18   I'm also a homeowner in -- I'm also a homeowner
19   in Jacumba since 2012. And I just wanted to
20   introduce you today to the community of Jacumba
21   and so let me go ahead and do that.
22           I happen also to be a historian.  I
23   wrote a 500-page book about Jacumba and the
24   surrounding area, so if you have any questions
25   about history, I can probably answer them.  Next
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1   slide.
 2   So just a brief overview, where we are.
 3   Lot of people don't make their way out to
 4   Jacumba, but they should. It's a great little
 5   community. It?s seen some troubled times lately,
 6   but we're on our way back. We have a new group
 7   of resort owners who are in the process of
 8   renovating the town and I also wanted to discuss
 9   what the makeup of the town is.
10   This is a pretty poor town. The
11   average annual income here in Jacumba, $32,000.
12   That's 150 percent below the state average and
13   our property values are very low. People can
14   afford the -- to move out here to actually buy a
15   house, which is unique in San Diego County, quite
16   frankly. Rents are also low.
17   Now when you put a big project in right
18   next to the town, some of those less affluent
19   residents might not have resources to move to
20   someplace, if they don't want the solar farm
21   right next to them. Next.
22   Okay, the reason I put this slide in,
23   it shows this is from the general plan, the 2011
24   general plan. It shows Jacumba -- see if I can
25   figure out how to -- there's the town of Jacumba.

1   This purply area in here is where the solar

2   project would go. This is our rural village

3   boundary and there's nowhere else in San Diego

4   County has anyone tried to put such a huge solar

5   project in where the town would grow and that

6   little star there is where the historic farm

7   buildings, the dairy buildings, which date back

8   to 1928 are located. Next slide.

9   This slide shows there the developer's

10   original plan. It was 623 acres. We took their

11   plan, put it on a geo-earth map, and I want to

12   just point out there's the town of Jacumba.

13   Right here, this little area. There's the runway

14   for the airport. You can see how the panels wrap

15   around the airport on three sides.

16   You can see Highway 80 is, if I'm not

17   shaking too much, right through the center there

18   and up here is Interstate 8. So the project goes

19   from the border with Mexico all the way to the I-

20   8 corridor. It's a huge area and a huge project.

21   Next slide.

22   The community sponsor group has come up

23   with an alternative plan, and we want to make

24   sure that you all understand that this plan is

25   not the community buffer plan. The community

1 buffer plan still wants to allow the developer to

2 have 604 acres of solar facility.

3   Our plan would reduce the amount of

4 acreage down to 300 acres, thereabouts. There

5 are some other elements that we are asking for

6 and we think this is the right approach to even a

7 project of 300 acres. We'd like to see a

8 restored habitat corridor here. We've approached

9 a nonprofit group called RiverPartners.org. They

10 are in the business of restoring habitat. We'd

11 like to see that happen.

12   The way that would work is the river

13 group partners would obtain grants to purchase

14 the land from the property owner at fair market

15 value. We think a wildlife corridor that

16 stretches from the border of Mexico up to BLM

17 lands and Anza-Borrego Desert State Park lands

18 would attract hikers, mountain bikers, maybe even

19 horseback riders.

20   We want people to come to Jacumba. We

21 have to give them some reason to come to Jacumba.

22 They aren't going to come here to view the solar

23 panels; that's for sure. The other thing that

24 this plan does, which is important, you see this

25 blue area in here and this blue area down here.

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 1            We'd like to see that reserved for

 2   community expansion.  It was interesting, I had a

 3   conversation with one of the BayWa reps who

 4   suggested to me that we should move our town on

 5   the east side of the project area into the rocks,

 6   into the hills, whatever, and we finally -- we

 7   believe that's not the right approach, so we want

 8   to see the town have something to grow into.  I

 9   think every town wants that.  Next slide.

10            Okay, we want to talk about our

11   concerns here, and one of the concerns is the

12   decommissioning plan, which some of the

13   Commissioners mentioned.  And really, if you

14   eliminate all the technical stuff and get right

15   down to the cherries, this project will never go

16   away.  Yes, there's a decommissioning plan in

17   2058.

18            I'll be 104 years old then and most of

19   the people in town won't be alive to see it

20   decommissioned either, but I'll tell you, it

21   really won't decommission and I don't know that

22   that's a bad idea, but I think it should be up

23   front that whatever project goes in here will be

24   here for perpetuity, and I think that's one of

25   the things that we have to look at and decision
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1   makers have to look at.

 2   So a smaller plan in perpetuity is

 3   okay. And why do I say it would continue in

 4   perpetuity? I'd like to just read something that

 5   I provided to the planning -- to the hearing

 6   Commissioners earlier.

 7   "The sponsor group does not believe the

 8   Jacumba Community Buffer Alternative" -- that's

 9   the bigger project -- "is an interim project. It

10   takes advantage of a loophole in county zoning

11   ordinance and states an MUP may be granted to a

12   specific planning area if a bonded decommission

13   plan exists." Okay.

14   "It also states in the PC hearing

15   report on Page 3-15, prior to the expiration of

16   the MUP for the solar facility, the applicant

17   could apply for and receive approval for an MUP

18   modification to further authorize the use of the

19   site as a solar facility" -- and here's the last

20   part of that -- "or return it to a land use

21   consistent with the zoning ordinance."

22   So even in the Planning Commission

23   report, they acknowledge this is really not a

24   land use that's consistent. So just to summarize

25   that, we would expect that any property owner

1   would apply for an MUP modification before 2058

2   and that approval would probably go through

3   because we're talking about streamlining

4   permitting.

5   Reminder, the specific plan area where

6   this would go in was originally envisioned to

7   support a large residential development which

8   would enhance the vitality of the town and

9   provide economic benefits to the community, not

10 one that will destroy community character and the

11 ability of the town to thrive and grow. Next

12 slide.

13   Okay, process and perceptions. The

14 CEQA process, as you all are well aware, is quite

15 complicated and I'm sure from a developer's point

16 of view, it's gone too slow and it costs too much

17 money, but from a sponsor group and a community's

18 approach -- opinion, it's gone too fact and

19 there's too much to review. I had that picture

20 of the environmental -- final environmental

21 report put up there.

22   That doesn't account for all the

23 technical appendices that are not in a printed

24 form, probably more than 3,000 pages. So our

25 group, our community was given all these

1 documents ten days before this hearing and -- to

2 review and make comment on. That's an enormous

3 task. I don't have any staff; it's just me.

4   I have long nights and eyes that are

5 going bad from reviewing this stuff and then, of

6 course, we have a new sponsor group. I'm the

7 senior member. I've been there a year. So for

8 us to tackle something like reviewing this is

9 overwhelming.

10   Then, we need to talk also about

11 perceptions. One -- from an outsider's point of

12 view, we could say the fix is in. You have a

13 developer who's already signed a power purchase

14 agreement before this project has completed the

15 CEQA planning process. That seems not right.

16 Seems like maybe they know something the rest of

17 us in Jacumba don't.

18   We also believe the developer has not

19 made a good faith effort to engage the community,

20 specifically Jacumba Community Sponsor Group. In

21 fact, they didn't come before a sponsor group

22 until May 18th. That's not a long time ago. So

23 something with the process, covert, whatever you

24 want to say, it didn't go right.

25   And again, not an interim land use.

```
 1   Will ultimately ruin a town that's on its way to

 2   making a comeback.

 3             CHAIR MICHAEL EDWARDS:  I'm sorry,

 4   ma'am, could you summarize?  You have --

 5             CHERRY DIEFENBACH:  Okay.  Yes, I will.

 6   Next slide.  Okay, so we are -- I just want to

 7   show you that we have supported the solar

 8   projects and green energy projects in our area.

 9   The two arrows are pointing to the 58-acre eco

10   substation and the 304-acre -- it's actually 108

11   acres of solar panels -- solar system that's

12   already two miles from town.

13             So here's -- we're cutting to the

14   chase.  One last thing.  It's going to be hard

15   today for the Commissioners to vote for the right

16   thing, okay.  We aren't voting for this project

17   because it's going to be, and I quote -- "A

18   project that would enhance the county's

19   reputation as a leader in development and

20   deployment of innovative energy and solar

21   technologies."

22             You vote for the project after careful

23   examination through the lens of fairness that

24   considers the welfare of the underserved

25   community it will forever impact.  Thank you.
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 1              CHAIR MICHAEL EDWARDS:  Thank you,

 2   ma'am.  Do we have any other -- do we have other

 3   --

 4              SECRETARY:  Yes, I have one more group.

 5   Can I have Jeff Osborne, Donna Jones, and Kim

 6   Baranek please come to the podium?

 7              CHAIR MICHAEL EDWARDS:  Is this a

 8   sponsor group?  These are individuals.  Speakers?

 9              SECRETARY:  I believe it's -- what was

10   the group name, the Equity --

11              JEFF OSBORNE:  We Are Human Kind.

12              SECRETARY:  -- for Jacumba?

13              JEFF OSBORNE:  -- LLC.  We own the

14   resort and most of the land in town and I'm also

15   a sponsor group member.

16              CHAIR MICHAEL EDWARDS:  Well, you get

17   three minutes, unless it's an organized

18   presentation or --

19              JEFF OSBORNE:  We have an organized

20   presentation that we submitted to staff.

21              CHAIR MICHAEL EDWARDS:  What was

22   submitted?

23              SECRETARY:  I don't know which --

24              MARK SLOVIC:  Chair,

                              we would recommend

25   that the applicant do their presentation after
```

1   the planning group presentation and then allow

 2   this --

 3   CHAIR MICHAEL EDWARDS: All right.

 4   MARK SLOVIC: -- this presentation.

 5   CHAIR MICHAEL EDWARDS: I apologize.

 6   Let's --

 7   JEFF OSBORNE: Okay.

 8   CHAIR MICHAEL EDWARDS: Let's hear from

 9   the applicant right now. My apologies.

10   JEFF OSBORNE: That's okay.

11   CHRIS BROWN: Morning --

12   CHAIR MICHAEL EDWARDS: good morning.

13   CHRIS BROWN: -- Mr. Chairman and

14   Commissioners. Nice to see some of you in person

15   for first time. I'm Chris Brown with the BayWa

16   team. What I'd like to ask for is 15-minute

17   organized presentation.

18   CHAIR MICHAEL EDWARDS: All right.

19   Fifteen minutes.

20   CHRIS BROWN: Okay. And before I turn

21   it over to -- for the full presentation to Mr.

22   Fallon, just wanted to thank at this time staff

23   for their help in getting us here. It is a long

24   process and we appreciate the work that staff has

25   done. Randall from county counsel, Nick, Mark

1   Slovick and the rest of the team, so we want to

2   thank them for their hard work.

3   At this point, I'll turn it over to

4   Geoff --

5   CHAIR MICHAEL EDWARDS: How long --

6   CHRIS BROWN: -- senior vice president

7   -- I'm sorry?

8   CHAIR MICHAEL EDWARDS: How long has it

9   been in process?

10   MARK SLOVIC: Chair, it was submitted

11 in 2018.

12   CHAIR MICHAEL EDWARDS: Okay.

13   CHRIS BROWN: All right, thank you.

14   GEOFF FALLON: Good morning, Honorable

15 Chair Edwards and Commissioners. My name is

16 Geoff Fallon, EVP of Development for BayWa r.e.

17 and I'm leading the permitting activities for the

18 JVR Energy Park.

19   We are pleased to be before you for

20 your consideration of the Jacumba Valley Ranch

21 Energy Park project, which will generate enough

22 clean, reliable energy for -- to power tens of

23 thousands of homes here in San Diego County. It

24 will also be a critical part of the renewable

25 energy portfolio of the region's largest publicly

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 1   owned power procurement agency, San Diego
 2   Community Power.
 3             Oh, sorry.
 4             SECRETARY:  I can advance it for you if
 5   you'd say next slide.
 6             GEOFF FALLON:  Okay.  Are you going to
 7   go in presentation or -- okay, great.  Thank you.
 8   Apologies.
 9             We'll cover a lot of the same ground as
10   PDS, but with some additional context.  Next
11   slide.
12             A little bit about us.  Next slide.
13   BayWa is an integrated renewables company
14   committed to the transition of global energy from
15   fossil fuels to renewable sources.  We operate in
16   over 30 countries.  We have brought on over 4
17   gigawatts of energy online and we manage over 10
18   gigawatts of renewable energy assets.  The JVR
19   Energy Park is being developed locally from our
20   U.S. headquarters in Irvine.  We're the same
21   group that completed the nearby 28-megawatt
22   Jacumba project in 2017.  Next slide.
23             Many of you may be familiar with the
24   area, but for a bit of context and why it's an
25   excellent site, I'll walk through a few images.
```

1 This is the road visitors coming to Jacumba from

2 Interstate 8 would travel on from the freeway

3 towards Old Highway 80 and the town of Jacumba.

4 For reference, those towers, as staff said, are

5 approximately 150 feet tall. Next slide.

6   Here's Old Highway 80 headed into town,

7 the airport to the left, and further south the

8 border wall. Next slide.

9   The portion of the property we proposed

10 putting panels on is mostly flat. As been

11 discussed many years ago, it had farming

12 operations, but as you can see now, the property

13 remains unused and is traversed by significant

14 existing transmission infrastructure. Next

15 slide.

16   More about the project. The area in

17 purple is the full 1,356 acres under site control

18 for -- by BayWa. I-8 is to the north and the

19 town of Jacumba is in the southwest corner. Next

20 slide.

21   The blue boundaries of the -- show the

22 boundaries of the major use permits, which by

23 acres covers less than half the total site. Next

24 slide.

25   The green shows the open space

```
 1   easement, which is area outside the MUP boundary

 2   and will permanently remain open space.  Next

 3   slide.

 4             In yellow, the existing transmission

 5   corridor, the SDG&E transmission corridor, which

 6   includes the 500 kV Southwest Power link, the 500

 7   kV Sunrise Power link, and the 138 kV ECO

 8   Boulevard transmission line that our project will

 9   be connecting to.  Next slide.

10             Finally, the substation and the

11   transmission yard are -- switchyard and

12   substation are showed.  These are opposite the

13   site of the town, proximate to the transmission

14   infrastructure.  Next slide.

15             As mentioned in the PDS presentation,

16   we have executed a 20-year power purchase

17   agreement with San Diego Community Power.  It's

18   the first and so far only PPA for clean,

19   reliable, locally generated power that SDCP has

20   executed and it helps deliver on the promise of

21   local power with local community benefits, which

22   include -- excuse me, local economic benefits

23   which includes 350 quality jobs.

24             The PPA requires guaranteed delivery of

25   power that's associated with the current project
```

```
 1   size.  That will be enough to supply clean,

 2   reliable power to about 4 percent of SDCP's total

 3   customer needs.  Next slide.

 4             The projects hold significant benefits

 5   for the region and the planet.  As mentioned, the

 6   project will offset more than half a million

 7   metric tons of CO2 emissions and be capable of

 8   powering about 60,000 San Diego homes.  In

 9   addition to creating 35 -- excuse me, 350 quality

10   jobs for San Diegans to construct it, it will

11   have up to three local long-term operational

12   jobs.

13             We've worked with the community in our

14   package of additional commitments to benefit the

15   community long term.  At this time, we've signed

16   an agreement with the Jacumba Community Services

17   District to provide a quarter million dollars in

18   improvements for the Jacumba Community Park.

19   We're close to finalizing another agreement and

20   we continue to be open to discussion for

21   additional community benefits.

22             Finally, the interim nature of the

23   permit means that the land could be freed up for

24   other uses at the end of the 35 term of -- year

25   term of the permit.  Next slide.
```

Page 50

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 1              It took more than three years of work
 2   to get us to where we are today, from our
 3   acquisition of the land in 2017 through technical
 4   and environmental analysis, through work with
 5   county staff, SDG&E, the California Grid
 6   Operators, and stakeholders on the EIR you have
 7   here before you.  Next slide.
 8              After today, we'll go to the Board of
 9   Supervisors for their consideration in August.
10   Should they approve the project, we'll work to
11   satisfy the conditions of the MUP and begin site
12   work late this year, early next year.
13              We anticipate having an operational
14   project in the first quarter of '23, and from
15   there, we plan to remain fully engaged in
16   maintaining safe and efficient operations and
17   honoring our commitments to the community for the
18   full 35-year life of the project.  Next slide.
19              Our EIR was out for public review in
20   the fall and since then, we've worked to address
21   the 153 comments we've received from
22   stakeholders.  Next slide.
23              The primary area of concern was around
24   aesthetics, including the potential for
25   additional major transmission infrastructure,
```

1   which the project was able to avoid, as well as

2   visual impacts. Much of that, we were able to

3   address with additional setbacks and enhanced

4   screening with color blended fencing and

5   landscaping.

6   Our project was designed to avoid

7   sensitive biological resources, avoiding the area

8   of the Quino checkerspot butterfly, and with 435

9   acres of open space easements that will preserve

10 wildlife corridors. In addition, we avoided all

11 jurisdictional wetlands.

12   There was also concern about the loss

13 of opportunity for new housing and commercial

14 uses, but those uses have significant additional

15 challenges with meeting the county climate action

16 plan and vehicle miles traveled standards, given

17 the significant daily trip they would generate.

18 Next slide.

19   Other EIR comments included concerns

20 about airport safety, for which the project was

21 thoroughly analyzed and found to be compliant,

22 loss of agricultural resources, though

23 agricultural operations could resume on the land

24 at the end of the 35-year project term, and

25 general opposition to back country development,

1   which we've done our best to address by leaving

2   so much of the site as open space as well as

3   reducing visual impacts.

4   It's important to note that our project

5   and the revitalization of the town are not

6   mutually exclusive and plans to bring back the

7   resort and small businesses won't be affected by

8   making productive use of acreage that's been

9   sitting fallow for years. Next slide.

10   We substantially changed the project,

11   primarily in response to the community's request

12   for wider setbacks. This is -- and this has

13   greatly reduced visual impacts. I'll take you

14   through that now. Next slide.

15   As noted, the total purchase area of

16   the project is 1,356 acres. Next slide.

17   The original application for the MUP

18   totaled 691 acres. Next slide.

19   That was reduced to 643 acres when we

20   released the draft EIR. Next slide.

21   Then further reduced by another 20

22   acres in the final EIR in response to comment,

23   making the project before you today 623 acres.

24   Next slide.

25   The Community Buffer Alternative under

```
 1  consideration takes it down another 18 acres,

 2  truly the bare minimum acreage that would still

 3  allow us to meet the county's objectives and our

 4  obligations under the PPA.  In all, it would be a

 5  total of 80 -- a total reduction of 86 acres.

 6  For reference, 86 acres is more than two times

 7  the size of this entire San Diego County

 8  operations center campus.  Next slide.

 9           We significantly reduced the setbacks

10  from Old Highway 80, the road that leads into

11  town.  Next slide.

12           The green portion is the additional

13  setback.  This represents 19 acres of additional

14  setback.  Next slide.

15           Here are the current conditions of Old

16  Highway 80 looking west towards town.  Next

17  slide.

18           Here's the same view without additional

19  setbacks in the final EIR -- without the

20  additional setbacks in the final EIR.  Next

21  slide.

22           Here's the view with the setbacks in

23  the proposed project before you.  Next slide.

24           This is looking southeast of Old

25  Highway 80.  It shows existing conditions.  Next
```

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 1   slide.
 2              This is the same view without the
 3   setbacks we put in the EIR.  Next slide.
 4              This is the view with additional
 5   setbacks included in the proposed project.  Next
 6   slide.
 7              This is the view of the Jacumba
 8   Community Park today.  Next slide.
 9              This is the view of the additional
10   setbacks we've put in the project.  Next slide.
11   Excuse me, this is the view of the additional
12   setbacks we've included in the project.  Next
13   slide.
14              It's the planning and development
15   services staff recommendation -- because it's the
16   planning and development staff's recommendation,
17   we wanted to show you come equivalent visual
18   simulations to the Community Buffer Alternative
19   for purpose of discussion and deliberation that
20   we respectfully request that you consider
21   recommendation of the proposed project in the
22   final EIR.
23              This is looking east of the residences
24   north of Old Highway 80 as it is today.  Next
25   slide.
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```
 1              This is the same view without the

 2   Community Buffer Alternative.  Next slide.

 3              And this is the view with the Community

 4   Buffer Alternative.  Next slide.

 5              I'd also like to include for your

 6   reference what the substation and switchyard will

 7   look from this vantage point in the town.  Next

 8   slide.

 9              This is a zoomed-in version of those

10   facilities, which are hard to see with the trees.

11   Next slide.

12              And this is a version with the tree

13   screening removed, for reference.  Next slide.

14              And this is going back to the original

15   for reference once again.

16              Commissioner Barnhart, I'd like to

17   address your question regarding the recycling of

18   batteries.  Battery recycling is a big part of

19   the roadmap of the renewables deployment in our

20   country because the ability to recover the scarce

21   minerals that are in these battery systems is

22   very important because we don't have a large

23   quantity of these minerals in the United States.

24              So it is a major part of the roadmap

25   for the future deployment of large-scale battery
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 1   and renewable energy projects in the United

 2   States.  Thank you -- we thank the commission for

 3   the opportunity to present to you today and we

 4   respectfully request -- ask that you recommend

 5   the proposed project to the Board of Supervisors.

 6              CHAIR MICHAEL EDWARDS:  Hold on, Mr.

 7   Fallon.  Commissioners, do you have any questions

 8   of Mr. Fallon?

 9              RYAN WATERMAN:  (indiscernible).

10   There's just one more --

11              CHAIR MICHAEL EDWARDS:  Understood.

12   We'll catch the questions when you're done.

13              RYAN WATERMAN:  Good morning.  Good

14   morning, Chair Edwards, honorable Commissioners.

15   My name is Ryan Waterman.  I'm a shareholder with

16   the law firm of Brownstein, Hyatt, Farber,

17   Schreck and I'm CEQA counsel for the JVR Energy

18   Park.

19              Just wanted to assure you that my -- me

20   and my team have gone through all the comments

21   that were submitted on the draft EIR.  We've

22   reviewed all the responses to comments including

23   the late filed comments that came in over the

24   last 24 hours.  We don't have any concerns from a

25   CEQA perspective that any of those comments
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 1   trigger any need to recirculate the final EIR.

 2   In our opinion, the final EIR before you guys is

 3   legally compliant with CEQA.

 4            I also wanted to let you know that with

 5   respect to the recommendation before you echoing

 6   what Geoff Fallon just said, we believe that the

 7   project before you is worthy of being recommended

 8   to the Board of Supervisors; although, because

 9   the project with the Community Buffer Alternative

10   adjustment is still capable of meeting the PPA's

11   energy generation requirements, that would also

12   be an acceptable outcome.

13            We'd like to reserve a few minutes for

14   rebuttal, Chair Edwards, after all the

15   presentations from the other groups and the

16   public comment have gone forward, just in case

17   there's anything that we'd like to add.  Thank

18   you so much and now open for questions.

19            CHAIR MICHAEL EDWARDS:  Thank you so

20   much.  Commissioners, any questions at this point

21   in time?  I know Commissioner Barnhart is going

22   to ask you folks.  I don't think we got an answer

23   as to what you're going to do with the lithium

24   batteries at the end of the day.  Do they go to

25   the dump?  What happens to them?
```

1   GEOFF FALLON: There are -- we will

2   recycle them at the end of the life of the

3   project. There are recycling facilities today,

4   though not -- they're not as prolific, for

5   instance, as lead acid batteries, the things you

6   use in your remote controls at home.

7   Those are the -- one of the largest

8   recyclable materials today, so as I alluded to,

9   when -- with the growth of renewables and battery

10 energy storage, the recycling of these batteries

11 is going to be important component of that

12 roadmap and to be clear, they -- we are planning

13 on recycling them at the end of the life of the

14 project and they are recyclable currently today

15 and that technology and that process will only

16 get more efficient over time.

17   COMMISSIONER DOUGLAS BARNHART: So

18 where -- exactly where do you send them?

19   GEOFF FALLON: I -- unfortunately, I

20 don't have the answer to that question,

21 Commissioner.

22   COMMISSIONER DOUGLAS BARNHART: --

23 recycling, there must be some receiving --

24   GEOFF FALLON: Agreed.

25   COMMISSIONER DOUGLAS BARNHART: --

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 1   something that takes them, right?

 2              GEOFF FALLON:  Yes.  There are

 3   facilities and companies in North America that do

 4   that.  Yes, sir.

 5              COMMISSIONER DOUGLAS BARNHART:  Is it

 6   possible that we can identify those this morning?

 7   I mean, we have phones.  And I want to talk to

 8   you about the project (indiscernible).

 9              GEOFF FALLON:  Excuse me.  I can't hear

10   you, sir.

11              COMMISSIONER DOUGLAS BARNHART:  I want

12   to talk to you about the PLA.

13              SECRETARY:  Microphone.

14              GEOFF FALLON:  Yes.

15              COMMISSIONER DOUGLAS BARNHART:  What

16   led you to the PLA?

17              GEOFF FALLON:  I mean, in -- well, the

18   PLA was signed before I was at BayWa.  I will try

19   and answer as best --

20              COMMISSIONER DOUGLAS BARNHART:  Well,

21   I'm an expert on PLAs, so I know these things

22   inside and out, because the first one that was

23   signed in San Diego County, I was one of the

24   contractors because it was for Petco Park and

25   I've worked under them.
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 1              And let me tell you what my objection

 2    is.  The PLA will likely, the one that's being

 3    presented, will not allow -- anyone can compete

 4    under a PLA, whether or not they are signatory to

 5    a labor organization or whether they're not.

 6    Unfortunately, the problem with that is all the

 7    fringe benefits, let's say a non-union person is

 8    participating in the project, which is allowed

 9    under a PLA.

10              Their retirement benefits and all of

11    that are not allowed to follow the individual.

12    So basically, they lose that because it goes into

13    the organized labor trust funds, and of course,

14    unless you get vested, you never see those.

15              The other real problem is that we have

16    an employment problem, particularly in certain

17    minority communities, that have open shop

18    apprenticeship programs and there are a lot of us

19    working to create access and opportunity for

20    those youths so that they can obtain work and,

21    you know, be homeowners and enjoy the America

22    that a lot of us do.

23              And I'm concerned that your PLA is

24    going to be closed and not allow apprentices from

25    those, you know, from those organizations.  So I
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 1   guess I'm saying you might've been sold a bill of

 2   goods, sir.

 3             And lastly, if we're talking about --

 4   what about the dry brushing of the panels?  I

 5   understand.  I understood that the county thinks

 6   that the amount of water used on the panels is

 7   insignificant.  My first thought on that is, one

 8   insignificant project, another insignificant

 9   project, and another insignificant project, first

10   thing you know, you know, you have creep in a

11   water issue.

12             So if there's a possibility of avoiding

13   any use of the water, shouldn't that be explored?

14             GEOFF FALLON:  Yes, sir, and we have

15   done that.  In fact, Commissioner Barnhart, this

16   morning I received an email from our O&M team and

17   the piece of equipment that we're planning on

18   procuring has -- and available pieces of

19   equipment out in the market today and into the

20   future as solar maintenance becomes, you know,

21   drives more innovation, this particular piece of

22   equipment can do both dry and wet cleaning.

23             COMMISSIONER DOUGLAS BARNHART:  Good.

24   Thank you.

25             COMMISSIONER GINGER HITZKE:  The
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 1   question's for you.  I just want to make sure I
 2   heard you correctly.  Did you say that your open
 3   to negotiating with the community on additional
 4   community benefits?
 5              GEOFF FALLON:  Yes.  I didn't engage
 6   the community --
 7              COMMISSIONER GINGER HITZKE:  That's
 8   okay.  That's all I wanted to know.
 9              GEOFF FALLON:  Yes.
10              COMMISSIONER GINGER HITZKE:  So for the
11   woman who was the new chair, you know, since
12   you're new, I just want to clarify maybe what
13   that might mean for you, so this permit goes to
14   the Board of Supervisors next, correct?  Right,
15   we're just here -- we're just here for a
16   recommendation, and so private parties might get
17   together before the Board of Supervisors meeting
18   and the applicant might want to include
19   voluntarily something within his own permit
20   that's negotiated on in the community.  That's
21   all.
22              CHAIR MICHAEL EDWARDS:  Before you
23   leave the podium, sir, again if I misstate you,
24   just feel free to tell me.  You're going to have
25   a 435 acre open space area that will remain at
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 1    least for 35 years.

 2              GEOFF FALLON:  In perpetuity.

 3              CHAIR MICHAEL EDWARDS:  In perpetuity.

 4              GEOFF FALLON:  And the management of

 5    that land is funded by the project.

 6              CHAIR MICHAEL EDWARDS:  And of the

 7    original 1,356 acres, the ultimate net area after

 8    all of the deductions that you pointed out to us

 9    is 623 acres?

10              GEOFF FALLON:  That's correct.  That's

11    the acreage of the proposed project.

12              CHAIR MICHAEL EDWARDS:  Okay.  And I

13    note that you offered or made a commitment to the

14    community for their park of $250,000?

15              GEOFF FALLON:  That's correct.

16              CHAIR MICHAEL EDWARDS:  So is that just

17    a blanket gift to them or how's it --

18              GEOFF FALLON:  It's a community

19    benefits agreement that we've executed with the

20    JCSD that is a one-time commitment of $250,000 at

21    the approval of the project, and assuming that we

22    build the project.

23              CHAIR MICHAEL EDWARDS:  Following up on

24    Commissioner Hitzke's questions, are there other

25    benefits that you have committed to that you need
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1   to tell us about?

 2   GEOFF FALLON: We're in discussions

 3   with the Imperial Valley Desert Museum for

 4   contribution to a new exhibit and ongoing

 5   operations and then I've engaged the community

 6   sponsor group and have requested ideas for

 7   benefits to the community to enhance, improve the

 8   local community without dramatically reducing our

 9   project size, without cutting it back below the

10   Community Buffer Alternative and those -- that's

11   where we stand with those conversations.

12   CHAIR MICHAEL EDWARDS: All right,

13   Commissioners, other questions or -- we done?

14   All right, thank you, sir.

15   GEOFF FALLON: Thank you.

16   CHAIR MICHAEL EDWARDS: Ladies and

17   gentlemen, Commissioners, we have 16 speakers and

18   two people on the telephone. It's 10:45. Did

19   you want to just power on through or do you want

20   to take a break or what's your pleasure?

21   COMMISSIONER YOLANDA CALVO: Yeah, a

22   three-minute break, if possible. This is

23   Commissioner Calvo.

24   CHAIR MICHAEL EDWARDS: Where's that

25   coming from? Sorry about that. It's -- all

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 1  right, why don't we -- folks, I know you're here.

 2  I know you've taken time off from work or your

 3  activities.  It's a quarter 'til 11.  Why don't

 4  we reconvene at five minutes 'til and that'll

 5  give ten-minute break for folks to do whatever

 6  they need to do.  Thank you.

 7           (Break)

 8           CHAIR MICHAEL EDWARDS:  I think we've

 9  finished with the applicant's presentation except

10  for their rebuttal time and just to close that

11  loop, there are no more questions, Commissioners,

12  for the applicant?  All right.

13           Now, we will go to public testimony.

14  Generally, you're limited to three minutes,

15  unless you negotiate with me for additional time.

16  I should tell you that the Commissioners are

17  extremely diligent, as you probably observed.  We

18  try and read everything and we try and -- even

19  late filed papers, so our secretary will call

20  your name and when your name is called, please

21  approach the podium.  As I stated --

22           VICE CHAIR DAVID PALLINGER:  Mr.

23  Chairman?

24           CHAIR MICHAEL EDWARDS:  -- you have

25  three minutes to speak.  Yes.
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Page 66

1   SECRETARY: Commissioner Pallinger.

2   CHAIR MICHAEL EDWARDS: Yes.

3   Commissioner Pallinger.

4   VICE CHAIR DAVID PALLINGER: Yes, thank

5   you, Mr. Chairman. I think it would do well for

6   the commission and for the public if you would

7   point out that, very helpful to be succinct and

8   not repeat issues that have been previously

9   brought up by speakers before them.

10   CHAIR MICHAEL EDWARDS: All right,

11 thank you. You heard Commissioner Pallinger and

12 that's true. Saying the same things over and

13 over again is not productive in my opinion, but

14 let's call the first speaker.

15   SECRETARY: Okay, when your name is

16 called, please come forward to the lectern and

17 state your name for the record and begin your

18 comment. You will have three minutes to speak

19 and the first group I will call is Jeff Osborne,

20 Donna Jones, and Kim Baranek.

21   CHAIR MICHAEL EDWARDS: Please approach

22 the podium. Madam Secretary, is this the group

23 that wanted to negotiate time --

24   SECRETARY: Yes.

25   CHAIR MICHAEL EDWARDS: What was your

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 1   proposal, sir?
 2              JEFF OSBORNE:  We respectfully request
 3   a ten-minute presentation.  We have a lot of very
 4   unique points we think that will not be repeated.
 5              CHAIR MICHAEL EDWARDS:  For all three
 6   of you?
 7              JEFF OSBORNE:  Yes, for all three.
 8              CHAIR MICHAEL EDWARDS:  All right.  Go
 9   ahead.  We'll give you ten minutes.
10              JEFF OSBORNE:  Does this work?  Okay.
11              CHAIR MICHAEL EDWARDS:  If it doesn't
12   we want our money back.
13              JEFF OSBORNE:  Okay.  We'll return it.
14   Okay, go -- can you go back in?  Sorry.  Yeah, it
15   doesn't seem to -- unless --
16              SECRETARY:  You can move the speaker,
17   as well, or the microphone, too.
18              JEFF OSBORNE:  Okay.  Good morning,
19   Commissioners and I appreciate just the honor of
20   being here and representing Jacumba Hot Springs.
21   My name is Jeff Osborne.  I'm a resident of
22   Jacumba Hot Springs and also a business owner
23   with my two business partners that are here
24   today.  We own a company called We Are Humankind
25   that is attempting to revitalize this community
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 1   as we speak.
 2              This is our main center of town.
 3   You'll see it's extremely scenic and beautiful.
 4   This is not just anywhere.  I'm here to defend
 5   the general plan, my home, and a historic and
 6   beautiful San Diego community.  I'm not anti-
 7   solar.  I have solar on most things that I own.
 8   My brother has a solar company in Southern
 9   California.  I'm extremely pro renewable energy.
10              I think the report that you see today
11   has been minimizing our scenery, our history, our
12   tourism, and the impact that this project will
13   have on this historic down that is important to
14   all San Diegans.
15              They say, yeah, we know it's going to
16   ruin their town in there, essentially, but it's
17   better for everyone else.  Is there not a better
18   solution, one that's more balanced and
19   sustainable for our community and all communities
20   that will benefit from the power generated from
21   this project?
22              I believe there is, but first, I want
23   to show you a little bit more about our town.
24   Nest.
25              It was started in the 1920s by the next
```

1 major of San Diego around tourism in the hot

2 springs. As I mentioned, there's 5,000 people,

3 movie stars, the whole thing. This was an

4 enormous tourist destination rivaling Palm

5 Springs. Next slide.

6 I just want to show our current vibrant

7 community. There's one right before that, sorry.

8 It's not like mission critical, but I just want

9 to show you that we have a vibrant community to

10 this day. You can go to the next slide.

11 We have softball teams that meet that

12 that park that they're going to put this up to.

13 We have hiking groups. We have local cultural

14 resources. Those are metates in town that the

15 natives used to use to grind their acorns.

16 That's our hotel. These are our community

17 members having a yoga class up at the Desert View

18 Tower and surrounding beautiful properties. Next

19 slide.

20 This is our market we hold once a week

21 in the center of town. Please notice how

22 beautiful it is. Please notice the mountains in

23 the background. Notice our downtown and our

24 western town. It is truly scenic and beautiful.

25 Next slide.

1   This is our pond that we've recently

2   renovated and the community is enjoying on a

3   daily basis. That's our old bath house there at

4   the bottom and Jacumba Peak in the background.

5   Next slide.

6   This is a view east where the project

7   will be placed in the background there. This is

8   where bikers, classic car people, and anyone

9   looking for a beautiful scenic drive come to

10   Jacumba to see. Next slide.

11   This is the farm as it was back in

12   2003. It's a beautiful view, obviously, of this

13   area. You can see it is also -- the project site

14   is extremely scenic itself. Next slide.

15   This is the current view. I took this

16   two days ago with my drone. Please view the next

17   slide.

18   This is the project. I don't know if I

19   just want to leave that on there for a while for

20   you to absorb what they're trying to do to our

21   town and just saying that it's unmitigable and

22   that's the way it is. But they threw us a bone.

23   The community buffer, so let's do next slide and

24   see if you can notice a difference. Oh, there it

25   was. Can we go back one? Then (indiscernible)

```
 1   one more time.  That's the community buffer.
 2            If you think that's just not a nice
 3   angle, please go to the next slide.  Maybe this
 4   will show it off.  Current, next, community
 5   buffer.  That's the buffer.  Next slide, please.
 6            What they're completely ignoring is
 7   even in their own EIR, the heat island effect.
 8   It is proven and studied this will increase the
 9   temperature of the ambient air.  It'll be placed
10   east of our town, and even here I highlighted
11   where it shows you need at least 1,000 feet for
12   that heat to dissipate.
13            We have Santa Ana winds that blow east
14   to west over town constantly.  This heat will
15   just directly blow into our residences, another
16   reason why our alternative pushes the project to
17   the north.  Next slide.
18            This is its proximity to their own 108-
19   acre -- and I'll show the little cutout, they
20   advertise it.  Twenty-eight megawatts is how they
21   advertise the DC power and they're saying that
22   they need 600 to produce 90?  Something doesn't
23   add up there, does it?  Just run the numbers
24   yourselves.  Fifty-eight-acre ECO substation down
25   the road.
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 1              That was built to increase the capacity

 2    in the area and allow projects just like this to

 3    not require to build their own switchyard.

 4    That's literally why it was built and it's 58

 5    acres and ugly as all could be, but we accepted

 6    it because we knew that green energy was coming

 7    and we are not against green energy.  Next slide.

 8              This is the highlighted portion from

 9    when that was produced by Dudek, the same company

10    that is their environmental impact, you know,

11    contractor.  It's to provide interconnection to

12    renewable generation that eliminates the need for

13    multiple generator owner-operated switching

14    stations.

15              That switchyard is permanent.  They

16    call this interim, but there's a permanent

17    switchyard that is vested to SDG&E, which is

18    never going to leave this land and is why it

19    guarantees the next energy project right after

20    it.  This will never be interim.  It is not an

21    interim project.  They're permanent installations

22    that they can mitigate and avoid.  Their response

23    in the EIR was, it is unknown if there is a

24    capacity at the ECO substation.  What, they never

25    called them and just asked, is there capacity?
```

1 Are you kidding? Next slide.

2   Another community benefit that we've

3 asked for time and time again and been ignored is

4 imagine the irony of our town that gets shut off

5 constantly for high winds and public safety and

6 we're going to be sitting there looking at, with

7 our power off and our fridges with food dying in

8 it, and looking at a field full of batteries and

9 solar panels sitting among high voltage lines

10 down the coastal communities who are not having

11 their power cut off.

12   Why are they not supplying our

13 community with power and a backup power source?

14 Next slide.

15   This is the view they didn't want you

16 to see. You guys asked lots of questions about

17 mitigation that they're doing. This is from

18 Carrizo Gorge. This is the road coming off old -

19 - off Highway 8. This is their final EIR

20 visualization for what it's going to look like

21 and this is their mitigation that they've done.

22 What do you guys think about it? Next slide.

23   Cherry made this point before. Okay,

24 I'm going to wrap up for one second. This is the

25 village boundary which she mentioned. Next

```
 1   slide.
 2            It clearly does not fit the general
 3   plan.  Next slide.
 4            This is our alternative which we'll
 5   explain a little bit more, but it has no
 6   switchyard, backup power, and safe airport
 7   operations that buffers our community from its
 8   impacts on our industry and scenic views and I
 9   want to just have -- make -- have a couple more
10   minutes for two more comments here.
11            CHAIR MICHAEL EDWARDS:  Yes, ma'am.
12            KIM BARANEK:  Good morning, hi.  Kim
13   Baranek, Baranek Consulting Group.  I'm up here
14   to discuss and just highlight some of the aspects
15   of the EIR that you guys have before you.  I've
16   been working on EIRs for a better part of three
17   decades, so I've read a few of these in my
18   lifetime.
19            And as you've heard from many others,
20   including both the applicant and staff, there's
21   significant unavoidable impacts to aesthetics, as
22   Jeff pointed out.  But one of the things that I
23   think nobody has made the link to -- and this is
24   to the point of not repeating anything -- is that
25   this project really conflicts with land use
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 1  policy -- county land use policy, to protect the

 2  very resources that are being impacted by this

 3  project.

 4            There's been several other solar farms

 5  analyzed in environmental impact reports by this

 6  jurisdiction and in every single one of those

 7  cases, there has been a general plan amendment

 8  required by the project applicants -- or by the

 9  county for that -- for those projects, except for

10  Rugged, wherein they had to remove solar panels

11  from the scenic areas of the property.

12            So it's something that you really need

13  to consider and think about.  There's probably a

14  good reason why the general plan amendment was

15  removed from this proposal.  It was in the notice

16  of preparation at the time the draft EIR was

17  prepared or -- in the beginning of that and has

18  been removed, and it's because it's a pretty

19  extenuating process and they were probably in a

20  rush.

21            So I just want you to kind of think

22  with that in mind as you take some action on this

23  project.  Thank you.

24            CHAIR MICHAEL EDWARDS:  Thank you,

25  ma'am.  Next?
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1   JEFF OSBORNE: We have more, but we'll

          2   just have to get through it here in the last

          3   minute-and-a-half. My attorney Donna Jones here

          4   had more that was submitted in a letter as well,

          5   but it was about 30 pages, so hopefully, you get

          6   a chance to read that.

          7   My closing argument here is that there

          8   is an alternative that works, and I want you to

          9   notice that on this alternative, it will be the

         10   largest solar project in San Diego County, in our

         11   alternative, in the Equity for Jacumba

         12   Alternative.

         13   You can still recommend the largest

         14   solar project. There is a better plan. It might

         15   take a little more time. I personally talked one

         16   on one with developer a couple of times now.

         17   I've been kind of brushed off in most of those

         18   conversations and they've told us, well, we've

         19   already told it this way and it would just take

         20   too long to go back and look at that stuff.

         21   Why can't we ask them to take -- make a

         22   real alternative that considers the community

         23   they will devastate? Oh, because someone -- I

         24   don't know with this company -- I think they're

         25   from Germany -- is going to make some more money

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 1   on this project and that's really it.  They can

 2   take the time.  All we're asking for is time to

 3   really think through the alternatives that

 4   properly mitigate the down sides of this project.

 5           It means that today you vote for the

 6   conditions of our equity alternative or ask BayWa

 7   to take some more time to take it seriously and

 8   re-study it.  Whatever you do, please do not vote

 9   to recommend this project today or the buffer

10   alternative.

11           If you do vote to recommend this

12   project, you are voting to completely destroy an

13   incredibly valuable and historic community of San

14   Diego.  I would just hope, as representatives of

15   San Diego County communities you would represent

16   us -- you would represent us as well.  Please

17   help us save our community.  Thank you.

18           CHAIR MICHAEL EDWARDS:  Thank you, sir.

19   Madam Secretary, next speaker?

20           SECRETARY:  Could Christina Marquez

21   please come to the lectern?  You will have three

22   minutes.

23           CRISTINA MARQUEZ:  Good morning,

24   Commissioners and thank you for your time.  I

25   appreciate it.  Cristina Marquez speaking on
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1   behalf of over 3,500 members of the IBEW Local

2   569, the electrical workers union.

3   IBEW 569 is in strong support of JVR

4   Energy Park. When complete, the JVR Energy Park

5   will generate sufficient emission-free energy to

6   power 52,000 households in San Diego County.

7   During construction, it will create over 300 or

8   about 350 good, middle class, clean energy jobs

9   for local workers and will advance apprenticeship

10 training opportunities.

11   We strongly urge you to vote in favor

12 of the JVR energy project to support the region's

13 clean energy goals and good, quality jobs for

14 county residents. Thank you.

15   CHAIR MICHAEL EDWARDS: Thank you,

16 ma'am. Hold on, ma'am. You have a question.

17   CRISTINA MARQUEZ: Sorry. Yes.

18   COMMISSIONER GINGER HITZKE: Does the

19 IBEW have an affirmative plan or an action plan

20 to put formerly incarcerated individuals into

21 apprenticeship programs?

22   CRISTINA MARQUEZ: Actually, we do have

23 somebody that we work with, if you guys have

24 every heard of it. It's called Homework. Jason

25 Milsap actually started it. He's a firefighter

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 1   with the San Diego firefighter department and

 2   they actually have a softball game this weekend.

 3   They're playing the firefighters, the Homework

 4   construction workers.

 5             We now have, I believe, at least three

 6   from that group, Homework, formerly incarcerated

 7   and they're apprentices now and I know there's

 8   more in the pipeline.  And those -- let me tell

 9   you, those apprentices, they're hungry.  They

10   want that work.

11             They're top notch and, you know, it's -

12   - you know, because they got a second chance in

13   life and, you know, I went through the

14   apprenticeship program myself and now I'm a

15   journeyman, but as an apprentice, one of my most

16   favorite journeymen who trained me was formerly

17   incarcerated, because he loved having that second

18   chance and the opportunity to be able to work and

19   be treated as a human, not a second-class

20   citizen.  So yeah, thank you for that question.

21   I really appreciate it.  Is there any more?

22             CHAIR MICHAEL EDWARDS:  Any other

23   questions, ladies and gentlemen?  Guess not.

24   Thank you --

25             CRISTINA MARQUEZ:  Thank you.
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 1              CHAIR MICHAEL EDWARDS:   -- for that
 2   information, by the way.   Next speaker?
 3              SECRETARY:   David Breeckner.   You have
 4   three minutes.
 5              CHAIR MICHAEL EDWARDS:   I recognize
 6   you.
 7              DAVID BREECKNER:   I think I was just
 8   here.   D?j? vu.   Thankfully at the right time,
 9   now.   Thank you so much, Commissioners, for the
10   opportunity to speak here.   My name is Dr. David
11   Breeckner.   I'm the executive director of the
12   Imperial Valley Desert Museum.
13              The Imperial Valley Desert Museum is a
14   regional museum serving the communities of
15   Southern California and with a focus on Imperial
16   County and eastern San Diego County.
17              In this service, we've existed for
18   nearly 50 years since our incorporation and
19   founding in 1973.   Our mission today is
20   unchanged, which is to preserve, interpret, and
21   celebrate the desert of Southern California
22   through outstanding collections, education, and
23   research programs.
24              I'm not a resident of Jacumba and it's
25   not my place to speak to the residential health
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1   or environmental needs of its communities. Their

 2   voices ring truest and are best said.

 3   I'm here to speak on the history and

 4   heritage of California and America -- and of the

 5   Americas, which transcends borders and reflects a

 6   lasting gift from the past which is stewarded by

 7   the present and left for the future.

 8   IVDM is no stranger to projects such as

 9   these, having participated in solar and wind

10   projects in both Imperial and San Diego County.

11   It is a precarious and precious balance that we

12   curate the lands of California and of their

13   heritage against its ongoing energy development

14   needs.

15   The region in question is rich in

16   history, while its remote nature means that these

17   locations often provide the opportunity to

18   understand and appreciate the context and native

19   setting of that history in an uninterrupted and

20   context that's scattered across and below its

21   surface.

22   Since 2019, IVDM has been working with

23   representatives of the County of San Diego's PDS,

24   BayWa, Dudek, and the Jacumba community and water

25   board and the Campo, Manzanita, LaPosta, and

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 1   Viejas bands of the of the Kumeyaay Nation.
 2              In this time, it has expressed its
 3   concerns for the lasting impact on the cultural
 4   record of the region and worked with all these
 5   groups to better address and, at times, obligate
 6   secondary view and assessment to seek the
 7   resolution.
 8              Further, IVDM has strongly advocated
 9   for an increased transparency and engagement with
10   indigenous Kumeyaay people on whose traditional
11   lands this project is proposed.  It is essential
12   that now and in all future developments to --
13   such as that the County of San Diego seek to
14   secure its renewable energy future that it be
15   respectful and given in these groups -- sorry,
16   respect be given to these groups in their
17   sovereign rights and stewardship of their lasting
18   heritage.
19              While IVDM always advocated for a
20   policy of preserve in place, this is not always
21   available or achievable.  Thirty seconds left.
22              BayWa and Dudek have conducted
23   themselves in good faith in responding to the
24   museum's greatest concerns, obligating secondary
25   surveys of ground penetrating radar surveys to
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Page 83

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 1    assess the underground damage and impact to this

 2    project.

 3              Further, as a future community benefits

 4    agreement partner, we are working with them now

 5    to ensure that the educational value and lessons

 6    learned from this project which results from all

 7    such projects is made available for future

 8    generations to come.  Our programming in this

 9    case has served over 75,000 residents since its

10    incorporation in 2015 and we look forward to it

11    in the years to come as well.  Thank you very

12    much for your time.

13              CHAIR MICHAEL EDWARDS:  Thank you, sir.

14    Next speaker.

15              SECRETARY:  Okay, I'm going to be

16    calling in groups of three, so we can have you

17    ready.  Can I have Michael Marchant, please come

18    forward.  Shirley Perez, and Greg Curran.  And

19    can I remind you to please state your name for

20    the record when you -- before you speak and you

21    will each have three minutes.

22              MICHAEL MARCHANT:  Good morning.

23              CHAIR MICHAEL EDWARDS:  Yes, sir.

24              MICHAEL MARCHANT:  My name is Michael

25    Marchant.  Excuse me.  I'm a resident of Jacumba.
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 1    I live in the trailer park that's adjacent to

 2    this project going.  Supposed to be less than 30

 3    feet from the project.  I don't know anybody's

 4    addressed the concern of the dust that's going to

 5    be caused by all of this.  I've contracted valley

 6    fever since living in Jacumba.  It comes from

 7    Yuma, but it's also in the soil there.  There's

 8    three people in our trailer park that's

 9    contracted valley fever from it.

10              Also, they're going to be driving

11    300,000 pilings into the ground.  They're going

12    to pile drive these -- drive -- they're going to

13    remove all the animal life.  Even the ants are

14    going to dissipate.  They won't come back.  All

15    the other wildlife depends on this

16    (indiscernible) wildlife to continue the

17    ecosystem.  There's no preservation for that.

18              Growing all this -- they're putting

19    ground cover and other greenery around.  I don't

20    know if they know about growing in Jacumba.  I do

21    a little bit of farming myself.  It's going to be

22    very tough.  I don't care how much water they put

23    on it.  Without correcting that ground from

24    desert sand, this stuff is not going to grow.

25    It's going to be ten years before the vegetation
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 1   is taller than a 7-foot fence.
 2            Seventy percent of the equipment is
 3   going to be in view.  If you want to see an ugly
 4   one, go further down the road where they got the
 5   switching stations and they're huge.  There's no
 6   trees that'll cover that, no plants that'll cover
 7   that.
 8            Also the -- I don't know, they're going
 9   to have tracking motors.  I'm going to be
10   constantly listen to these motors driving those
11   trackers, constantly, all day long, buzzing, all
12   the way through to sunset.  Then at night,
13   they're going to return.  (indiscernible), back
14   the other direction.
15            My quietness has now disappeared
16   forever.  I'm not going to have a quiet moment at
17   all.  The lighting's going to interfere with star
18   gazing.  There's so many things wrong with this
19   project and, you know, I'm all for green energy.
20   I believe in the alternative that they're
21   proposing; that's reasonable.
22            It still has some quirks in it, but
23   that's a reasonable change.  Here -- increase the
24   heat.  That's -- last week, it was 110 most of
25   the week last week.  You add 15 degrees to that,
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1   that's unlivable. I run my air conditioner day

    2   and night as it is. With this, it's going to be

    3   incredible.

    4   The ground, they're talking about

    5   groundwater. Sure, it's not going to use much to

    6   keep them clean, but what are they going to do

    7   with the runoff? Has that been addressed, the

    8   runoff from washing these things?

    9   That's about all I have to say. Thank

   10   you very much for your time.

   11   CHAIR MICHAEL EDWARDS: Thanks, sir.

   12   MICHAEL MARCHANT: Any questions?

   13   Thank you.

   14   CHAIR MICHAEL EDWARDS: Questions?

   15   Next speaker.

   16   SECRETARY: Next speaker. Shirley

   17   Perez.

   18   MAN 4: Here's the -- speaker's right

   19   here.

   20   SHIRLEY PEREZ: Hi. Good morning. My

   21   name is Shirley Perez and I own the Wagon Wheel

   22   trailer park in Jacumba, and I have 29 tenants

   23   and I'm greatly concerned about having solar

   24   panels right in their back yard. It's already

   25   hot out there and temperature from those solar

1   panels is going to raise the temperature even

2   more.

3   The other concern is I've been there

4   for 40 years and I've seen the water table go up

5   and down and if -- they don't guarantee that they

6   aren't going to take all the water, so it's going

7   to be -- if they use all the water for their

8   solar panels, the town is really going to be

9   negatively impacted.

10   If -- the traffic from all of this 300

11   people, I don't know where they're going to put

12   300 people for workers, but that's going to have

13   a very negative impact on everybody in Jacumba

14   which doesn't really seem that fair, but I would

15   much rather see housing developments which they

16   also need in -- besides energy or they can go

17   down the road a little bit further with their

18   solar panels.

19   Anyhow, my -- I'm very opposed to the

20   project, the impact it is going to have on

21   Jacumba and I hope that you take into

22   consideration that it's going to impact Jacumba

23   without any benefits for it, so I hope you take

24   into consideration, at the very least, reducing

25   the size of it so that it is not sitting right on

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 1   our doorstep and I would very much appreciate it

 2   if you would consider the whole town which

 3   everyone there deserves to have a decent life,

 4   just like the rest of San Diego County.

 5            They shouldn't have solar panels stuck

 6   in their back yard.  Okay, thank you.

 7            CHAIR MICHAEL EDWARDS:  Thank you,

 8   ma'am.  Yes, sir.

 9            GREG CURRAN:  Good morning,

10   supervisors.  My name is Greg Curran and I am a -

11   - on the sponsor group, Jacumba Sponsor Group and

12   also the co-founder of Jacumba Hikers and like

13   Supervisor Barnhart there, I create my own power

14   up here, so I'm not against, you know, green

15   energy if it's truly green, okay, because I do

16   have solar panels and I have a wind generator,

17   well water, chickens, a organic garden.

18            I live off the utility grid and I think

19   that that is more green than what we're trying to

20   do here with this -- what the developer is trying

21   to do.  I do not believe that that is really,

22   truly green, okay.

23            And before I forget, there was a couple

24   things that came up that, you know, this project

25   is -- I want to emphasize, six times larger than
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Page 89

1   the community of Jacumba.

2   The benefits -- you know, the

3   developer, I'm on the sponsor group. I'm the

4   vice chair of the sponsor group and I didn't hear

5   anything about them offering any types of

6   benefits through the people that represent -- the

7   body that represents Jacumba.

8   They may have emailed or something on

9   Friday, this last Friday, so I haven't heard

10   anything about benefits from them and I sit on

11   the board and I know that the water board,

12   Jacumba Community Service District, does not

13   represent Jacumba. It's the Jacumba Community

14   Sponsor Group that represents Jacumba and we

15   weren't approached.

16   So anyway, like I said, I live off ten

17   acres, off the utility grid. Right there at the

18   38.5 mile marker where we already have this

19   ungodly substation and we have solar panels up

20   there in Jacumba already. So we're -- I think

21   we're kind of doing our fair share.

22   Like I said, Jacumba Valley Ranch

23   project is not green. It disturbs a whole

24   community and its ecosystem, its quality of life

25   and its rural aesthetics, okay. It's not smart.

1   It's not friendly and it's not green. The

2   physics reality of it is solar panels, what,

3   produce 33 percent efficiency and battery storage

4   of the world's energy is only -- they only

5   comprise 3 percent of the world's energy, so

6   battery storage is -- isn't really that

7   efficient.

8   Panels built with non-renewable

9   resources, digging up, moving -- you're moving,

10   processing tons of earth, transportation of

11   materials for construction, manufacturing blades,

12   batteries, concrete, mining rare earth minerals.

13   Someone said, where are they going to dig these

14   minerals up at? They mentioned, BayWa mentioned,

15   the representative mentioned that there's not too

16   much of it in the United States.

17   They'll have to go to the tropics or

18   something like that and disturb more land, so I

19   don't think that's very green either. This all

20   takes massive amounts --

21   CHAIR MICHAEL EDWARDS: thank you, sir.

22   GREG CURRAN: -- energy --

23   CHAIR MICHAEL EDWARDS: Could you

24   summarize?

25   GREG CURRAN: Okay, I didn't know I was

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 1   going so -- I had so much to talk about, so to

 2   wrap it up, I would like to recommend that you

 3   not approve this project.  I'm not totally

 4   against green energy, but I think the -- Jacumba

 5   Equity Alternative program -- plan is better than

 6   this, okay.  Thank you.

 7             CHAIR MICHAEL EDWARDS:  Thank you, sir.

 8             SECRETARY:  Okay, we'll call the next

 9   three people.  Please forgive any

10   mispronunciations on my part for your name.

11   Tanya Ayala, Melissa Strukel, and Catherine

12   Leighty.  Please come forward.  You will have

13   three minutes each.

14             TANYA AYALA:  Hello.  My name is Tanya

15   Ayala.  I'm a second-generation -- third-

16   generation native San Diegan and I was born in La

17   Jolla when they still had a hospital there with a

18   view, and now my view is of the mountains and

19   it's beautiful and you have to appreciate the

20   desert and the mountains to look at that and say,

21   oh, that's beautiful.

22             I lived in Hawaii for the last 15

23   years.  It's beautiful over there.  It's

24   different and those of us that live out there

25   appreciate the beauty of it, the ruggedness, the
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1   animals. I work, volunteer at a community center
 2   which has been not operating for the last year,
 3   but for the seven years prior to that, I
 4   volunteer every Sunday.
 5   We have a community breakfast and all
 6   the surrounding communities come and join us
 7   there because we have three churches. We have
 8   two community centers, a library, the fire
 9   station, post office, and currently an open
10   available for a new restaurant to move in, and a
11   couple little gift shops.
12   We're not just a block of houses.
13   We're actually a community that's united together
14   and we're in that spot because that's where it
15   was originally set up. And I'm all for green,
16   but this needs to move down the road a couple
17   miles.
18   This was -- we were very helpful two or
19   three years ago for the other part of the solar.
20   We talked to the community and we wanted to help
21   out and we were thankful that it was two miles
22   down the road and we didn't have to see it from
23   where we were at. And then this has come up now,
24   and I don't know where the $250,000 has gone,
25   because whoever has accepted that is not here

1   representing.

 2   And somehow, some place, something got

 3   lost because we said way back at the beginning of

 4   all this when they brought it up the first time,

 5   no way. That was an organic farm there. There's

 6   so much potential for us to grow something

 7   organic there and give people jobs.

 8   And when -- in our group meeting when

 9   we -- then they asked us if there was people in

10   that group that were going to benefit by having

11   that work, the electricians, not a single person

12   in our community is going to benefit from that.

13   All we will be left with is hot, dusty

14   air. I sit out in the middle of the night and

15   listen to birds. We have, besides the owls, the

16   burrowing owls, we have the horned owl,

17   screeching owls. We've got tri-colored

18   blackbirds. We've got orioles, grossbeaks.

19   All the people that come up from

20   Arizona and take pictures of the birds out in our

21   community every year because we've got such a

22   great place where all the birds come because

23   there's things there for them to eat and places

24   for them to burrow and nest, and if that is all

25   just acres of the solar panels, those birds

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 1   aren't even going to have any place to sit out

 2   there and look for a mouse.  There will be no

 3   place for those to go.  Thank you --

 4              CHAIR MICHAEL EDWARDS:  Thank you.

 5              TANYA AYELA:  -- very much.

 6              CHAIR MICHAEL EDWARDS:  Next speaker.

 7              CATHERINE LEIGHTY:  Hi.  My name's

 8   Catherine and I've been in Jacumba for three

 9   years and it's so beautiful and it's 6 miles

10   long.  Whoopie do.  So this big company comes in

11   for a 6-mile little town that no one in San Diego

12   could ever care about because you send us all

13   your little things that you don't want anyone to

14   know about, so you hide stuff in Jacumba and then

15   this big company comes in to put in solar that

16   we're not even going to get anything from.

17              What do we care about downtown San

18   Diego?  You don't care about us and we don't care

19   about you.  And no one has ever even -- and the

20   houses in Jacumba are affordable.  They're

21   affordable and you guys are always going, oh,

22   what about work, what about work.  What about

23   work?  Because no one in San Diego can even

24   afford a home, so does it really matter if you

25   work or not?
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1   And in Jacumba, you can afford a home,

2   and now, our homes are going up a little bit,

3   which I could care less if they ever go up, to be

4   honest, because they're affordable and that's

5   really what it's all about. And it's

6   embarrassing to think -- and I'm noticing up

7   there the noblest motive is the public good.

8   And if you vote this through, then you

9   are not thinking of the public whatsoever. It's

10   almost sickening that a company like this can

11   come to a small town with low-income people and

12   think they're all hot and dandy and not even have

13   one thing in mind for any of us, because they

14   think -- they know they can get away with it

15   because money talks and bullshit walks.

16   It's that simple. It's always been

17   like that. I've seen it downtown. I've lived in

18   Fallbrook. I lived in Pine Valley. I've lived

19   everywheres in San Diego you can imagine. And

20   I've bought homes and I'm telling you, Jacumba, I

21   have never been happier because it's not a

22   judging place.

23   It sits in a vortex. The wildlife -- I

24   walk three miles every day. The wildlife is

25   almost unbelievable. I don't even know it until

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1   I walked.  And we are a poor community, but we
2   respect each other and that means a lot because
3   in these other communities, I don't even see
4   that.
5             And if you vote this through, it'll
6   just -- it'll be sickening, absolutely sickening.
7   I don't even want them to get the little parts.
8   We'll buy back that land.  I don't even want to
9   see this at all, and I don't care if they give us
10  $250 million.  We're been poor there.  We're
11  happy and that's what's really the important
12  thing, is being happy.  Thank you.
13            CHAIR MICHAEL EDWARDS:  Thank you.
14  Next speaker.  Yes, ma'am.
15            MELISSA STRUKEL:  Hello.  Thank you for
16  giving us the opportunity to speak.  My name is
17  Melissa Strukel.  I am a resident of Jacumba Hot
18  Springs and I'm also a business owner.  I'm one
19  of Jeff Osborne's partners.
20            I want to be clear that I'm for solar
21  and green energy, just as all of us really are;
22  however, not at all costs, and it believe that
23  this project as it stands right now is a huge
24  cost for our community.
25            We are only asking for a compromise.
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 1   We're not asking for this to stop.  We understand
 2   that a compromise is what we're going for and in
 3   order for us to survive, we have to have this
 4   compromise.  Jacumba Hot Springs is one of the
 5   last rural communities in San Diego.  As you
 6   know, rural communities suffer greatly because
 7   outsiders come in and enjoy it and then we're
 8   overlooked when big corporations are involved.
 9            We are located on the scenic Old
10   Highway 80 route.  It's a beautiful drive and we
11   also have the sacred healing waters of the hot
12   springs.  If anyone's ever been to a hot springs
13   and enjoyed the benefits of it, you would
14   understand and if you haven't, then I invite you
15   to come to Jacumba and understand what the
16   healing waters are truly all about.
17            We also are a geographical vortex and
18   if you don't know what a geographical vortex is,
19   follow this project and you'll find out.  Jacumba
20   Hot Springs is going to be a vibrant, vital part
21   of the San Diego tourism industry, I can
22   guarantee you.  We are where you drive on Sundays
23   to enjoy nature.  We are the markets you get
24   coffee at.  We are the campsites you bring your
25   families.
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 1            We are the trails you hike, the gift

 2   shops you buy souvenirs in, the people and

 3   landscapes you take photos of.  We are the lakes

 4   you swim in and the hotels you vacation in.  We

 5   are the communities you raise money for when our

 6   towns burn down due to forest fires.  We take

 7   very seriously our role as the caregivers of the

 8   land that you enjoy while you escape the city.

 9            The proposed project will not generate

10   jobs for locals or ever provide us with energy.

11   Our locals are hungry for jobs and we are doing

12   our best to create jobs for them, sustainable

13   jobs.  Please know that the proposed solar

14   project has been named the community alternative

15   and I don't want you to be mistaken by those play

16   on words, because it is not the community

17   alternative.

18            What we want is the Jacumba Hot Springs

19   Equity Alternative.  We are asking for you to

20   vote for that and not the community alternative.

21   I just want you to understand that it's very easy

22   for strangers to talk about a community and make

23   decisions for them, but I

24            CHAIR MICHAEL EDWARDS:

25   (indiscernible).
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 1              MELISSA STRUKEL:  -- invite you to come

 2    out to Jacumba and see it for yourself.  Thank

 3    you.

 4              CHAIR MICHAEL EDWARDS:  Thank you.

 5    Next speaker?

 6              SECRETARY:  Okay, I will call the next

 7    three speakers.  David McMannus, Alistair

 8    Mularney, and Celia Sigman.  Please come forward.

 9    You will each have three minutes.

10              CHAIR MICHAEL EDWARDS:  Yes, sir, good

11    morning.

12              DAVID MCMANNUS:  Hi.  My name is David

13    McMannus and I would like to donate my time to

14    Donna Jones, if possible.

15              CHAIR MICHAEL EDWARDS:  You have three

16    minutes and counsel, can he donate them?

17              RANDALL SJOBLOM:  That's at the

18    discretion of the chair.

19              CHAIR MICHAEL EDWARDS:  All right, go

20    ahead.  So you will have six minutes.

21              DONNA JONES:  No, he just is giving me

22    his three minutes.

23              CHAIR MICHAEL EDWARDS:  Oh.

24              DONNA JONES:  Thank you.  My name is

25    Donna Jones and I did submit a letter late
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yesterday and I apologize for not getting it
sooner. There was a lot to read. I did as best
as I could.

Others have mentioned the temporary
nature of this as being questionable, and I think
in part they chose this lifetime because that's
the expected life of some of the equipment, but
in fact, solar farms have really only been around
not for that long, so no one really knows how
long the equipment's going to last.

In Massachusetts, there's a solar farm
that's still at 90 percent capacity 29 years
later, so I feel like because of the permanent
nature of the switchyard and because of where
infrastructure is here, once this is in place, it
will stay in place so it should be treated as
permanent.

However, they must be considered
temporary to qualify under the zoning code that
they're using. Section 2888 of the zoning code
only allows temporary uses with the bonded
agreement that has been discussed. There's two
problems with that; the one I mentioned that it's
likely not temporary, but the second is that we
know for sure the switchyard facilities are not

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 1   temporary.  They will be permanent.
 2            If the switchyard facilities are under
 3   the same major use permit as the rest of the
 4   project, and so it makes it not qualify under
 5   this zoning code requirement which says you must
 6   be removed and it must be enforceable by the
 7   county and they say, well, it doesn't really
 8   matter because the county won't be able to
 9   enforce it because the switchyard's going to be
10   under the CPUC's jurisdiction.
11            So it seems odd to me to avoid the
12   inconsistency with the zoning ordinance because
13   the county won't be able to enforce it anyway and
14   their other argument is well, the switchyard
15   could qualify as a minor impact facility with a
16   minor use permit and that could be true, but
17   they're not asking for a minor use permit for
18   this facility.  So I just think that they're
19   trying to fit into a hole where it doesn't quite
20   fit.
21            Similarly, on the aesthetics impacts,
22   we know they're significant and unmitigated in
23   large part and yet they find themselves
24   consistent with general plan policies and
25   regional plan policies that call for example
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1    protecting and enhancing the scenic nature of
2    this area, including Old Highway 80, which is a
3    scenic highway.
4            And it's hard for me to understand how
5    you can have a significant unmitigated impact to
6    aesthetics from this highway and at the same time
7    say you're consistent with policies that require
8    you to protect and enhance the scenic value of
9    these very same highways.
10           And bio, they are going to be impacts
11   to birds, not only from running into the power
12   lines, but also the solar panels.  Other EIRs for
13   other solar farms have conceded that it's a
14   necessary part of renewable energy to assume that
15   there's going to be deaths to avian species.
16           And I see my time's up, so thank you.
17           CHAIR MICHAEL EDWARDS:  Thank you,
18   ma'am.  Next speaker.
19           ALISTAIR MULARNEY:  Commissioners, my
20   name is Alistair Mularney and I wish to speak in
21   opposition to this plan as presented, only
22   insofar as it impacts safety of operations at
23   Jacumba Airport.  I am an FAA certificated flight
24   instructor and I am the chief instructor for the
25   club that is the main user of Jacumba airport.
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1   And this proposal raises two concerns

2   to me. One is glare to which I will not speak.

3   I have never had the opportunity to fly at low

4   altitude over an extensive solar array. I'll

5   have to trust the experts when they say the glare

6   will not be a significant factor.

7   However, safety is something I will

8   speak to and I would say a plan that considers

9   virtually wrapping the whole -- the enclosed --

10   the whole end of a runway with obstacles made of

11   steel and glass 12 feet high can only be

12   advocated by someone who does not understand the

13   hazards that that portends.

14   I know the plan speaks of three open

15   areas. Let me speak to them also. I've been

16   flying gliders since 1988 in a variety of

17   locations. I have made my own fair share of

18   emergency landings in anything from dirt strips

19   to plowed fields. In my opinion, two of those

20   open areas are of no consequence, the one down by

21   the Mexican border and the one along Highway 80.

22   They would require far too much

23   dangerous low-level maneuvering to get from the

24   end of Jacumba runway to reach them safely. The

25   third one is a proposed opening between 7-foot

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 1   fences directly in line with the runway.  I would

 2   hate to be asking a low-time pilot to make a

 3   precision landing in a canyon like that with

 4   inevitable turbulence or always a cross-wind

 5   component in a glider that has a 60-foot

 6   wingspan, putting it into a narrow canyon.

 7               I am not against solar energy,

 8   renewable power.  I am in opposition to a plan

 9   that encroaches on the runway safety zone at the

10   end of Jacumba airport.  Thank you.

11               CHAIR MICHAEL EDWARDS:  Hold on, sir.

12   Could you come back?  Sir?  Have a question for

13   you.

14               COMMISSIONER GINGER HITZKE:  I'm

15   looking at the exhibit for the emergency landing

16   area.

17               ALISTAIR MULARNEY:  Yeah.

18               COMMISSIONER GINGER HITZKE:  When

19   you've had emergency landings, how many feet do

20   you need to land, you know?

21               ALISTAIR MULARNEY:  Depends on the

22   skill of the pilot --

23               COMMISSIONER GINGER HITZKE:  A thousand

24   feet?

25               ALISTAIR MULARNEY:  Depends on the
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 1   wind.
 2             COMMISSIONER GINGER HITZKE:  A quarter
 3   of a mile?  A half of a mile?
 4             ALISTAIR MULARNEY:  A quarter of a mile
 5   would be --
 6             COMMISSIONER GINGER HITZKE:  So about
 7   1,200 feet.
 8             ALISTAIR MULARNEY:  Yes, I would say --
 9             COMMISSIONER GINGER HITZKE:  Okay.
10             ALISTAIR MULARNEY:  Yeah.
11             COMMISSIONER GINGER HITZKE:  Is the
12   landing area -- emergency landing area in excess
13   of 1,200 feet?
14             NICHOLOUS KOUTOUFIDIS:  The airport
15   land use compatibility plan requires at least 75
16   feet by 300 and this does give 1,200 feet.
17             COMMISSIONER GINGER HITZKE:  Okay,
18   thank you.  Thank you, sir.
19             CHAIR MICHAEL EDWARDS:  Thank you, sir.
20   Next speaker.
21             CELIA SIGMAN:  Yes, my name is Celia
22   Sigman.  I'm a 20-plus year resident of Jacumba
23   and I'd like to just make a couple of points real
24   quickly.
25             First of all, I understand and
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1   appreciate your work on addressing California's

 2   green sustainable commitments that we've made.

 3   They're very important. They need to be met. I

 4   think most of us in Jacumba recognize this and

 5   value that.

 6   I also understand that this JVR Energy

 7   Park is not -- while addressing those

 8   commitments, there's a great sacrifice that's

 9   going to be made and it's all done at the expense

10   of this community. As you've seen with Jeff

11   Osborne's well put together photos about the real

12   true massive, in terms of square footage, that

13   this project will take up.

14   It's everything that will allow us to

15   grow as a community. It sucks up all the land

16   around us. We are now, for the first time in 20-

17   plus years, we have the opportunity to really

18   rebuild our community and I think that with our

19   new owners for the spa, we have the potential to

20   do that.

21   However, we need the room for that.

22   solar panels are not a great attractive feature

23   for tourists. They don't come out to look at

24   solar panels. They come out to look at the

25   birds. They come out to look -- and it may be

1 for people who are more familiar with

2 recreational areas being green and lush.

3   The desert has its own beauty and that

4 wide spanse of golden -- just grass that grows

5 out there, is gorgeous, is beautiful. So those

6 little corridors, those little buffer things,

7 that's not going to get it. That's not enough.

8 I think that in order to rebuild our community

9 and one of the benefits of -- a couple of

10 benefits in doing that is that you attract

11 homeowners. You -- and in doing so, you build a

12 tax basis -- a larger tax basis.

13   You build potential voters, future

14 voters, okay. As a constituent of this esteemed

15 body, it's important to remember that you hold

16 elected positions. You hold positions that

17 require your responsibility to the public good.

18 I implore you to look at and address the JVR

19 Alternative map, okay, alternative to this park.

20 Thank you.

21   CHAIR MICHAEL EDWARDS: Thank you,

22 ma'am.

23   SECRETARY: Okay, I will call the last

24 two in-person speakers. Sandra Chappelle and

25 Steven Hanes. Please come to the lectern. You

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 1  will have three minutes to speak and please make

 2  sure you state your name for the record.  Okay.

 3             STEVEN HANES:  Good morning.  Thank you

 4  for allowing me to speak.  I appreciate a lot of

 5  the comments that have come forth.  I'm not a

 6  resident of Jacumba, but I am a land owner and

 7  all of the photos that have ever been presented

 8  have all been from flat ground.  I happen to own

 9  a 8-acre parcel that I haven't developed as yet.

10             It's actually up on the hill, fondly

11  addressed as Snob Hill.  It's about 200 feet

12  above the flat ground and actually looks east

13  across the entire expanse of the valley.

14             Having a solar farm to look down on is

15  just not an appealing alternative for -- it's not

16  the reason we bought the property.  It's -- the

17  beauty of the area is, as it sits currently is a

18  beautiful spot, looking across the entire valley.

19             It's important to understand that

20  Jacumba has, from time to time, had visionaries

21  that have come through and actually wanted to

22  develop it into something that it potentially

23  could be.  We currently have a group now that is

24  looking to do that, that is actually looking --

25  with the economic downturn it wasn't possible.
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1   The early spas, one of the owners of

 2   that spa, 15-some years ago actually looked at

 3   developing housing and community out there that

 4   would've increased the tax base and would've

 5   provided homes and economic function for the

 6   community, would've created jobs and schools and

 7   -- he died before he could ever envision that.

 8   The second group that came in had

 9   issues with developing the spa into anything and

10   part of that was based on planning. This new

11   group that is now here is looking to expand the

12   community and actually integrate a much more

13   functional community that allows for shopping,

14   that allows a tourist destination, that allows

15   for the expansion and uplifting of a community.

16   It's important that each of you imagine

17   what you would, if you had this type of project

18   in your community. We know that land is

19   available elsewhere. I was -- I just became

20   aware of this project a week ago when I got the

21   flier in the mail. I live in San Francisco and

22   drove down because I think it's important to save

23   this community.

24   And wrapping it into an industrial park

25   is just not the way to do it. There are no jobs

1 developed from it in the local community. There

2 is no tax base that the community benefits from.

3 All the energy is exported and so I strongly,

4 strongly request that you vote no on this project

5 as presented. Thank you.

6   CHAIR MICHAEL EDWARDS: Thank you, sir.

7 Does that --

8   SECRETARY: That concludes the -- oh.

9 Did -- okay.

10   WOJEFF OSBORNE: (indiscernible) my

11 time to her if it's okay. (background

12 conversation).

13   CHAIR MICHAEL EDWARDS: Haven't I see

14 you before?

15   DAVID MCMANNUS: Yes. Hi, my name is

16 David McMannus and I live on El Centro Avenue in

17 Jacumba and the farm where they want to build

18 this is part of my neighborhood. It's just down

19 the street from me. Old Highway 80 is main

20 street for Jacumba. And you can take photographs

21 in a couple of spots where it looks like there's

22 nothing there, but there is.

23   It's just a small town. It's not like

24 downtown San Diego, but Old Highway 80, that's

25 main street and there are places there and there

1   are things to look at and there are birds and all

 2   sorts of stuff and there are homes.

 3   And I bought my three-bedroom, two-bath

 4   for $175,000 this year. People can buy homes.

 5   People can build homes. Where that farm is, I

 6   would like to see homes built in there. And yes,

 7   I like the idea of solar panels, but move them

 8   back away from the residential area because this

 9   is a residential area that they're talking about.

10   It's just not really built up like San

11   Diego. This is a very small town, but we are

12   living there and we should be taken into

13   consideration. Thank you.

14   CHAIR MICHAEL EDWARDS: Thank you, sir.

15   SECRETARY: Chair -- sorry. We did

16   have somebody who accidently marked to just state

17   an opinion, but she would like to -- they would

18   like to speak, Corbin Winters. Okay.

19   CORBIN WINTERS: Hi, thank you for the

20   opportunity. My name is Corbin Winters. I am a

21   home owner and business owner in Jacumba Hot

22   Springs. I have chosen to raise my young son in

23   this community because I fell in love with the

24   beauty of the natural landscape, the mineral hot

25   spring water, and the absence of

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 1   industrialization and commercialization.

 2               It's easy to look at some of the photos

 3   presented today and see it as just barren land.

 4   What is not as easily seen is the magic of this

 5   region of San Diego County because that is

 6   something that has to be experienced.  The scale

 7   of the current proposed project will overwhelm

 8   our town.  If you think that a perimeter fence

 9   with landscaping will mask the solar panels and

10   related equipment, you've missed the point of

11   Jacumba.

12               We hike the peaks.  We climb the

13   boulders.  We will be looking down into the solar

14   panels.  Not all open space needs to be filled,

15   even if in the name of progress and the greater

16   good.  The balance of negative space is equally

17   important and something that's growing less and

18   less in San Diego.

19               Jacumba Hot Springs is an asset to San

20   Diego County.  We are reasonable people and we

21   are asking for respect for our community.  I'm in

22   support of the Equity for Jacumba Alternative

23   plan and I thank you for your consideration.

24               CHAIR MICHAEL EDWARDS:  Thank you,

25   ma'am.
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 1              SECRETARY:  Okay, those are -- that

 2    should be all in-person.  Jessica, do we have any

 3    speakers on the phone?

 4              JESSICA:  There are two callers wishing

 5    to speak on this item.

 6              CHAIR MICHAEL EDWARDS:  Could we

 7    proceed?

 8              SECRETARY:  Sure.

 9              JESSICA:  7844, please press star-six

10    to unmute your line, state your name for the

11    record, and begin your comment.  7844.  7844 I

12    believe is Katrina Wesley, if you would press

13    star-six to unmute your line, please.  Ms.

14    Wesley, if you are unable to unmute your line,

15    please hang up and call back in.  I will admit

16    you from the lobby and then won't mute you

17    automatically, so that may resolve the issue.  Oh

18    --

19              KATRINA WESLEY:  Hello?

20              JESSICA:  Yes, thank you.  Please

21    proceed.  Ms. Wesley, if I could ask you to mute

22    your viewing device, please and unmute your

23    telephone.  I apologize for the confusion.

24    That's star-six to unmute the phone.  I believe

25    that she'll be calling back in.  We will move to
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1    8902.   Please press star-six to unmute your line,

2    state your name for the record, and begin your

3    comments.   8902.

4              MAN 5:   -- here today on behalf of

5    Cleantech San Diego in support of this project.

6    Cleantech San Diego is a business organization

7    that we formed 14 years ago to support the

8    region's growing clean tech (sound drops).   The

9    benefit of our (sound drops) about a $7.1 billion

10   impact on our regional economy.

11             Not only does this project before you

12   today support our renewable energy goals,

13   including those established by San Diego

14   Community Power, who as you know, recently

15   approved the power purchase agreement for the

16   project, but it will also have a positive impact

17   on our regional economy.   I urge you to support

18   this important project and continue to support

19   the development of renewable energy projects in

20   the San Diego region for the benefit of our

21   economy and our environment.   Thank you.

22             CHAIR MICHAEL EDWARDS:   Jessica are we

23   done?

24             JESSICA:   To my knowledge, that

25   concludes public comment with the exception of
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1 Katrina Wesley. I do think that she is calling

2 back in because I did see that she disconnected.

3 I would like to ask if there are any callers who

4 I have not called upon to press star-six to

5 unmute their line and state their name as well as

6 indicate that they wish to provide comment.

7   To my knowledge, all other callers are

8 with the applicant team.

9   CHAIR MICHAEL EDWARDS: All right.

10 Absent somebody interrupting --

11   KATRINA WESLEY: Hello. I'm sorry.

12   CHAIR MICHAEL EDWARDS: It's God's

13 will.

14   KATRINA WESLEY: We're having some type

15 of phone issue. Should I re-mute?

16   JESSICA: No. This is working. Please

17 go ahead.

18   KATRINA WESLEY: Okay. Well, my name

19 is Katrina Wesley and I'm a San Diego County

20 employee and I'm also a member of the Jacumba Hot

21 Springs Sponsor Group and I just wanted to submit

22 my comments. In my opinion, to allow this

23 project of this size to go forward at its current

24 footprint would be devastating to the

25 environment, our community, and our goals for

1 future growth. As it's stated in the FIER, there
 2 are still significant unmitigable impacts to the
 3 aesthetics and natural environment of our village
 4 and the surrounding areas.
 5   Unfortunately, all of these impacts
 6 have been overwritten on the principle that the
 7 benefits will outweigh the risks to serve "the
 8 greater good." This is being done at the risk to
 9 our community, which will receive absolutely no
10 benefit. I know that was stated earlier and
11 that's -- I'm restating that now.
12   Rather, we are to be the sacrificial
13 lamb so that overly populated urban areas may
14 benefit from the environmentally destructive
15 technology to reach our green goals. All through
16 our community sponsor group -- brought up
17 concerns regarding the effect of the possibility
18 of the photovoltaic heat island effect this
19 project may generate. I could not find anything
20 in the FEIR or the Planning Commission's staff
21 recommendations that any research or mitigation
22 measures have been considered regarding this
23 issue.
24   As it stands, San Diego County has been
25 and will continue to experience severe drought,

1   temperatures throughout the western United States

    2   has steadily risen to record-breaking

    3   temperatures. Our temperatures in Jacumba alone

    4   have soared to 111 degrees and it isn't even

    5   August yet. Raising the ambient temperature of

    6   the area surrounding the solar farm will further

    7   contribute to this continuing problem and it does

    8   need to be properly addressed.

    9   And another issue that is concerning is

   10   that the project developer is so confident that

   11   this project will be approved that it also

   12   entered another energy purchase agreement prior

   13   to the project approval.

   14   And on the face, that appears to the

   15   public disingenuous and it makes me believe

   16   perhaps the county or most definitely BayWa are

   17   not truly interested in the impact this project

   18   will have on the community, but rather the energy

   19   and financial goals they wish to meet.

   20   And BayWa's statement in the recent

   21   "San Diego Union Tribune" article that "Should

   22   the county not move forward with this project,

   23   it'll be a clear signal to industry that San

   24   Diego County isn't taking these goals seriously."

   25   This statement speaks volumes. I

1 believe at this point in time protecting our

     2 communities and our environment is a priority.

     3 This -- you know, this project involves human

     4 lives and there is way too many unanswered

     5 questions regarding this project within the FEIR

     6 itself and the PC report, so I am encouraging the

     7 Planning Commission to please vote no and deny

     8 this project as presented and I am in support of

     9 the Jacumba Equity Plan.

    10   CHAIR MICHAEL EDWARDS: Thank you.

    11   KATRINA WESLEY: -- Jacumba Equity Plan.

    12 Thank you.

    13   CHAIR MICHAEL EDWARDS: Thank you.

    14 That conclude all the public testimony?

    15   JESSICA: I believe that is all the

    16 testimony.

    17   CHAIR MICHAEL EDWARDS: All right.

    18 Counselor, gave you the opportunity to rebut.

    19 Would you like to approach?

    20   SECRETARY: Is there a time limit or --

    21 okay.

    22   CHAIR MICHAEL EDWARDS: Three minutes

    23 do it?

    24   RYAN WATERMAN: Yeah, three minutes

    25 will do. I will offer a few quick points and

1   then Mr. Fallon from BayWa will come and finish

2   it up and then we'll be available for questions

3   if the Commissioners have any.

4   The first point, a number of speakers

5   have questioned whether this project will be

6   decommissioned at the end of 35 years. What I'd

7   like to refer -- assure you with is that it will

8   have to because the major use permit which

9   provides a land use entitlement will terminate.

10   At that point, if another use was to be

11 proposed or this use was to be continued at that

12 point, a new land use process would have to go

13 forward, a new entitlement would have to be

14 issued by the county, and a new CEQA process

15 would have to be completed, so there's a lot -- I

16 mean, that process here took us four years.

17 There's a lot -- a process would have to be -- go

18 forward for that to happen, so as things stand

19 today, the project will be decommissioned.

20   One of the speakers also questioned

21 whether the zoning and general plan consistency

22 were adequately addressed in the FEIR or the

23 final EIR. I believe that they were. Also, the

24 major use permit includes a number of findings

25 with that regard. If you have any concerns, I'm

1   sure county counsel here as well can respond.

2   Mr. Mularney, with respect to the

3   glider group came and spoke and just wanted to

4   clarify that the actual corridor, the safe

5   landing corridor is actually 2,200 feet long and

6   80 feet wide. It actually extends beyond the

7   safe landing zone, so I'm not sure if that

8   matters for airport land use consistency planning

9   processes, but just wanted to clarify that fact.

10   And then just very briefly, the heat

11   island -- possible heat island effect is analyzed

12   and addressed in the response to comments in the

13   final EIR.

14   And I guess as a wrap-up comment,

15   nobody's really mentioned climate change today,

16   but that's why we're all here. The fact that the

17   state is working towards a 100 percent clean

18   power goal by 2045 requires extraordinary action

19   on a number of levels. This is just one of them.

20   I'd like to invite Mr. Fallon up.

21   GEOFF FALLON: Thank you. I'd just

22   like to address a couple quick, comments. So

23   one, in renewable energy development, it's often

24   typical for the power purchase agreement process

25   to go in parallel with the permitting process, so

1   does -- it's a fact of the industry from someone

2   that's in it.

3   I would also like to address the idea

4   that a 300-acre solar farm could have 80

5   megawatts of power production. So we've

6   submitted a detailed response to the record about

7   the Equity for Jacumba Alternative. The --

8   included in that is analysis by a project

9   engineer who's a licensed professional engineer.

10   The main difference is between fixed

11   tilt and single axis tracker. This just turned

12   red. Can I respectfully request another two

13   minutes?

14   CHAIR MICHAEL EDWARDS: How much time?

15   GEOFF FALLON: Three minutes?

16   CHAIR MICHAEL EDWARDS: All right.

17   GEOFF FALLON: Thank you.

18   CHAIR MICHAEL EDWARDS: Let's try and

19   wrap it up, though.

20   GEOFF FALLON: Yes. Yes, sir. So the

21   main difference is fixed tilt versus single axis

22   tracker. The Jacumba solar project is fixed tilt

23   and faces south. It doesn't move. The JVR

24   Energy Park project is single axis tracker. It

25   runs north-south. It tracks the sun east-west.

1   While single axis trackers do use more

2   acres per megawatt then fixed tilt, single axis

3   tracker is the most advanced and efficient

4   technology for maximizing renewable energy

5   generation, so the best tech -- this is the best

6   technology available today for renewable energy

7   projects and this is why we're using it in this

8   project to help meet the county's objectives and

9   to maximize clean, reliable local energy.

10   I would also like to say the Equity for

11   Jacumba Alternative didn't analyze or mention the

12   fact that to connect to the ECO Substation would

13   take an approximately 3-mile gen tie line and the

14   associated biological cultural aesthetics impacts

15   associated with that connection.

16   Lastly, I would just like to say that

17   improvements to the Jacumba Park through the

18   community alternative -- or the community

19   benefits package that we've agreed to would be

20   utilized. The improvement of the park, the

21   services district has a menu of options that they

22   proposed. There are options in there that would

23   improve the park that I'm sure members of the

24   local community who aren't speaking here today

25   would use and find value to.

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 1            And then I guess I would just conclude
 2    with the fact that one, we continue to think that
 3    this solar farm, the proposed project and the
 4    redevelopment and revitalization of the spa and
 5    businesses in town are not mutually exclusive and
 6    that there's a way that we can continue to work
 7    with the community and offer benefits to them and
 8    talk through that, whether it's more park
 9    improvements or other ideas that we're looking
10    for, instead of cutting our project in half and
11    we continue to be open to that conversation and
12    willing to have that.  And that's what I'd like
13    to conclude with.  Thank you very much.
14            CHAIR MICHAEL EDWARDS:  Commissioners,
15    that concludes public testimony.  Did anybody
16    have any questions for the applicant or for
17    anybody?  I'm sorry, go ahead, commissioner.
18    Sure.
19            COMMISSIONER GINGER HITZKE:  The
20    property is going to be improved, and so I'm
21    assuming your budget -- operating budget includes
22    a line item for property taxes -- property tax
23    payment and I'd just like to ask you, the
24    improvements -- the solar panels are not --
25    they're not considered a fixed improvement,
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 1   right, so they're treated like personal property
 2   or -- that may not be something that you get
 3   into.
 4            GEOFF FALLON:  I don't know the answer
 5   right off the top of my head.
 6            COMMISSIONER GINGER HITZKE:  But you
 7   are doing -- you are doing fixed improvements to
 8   the property?
 9            GEOFF FALLON:  Correct.
10            COMMISSIONER GINGER HITZKE:  And those
11   will be taxed at whatever the, you know, values
12   are in --
13            GEOFF FALLON:  Correct.
14            COMMISSIONER GINGER HITZKE: -- 2021.
15   Okay, thank you.
16            GEOFF FALLON:  The project will
17   increase the property tax basis.
18            COMMISSIONER GINGER HITZKE:  Do you
19   know roughly how much, if you had to guess?
20            GEOFF FALLON:  I don't.  I'm sorry.
21            COMMISSIONER GINGER HITZKE:  Okay.
22            GEOFF FALLON:  All right, thank you.
23            CHAIR MICHAEL EDWARDS:  Commissioners,
24   did you have more questions?  Sir, I have a
25   couple of questions for you that were raised
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1 during the public testimony. I've heard several

2 times that you're not providing any backup power

3 for the town. Number one, is that so, and number

4 two, is that because the interconnect is

5 unfeasible?

6   GEOFF FALLON: Correct. So our project

7 interconnects the 138 kV transmission line.

8 that's where we applied probably three or four

9 years ago to connect with San Diego Gas and

10 Electric and the (indiscernible), and so we have

11 no other approved, studied, viable point of

12 interconnection for this project and -- yeah, so

13 we don't have -- the project does not connect at

14 distribution level, which is where homes get

15 their power from.

16   CHAIR MICHAEL EDWARDS: Okay. Second

17 question I had and perhaps this is directed to

18 counsel. I've heard of two other issues. The

19 first was dust and the second was noise. I got

20 the impression that these panels are like the

21 ones you see off Interstate 8 in the Imperial

22 Valley that actually move as the day goes on and

23 one gentleman said that he would be constantly

24 hearing drones of noise and buzzing and that kind

25 of stuff. Could you comment on that, please?

1   GEOFF FALLON: What I would say is that

2   we -- the equipment has been placed and the noise

3   impact studied extensively in the EIR and there's

4   county noise ordinances that we have to comply

5   with and will comply with in our design and

6   operation of the facility.

7   CHAIR MICHAEL EDWARDS: Okay. The

8   second issue I just to touch on with you is the

9   dust. We -- I also own a home in Borrego Springs

10   and we have several of these out there which do

11   not connect to Borrego's power grid also, but

12   it's probably different topography, but when the

13   wind blows out there, these projects create huge

14   dust storms because the companies scrape what's

15   on the desert floor.

16   I understood yours is going to be

17   hydroseeded. Is that -- I assume without knowing

18   that that's to help control the dust and dirt

19   flying around?

20   GEOFF FALLON: That's correct. As a

21   condition of our major use permit, we will

22   revegetate and use hydroseed to make that

23   effective and it's a condition to maintain that

24   as well.

25   CHAIR MICHAEL EDWARDS: I learned a

1 long time ago the only stupid question is the

2 unasked one, so that's going to require

3 irrigation, I take it?

4   GEOFF FALLON: That's correct.

5   CHAIR MICHAEL EDWARDS: Okay. Counsel,

6 I don't know if this is directed to you or to

7 staff, but I've heard three times about the

8 panels increasing the temperature of the air

9 around the town and that there was a heat island

10 issue, so I don't know who can comment on that

11 for me. What was the result of the CEQA

12 investigation into those issues?

13   NICHOLOUS KOUTOUFIDIS: Chair Edwards,

14 the photovoltaic heat island effect is similar to

15 an urban heat island effect which occurs when the

16 -- when cities replace natural land cover with

17 pavement or buildings and other surfaces that

18 absorb or retain heat and contribute to higher

19 temperatures as compared to undeveloped areas and

20 the photovoltaic heat island effect would

21 dissipate over a certain distance.

22   Given that they're -- staff determined

23 that there's no evidence that there's any

24 possible -- that any possible increase in

25 temperature would significantly impact human

1 health or environment.

 2   CHAIR MICHAEL EDWARDS: All right,

 3 thank you. Commissioners, those were my

 4 questions. Do we have any questions from other

 5 Commissioners? If not, the public hearing, I

 6 said, was closed. Is there a motion to be

 7 entertained, Commissioners?

 8   Go ahead, commissioner Barnhart.

 9   COMMISSIONER DOUGLAS BARNHART: Well,

10 as I previously stated, I live along the coast,

11 but I am energy independent. My four-and-a-half

12 acres, which includes a sizeable home, my

13 electric bill is like $15 a month and that's only

14 because they charge me a stipend to connect. So

15 I don't need the energy. I guess you can make

16 the argument that everyone along the coast, if

17 they needed electricity, could do the same thing

18 I did.

19   Get out your wallet and pay for it, and

20 not inconvenience anyone. And I know a lot of

21 people, probably Chris, thinks, you know, Doug

22 has built a lot of things in this area, and I

23 have, but I'd like to think that most of the

24 things I built, schools, fire stations, police

25 stations, and now I design and build medical

1 facilities and everything else, fit right in

 2 those communities and are normally considered

 3 beneficial.

 4   I understand we -- elections have

 5 consequences and we were energy independent and

 6 maybe we will still be; who knows. And there is

 7 a movement to transfer from fossil fuel

 8 generation to other sources of powering our

 9 energy and I don't think that's the argument here

10 because no one, even the people from the town,

11 seem to grasp that concept that we're -- that the

12 country is in a transition mode and we're

13 certainly aware of that.

14   The problem I have with the project is

15 that it is literally got its hands around the

16 city's neck because it blocks their access for

17 any kind of growth, any kind of movement in that

18 area, and when I drive west, I see a awful lot of

19 land out there, and admittedly, maybe that's land

20 that the applicant doesn?t own and maybe that's

21 land where there isn't the transmission

22 facilities and all of that.

23   But it's going to be a shock to

24 everyone, but I'm going to make a motion to deny

25 the project. You know, I just -- I'm just not

1 there. I just don't believe that these batteries

 2 are going to be recycled.

 3   I just -- with all due respect sir, you

 4 may be right and then I'm probably wrong on it,

 5 but boy, I know when I throw away my batteries

 6 and everything else, it seems to be a hard thing

 7 to get rid of, so I'm just -- I'm just worried

 8 about what's going to happen when my grandsons

 9 are out doing things in the future years and if

10 some of this stuff comes back and creates some

11 unintended consequences.

12   So I'm going to make a motion that we

13 deny this.

14   CHAIR MICHAEL EDWARDS: So we have a

15 motion by Commissioner Barnhart to deny the

16 project. Ladies and gentlemen, do we have a

17 second?

18   COMMISSIONER TOMMY HOUGH: I'll make

19 the motion to second that. I have some remarks

20 I'd like to make. We can wait until we go

21 through this process.

22   CHAIR MICHAEL EDWARDS: Okay, so we

23 have a motion and a second to the motion.

24 Discussion?

25   COMMISSIONER TOMMY HOUGH: Thank you,

1   Mr. Chair. I appreciate what my colleague

2   Commissioner Barnhart has brought up. I have

3   some other concerns. I'm very familiar with

4   Jacumba Hot Springs. When I first came out here,

5   I traveled east on Old Highway 80 a number of

6   times. I've been up in Valley of the Sun which

7   is on BLM land. It's not -- it's in the

8   wilderness nearby.

9   I heard a canyon wren up there. You

10   know where you hear canyon wrens? You hear them

11   in Arizona. You never hear them in San Diego

12   County. Now, that's not in the area that's being

13   impacted by this, but of course, we went over

14   some other species as well, tri-colored

15   blackbirds which we actually used to have here in

16   San Diego. You can't find them here anymore.

17   You can find them in your community and in those

18   areas that are protected.

19   You have a couple of areas nearby

20   there, including the extension Anza-Borrego

21   Desert State Park. You have a BLM area that is

22   actually listed as an area of critical

23   environmental concern. I mentioned the golden

24   eagle and I mentioned a number of other bird

25   species.

1   Look -- and the gentleman who is the
2   aviator mentioned this as well. You know, when
3   you're high up and you're looking down on this,
4   not only are you dealing with a heat island
5   issue, but, you know, to birds, this looks like a
6   lake. Well, you can only imagine what happens
7   when birds make contact with that. And we don't
8   need to talk about that here, but that's a
9   concern.
10   Let me just say, this is difficult. I
11 was one of the primary leaders on pushing for
12 community choice aggregation. I still believe
13 there are opportunities for solar farms in areas
14 of the county. I have solar panels on my house,
15 but not everyone can afford to do that. So this
16 is of concern. I think we can agree that not all
17 areas are made equal for this.
18   The community members who I appreciate
19 coming out here today, patiently waiting to
20 speak, the people who spoke on the phone. I
21 appreciate their concerns. I appreciate all the
22 work that's been done today. Let me just also
23 add that the community of Jacumba has been
24 impacted by the border wall construction, which
25 wasn't even three years ago.

1   There are light issues there that are

 2   affecting Jacumba currently and that is a project

 3   that considerably modified the area around

 4   Jacumba along to the south. That alone has been

 5   an extraordinary change for that community and we

 6   have not addressed that today.

 7   Sunrise Powerlink, I realize, runs

 8   through there. When we were initially pitched

 9   the Sunrise Powerlink, the idea was it was going

10   to bring geothermal energy from Imperial County.

11   I believe some of that is being accessed, but I

12   think we could wind up using more of that, so I

13   appreciate the considerations that have been made

14   for species.

15   There's a lot of good things in this

16   project, quite frankly, that could be replicated

17   in other locales, but I will regretfully second

18   the motion. Thank you, Mr. Chair.

19   CHAIR MICHAEL EDWARDS: Thank you. Any

20   other comments, ladies and gentlemen? Yes,

21   Commissioner Hitzke.

22   COMMISSIONER GINGER HITZKE: Thank you

23   for the opportunity to make a comment. I just

24   wanted to note some things, because some -- for

25   some folks, this -- it may be the first time

1 you've ever been to a Planning Commission

2 meeting. It may be the last time. It may be a

3 time -- you might becoming an activist now

4 knowing that. I encourage that.

5   And today, we are going to make a

6 recommendation to the Board of Supervisors, so

7 that's the final stop. We're just one stop on

8 this, so you've got some time between now and

9 then to do some other things. But even before I

10 speak to that, there's discussion of, you know,

11 potential residential development opportunity in

12 your community and funny thing, last meeting we

13 talked about it?

14   Yeah, I don't think that's going to

15 happen because if you were listening to the last

16 Planning Commission meeting, we talked about this

17 thing called vehicle miles traveled, which is

18 going to make it impossible to develop new homes

19 in a town like Jacumba.

20   So just know that's kind of one of the

21 things that we look at when we sit up here. We

22 get all kinds of information about all over the

23 county, and so when we make our decisions, we're

24 making that based on a lot of information that we

25 receive on other days that have nothing to do

1   with your project.
     2   But one thing I want to -- trying to
     3   think of these community benefits and, you know,
     4   if this project is ultimately approved by the
     5   Board of Supervisors, you know, there's an
     6   opportunity for the community prior to that
     7   approval to negotiate. And one of the things, it
     8   looks like there's a lot of attorneys and it
     9   looks like legal fees are going to be spent on
    10   both sides and I think that's looking at spending
    11   it on people who are litigators specializing in
    12   CEQA and those are particularly high hourly
    13   billing rates, so I think there are some very
    14   high legal fees that are being considered being
    15   used here and it might be put to a better use to
    16   negotiate some larger community benefits.
    17   So for instance -- just saying. I'm
    18   mot giving advice. I'm just noting that
    19   California has the Enhanced Infrastructure
    20   Financing District and perhaps the applicant
    21   could want to condition their own project to
    22   creating one of those. Then that creates a
    23   really long income stream based on the property
    24   taxes of the project area and so that's something
    25   where your property taxes get to be kept in your

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 1   community and don't have to be shared.
 2             And so, you know, there's time to
 3   negotiate in between and I would encourage you to
 4   use all of the legal power that you have to come
 5   up with really creative solutions in the event
 6   that the Board of Supervisors does, in fact,
 7   ultimately approve this project even if we vote
 8   to deny it today.  Thank you.
 9             CHAIR MICHAEL EDWARDS:  Thank you,
10   commissioner.  Any other --
11             VICE CHAIR DAVID PALLINGER:  Mr.
12   Chairman?
13             CHAIR MICHAEL EDWARDS:  Yes,
14   Commissioner Pallinger.
15             VICE CHAIR DAVID PALLINGER:  Thank you.
16   Thank you, Mr. Chairman.  I certainly appreciate
17   the comments of all the three Commissioners who
18   just spoke.  I'd like to speak to Commissioner
19   Barnhart's point that it'd be great if everybody
20   could do their own solar panels on their roof,
21   but not everybody is a wealthy individual or has
22   a single-family home.  They live in apartments.
23             And as Commissioner Hitzke just pointed
24   out, there are no more developments outside the
25   urban core of San Diego, which means everybody
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 1   lives, if they don't already have a house, will

 2   in the future live in an apartment downtown and

 3   they don't have the opportunity to have solar for

 4   individual units.

 5           There may be solar on the project, but

 6   between apartments and commercial uses, we do

 7   have a huge need for renewable energy and I know

 8   there's global warming that needs to be

 9   considered and these overriding environmental

10   concerns that require facilities like this.

11           So I think those issues need to be

12   considered in looking at this project.  Thank

13   you, Mr. Chairman.

14           COMMISSIONER YOLANDA CALVO:  Mr.

15   Chairman?

16           CHAIR MICHAEL EDWARDS:  Thank you --

17   thank you.  Commissioner Calvo.

18           COMMISSIONER YOLANDA CALVO:  Yes, I had

19   a question for the applicant.  Would they be open

20   to the alternative that the community is -- spoke

21   of?

22           CHAIR MICHAEL EDWARDS:  Would you like

23   to address that?

24           GEOFF FALLON:  We believe the

25   alternative isn't feasible for us.
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 1              CHAIR MICHAEL EDWARDS:  It's not

 2   feasible.

 3              GEOFF FALLON:  It's not feasible.

 4              CHAIR MICHAEL EDWARDS:  Okay.

 5              COMMISSIONER YOLANDA CALVO:  Okay.

 6              CHAIR MICHAEL EDWARDS:  No more

 7   comments -- Commissioner Ashman.

 8              COMMISSIONER RONALD ASHMAN:  Yeah, if I

 9   might, I just want to inject into this

10   conversation because this is about land use and

11   planning.  Is Jacumba on the general plan and the

12   community plan?  Is it designated as a village?

13              NICHOLAS KOUTOUFIDIS:  Yes.

14              COMMISSIONER RONALD ASHMAN:  And does

15   this facility -- I don't want to use the word

16   intrude, but does it overlap the village area?

17              NICHOLAS KOUTOUFIDIS:  Commissioner

18   Ashman through the chair, it does.

19              COMMISSIONER RONALD ASHMAN:  Thank you.

20              CHAIR MICHAEL EDWARDS:  Anything

21   further?  This is a difficult one for all of us,

22   folks, because we're under mandates from the

23   State of California on renewable energy and I'm

24   very familiar with your community.  As a matter

25   of fact, I just had to litigate a lot on Seely
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1   that I traced back to the original grant deed in

 2   1923, which was made by a former mayor of San

 3   Diego who was one of the original speculators

 4   here, so I'm aware of the influence of the

 5   Imperial Valley on the development of the town

 6   and what happened to it once it was bypassed by

 7   the freeway.

 8   So I'm interested in what happens there

 9   and how it would be best developed. As

10   Commissioner Hitzke and others have told you,

11   because of the vehicle miles traveled, you're not

12   going to have residential development, period.

13   That leads us to the highest and best use of what

14   is there and obviously, it's flat land with 435

15   acres dedicated in perpetuity to open space and

16   of the 1,356 total acres, the solar panels will

17   cover 623, so while it may not be the popular

18   decision, I feel that under the circumstances

19   with the mandates of the state, that I have no

20   alternative but to oppose the motion because I do

21   think that I've gone through this in Borrego

22   Springs before and I can tell you that the demand

23   for clean energy is very, very high and

24   unfortunately, this is an area that seems to be

25   very well suited for it.

1   I do have concerns about the disposal

 2   of the lithium batteries and others, but in this

 3   situation where you have to weigh the pros and

 4   the cons, you have to think about long term, what

 5   will happen 35 years from now. You know, we may

 6   not be breathing oxygen. We may be incorporeal,

 7   so I'm going to oppose the motion and with that,

 8   if there are no further comments, Madam

 9   Secretary, could you go ahead and -- oh, yes,

10   Commissioner Ashman.

11   COMMISSIONER RONALD ASHMAN: if I could

12   make just one last comment. I'm not going to

13   support the motion that's been put forward

14   either. We are supplied with a copy of the

15   Equity for Jacumba Alternative and when I look at

16   the two proposals and what the staff is

17   recommending to us, there is -- I have to concur

18   with my fellow commissioner. There is room for

19   some adjustments that would make this thing very

20   appealable -- or appealing, excuse me, with what

21   I would think would be some minor adjustments.

22   And you have an opportunity. We are a

23   recommending body to the Board of Supervisors and

24   you have some opportunity to sit down with the

25   applicant and perhaps deal with the buffer zones

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 1   to the village area.  And it's something I would

 2   encourage both sides to look into and dialog and

 3   -- in the spirit of compromise.

 4            But I can't support just dismissing the

 5   work that's been done and the information that's

 6   been compiled and provided and the

 7   recommendations of the county professional staff.

 8            CHAIR MICHAEL EDWARDS:  Thank you,

 9   Commissioner.  Commissioner Barnhart wants to

10   have the last word, so we'll give it to him.

11            COMMISSIONER DOUGLAS BARNHART:  I want

12   to remind everybody, of all the Commissioners, I

13   was probably the most adamantly opposed to this

14   vehicle miles routine we're on because it's doing

15   exactly what I thought it would do.  It's going

16   to prevent the building of affordable housing out

17   in the out country.

18            It's going to push people into

19   apartments, crowding, and all of those kinds of

20   problems.  I said it before; I'll say it again.

21   You know, I don't hold those positions in

22   government.  I think it is wrong and never

23   underestimate the impact of a resounding no.  And

24   so part of my opposition to this project, I am

25   for clean energy and renewable and all of that
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 1   sort of stuff, but some of it is a huge protest

 2   vote on kind of what's going on and if you don't

 3   stand up shame on you.

 4            Elections have consequences and if we

 5   don't like the way the direction is, we should be

 6   doing something else and I'm -- and I'm there, so

 7   let's go ahead and have the vote and move on.

 8            CHAIR MICHAEL EDWARDS:  Thank you.

 9   Commissioner Pallinger, did you want to have a --

10   I see your hand's up or perhaps that's from

11   before?

12            VICE CHAIR DAVID PALLINGER:  That was

13   from before.  Thank you, Mr. Chairman.

14            CHAIR MICHAEL EDWARDS:  Commissioner

15   Calvo, is that from before?

16            COMMISSIONER YOLANDA CALVO:  That was

17   from before, but I do want to make a comment as

18   well.  I -- as you stated, it is a difficult

19   decision and -- but I do echo the sentiments that

20   were shared by Chairman Edwards and Commissioner

21   Ashman.  You know, just the way that the policy

22   is now, it'll be very difficult if not impossible

23   to develop that land and we do have mandates that

24   have to be adhered to by the state, so for that

25   reason I would not support the motion either.
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 1            CHAIR MICHAEL EDWARDS:  All right.

 2   Everybody's had their say, ladies and gentlemen.

 3   Madam Secretary, could you please call the vote?

 4            SECRETARY:  Okay.  Please wait until

 5   your name is called to vote.  Commissioner

 6   Ashman.

 7            COMMISSIONER RONALD ASHMAN:  No.

 8            SECRETARY:  Commissioner Barnhart.

 9            COMMISSIONER DOUGLAS BARNHART:  Yes.

10            SECRETARY:  Commissioner Calvo.

11            COMMISSIONER YOLANDA CALVO:  No.

12            SECRETARY:  Commissioner -- or Chair

13   Edwards.

14            CHAIR MICHAEL EDWARDS:  No.

15            SECRETARY:  Commissioner Hitzke.

16            COMMISSIONER GINGER HITZKE:  No.

17            SECRETARY:  Commissioner Hough.

18            COMMISSIONER TOMMY HOUGH:  Yes.

19            SECRETARY:  Commissioner Pallinger.

20            VICE CHAIR DAVID PALLINGER:  No.

21            SECRETARY:  Okay, let the record show

22   the motion has not passed.

23            CHAIR MICHAEL EDWARDS:  So, ladies and

24   gentlemen --

25            VICE CHAIR DAVID PALLINGER:  Mr.
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1   Chairman? Mr. Chairman?

         2   CHAIR MICHAEL EDWARDS: Yes,

         3   Commissioner Pallinger.

         4   VICE CHAIR DAVID PALLINGER: Thank you,

         5   Mr. Chairman. I can see where this is going and

         6   I wonder if there's a point of compromise that we

         7   would maybe work with the applicant to go back to

         8   the community and see if there's any other

         9   alternatives or any other tweaks they could do to

        10   this and bring it back to us in 30 days, if that

        11   might be an option. I'd like to hear from the

        12   applicant to see if they'd be willing to do that

        13   or if they want a decision today.

        14   CHAIR MICHAEL EDWARDS: Counselor, do

        15   you want to address that or -- Mr. Brown?

        16   CHRIS BROWN: This is Chris Brown.

        17   Yeah, I think we would like a decision today. We

        18   will continue and you have my word as well as the

        19   word of the BayWa team we'll continue to work

        20   with the community on community benefits and

        21   community attributes that we can contribute to.

        22   We certainly will do that and you have my word of

        23   that.

        24   As far as the changing the footprint of

        25   the project or trying to look for other

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 1   alternatives with regards to the generation of

 2   the megawatts, et cetera, that's going to be very

 3   difficult and we'd prefer to go to the board, and

 4   between now and the board's expected date

 5   sometime in August, we would be working with the

 6   community to do whatever we possibly could, but

 7   we'd appreciate --

 8              VICE CHAIR DAVID PALLINGER:  Mr. Brown,

 9   you're saying there are benefits that you could

10   bring to the community, but there's no

11   negotiation on the footprint of the project?

12              CHRIS BROWN:  That's correct, Mr.

13   Pallinger.  The benefits package, we would

14   continue to work with the community on.  We are

15   working on a couple of things now, but as far as

16   the footprint goes and the technology based on

17   that, we would like to go with the -- if the

18   commission so chooses, the Community Buffer

19   Alternative that staff is proposing that -- and

20   staff recommended for you.

21              VICE CHAIR DAVID PALLINGER:  All right,

22   thank you.

23              CHRIS BROWN:  Thank you.

24              VICE CHAIR DAVID PALLINGER:  Mr.

25   Chairman, I'll make a motion that we approve the
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 1   project in accordance with staff recommendation

 2   with the recommendation to the applicant that

 3   they go back and work with the community to see

 4   what benefits that they could bring to the

 5   community to help move this project forward prior

 6   to going to the Board of Supervisors.

 7             CHAIR MICHAEL EDWARDS:  All right, we

 8   have a motion.  Do we have a second?

 9             COMMISSIONER RONALD ASHMAN:  I'll

10   second it.

11             CHAIR MICHAEL EDWARDS:  It's been moved

12   and seconded that -- by Commissioner Ashman that

13   we approve this on staff recommendations as

14   written in the staff recommendations that we

15   have.  Is there any further discussion?  If not,

16   Madam Secretary could you please call the vote

17   and just to recap, it's for staff recommendation

18   to approve the project.

19             SECRETARY:  Okay, please wait until

20   your name is called to vote.  Commissioner

21   Ashman.

22             COMMISSIONER RONALD ASHMAN:  Yes.

23             SECRETARY:  Commissioner Barnhart.

24             COMMISSIONER DOUGLAS BARNHART:  No.

25             SECRETARY:  Commissioner Calvo.
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 1              COMMISSIONER YOLANDA CALVO:  Yes.

 2              SECRETARY:  Chair Edwards.

 3              CHAIR MICHAEL EDWARDS:  Yes.

 4              SECRETARY:  Commissioner Hitzke.

 5              COMMISSIONER GINGER HITZKE:  Yes.

 6              SECRETARY:  Commissioner Hough.

 7              COMMISSIONER TOMMY HOUGH:  No.

 8              SECRETARY:  Commissioner Pallinger.

 9              VICE CHAIR DAVID PALLINGER:  Yes.

10              SECRETARY:  Okay, let the record show

11   that the motion passes.

12              CHAIR MICHAEL EDWARDS:  We have five in

13   favor and two opposed, ladies and gentlemen.  The

14   project is approved per staff recommendation.

15              VICE CHAIR DAVID PALLINGER:  Mr.

16   Chairman, I just want to reiterate that we made

17   also a recommendation that the applicant work in

18   very good faith with this community to address

19   some of their concerns.

20              CHAIR MICHAEL EDWARDS:  Yes, and I

21   think that that message has been sent and I

22   believe it's received loud and clear.  All right,

23   ladies and gentlemen.  We go now to department's

24   report chair.

25
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C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the
foregoing transcript is a true and accurate
record of the proceedings.

Date: August 18, 2021

_____

Sonya Ledanski Hyde

86 54:5,6
8902 115:1,3

9

9 1:13
90 2:14 5:14 7:20
  72:22 101:12
995 29:2

a

ability 41:11 56:20
able 26:8 52:1,2
  80:18 102:8,13
absence 112:25
absent 116:10
absolutely 97:6
  117:9
absorb 71:20
  128:18
ac 6:12,16
acceptable 35:13
  35:13 58:12
accepted 32:23
  73:5 93:25
access 6:4 14:18
  61:19 130:16
accessed 134:11
accidently 112:16
account 41:22
accounting 34:10
accurate 24:20
  149:4
achievable 83:21
achieving 19:25
acid 59:5
acknowledge
  40:23
acorns 70:15
acquisition 51:3
acre 2:17 12:10
  28:24 29:2,3,4,10
  43:9,10 63:25

72:19,24 109:9
  122:4
acreage 38:4 53:8
  54:2 64:11
acres 2:17 4:25
  19:13,21 37:10
  38:2,4,7 43:11
  48:17,23 52:9
  53:16,18,19,22,23
  54:1,5,6,13 64:7,9
  73:5 90:17 94:25
  123:2 129:12
  140:15,16
act 17:23
action 52:15 76:22
  79:19 121:18
activist 135:3
activities 46:17
  66:3
actual 30:14 32:16
  121:4
adamantly 142:13
add 21:6 58:17
  72:23 86:25
  133:23
addition 11:13
  50:9 52:10
additional 2:23
  4:25 47:10 50:14
  50:21 51:25 52:3
  52:14 54:12,13,18
  54:20 55:4,9,11
  63:3 66:15
address 28:12
  51:20 52:3 53:1
  56:17 83:5 108:18
  121:22 122:3
  138:23 145:15
  148:18
addressed 85:4
  87:7 109:11 118:8

120:22 121:12
  134:6
addressing 107:1
  107:7
adequately 120:22
adhered 143:24
adjacent 6:25 7:17
  85:1
adjustment 58:10
adjustments
  141:19,21
admit 114:15
admittedly 130:19
adopt 18:21
adopted 13:3
adoption 16:22
advance 47:4 79:9
advanced 123:3
advantage 40:10
adverse 18:25
advertise 72:20,21
advice 136:18
advocated 83:8,19
  104:12
aesthetics 51:24
  75:21 90:25
  102:21 103:6
  117:3 123:14
affect 28:9 30:6
affirmative 79:19
affluent 36:18
afford 36:14 95:24
  96:1 133:15
affordable 95:20
  95:21 96:4 142:16
ag 29:19,25 30:15
agencies 11:14
  18:5
agency 18:20,22
  47:1

agenda 1:12
aggregation 5:18
  133:12
aggressively 21:12
ago 42:22 48:11
  71:16 93:19 110:2
  110:20 115:7
  126:9 128:1
  133:25
agree 133:16
agreed 32:20
  59:24 123:19
agreement 5:6,17
  5:20 8:24 15:4,6,9
  15:12 16:13 20:9
  42:14 49:17 50:16
  50:19 64:19 84:4
  101:22 115:15
  118:12 121:24
agricultural 3:10
  52:22,23
ahead 24:11 27:16
  31:15 35:13,21
  68:9 100:20
  116:17 124:17
  129:8 141:9 143:7
air 13:15 18:9 72:9
  87:1 94:14 128:8
aircraft 13:25
  14:10
airport 11:18
  12:23 13:1,3,5,9
  13:10,12,16 14:2,5
  19:9,16 37:14,15
  48:7 52:20 75:6
  103:23,25 105:10
  106:14 121:8
airport's 13:11
airports 12:25
alistair 100:7
  103:19,20 105:17

105:21,25 106:4,8
106:10
alive 39:19
allow 4:15 5:14
8:11 16:17 38:1
45:1 54:3 61:3,24
73:2 107:14
116:22
allowable 4:14
allowed 5:4 15:20
16:9 61:8,11
allowing 109:4
allows 101:21
110:13,14,14
alluded 59:8
alternate 22:9
alternating 6:12
alternative 3:1,4
19:18,20,20 37:23
40:8 53:25 55:18
56:2,4 58:9 65:10
72:16 75:4 77:8,9
77:11,12,22 78:6
78:10 86:20 92:5
99:14,17,19,20
108:19,19 109:15
113:22 122:7
123:11,18 138:20
138:25 140:20
141:15 146:19
alternatives 78:3
145:9 146:1
altitude 104:4
alucp 13:4,6,9,13
13:16,20,25 14:14
ambient 72:9
118:5
amendment 5:9
76:7,14
america 60:3
61:21 82:4

americas 82:5
amount 14:1
16:15 29:6 31:20
32:1,16,18 33:4,20
38:3 62:6
amounts 91:20
ana 72:13
analysis 12:1
17:19 51:4 122:8
analyze 123:11
analyzed 52:21
76:5 121:11
angle 72:3
animal 85:13
animals 93:1
annual 20:7 36:11
answer 22:15,15
25:15 26:2 28:19
29:15 33:3,17
35:25 58:22 59:20
60:19 125:4
answers 25:10,22
32:9,11
anti 69:6
anticipate 51:13
anticipated 16:22
ants 85:13
anybody 124:15
124:17
anybody's 85:3
anymore 132:16
anyone's 98:12
anyway 90:16
102:13
anza 11:21 38:17
132:20
apartment 138:2
apartments
137:22 138:6
142:19

apologies 45:9
47:8
apologize 25:11
45:5 101:1 114:23
appealable 141:20
appealing 109:15
141:20
appearing 22:17
appears 118:14
appendices 41:23
applicant 2:15,19
5:16 9:21 20:8
22:11 25:12 26:1
40:16 44:25 45:9
63:18 66:12 75:20
116:8 124:16
130:20 136:20
138:19 141:25
145:7,12 147:2
148:17
applicant's 31:22
66:9
applicants 76:8
application 53:17
applications 4:21
applied 126:8
apply 40:17 41:1
appreciate 27:18
31:4,11 45:24
68:19 78:25 80:21
82:18 89:1 92:19
92:25 107:1 109:4
132:1 133:18,21
133:21 134:13
137:16 146:7
apprentice 80:15
apprentices 61:24
80:7,9
apprenticeship
61:18 79:9,21
80:14

approach 38:6
39:7 41:18 66:21
67:21 119:19
approached 38:8
90:15
appropriate 13:9
30:2
approval 2:3 5:5
15:5 16:10 20:21
20:22 33:15 40:17
41:2 64:21 118:13
136:7
approve 20:16
51:10 92:3 137:7
146:25 147:13,18
approved 5:17
15:10 115:15
118:11 126:11
136:4 148:14
approximately 3:8
6:6 8:4 11:1 15:1
48:5 123:13
area 2:16 3:23 4:2
4:3,15,18,19,25
5:5 8:18 14:10
16:10,16,23 17:11
21:8 23:5 30:14
31:10 35:24 37:1
37:13,20 38:25,25
39:5 40:12 41:5
43:8 47:24 48:16
49:1 51:23 52:7
53:15 63:25 64:7
71:13 73:2 103:2
105:16 106:12,12
109:17 112:8,9
118:6 129:22
130:18 132:12,21
132:22 134:3
136:24 139:16
140:24 142:1

areas 13:17,23 18:7 23:7,22 26:16 30:22 76:11 104:15,20 108:2 117:4,13 128:19 132:18,19 133:13 133:17	**assure** 57:19 120:7 **attachment** 18:19 **attempt** 13:22 **attempting** 68:25 **attention** 31:4 **attorney** 77:3 **attorneys** 136:8	**b**	**barren** 113:3 **base** 23:13 110:4 111:2 **based** 4:13 7:23 15:18 17:18 110:10 135:24 136:23 146:16
argument 77:7 102:14 129:16 130:9	**attract** 3:23 38:18 108:10	**back** 11:1 14:7 16:1 36:6 37:7 52:25 53:6 56:14 65:9 68:12,14 71:11,25 77:20 85:14 86:13 87:24 89:6 94:3 97:8 105:12 112:8 114:15,25 116:2 131:10 140:1 145:7,10 147:3	**basically** 23:20 61:12
arizona 94:20 132:11	**attractive** 107:22 **attributes** 145:21 **august** 51:9 118:5 146:5 149:6		**basin** 29:7 **basis** 71:3 108:12 108:12 125:17
array 6:8 104:4 **arrows** 43:9 **article** 118:21 **ashley** 29:22 30:8 30:11,21	**authority** 13:1 15:10 **authorize** 40:18 **automatically** 114:17		**bath** 71:3 112:3 **batteries** 8:8 22:12 56:18 58:24 59:5 59:10 74:8 91:12 131:1,5 141:2
ashman 139:7,8 139:14,18,19 141:10,11 143:21 144:6,7 147:9,12 147:21,22	**available** 13:23 17:24 20:25 62:18 83:21 84:7 93:10 110:19 120:2 123:6	**background** 9:16 9:18 10:11 70:23 71:4,7 111:11 **backpedaling** 26:1 **backup** 22:5 74:13 75:6 126:2	**battery** 7:15,16,19 7:21,23 8:3,8 21:22 22:5 23:5 23:12 56:18,21,25 59:9 91:3,6
asked 73:25 74:3 74:16 94:9	**avenue** 111:16 **average** 36:11,12 **avian** 103:15	**bad** 39:22 42:5 **balance** 82:11 113:16	**baywa** 39:3 45:15 46:16 47:13 48:18 60:18 78:6 82:24 83:22 91:14 118:16 120:1 145:19
asking 38:5 78:2 97:25 98:1 99:19 102:17 105:2 113:21	**aviator** 133:2 **avoid** 22:19 52:1,6 73:22 102:11	**balanced** 69:18 **band** 9:25 **bands** 83:1 **baranek** 44:6 67:20 75:12,13,13	
aspects 75:14 **assess** 84:1 **assessment** 83:6 **asset** 113:19 **assets** 47:18 **assist** 19:24	**avoided** 52:10 **avoiding** 52:7 62:12 **aware** 41:14 110:20 130:13 140:4	**bare** 54:2 **barely** 22:17 **barnhart** 21:4,5 21:18,24 22:2 23:2,8,15,19 24:14 24:18,23 56:16 58:21 59:17,22,25 60:5,11,15,20 62:15,23 89:13 129:8,9 131:15 132:2 142:9,11 144:8,9 147:23,24	**baywa's** 118:20 **beach** 5:23 **beautiful** 69:3,6 70:18,22,24 71:9 71:12 92:19,21,23 95:9 98:10 108:5 109:18
associated 17:8 49:25 123:14,15	**awful** 130:18 **axis** 8:11 122:11 122:21,24 123:1,2		**beauty** 92:25 108:3 109:17 112:24
assume 103:14 127:17	**ayala** 92:11,14,15 **ayela** 95:5	**barnhart's** 26:12 27:20 137:19	**becoming** 135:3 **bedroom** 112:3
assuming 64:21 124:21			

beginning 76:17	big 23:22 26:2	board's 146:4	brief 36:2
94:3	36:17 56:18 95:10	body 90:7 108:15	briefly 121:10
behalf 34:20 79:1	95:15 98:8	141:23	bright 6:22
115:4	bigger 40:9	bond 31:20,22	bring 53:6 98:24
believe 21:25 39:7	bikers 38:18 71:8	32:1,2,6,16,22	134:10 145:10
40:7 42:18 44:9	bill 62:1 129:13	33:24 34:2	146:10 147:4
58:6 69:22 80:5	billing 136:13	bonded 5:6 8:23	bronwyn 1:25
86:20 89:21 97:22	billion 115:9	16:12 33:21 40:12	14:15
114:12,24 118:15	bio 103:10	101:21	brother 69:8
119:1,15 120:23	biological 11:17	bonds 34:9,12	brought 47:16
131:1 133:12	12:11,21 18:10	bone 71:22	67:9 94:4 117:16
134:11 138:24	52:7 123:14	book 35:23	132:2
148:22	bird 132:24	border 2:9 10:23	brown 1:25 14:15
beneficial 130:3	birds 94:15,20,22	37:19 38:16 48:8	45:11,13,15,20
benefit 21:9 50:14	94:25 103:11	104:21 133:24	46:6,13 145:15,16
69:20 74:2 94:10	107:25 112:1	borders 82:5	145:16 146:8,12
94:12 115:9,20	133:5,7	born 92:16	146:23
117:10,14	bit 47:12,24 69:23	borrego 11:21	brownstein 57:16
benefits 18:24	75:5 85:21 88:17	38:17 127:9	brushed 77:17
41:9 49:21,22	96:2	132:20 140:21	brushing 62:4
50:4,21 61:7,10	blackbirds 94:18	borrego's 127:11	budget 124:21,21
63:4 64:19,25	132:15	bottom 71:4	buffer 2:4 3:1,5
65:7 84:3 88:23	blades 91:11	bought 96:20	4:24 5:1,10 9:23
90:2,6,10 98:13	blanket 64:17	109:16 112:3	10:3,6,16,19 11:6
108:9,10 111:2	blended 52:4	boulders 113:13	12:10 14:12 15:3
117:7 123:19	blm 38:16 132:7	boulevard 17:3,15	15:17,23 16:20
124:7 136:3,16	132:21	49:8	17:12,19,21 20:16
145:20 146:9,13	block 93:12	boundaries 48:21	37:25 38:1 40:8
147:4	blocks 130:16	48:22	53:25 55:18 56:2
bennett 28:17,21	blow 72:13,15	boundary 2:10 6:9	56:4 58:9 65:10
28:22	blows 127:13	12:15 15:1 17:18	71:23 72:1,5,5
best 23:24 27:25	blue 38:25,25	37:3 49:1 74:25	78:9 108:6 141:25
53:1 60:19 82:2	48:21	boy 26:2 131:5	146:18
99:12 101:2 123:5	board 15:5 20:15	break 65:20,22	buffered 26:23
123:5 140:9,13	51:8 57:5 58:8	66:5,7	buffers 75:7
better 26:23 69:17	63:14,17 82:25	breakfast 93:5	build 64:22 73:3
69:17 75:16 77:14	90:11,11 135:6	breaking 118:2	108:11,13 111:17
83:5 92:5 136:15	136:5 137:6	breathing 141:6	112:5 129:25
beyond 121:6	141:23 146:3	breeckner 81:3,7	building 32:16
bifacial 8:13	147:6	81:11	142:16

buildings 9:16 37:7,7 128:17
built 73:1,4 91:8 112:6,10 129:22 129:24
bulk 16:21
bullshit 96:15
burn 99:6
burrow 94:24
burrowing 31:5 94:16
bury 27:13
business 11:13 38:10 68:22,23 97:18 112:21 115:6
businesses 53:7 124:5
butterflies 31:9
butterfly 52:8
buy 36:14 97:8 99:2 112:4
buzzing 86:11 126:24
bypassed 140:6

c

c 149:1,1
calculated 31:20
california 17:22 51:5 69:9 81:15 81:21 82:4,12 136:19 139:23
california's 107:1
call 66:19 67:14,19 73:16 92:8 100:6 102:25 108:23 114:15 144:3 147:16
called 5:19 38:9 66:20 67:16 68:24 73:25 79:24 116:4

135:17 144:5 147:20
callers 114:4 116:3,7
calling 84:16 114:25 116:1
calvo 65:21,23 138:14,17,18 139:5 143:15,16 144:10,11 147:25 148:1
camouflage 26:14
campo 82:25
campsites 98:24
campus 54:8
canyon 105:3,6 132:9,10
capable 8:14 50:7 58:10
capacity 7:20 73:1 73:24,25 101:12
car 71:8
carbon 20:5
care 24:10 85:22 95:12,17,18,18 96:3 97:9
careful 43:22
caregivers 99:7
carrizo 6:5 27:4 74:18
case 58:16 84:9
cases 76:7
cash 32:6 33:14,21 34:2,3,4,5,11
catcalling 24:11
catch 57:12
catherine 92:11 95:7,8
caused 85:5
celebrate 81:21

celia 100:8 106:21 106:21
center 14:21 37:17 54:8 69:2 70:21 93:1
centers 93:8
centro 111:16
ceqa 41:14 42:15 57:17,25 58:3 120:14 128:11 136:12
certain 14:1 23:7 27:3 61:16 128:21
certainly 130:13 137:16 145:22
certificated 103:23
certified 32:17
certify 149:3
cetera 146:2
chair 1:23 21:1,24 23:2 24:3,6,9 26:4 26:11,17,19,25 27:5,12,18 28:12 28:13,16 29:12,23 30:6,22 31:12 32:10,14 33:3,8,11 33:16 34:8,19 35:8,12,16 43:3 44:1,7,16,21,24 45:3,5,8,12,18 46:5,8,10,12,15 57:6,11,14 58:14 58:19 63:11,22 64:3,6,12,16,23 65:12,16,24 66:8 66:22,24 67:2,4,10 67:21,25 68:5,8,11 75:11 76:24 78:18 79:15 80:22 81:1 81:5 84:13,23

87:11,14 89:7 90:4 91:21,23 92:7 95:4,6 97:13 99:24 100:4,10,15 100:18,19,23 103:17 105:11 106:19 108:21 111:6,13 112:14 112:15 113:24 114:6 115:22 116:9,12 119:10 119:13,17,22 122:14,16,18 124:14 125:23 126:16 127:7,25 128:5,13 129:2 131:14,22 132:1 134:18,19 137:9 137:11,13,15 138:16,22 139:1,4 139:6,18,20 142:8 143:8,12,14 144:1 144:12,14,20,23 144:25 145:2,4,14 146:8,21,24 147:7 147:11 148:2,3,9 148:12,15,20,24
chairman 31:17 45:13 66:23 67:5 137:12,16 138:13 138:15 143:13,20 145:1,1,5 146:25 148:16
challenges 52:15
chance 77:6 80:12 80:18
change 17:9 86:23 121:15 134:5
changed 53:10
changing 145:24

27:14 31:13,13
34:16 39:13 40:6
43:15 45:14 46:15
57:7,14 58:20
65:13,17 66:11,16
68:19 78:24 81:9
103:19 120:3
124:14 125:23
129:3,5,7 137:17
142:12
commitment
64:13,20
commitments
50:14 51:17 107:2
107:8
committed 47:14
64:25
communities
61:17 69:19 74:10
78:15 81:14 82:1
93:6 97:3 98:5,6
99:5 119:2 130:2
community 2:5,7
2:20 3:1,4,24 4:24
5:10,18,19 10:2,6
10:8,15,19 11:6,11
11:12 12:4,10
14:12 15:2,16,17
15:24 16:7,20
17:12,19,21 19:2,6
19:7,11,18 20:7,16
25:1,2,13,22 27:4
28:9 29:7 34:14
34:18 35:20 36:5
37:22,25,25 39:2
40:8 41:9,10,25
42:19,20 43:25
47:2 49:17,21
50:13,15,16,18,21
51:17 53:25 55:8
55:18 56:2,3 58:9

63:3,4,6,20 64:14
64:18 65:5,7,8,10
68:25 69:6,19
70:7,9,16 71:2,23
72:1,4 74:2,13
75:7 77:22 78:13
78:17 82:24 84:3
90:1,12,13,24 93:1
93:5,8,13,20 94:12
94:21 97:1,24
99:14,16,20,22
107:10,15,18
108:8 110:3,6,12
110:13,15,18,23
111:1,2 112:23
113:21 115:14
116:25 117:9,16
118:18 123:18,18
123:24 124:7
132:17 133:12,18
133:23 134:5
135:12 136:3,6,16
137:1 138:20
139:12,24 145:8
145:20,20,21
146:6,10,14,18
147:3,5 148:18
community's
41:17 53:11
companies 60:3
127:14
company 47:13
68:24 69:8 73:9
77:24 95:10,15
96:10
compared 128:19
comparison 10:5
10:17 11:5,19
compatibility 13:4
13:18 106:15

compatible 6:17
7:4 13:20 15:16
compete 61:3
competition 3:16
compiled 142:6
complete 79:4
completed 42:14
47:21 120:15
completely 72:6
78:12
complex 9:17
compliance 17:22
compliant 52:21
58:3
complicated 41:15
complies 20:12
comply 14:13
127:4,5
component 26:22
59:11 105:5
components 7:5
8:25 9:5,6 16:14
21:20
comprise 91:5
compromise 97:25
98:2,4 142:3
145:6
conceded 103:13
concept 130:11
conceptual 4:5
concern 21:11
31:10 51:23 52:12
85:4 88:3 132:23
133:9,16
concerned 22:7
61:23 87:23
concerning 118:9
concerns 11:16
19:5 21:6 39:11
39:11 52:19 57:24
83:3,24 104:1

117:17 120:25
132:3 133:21
138:10 141:1
148:19
conclude 119:14
124:1,13
concludes 20:24
111:8 115:25
124:15
concrete 91:12
concur 141:17
condition 33:15
127:21,23 136:21
conditioned 9:4
conditioner 87:1
conditions 20:23
51:11 54:15,25
78:6
conducted 83:22
confident 118:10
conflicts 75:25
confusion 114:23
connect 6:15 7:7
123:12 126:9,13
127:11 129:14
connected 3:11
6:24
connecting 7:11
49:9
connection 123:15
connects 17:3
cons 141:4
consequence
104:20
consequences
130:5 131:11
143:4
conservative 24:5
consider 20:19
55:20 76:13 89:2

considerably 134:3

consideration 46:20 51:9 54:1 88:22,24 112:13 113:23

considerations 18:18,22 134:13

considered 5:3 16:8 30:23,24 101:18 117:22 124:25 130:2 136:14 138:9,12

considering 33:1

considers 43:24 77:22 104:8

consistency 120:21 121:8

consistent 16:21 40:21,24 102:24 103:7

constantly 72:14 74:5 86:10,11 126:23

constituent 108:14

construct 50:10

construction 7:14 9:3 20:11 79:7 80:4 91:11 133:24

consulting 75:13

contact 133:7

contained 9:9 30:17

container 7:22 8:4 8:8

containers 7:16 8:3 23:6

contains 13:25

context 29:1 47:10 47:24 82:18,20

contiguous 12:13

continue 3:23 40:3 50:20 85:16 115:18 117:25 124:2,6,11 145:18 145:19 146:14

continued 120:11

continuing 118:7

contracted 85:5,9

contractor 73:11

contractors 60:24

contribute 16:24 118:7 128:18 145:21

contribution 65:4

control 8:22 14:21 48:17 127:18

controls 7:10 59:6

conversation 39:3 111:12 124:11 139:10

conversations 65:11 77:18

converted 6:18

converts 6:15

coordinated 12:24

copy 141:14

corbin 112:18,19 112:20

core 137:25

corner 48:19

corporations 98:8

correct 24:22 26:7 26:9,10,16,18 33:6 33:7 34:4,6 63:14 64:10,15 125:9,13 126:6 127:20 128:4 146:12

corrected 1:6

correcting 85:23

correctly 63:2

corridor 7:1 12:15 17:11 37:20 38:8 38:15 49:5,5 121:4,5

corridors 52:10 108:6

cost 31:23 32:4,18 97:24

costs 17:4 32:3 41:16 97:22

counsel 32:20 33:6 33:17 45:25 57:17 100:16 121:1 126:18 128:5

counselor 119:18 145:14

countries 47:16

country 52:25 56:20 130:12 142:17

county 4:1,7 11:10 14:23,25 15:10 17:17 19:19 32:19 32:22 34:10 36:15 37:4 40:10 45:25 46:23 51:5 52:15 54:7 60:23 62:5 76:1,9 77:10 78:15 79:6,14 81:16,16 82:10,23 83:13 89:4 102:7 102:8,13 113:5,20 116:19 117:24 118:16,22,24 120:14 121:1 127:4 132:12 133:14 134:10 135:23 142:7

county's 28:16 43:18 54:3 123:8

couple 75:9 77:16 89:23 93:11,16 106:23 108:9 111:21 121:22 125:25 132:19 146:15

course 42:6 61:13 132:13

cover 47:9 85:19 86:6,6 128:16 140:17

covers 48:23

covert 42:23

cpuc's 102:10

create 61:19 79:7 89:13 99:12 127:13

created 110:6

creates 131:10 136:22

creating 50:9 136:22

creative 137:5

credit 33:25

creek 12:15

creep 62:10

cristina 78:23,25 79:17,22 80:25

criteria 14:1

critical 46:24 70:8 132:22

cross 105:4

crowding 142:19

cultural 18:10,13 70:13 83:3 123:14

curate 82:12

curious 31:19,25

curran 84:18 89:9 89:10 91:22,25

current 3:9 4:13 6:11,11,12 49:25

54:15 70:6 71:15 72:4 113:7 116:23
currently 20:8 59:14 93:9 109:17 109:23 134:2
customer 50:3
customers 5:21 6:2
cut 25:20 74:11
cutout 72:19
cutting 43:13 65:9 124:10

d

d 81:8
daily 52:17 71:3
dairy 3:10 9:17 37:7
damage 84:1
dandy 96:12
dangerous 104:23
dark 9:25 10:24 12:12
date 37:7 146:4 149:6
david 66:22 67:4 81:3,7,10 100:7,12 100:12 111:15,16 137:11,15 143:12 144:20,25 145:4 146:8,21,24 148:9 148:15
day 8:12 17:24 58:24 70:10 86:11 87:1 96:24 126:22
days 42:1 71:16 135:25 145:10
dc 6:11,13 72:21
deal 28:3 141:25
dealing 133:4
deaths 103:15

decades 3:15 75:17
december 17:25
decent 89:3
decide 18:21
decision 18:20 24:24,25 39:25 140:18 143:19 145:13,17
decisions 99:23 135:23
declined 3:15
decommission 21:19 39:21 40:12
decommissioned 9:1 39:20 120:6 120:19
decommissioning 8:23,24 31:18 32:15,21 39:12,16
dedicated 140:15
deductions 64:8
deed 140:1
defend 69:4
defense 13:2
definitely 118:16
degrees 86:25 118:4
deliberation 55:19
deliver 6:2 49:20
delivery 49:24
demand 8:2 140:22
demonstrating 15:15
denial 19:3
denied 4:9
density 4:14 5:11
deny 20:23 119:7 130:24 131:13,15 137:8

department 12:25 13:2 80:1
department's 148:23
depends 85:15 105:21,25
depicts 7:21
deployment 43:20 56:19,25
described 2:25
desert 11:21 38:17 65:3 70:17 81:12 81:13,21 85:24 92:20 108:3 127:15 132:21
deserves 89:3
design 16:19 127:5 129:25
designated 4:1 139:12
designation 16:10 16:16
designed 52:6
destination 3:7,14 70:4 110:14
destroy 41:10 78:12
destroyed 3:20
destructive 117:14
detailed 20:17 122:6
detection 8:9
determined 12:2 18:15 128:22
determining 13:7
devastate 77:23
devastating 116:24
develop 109:22 135:18 143:23

developed 47:19 109:9 111:1 140:9
developer 38:1 42:13,18 77:16 89:20 90:3 118:10
developer's 37:9 41:15
developing 110:3 110:9
development 1:24 3:17 4:20 5:12 13:18 19:22 28:22 41:7 43:19 46:16 52:25 55:14,16 82:13 115:19 121:23 135:11 140:5,12
developments 83:12 88:15 137:24
device 114:22
dialog 142:2
died 110:7
diefenbach 34:23 35:2,10,14,16 43:5
diegan 92:16
diegans 50:10 69:14
diego 1:9 3:12 5:19,22 13:1 14:23 20:7 36:15 37:3 46:23 47:1 49:17 50:8 54:7 60:23 69:6 70:1 77:10 78:14,15 79:6 80:1 81:16 82:10 83:13 89:4 95:11,18,23 96:19 98:5,21 111:24 112:11 113:5,18 113:20 115:5,6,13

115:20 116:19
117:24 118:21,24
126:9 132:11,16
137:25 140:3
diego's 82:23
difference 71:24
122:10,21
different 35:4
92:24 127:12
difficult 133:10
139:21 143:18,22
146:3
dig 91:13
digging 91:9
diligent 66:17
dimensions 14:9
dioxide 20:5
direct 6:11
directed 126:17
128:6
direction 86:14
143:5
directly 72:15
105:1
director 81:11
dirt 104:18 127:18
disappeared 86:15
discharging 8:1
disconnected
116:2
discretion 100:18
discuss 36:8 75:14
discussed 14:7
48:11 101:22
discussion 50:20
55:19 131:24
135:10 147:15
discussions 65:2
disingenuous
118:15

dismissing 142:4
disposal 141:1
disposed 9:10
dissipate 72:12
85:14 128:21
distance 2:19
10:24 128:21
distribution 7:5
126:14
district 14:24
50:17 90:12
123:21 136:20
disturb 91:18
disturbs 90:23
documents 29:18
42:1
doesn 130:20
doing 74:17 90:21
99:11 108:10,11
125:7,7 131:9
142:14 143:6
dollar 32:1 33:4
dollars 50:17
donate 100:13,16
donna 44:5 67:20
77:3 100:14,21,24
100:25
doorstep 89:1
double 8:13
doubt 23:15
doug 129:21
douglas 21:5,18
22:2 23:8,15,19
24:14,18,23 59:17
59:22,25 60:5,11
60:15,20 62:23
129:9 142:11
144:9 147:24
downtown 70:23
95:17 96:17
111:24 138:2

downturn 109:25
dr 81:10
draft 3:1 18:4
53:20 57:21 76:16
dramatically 65:8
drive 71:9 85:12
85:12 98:10,22
130:18
drives 62:21
driveways 6:5
driving 85:10
86:10
drone 71:16
drones 126:24
drops 19:17 22:18
115:8,9
drought 117:25
drove 110:22
dry 62:4,22
dudek 73:9 82:24
83:22
due 3:15 4:9 99:6
131:3
dump 58:25
duration 20:11
dust 8:21 85:4
126:19 127:9,14
127:18
dusty 94:13
dwelling 4:15
16:18
dying 74:7

e

e 149:1
e18-22-001 1:11
eagle 31:6 132:24
earlier 35:3 40:6
117:10
early 51:12 110:1
earth 22:23 37:11
91:10,12

earthwork 23:20
easement 12:11
49:1
easements 52:9
easily 113:4
east 2:7 9:14 10:10
17:17 39:5 55:23
71:6 72:10,13
109:12 122:25
132:5
eastern 17:18
81:16
eastward 10:21
easy 99:21 113:2
eat 94:23
echo 143:19
echoing 58:5
eco 43:9 49:7
72:24 73:24
123:12
economic 18:23
41:9 49:22 109:25
110:5
economy 3:25
115:10,17,21
ecosystem 85:17
90:24
education 81:22
educational 84:5
edwards 1:23 21:1
24:3,6,9 26:4,11
26:19 27:5,12
28:13 29:12 31:12
32:10 33:3,11,16
34:8 35:8,12 43:3
44:1,7,16,21 45:3
45:5,8,12,18 46:5
46:8,12,15 57:6,11
57:14 58:14,19
63:22 64:3,6,12,16
64:23 65:12,16,24

66:8,24 67:2,10,21
67:25 68:5,8,11
75:11 76:24 78:18
79:15 80:22 81:1
81:5 84:13,23
87:11,14 89:7
91:21,23 92:7
95:4,6 97:13
99:24 100:4,10,15
100:19,23 103:17
105:11 106:19
108:21 111:6,13
112:14 113:24
114:6 115:22
116:9,12 119:10
119:13,17,22
122:14,16,18
124:14 125:23
126:16 127:7,25
128:5,13 129:2
131:14,22 134:19
137:9,13 138:16
138:22 139:1,4,6
139:20 142:8
143:8,14,20 144:1
144:13,14,23
145:2,14 147:7,11
148:2,3,12,20
effect 72:7 117:17
117:18 121:11
128:14,15,20
effective 127:23
effects 19:1
efficiency 91:3
efficient 51:16
59:16 91:7 123:3
effort 42:19
eight 72:20,24
eir 12:20 17:23
18:4,15 51:6,19
52:19 53:20,22

54:19,20 55:3,22
57:21 58:1,2 72:7
73:23 74:19 75:15
76:16 120:23
121:13 127:3
eirs 75:16 103:12
either 39:20 91:19
141:14 143:25
el 111:16
elected 108:16
elections 130:4
143:4
electric 2:14 6:10
126:10 129:13
electrical 7:24 8:1
16:14 17:1 79:2
electricians 94:11
electricity 5:15,21
6:1,19 129:17
electricity's 21:10
elements 38:5
elevated 8:6 22:23
elevating 22:20
elevation 23:9,21
elevations 8:6
11:23 22:16,22
23:25
eleven 29:4
eliminate 39:14
eliminates 73:12
email 62:16
emailed 90:8
embarrassing
96:6
emergency 13:21
14:2,11 15:7
104:18 105:15,19
106:12
emission 19:25
79:5

emissions 20:3
50:7
emitted 20:3
emphasize 89:25
employee 116:20
employment 61:16
encinitas 5:23
21:11
enclosed 104:9
encourage 135:4
137:3 142:2
encouraging 119:6
encroaches 105:9
energy 1:10 2:2,6
2:12 6:13,14 7:10
7:16,19,23,25 8:15
15:21 17:7 20:2,4
20:6,8 43:8,20
46:18,21,22,25
47:14,17,18,19
57:1,17 58:11
59:10 69:9 73:6,7
73:19 79:4,4,5,8
79:12,13 82:13
83:14 86:19 88:16
89:15 91:4,5,22
92:4 97:21 99:10
103:14 105:7
107:6 111:3
115:12,19 118:12
118:18 121:23
122:24 123:4,6,9
129:11,15 130:5,9
134:10 138:7
139:23 140:23
142:25
enforce 102:9,13
enforceable 102:6
engage 42:19 63:5
engaged 51:15
65:5

engagement 83:9
engineer 31:22
32:17,25 122:9,9
engineering 22:7
33:5
engineers 32:19
enhance 13:24
41:8 43:18 65:7
103:8
enhanced 52:3
136:19
enhancing 103:1
enjoy 61:21 98:7
98:23 99:8
enjoyed 98:13
enjoying 71:2
enlarged 5:2
enormous 28:2
42:2 70:4
ensure 5:6 8:24
15:6 16:13 84:5
entered 5:16
118:12
entertained 129:7
entire 54:7 109:13
109:18
entitlement 120:9
120:13
entrances 16:4
environment
22:10 115:21
116:25 117:3
119:2 129:1
environmental 3:2
4:5 12:2 17:23
18:25 41:20,20
51:4 73:10 76:5
82:1 132:23 138:9
environmentally
117:14

envision 110:7
envisioned 41:6
equal 133:17
equally 113:16
equipment 62:17
62:19,22 86:2
101:7 113:10
127:2
equipment's
101:10
equity 19:19 44:10
77:11 78:6 92:5
99:19 113:22
119:9,11 122:7
123:10 141:15
equivalent 55:17
erosion 8:22
escalation 32:5,25
escape 99:8
especially 27:22
essential 83:11
essentially 69:16
established 4:19
13:12,14 115:13
establishes 13:16
esteemed 108:14
estimate 31:23
32:18
et 146:2
evaluating 13:17
event 14:11 34:13
137:5
everybody 88:13
137:19,21,25
142:12
everybody's 144:2
everywheres
96:19
evidence 128:23
evident 27:10

evp 46:16
exactly 59:18
142:15
examination 43:23
example 102:25
exceed 14:8 23:3
24:8
excellent 47:25
exception 115:25
excess 106:12
exclusive 53:6
124:5
excuse 34:23
49:22 50:9 55:11
60:9 84:25 141:20
executed 49:16,20
64:19
executive 81:11
exhibit 65:4
105:15
existed 81:17
existing 7:11 9:11
10:7,20 11:20
15:21 17:1,10,16
48:14 49:4 54:25
exists 40:13
expand 110:11
expanse 109:13
expansion 39:2
110:15
expect 40:25
expected 101:7
146:4
expense 107:9
experience 117:25
experienced 113:6
expert 60:21
experts 104:5
expiration 40:15
explain 26:24 75:5

explored 62:13
exported 111:3
expressed 83:2
extends 121:6
extension 132:20
extensive 104:4
extensively 127:3
extenuating 76:19
exterior 30:20
extraordinary
121:18 134:5
extremely 66:17
69:3,9 71:14
eyes 42:4

f

f 149:1
faa 103:23
face 118:14
faces 122:23
facilities 7:9,13
9:1 56:10 59:3
60:3 101:25 102:2
130:1,22 138:10
facility 2:3,13,16
2:20,22 5:3,12,14
5:25 6:3,7,22 7:3
7:19 8:2,21,25 9:7
11:22,24 13:19
14:5,8,20,22 15:2
15:24,25 16:5,8,25
17:16 19:6,13,19
19:21 21:8,15,17
38:2 40:16,19
102:15,18 127:6
139:15
facility's 12:3
fact 41:18 42:21
62:15 101:8 121:9
121:16 122:1
123:12 124:2
137:6 139:25

factor 32:25 104:6
factors 16:24 17:5
32:5
failure 4:9
fair 38:14 88:14
90:21 104:17
fairness 43:23
faith 42:19 83:23
148:18
fall 51:20
fallbrook 96:18
fallon 45:22 46:14
46:16 47:6 57:7,8
58:6 59:1,19,24
60:2,9,14,17 62:14
63:5,9 64:2,4,10
64:15,18 65:2,15
120:1 121:20,21
122:15,17,20
125:4,9,13,16,20
125:22 126:6
127:1,20 128:4
138:24 139:3
fallow 29:25 53:9
familiar 22:6
25:11 47:23 108:1
132:3 139:24
families 98:25
family 137:22
far 27:23 32:2
49:18 104:22
145:24 146:15
farber 57:16
farm 29:1,18
36:20 37:6 71:11
94:5 101:11
109:14 111:17
112:5 118:6 122:4
124:3
farming 48:11
85:21

farms 76:4 101:8 103:13 133:13	**figure** 4:4 36:25	**fit** 75:2 102:19,20 130:1	**foregoing** 149:4
favor 79:11 148:13	**filed** 57:23 66:19	**five** 13:16 19:4 34:22,25 35:6,17 66:4 148:12	**forest** 99:6
favorite 80:16	**filled** 113:14	**fix** 42:12	**forever** 43:25 86:16
feasibility 17:6	**final** 3:2 12:20 41:20 53:22 54:19 54:20 55:22 58:1 58:2 74:19 120:23 121:13 135:7	**fixed** 122:10,21,22 123:2 124:25 125:7	**forget** 89:23
feasible 138:25 139:2,3	**finalizing** 50:19	**flat** 48:10 109:8,12 140:14	**forgive** 92:9
feature 107:22	**finally** 39:6 49:10 50:22	**flexibility** 7:24	**form** 33:23 41:24
federal 12:5,14	**financial** 118:19	**flier** 110:21	**formed** 115:7
feed 5:25	**financing** 136:20	**flight** 103:23	**former** 29:19 140:2
feel 26:6 63:24 101:13 140:18	**find** 98:19 102:23 117:19 123:25 132:16,17	**flood** 8:6 22:18,19 23:5,22 25:4	**formerly** 79:20 80:6,16
fees 136:9,14	**findings** 15:15,18 17:20 20:14 120:24	**floor** 127:15	**forth** 109:5
feet 7:6 8:5,5,5,17 11:2,4,8 23:3,18 24:8,13,16 28:24 29:2,3,4,11 48:5 72:11 85:3 104:11 105:19,24 106:7 106:13,16,16 109:11 121:5,6	**finds** 19:24	**fly** 104:3	**forward** 27:20 34:21 58:16 67:16 84:10,18 92:12 100:8 116:23 118:22 120:13,18 141:13 147:5
feir 117:20 119:5 120:22	**finish** 120:1	**flying** 104:16 127:19	**fossil** 47:15 130:7
fell 112:23	**finished** 66:9	**focus** 81:15	**found** 52:21
fellow 141:18	**fire** 3:20 8:9 11:19 14:15,23,25 15:3,7 15:8,8,10,11,12 19:10 27:9 93:8 129:24	**focuses** 19:22	**founder** 89:12
fence 10:1,24 22:17 24:15,20 26:7,24 86:1 113:8	**firefighter** 79:25 80:1	**folks** 27:14 58:22 66:1,5 134:25 139:22	**founding** 81:19
fences 105:1	**firefighters** 80:3	**follow** 61:11 98:19	**four** 120:16 126:8 129:11
fencing 6:4 9:24 16:2 52:4	**fires** 14:16 99:6	**following** 64:23	**francisco** 110:21
fever 85:6,9	**firm** 57:16	**fondly** 109:10	**frankly** 36:16 134:16
field 74:8	**first** 22:13 28:12 45:15 49:18 51:14 60:22 62:7,9 67:14,19 69:22 94:4 106:25 107:16 120:4 126:19 132:4 134:25	**food** 74:7	**free** 26:6 63:24 79:5
fields 104:19		**foot** 2:24 5:1 9:22 9:23 10:3,16 15:23 17:13,15 26:7 86:1 104:25 105:5	**freed** 50:23
fier 117:1		**footage** 107:12	**freeway** 48:2 140:7
fifteen 45:19		**footprint** 2:21 5:12 30:17,23 116:24 145:24 146:11,16	**friday** 90:9,9
fifty 72:24		**forced** 13:21	**fridges** 74:7
fighting 15:7			**friendly** 91:1
			fringe 61:7
			front 39:23
			fuel 14:19 130:7
			fuels 47:15

full 8:16 34:1 45:21 48:17 51:18 74:8
fully 51:15
function 110:5
functional 110:13
funded 64:5
funding 15:6
funds 61:13
funny 135:12
further 3:17 7:3 33:5 40:18 48:7 53:21 83:8 84:3 86:4 88:17 118:6 139:21 141:8 147:15
future 19:8 56:25 62:20 82:7 83:12 83:14 84:3,7 108:13 117:1 131:9 138:2

g

game 80:2
garden 89:17
gas 19:25 126:9
gazing 86:18
gen 123:13
general 4:13 5:9 21:14 36:23,24 52:25 69:5 75:2 76:7,14 102:24 120:21 139:11
generally 66:14
generate 5:14 6:13 46:21 52:17 79:5 99:9 117:19
generated 49:19 69:20
generating 4:2 8:15

generation 2:13 58:11 73:12 92:15 92:16 123:5 130:8 146:1
generations 84:8
generator 73:13 89:16
gentleman 29:16 126:23 133:1
gentlemen 65:17 80:23 131:16 134:20 144:2,24 148:13,23
geo 37:11
geoff 46:4,14,16 47:6 58:6 59:1,19 59:24 60:2,9,14,17 62:14 63:5,9 64:2 64:4,10,15,18 65:2 65:15 121:21 122:15,17,20 125:4,9,13,16,20 125:22 126:6 127:1,20 128:4 138:24 139:3
geographical 98:17,18
geologist 28:17
geology 18:12
geothermal 134:10
germany 77:25
getting 45:23 101:1
gift 64:17 82:6 93:11 99:1
gigawatts 47:17 47:18
ginger 31:16 32:24 33:9,13,19 34:3,7 62:25 63:7,10

79:18 105:14,18 105:23 106:2,6,9 106:11,17 124:19 125:6,10,14,18,21 134:22 144:16 148:5
give 38:21 66:5 68:9 94:7 97:9 106:16 142:10
given 31:4 41:25 52:16 83:15,16 128:22
giving 97:16 100:21 136:18
glare 104:2,5
glass 104:11
glider 11:13,18 19:10 105:5 121:3
gliders 12:24 14:10 104:16
global 47:14 138:8
go 22:13 24:11 27:15,24 31:15 35:13,21 37:2 39:15 41:2,6 42:24 47:7 51:8 58:24 66:13 68:8 68:14,14 70:10 71:25 72:3 77:20 86:4 88:4,16 91:17 95:3 96:3 100:19 116:17,23 120:12,17 121:25 124:17 129:8 131:20 141:9 143:7 145:7 146:3 146:17 147:3 148:23
goal 4:2 121:18
goals 20:1 79:13 115:12 116:25

117:15 118:19,24
god's 116:12
goes 37:18 39:23 61:12 63:13 126:22 146:16
going 21:8,19 24:19 25:7,20,21 25:21 27:24,25 28:1,8,9,24 31:8 32:4 38:22 42:5 43:14,17 47:6 56:14 58:21,23 59:11 61:24 63:24 69:15 70:12 73:18 74:6,20,24 77:25 84:15 85:2,4,10,11 85:12,14,21,24,25 86:3,8,9,13,16,17 87:2,5,6 88:1,6,6,8 88:11,12,20,22 91:13 92:1 94:10 94:12 95:1,16,21 96:2 98:2,20 101:10 102:9 103:10,15 107:9 108:7 124:20 127:16 128:2 130:23,24 131:2,8 131:12 134:9 135:5,14,18 136:9 140:12 141:7,12 142:15,18 143:2 145:5 146:2 147:6
golden 31:6 108:4 132:23
good 1:22 22:21 27:12 31:5 35:15 42:19 45:12 46:14 57:13,13 62:23 68:18 75:12 76:14 78:23 79:8,13

83:23 84:22 87:20 89:9 96:7 100:10 108:17 109:3 113:16 117:8 134:15 148:18
goods 62:2
gorge 6:5 27:4 74:18
gorgeous 108:5
government 142:22
grade 8:17
grandsons 131:8
grant 15:14 140:1
granted 16:12 40:11
grants 38:13
grasp 130:11
grass 108:4
gray 6:8
great 28:3 36:4 47:7 94:22 107:8 107:22 137:19
greater 113:15 117:8
greatest 83:24
greatly 53:13 87:23 98:6
green 6:22 12:12 43:8 48:25 54:12 73:6,7 86:19 89:14,15,19,22 90:23 91:1,19 92:4 93:15 97:21 107:2 108:2 117:15
greenery 85:19
greenhouse 19:25
greg 84:18 89:9,10 91:22,25

grid 6:1,2,17 7:4 7:11,24 8:1 51:5 89:18 90:17 127:11
grind 70:15
grossbeaks 94:18
ground 8:17 9:6 13:15,24 47:9 83:25 85:11,19,23 87:4 109:8,12
groundwater 19:10 25:7 27:21 28:16 29:7 87:5
group 11:11 19:3 19:11,18 25:2,2,14 25:23,24 34:18,21 35:17,17 36:6 37:22 38:9,13 40:7 41:17,25 42:6,20,21 44:4,8 44:10,15 45:1 47:21 65:6 67:19 67:22 75:13 80:6 89:11,11 90:3,4,14 94:8,10 109:23 110:8,11 116:21 117:16 121:3
groups 33:5 34:14 34:15 35:5 58:15 70:13 83:5,15,16 84:16
grow 37:5 39:8 41:11 85:24 94:6 107:15
growing 85:18,20 113:17 115:8
grows 108:4
growth 59:9 117:1 130:17
guarantee 88:5 98:22

guaranteed 49:24
guarantees 20:10 73:19
guess 27:10,13 62:1 80:23 121:14 124:1 125:19 129:15
guides 13:6
guys 58:2 74:16,22 75:15 79:23 95:21

h

habit 30:2
habitat 12:17 29:20,21,23 30:7 30:17,18 31:6,7 38:8,10
habitats 30:25
half 15:1 30:1 48:23 50:6 77:3 106:3 124:10 129:11
hand's 143:10
handle 22:12
hands 130:15
hanes 108:25 109:3
hang 114:15
happen 35:22 38:11 109:8 120:18 131:8 135:15 141:5
happened 140:6
happens 58:25 133:6 140:8
happier 96:21
happy 32:8 97:11 97:12
hard 43:14 46:2 56:10 103:4 131:6
hate 105:2

hawaii 92:22
hazard 27:9
hazardous 18:11
hazards 18:11 19:10 104:13
head 125:5
headed 48:6
headquarters 47:20
healing 98:11,16
health 81:25 129:1
hear 34:24 45:8 60:9 90:4 132:10 132:10,11 145:11
heard 63:2 67:11 75:19 79:24 90:9 126:1,18 128:7 132:9
hearing 1:9 18:20 40:5,14 42:1 126:24 129:5
heat 72:7,12,14 86:24 117:18 121:10,11 128:9 128:14,15,18,20 133:4
height 7:6 8:17 23:3 24:13
hello 92:14 97:15 114:19 116:11
help 45:23 78:17 93:20 123:8 127:18 147:5
helpful 67:7 93:18
helps 49:20
heritage 82:4,13 83:18
hi 28:21 75:12 87:20 95:7 100:12 111:15 112:19

			i
hide 95:14	106:2,6,9,11,17	68:20,22 70:1	
high 8:2,5 24:15	124:19 125:6,10	87:25 94:13 96:12	**ibew** 79:1,3,19
24:17 74:5,9	125:14,18,21	97:17 98:4,11,12	**idea** 39:22 112:7
104:11 133:3	134:21,22 137:23	98:20 99:18	122:3 134:9
136:12,14 140:23	140:10 144:15,16	112:21,24 113:19	**ideas** 65:6 124:9
higher 6:19 9:17	148:4,5	116:20 132:4	**identified** 12:20
10:10 11:23	**hitzke's** 64:24	**hotel** 3:12,13	**identifies** 14:16,17
128:18	**hold** 24:9 50:4	70:16	**identify** 60:6
highest 8:18	57:6 70:20 79:16	**hotels** 99:4	**ignored** 74:3
140:13	105:11 108:15,16	**hough** 27:16,17	**ignoring** 72:6
highlight 75:14	142:21	28:15,21 29:14,22	**image** 7:21
highlighted 12:12	**hole** 102:19	30:5,9,10,12,21	**images** 47:25
72:10 73:8	**home** 59:6 69:5	31:3 131:18,25	**imagine** 74:4
highway 2:10,21	95:24 96:1 112:21	144:17,18 148:6,7	96:19 110:16
2:25 3:19 5:2 6:6	127:9 129:12	**hough's** 28:19	133:6
9:13 10:9,21 11:2	137:22	**hour** 14:20	**immeasurable**
11:7,8 12:5 14:4,6	**homeowner** 35:18	**hourly** 136:12	29:10
16:1 19:14 27:2	35:18	**hours** 57:24	**immediately** 2:7
37:16 48:3,6	**homeowners**	**house** 22:4 36:15	**impact** 3:2 4:6 5:4
54:10,16,25 55:24	61:21 108:11	71:3 133:14 138:1	12:1,2 15:13 16:7
74:19 98:10 103:2	**homes** 20:2 46:23	**households** 79:6	22:25 29:20 43:25
103:3,6 104:21	50:8 96:2,20	**houses** 93:12	69:12 73:10 76:5
111:19,24 132:5	110:5 112:2,4,5,6	95:20	83:3 84:1 88:13
highways 103:9	126:14 135:18	**housing** 52:13	88:20,22 102:15
hike 99:1 113:12	**homework** 79:24	88:15 110:3	103:5 115:10,16
hikers 38:18 89:12	80:3,6	142:16	118:17 127:3
hiking 70:13	**honest** 96:4	**how's** 64:17	128:25 142:23
hill 109:10,11	**honor** 68:19	**huge** 37:4,20,20	**impacted** 30:14,18
hills 9:15 39:6	**honorable** 46:14	86:5 97:23 127:13	30:24 76:2 88:9
historian 35:22	57:14	138:7 143:1	132:13 133:24
historic 37:6 69:5	**honoring** 51:17	**human** 44:11	**impacts** 12:3,8,8
69:13 78:13	**hope** 78:14 88:21	80:19 119:3	12:20,21 18:8,16
historically 3:10	88:23	128:25	19:7 22:19 29:6
28:25	**hopefully** 77:5	**humankind** 68:24	29:24 52:2 53:3
history 35:25	**horned** 94:16	**hungry** 80:9 99:11	53:13 75:8,21
69:11 82:3,16,19	**horseback** 38:19	**hyatt** 57:16	102:21 103:10,22
hitzke 31:16 32:14	**hospital** 92:17	**hyde** 149:3,12	117:2,5 123:14
32:24 33:9,13,19	**hot** 2:5,8 3:6,13,16	**hydrology** 18:12	**imperial** 5:23 65:3
34:3,7 62:25 63:7	3:22 9:12 11:12	**hydroseed** 127:22	81:12,13,15 82:10
63:10 79:18	11:24 12:4 15:25	**hydroseeded** 8:19	126:21 134:10
105:14,18,23	19:7,15,23 28:10	127:17	140:5

implement 15:3
implementation
12:19 15:11
implore 108:18
important 17:5
38:24 53:4 56:22
59:11 69:13 97:11
107:3 108:15
109:19 110:16,22
113:17 115:18
impossible 135:18
143:22
impression 126:20
improve 65:7
123:23
improved 5:13
14:18 124:20
improvement
31:22 123:20
124:25
improvements
50:18 123:17
124:9,24 125:7
inactive 3:21
incarcerated
79:20 80:6,17
inch 23:21
inches 23:14,17
include 6:3 7:9 8:3
12:10 14:18 17:1
18:9 21:21 22:23
32:25 49:22 56:5
63:18
included 2:25
11:16 18:19 52:19
55:5,12 122:8
includes 7:15 9:21
12:14 17:13 49:6
49:23 120:24
124:21 129:12

including 9:6
11:11 19:8 51:24
57:22 75:20 103:2
115:13 132:20
income 36:11
96:11 136:23
incompatible
13:10
inconsistency
102:12
inconvenience
129:20
incorporation
81:18 84:10
incorporeal 141:6
increase 23:21
72:8 73:1 86:23
125:17 128:24
increased 2:4,19
3:16 11:4 83:9
110:4
increases 6:19 7:3
increasing 128:8
incredible 87:3
incredibly 78:13
independent
129:11 130:5
indicate 116:6
indicated 29:17
30:13
indigenous 83:10
indiscernible 9:24
27:11 57:9 60:8
71:25 85:16 86:13
99:25 111:10
126:10
individual 61:11
137:21 138:4
individuals 18:6
35:7 44:8 79:20

industrial 110:24
industrialization
113:1
industry 75:8
98:21 118:23
122:1
inevitable 105:4
influence 140:4
information 24:21
24:25 81:2 135:22
135:24 142:5
infrastructure
15:22 17:8 48:14
49:14 51:25
101:15 136:19
initially 134:8
inject 139:9
innovation 62:21
innovative 43:20
inside 60:22
insignificant 62:7
62:8,8,9
insofar 103:22
install 30:25
installations 73:21
installed 6:7 16:4
instance 59:5
136:17
instructor 103:24
103:24
integrate 110:12
integrated 47:13
intensity 15:20
interconnect
126:4
interconnection
73:11 126:12
interconnects
126:7
interest 4:3 34:11

interested 118:17
140:8
interesting 39:2
interfere 86:17
interim 15:19 16:9
40:9 42:25 50:22
73:16,20,21
internal 8:9
interpret 81:20
interrupting
116:10
interstate 2:9 3:18
12:6 37:18 48:2
126:21
introduce 35:20
intrude 139:16
inverter 6:15,20
6:23 7:17 23:12
inverters 6:15
23:6
investigation
128:12
invite 34:14 98:14
100:1 121:20
involved 34:10
98:8
involves 119:3
ion 8:7
irony 74:4
irrigation 128:3
irvine 47:20
island 72:7 117:18
121:11,11 128:9
128:14,15,20
133:4
issuance 32:16
issue 18:7 62:11
114:17 116:15
117:23 118:9
127:8 128:10
133:5

issued 32:21
  120:14
issues 27:21 67:8
  110:9 126:18
  128:12 134:1
  138:11
it'd 137:19
it'll 72:9 97:5,6
  118:23 143:22
item 1:12 2:1
  114:5 124:22
ivdm 82:8,22 83:8
  83:19

j

j 81:8
jacumba 2:5,8,20
  3:6,12,22 4:3,7
  9:12 10:8 11:11
  11:12,18,24 12:4
  12:23 13:5,16
  14:2,13 15:25
  17:16 19:2,7,9,11
  19:15,16,17,20,23
  27:4 28:10 34:17
  34:20 35:16,19,20
  35:23 36:4,11,24
  36:25 37:12 38:20
  38:21 40:8 42:17
  42:20 44:12 46:20
  47:22 48:1,3,19
  50:16,18 55:7
  68:20,22 71:4,10
  77:11 81:24 82:24
  84:25 85:6,20
  87:22 88:13,21,22
  89:11,12 90:1,7,12
  90:13,13,14,20,22
  92:4 95:8,14,20
  96:1,20 97:17
  98:4,15,19 99:18
  100:2 103:23,25

104:24 105:10
106:22 107:4
109:6,20 111:17
111:20 112:21
113:11,19,22
116:20 118:3
119:9,11 122:7,22
123:11,17 132:4
133:23 134:2,4
135:19 139:11
141:15
jason 79:24
jcsd 64:20
jeff 44:5,11,13,19
  45:7,10 67:19
  68:2,7,10,13,18,21
  75:22 77:1 97:19
  107:10
jessica 114:2,4,9
  114:20 115:22,24
  116:16 119:15
jim 28:17,18,21,22
jobs 49:23 50:10
  50:12 79:8,13
  94:7 99:10,11,12
  99:13 110:6,25
join 93:6
jolla 92:17
jones 44:5 67:20
  77:3 100:14,21,24
  100:25
journeyman 80:15
journeymen 80:16
judging 96:22
july 1:13
jurisdiction 76:6
  102:10
jurisdictional
  52:11
jurisdictions 13:7

jvr 1:10 2:1,6
  46:18 47:18 57:17
  79:3,4,12 107:6
  108:18 122:23

k

katrina 114:12,19
  116:1,11,14,18,19
  119:11
keep 87:6
kept 136:25
ketchum 4:11
kidding 74:1
kim 44:5 67:20
  75:12,12
kind 27:19 31:21
  32:2,4 44:11
  76:21 77:17 90:21
  126:24 130:17,17
  135:20 143:2
kinds 135:22
  142:19
knew 73:6
know 22:8,11 28:6
  30:16 31:18,21
  32:3 33:16 34:9
  39:21 42:16 44:23
  58:4,21 60:21
  61:21,25 62:10,10
  62:20 63:8,11
  66:1,2 69:15
  71:18 73:10 77:24
  80:7,11,12,13 85:3
  85:20,20 86:8,19
  88:11 89:14,24
  90:2,11 91:25
  93:24 95:14 96:14
  96:25 98:6,18
  99:13 101:25
  102:22 104:14
  105:20 110:18
  115:14 117:10

119:3 125:4,11,19
128:6,10 129:20
129:21 130:25
131:5 132:10
133:2,5 135:10,20
136:3,5 137:2
138:7 141:5
142:21 143:21
knowing 27:8
  127:17 135:4
knowledge 115:24
  116:7
known 3:13 13:4
knows 101:9 130:6
koutoufidis 1:22
  1:24 21:16,23
  23:1,10,17 24:1,4
  24:7,12,16,22
  26:10,17,25 32:13
  33:2 106:14
  128:13 139:13,17
kumeyaay 83:1,10
kv 17:1,14,15 49:6
  49:7,7 126:7

l

la 5:22 92:16
labor 20:9,10 61:5
  61:13
lack 26:23
ladies 65:16 80:23
  131:16 134:20
  144:2,23 148:13
  148:23
lake 133:6
lakes 99:3
lamb 117:13
land 11:20 13:3,8
  13:10,13 14:1,3,9
  16:10 29:19 30:16
  38:14 40:20,24
  42:25 44:14 50:23

51:3 52:23 64:5 73:18 75:25 76:1 91:18 97:8 99:8 105:20 106:15 107:15 109:6 110:18 113:3 120:9,12 121:8 128:16 130:19,19 130:21 132:7 139:10 140:14 143:23	**lately** 36:5 **laughing** 24:11 **law** 57:16 **layout** 19:19 **lead** 59:5 **leader** 43:19 **leaders** 133:11 **leading** 46:17 **leads** 54:10 140:13 **learned** 84:6 127:25	**lifespan** 21:15,16 **lifetime** 75:18 101:6 **light** 134:1 **lighting** 16:4 **lighting's** 86:17 **limit** 119:20 **limited** 66:14 **line** 3:20 7:7,12 10:14,24 17:2,15 28:17 49:8 105:1 114:10,13,14	**lives** 119:4 138:1 **living** 85:6 112:12 **llc** 44:13 **lobby** 114:16 **local** 3:25 11:12 13:7 49:21,21,22 50:11 65:8 70:13 79:1,9 111:1 123:9,24 **locales** 134:17 **locally** 47:19 49:19
landing 13:22 14:10 105:3,15 106:12,12 121:5,7 **landings** 14:2 104:18 105:19 **lands** 12:5,14 29:25 38:17,17 82:12 83:11	**leave** 63:23 71:19 73:18 **leaving** 53:1 **lectern** 67:16 78:21 108:25 **led** 60:16 **ledanski** 149:3,12 **left** 48:7 82:7 83:21 94:13	115:1 116:5 123:13 124:22 126:7 **lines** 7:11 9:23 10:4 74:9 103:12 **link** 49:6,7 75:23 **list** 25:3 **listed** 132:22 **listen** 86:10 94:15	**locals** 99:10,11 **located** 2:6,9 4:17 6:21,25 9:15 10:9 14:4,6,25 17:2 23:4 37:8 98:9 **locating** 21:7 **location** 16:19 17:4
landscape 27:7 112:24 **landscaped** 30:22 **landscapes** 99:3 **landscaping** 9:23 16:2 26:22 27:1 30:6,7,19,20 31:1 52:5 113:9	**legal** 136:9,14 137:4 **legally** 58:3 **leighty** 92:12 95:7 **lens** 43:23 **lessons** 84:5 **letter** 33:24 77:4 100:25	**listening** 135:15 **literally** 73:4 130:15 **lithium** 8:7 58:23 141:2 **litigate** 139:25 **litigators** 136:11 **little** 36:4 37:6,13	**locations** 7:18 82:17 104:17 **long** 8:5 27:3 42:4 42:22 45:23 46:5 46:8 50:11,15 77:20 86:11 95:10 101:9,10 121:5
laposta 82:25 **large** 26:13 29:6 41:7 56:22,25 102:23 **largely** 16:5 **larger** 4:20 89:25 108:12 136:16	**letters** 18:1 **level** 7:5 10:22 16:3 104:23 126:14 **levels** 121:19 **library** 93:8	47:12 69:23 72:19 75:5 77:15 85:21 88:17 93:11 95:11 95:13 96:2 97:7 108:6,6 **live** 85:1 89:18	128:1 136:23 141:4 **look** 39:25 40:1 56:7 74:20 77:20 84:10 92:20 95:2 107:23,24,25
largest 46:25 59:7 77:10,13 **lasting** 82:6 83:3 83:17 **lastly** 62:3 123:16 **late** 51:12 57:23 66:19 100:25	**licensed** 122:9 **lieu** 33:21 **life** 8:21 51:18 59:2,13 80:13 85:13 89:3 90:24 101:7	90:16 92:24 110:21 111:16 129:10 137:22 138:2 **lived** 92:22 96:17 96:18,18	108:18 109:14 112:1 113:2 133:1 135:21 141:15 142:2 145:25 **looked** 110:2 **looking** 9:14 10:10 10:22 22:22 54:16 54:24 55:23 71:9

74:6,8 105:15
109:18,24,24
110:11 113:13
124:9 133:3
136:10 138:12
looks 109:12
111:21 133:5
136:8,9
loop 66:11
loophole 40:10
lose 61:12
loss 52:12,22
lost 94:3
lot 22:8 25:23 36:3
47:9 61:18,22
68:3 97:2 101:2
109:4 120:15,17
129:20,22 130:18
134:15 135:24
136:8 139:25
lots 74:16
loud 148:22
love 112:23
loved 80:17
low 16:3 36:13,16
96:11 104:3,23
105:2
lowest 9:15
lush 108:2

m

m 31:25
ma'am 43:4 44:2
75:11 76:25 79:16
79:16 89:8 97:14
103:18 108:22
113:25
madam 34:16 35:9
67:22 78:19 141:8
144:3 147:16
magic 113:4

mail 110:21
main 69:2 103:25
111:19,25 122:10
122:21
maintain 6:1
24:10 127:23
maintained 8:20
maintaining 51:16
maintenance 28:5
62:20
major 1:10 2:2,16
4:24 5:3,6,8 6:8
15:14,18 16:11,11
17:4,20 48:22
51:25 56:24 70:1
102:3 120:8,24
127:21
majority 23:10
29:24
makers 40:1
makeup 36:9
making 18:20 43:2
53:8,23 135:24
man 87:18 115:4
manage 47:17
management 64:4
mandates 139:22
140:19 143:23
maneuvering
104:23
manufacturing
91:11
manzanita 82:25
map 37:11 108:19
marchant 84:17
84:22,24,25 87:12
mark 28:15 44:24
45:4,25 46:10
marked 112:16
marker 90:18

market 38:14
62:19 70:20
markets 98:23
marquez 78:20,23
78:25 79:17,22
80:25
mask 113:9
massachusetts
101:11
massive 91:20
107:12
materials 9:7,8
18:11 59:8 91:11
matter 95:24
102:8 139:24
matters 121:8
maximize 123:9
maximizing 123:4
maximum 7:6,20
24:12
mayor 140:2
mcmannus 100:7
100:12,13 111:15
111:16
mean 24:21 60:7
60:17 63:13
120:16
means 50:23 78:5
82:16 97:2 137:25
measures 12:7,19
14:17,18 117:22
medical 15:7
129:25
meet 54:3 70:11
118:19 123:8
meeting 21:7,12
52:15 58:10 63:17
94:8 135:2,12,16
megawatt 47:21
123:2

megawatts 2:14
5:15 7:20 72:20
122:5 146:2
melissa 92:11
97:15,17 100:1
member 42:7
44:15 116:20
members 3:24
11:12 70:17 79:1
123:23 133:18
mention 123:11
mentioned 30:20
39:13 49:15 50:5
70:2 74:25 91:14
91:14,15 101:4,23
121:15 132:23,24
133:2
menu 123:21
mesa 5:22
message 148:21
met 107:3
metates 70:14
metric 20:4 50:7
mexican 104:21
mexico 2:9 37:19
38:16
michael 21:1 24:3
24:6,9 26:4,11,19
27:5,12 28:13
29:12 31:12 32:10
33:3,11,16 34:8
35:8,12 43:3 44:1
44:7,16,21 45:3,5
45:8,12,18 46:5,8
46:12 57:6,11
58:19 63:22 64:3
64:6,12,16,23
65:12,16,24 66:8
66:24 67:2,10,21
67:25 68:5,8,11
75:11 76:24 78:18

79:15 80:22 81:1
81:5 84:13,17,22
84:23,24,24 87:11
87:12,14 89:7
91:21,23 92:7
95:4,6 97:13
99:24 100:4,10,15
100:19,23 103:17
105:11 106:19
108:21 111:6,13
112:14 113:24
114:6 115:22
116:9,12 119:10
119:13,17,22
122:14,16,18
124:14 125:23
126:16 127:7,25
128:5 129:2
131:14,22 134:19
137:9,13 138:16
138:22 139:1,4,6
139:20 142:8
143:8,14 144:1,14
144:23 145:2,14
147:7,11 148:3,12
148:20
microphone 60:13
68:17
middle 79:8 94:14
might've 62:1
mile 15:1 90:18
95:11 106:3,3,4
123:13
miles 17:18 43:12
52:16 93:17,21
95:9 96:24 135:17
140:11 142:14
million 50:6,17
97:10
milsap 79:25

mind 76:22 96:13
mineral 18:17
112:24
minerals 56:21,23
91:12,14
minimal 16:3
minimizing 69:11
minimum 14:8
54:2
mining 91:12
minor 102:15,16
102:17 141:21
minority 61:17
minute 45:16
65:22 66:5 68:3
77:3
minutes 34:22
35:1,6,6,9,11
44:17 45:19 58:13
66:4,14,25 67:18
68:9 75:10 78:22
81:4 84:21 92:13
100:9,16,20,22
109:1 119:22,24
122:13,15
mispronunciations
92:10
missed 25:10
26:21 113:10
mission 70:8 81:19
misstate 26:6
63:23
mistaken 99:15
mitigate 14:17
73:22 78:4
mitigated 18:8
30:1,2
mitigation 12:7,19
15:4,9,12 31:2
74:17,21 117:21

mode 130:12
modification
40:18 41:1
modifications
14:19 20:23
modified 134:3
moment 86:16
money 41:17
68:12 77:25 96:15
99:5
month 129:13
morning 1:22
35:15 45:11,12
46:14 57:13,14
60:6 62:16 68:18
75:12 78:23 84:22
87:20 89:9 100:11
109:3
mot 136:18
motion 129:6
130:24 131:12,15
131:19,23,23
134:18 140:20
141:7,13 143:25
144:22 146:25
147:8 148:11
motive 96:7
motors 86:9,10
mountain 38:18
mountains 70:22
92:18,20
mounted 8:10
mouse 95:2
move 27:19 36:14
36:19 39:4 68:16
93:10,16 112:7
114:25 118:22
122:23 126:22
143:7 147:5
moved 19:14
147:11

movement 12:18
130:7,17
movie 70:3
moving 91:9,9
mularney 100:8
103:19,20 105:17
105:21,25 106:4,8
106:10 121:2
multiple 73:13
mup 1:10 40:11,16
40:17 41:1 49:1
51:11 53:17
museum 65:3
81:12,13,14
museum's 83:24
mute 114:16,21
116:15
mutually 53:6
124:5

n

n 149:1
name 35:15 44:10
46:15 57:15 66:20
66:20 67:15,17
68:21 81:10 84:19
84:24 87:21 89:10
92:10,14 97:16
100:12,24 103:20
106:21 109:2
111:15 112:20
113:15 114:10
115:2 116:5,18
144:5 147:20
name's 95:7
named 19:19
99:14
narrow 105:6
nation 83:1
native 29:21,23
30:2,7,24 31:7
82:18 92:16

natives 70:15
natural 112:24
  117:3 128:16
nature 15:19
  50:22 82:16 98:23
  101:5,14 103:1
near 14:2
nearby 26:16 28:9
  47:21 132:8,19
nearly 81:18
necessary 103:14
neck 130:16
need 24:24 26:2
  42:10 58:1 64:25
  66:6 72:11,22
  73:12 76:12 88:16
  105:20 107:3,21
  118:8 129:15
  133:8 138:7,11
needed 5:9 23:11
  23:14 129:17
needs 50:3 82:1,14
  93:16 113:14
  138:8
negative 88:13
  113:16
negatively 88:9
negligible 29:9
negotiate 66:15
  67:23 136:7,16
  137:3
negotiated 34:12
  63:20
negotiating 63:3
negotiation 146:11
neighborhood
  17:10 111:18
nest 69:24 94:24
net 64:7
never 39:15 61:14
  73:18,20,24 96:21

104:3 132:11
  142:22
nevertheless 28:2
new 13:8,10 36:6
  42:6 52:13 63:11
  63:12 65:4 93:10
  107:19 110:10
  120:12,13,14
  135:18
nice 45:14 72:2
nicholas 1:22
  21:16,23 23:1,10
  23:17 24:1,4,7,12
  24:16,22 26:10,17
  26:25 32:13 33:2
  139:13,17
nicholous 106:14
  128:13
nick 1:23 45:25
night 86:12 87:2
  94:14
nights 42:4
noblest 96:7
nobody's 121:15
noise 18:12 126:19
  126:24 127:2,4
non 20:4 61:7 91:8
nonprofit 38:9
normally 33:23
  130:2
north 2:25 3:17
  5:1 9:13 11:7
  19:14,22 48:18
  55:24 60:3 72:17
  122:25
northern 17:11
nos 19:4
notch 80:11
note 53:4 64:13
  134:24

noted 53:15
notice 70:21,22,23
  71:24 76:15 77:9
noticing 96:6
noting 136:18
number 14:21
  16:24 120:4,24
  121:19 126:3,3
  132:5,24
numbers 72:23

o

o 149:1
o&m 62:16
objection 61:1
objectives 54:3
  123:8
obligate 83:5
obligating 83:24
obligations 54:4
observation 34:11
observed 66:17
obstacles 104:10
obtain 38:13 61:20
obvious 26:14
obviously 71:12
  140:14
occupants 13:25
occur 29:25 33:6
occurs 128:15
october 17:25
odd 102:11
offer 119:25 124:7
offered 64:13
offering 90:5
office 93:9
offset 20:2 50:6
offsite 9:10
oh 47:3 71:24
  77:23 92:21 95:21
  100:23 111:8
  114:17 141:9

okay 21:18 22:2
  24:18 27:5 32:10
  34:7 36:22 39:10
  40:3,13 41:13
  43:5,6,16 45:7,10
  45:20 46:12 47:6
  47:7 63:8 64:12
  67:15 68:10,13,14
  68:18 74:23 84:15
  89:6,15,22 90:25
  91:25 92:6,8
  100:6 106:9,17
  108:14,19,23
  109:2 111:9,11
  112:18 114:1
  116:18 119:21
  125:15,21 126:16
  127:7 128:5
  131:22 139:4,5
  144:4,21 147:19
  148:10
old 2:10,21,25
  3:19 5:2 6:6 9:13
  10:9,21 11:2,7
  12:5 14:4 16:1
  19:14 27:2 39:18
  48:3,6 54:10,15,24
  55:24 71:3 74:18
  98:9 103:2 111:19
  111:24 132:5
once 3:6 32:22
  56:15 70:20
  101:15 140:6
ones 126:21
ongoing 65:4
  82:13
online 47:17
open 9:14 12:11
  12:12,16 13:23
  14:1,3,9 48:25
  49:2 50:20 52:9

53:2 58:18 61:17 63:2,25 93:9 104:14,20 113:14 124:11 138:19 140:15
opening 104:25
operate 47:15
operated 73:13
operating 16:19 22:18 93:2 124:21
operation 127:6
operational 5:8 8:21 9:5 50:11 51:13
operations 3:11 13:11 19:10 48:12 51:16 52:23 54:8 65:5 75:7 103:22
operators 51:6
opinion 41:18 58:2 67:13 104:19 112:17 116:22
opportunities 79:10 133:13
opportunity 52:13 57:3 61:19 80:18 81:10 82:17 97:16 104:3 107:17 112:20 119:18 134:23 135:11 136:6 138:3 141:22,24
oppose 140:20 141:7
opposed 88:19 142:13 148:13
opposite 49:12
opposition 18:3 52:25 103:21 105:8 142:24

option 145:11
options 20:19,21 123:21,22
order 15:14 30:25 98:3 108:8
ordinance 40:11 40:21 102:12
ordinances 127:4
organic 89:17 94:5 94:7
organization 61:5 115:6
organizations 11:14 18:5 61:25
organized 44:17 44:19 45:17 61:13
oriented 4:16
original 3:19 10:5 10:12,18 11:1,6 29:20 30:16,18 37:10 53:17 56:14 64:7 140:1,3
originally 2:15 41:6 93:15
orioles 94:18
osborne 44:5,11 44:13,19 45:7,10 67:19 68:2,7,10,13 68:18,21 77:1 111:10
osborne's 97:19 107:11
outcome 58:12
outlined 6:9
output 7:10
outside 9:18 10:11 49:1 137:24
outsider's 42:11
outsiders 98:7
outstanding 81:22

outweigh 18:25 117:7
overall 30:23
overhead 7:7
overlap 139:16
overlooked 98:8
overly 117:13
overriding 18:18 18:21 138:9
overview 36:2
overwhelm 113:7
overwhelming 42:9
overwritten 117:6
owl 94:16
owls 31:5 94:15,16 94:17
owned 17:17 47:1
owner 38:14 40:25 68:22 73:13 97:18 109:6 112:21,21
owners 11:13 13:7 36:7 107:19 110:1
oxygen 141:6

p

package 50:14 123:19 146:13
page 35:23 40:15
pages 41:24 77:5
paleontological 18:13
pallinger 66:22 67:1,3,4,11 137:11 137:14,15 143:9 143:12 144:19,20 144:25 145:3,4 146:8,13,21,24 148:8,9,15
palm 70:4
panel 5:13 8:14,15 25:5 27:22,24

panels 6:7,13,14 6:16 8:10,11,13,16 8:19 9:25 22:4,16 22:20,23,24 23:2 23:21 24:1 25:6 26:9 27:22 28:4 28:23 29:5 37:14 38:23 43:11 48:10 62:4,6 74:9 76:10 87:24 88:1,8,18 89:5,16 90:19 91:2,8 94:25 103:12 107:22,24 112:7 113:9,14 124:24 126:20 128:8 133:14 137:20 140:16
pants 26:2
papers 66:19
parallel 14:4 121:25
parcel 109:9
park 1:10 2:2,6,20 10:8,13,17,18 11:21 27:4 38:17 46:18,21 47:19 50:18 55:8 57:18 60:24 64:14 70:12 79:4,4 85:1,8 87:22 107:7 108:19 110:24 122:24 123:17,20 123:23 124:8 132:21
part 9:17 13:13 28:4 40:20 46:24 56:18,24 75:16 92:10 93:19 98:20 101:6 102:23 103:14 110:10 111:18 142:24

participated 82:9
participating 61:8
particular 62:21
particularly 61:16
  136:12
parties 63:16
partner 84:4
partners 38:13
  68:23 97:19
parts 97:7
passed 144:22
passer 3:18
passers 26:8
passes 148:11
path 8:12
patiently 133:19
pavement 128:17
pay 129:19
paying 34:11
payment 124:23
pc 40:14 119:6
pds 1:25 2:2 12:24
  19:24 47:10 49:15
  82:23
pds2018 1:10,11
peak 71:4
peaks 113:12
penetrating 83:25
people 13:14,24
  25:23 31:6 35:17
  36:3,13 38:20
  39:19 65:18 70:2
  71:8 83:10 85:8
  88:11,12 90:6
  92:9 94:7,9,19
  96:11 99:2 108:1
  112:4,5 113:20
  129:21 130:10
  133:20 136:11
  142:18

percent 20:7 36:12
  50:2 86:2 91:3,5
  101:12 121:17
perceptions 41:13
  42:11
perez 84:18 87:17
  87:20,21
perimeter 6:4
  24:15 113:8
period 17:25 18:2
  140:12
periods 7:25 8:2
permanent 73:15
  73:16,21 101:13
  101:17 102:1
permanently 49:2
permit 1:10 2:2,16
  4:24 5:6,8 6:9
  15:14,18 16:11,11
  17:20 32:16 50:23
  50:25 63:13,19
  102:3,16,17 120:8
  120:24 127:21
permits 48:22
permitting 41:4
  46:17 121:25
perpetuity 39:24
  40:2,4 64:2,3
  140:15
person 34:17
  45:14 61:7 94:11
  108:24 114:2
personal 125:1
personally 77:15
perspective 57:25
petco 60:24
phone 14:21 114:3
  114:24 116:15
  133:20
phones 60:7

photo 12:1
photograph 9:11
  10:7,20 14:3
photographs
  111:20
photos 99:3
  107:11 109:7
  113:2
photovoltaic
  117:18 128:14,20
physical 17:9
physics 91:2
picture 41:19
pictures 94:20
piece 62:17,21
pieces 62:18
pile 85:12
pilings 85:11
pilot 105:2,22
pilots 11:13 13:22
pine 96:18
pipeline 80:8
pitched 134:8
pla 60:12,16,18
  61:2,4,9,23
place 81:25 83:20
  94:2,22 95:1,3
  96:22 101:15,16
placed 71:7 72:9
  127:2
places 94:23
  111:25
plain 22:18,19
  23:22 25:4
plan 4:5,8,12,13
  4:19 5:9 8:23 13:4
  13:6 14:15 15:8
  15:11,21 22:12
  27:7 31:18 32:15
  32:21 36:23,24
  37:10,11,23,24,25

38:1,3,24 39:12,16
40:2,13 41:5
51:15 52:16 69:5
75:3 76:7,14
77:14 79:19,19
92:5 102:24,25
103:21 104:8,14
105:8 106:15
113:23 119:9,11
120:21 139:11,12
planet 50:5
planning 1:9,24
  4:2,14,18 5:5
  16:10,16,23 20:18
  20:20 25:2,2,14,23
  25:24 28:22 34:14
  40:5,12,22 42:15
  45:1 55:14,16
  59:12 62:17
  110:10 117:20
  119:7 121:8 135:1
  135:16 139:11
plans 4:6 53:6
plants 86:6
plas 60:21
platforms 6:21,23
  7:18
play 99:15
playing 80:3
please 44:6 66:20
  67:16,21 70:21,22
  71:16 72:3,5 78:8
  78:16,21 84:17,19
  92:9,12 99:13
  100:8 108:25
  109:1 114:9,13,15
  114:20,22 115:1
  116:16 119:7
  126:25 144:3,4
  147:16,19

pleased 46:19
pleasure 65:20
plowed 104:19
plus 106:22
  107:17
podium 44:6
  63:23 66:21 67:22
point 8:18 21:13
  22:7 27:6,13
  31:14 37:12 41:15
  42:11 46:3 56:7
  58:20 67:7 74:23
  75:24 113:10
  119:1 120:4,10,12
  126:11 137:19
  145:6
pointed 64:8 75:22
  137:23
pointing 43:9
points 68:4 106:23
  119:25
poles 14:20
police 129:24
policies 102:24,25
  103:7
policy 76:1,1
  83:20 143:21
pond 71:1
poor 36:10 97:1,10
popular 140:17
populated 117:13
population 3:7,9
portends 104:13
portfolio 46:25
portion 11:24 32:6
  33:14,20 48:9
  54:12 73:8
portions 27:3
positions 108:16
  108:16 142:21

positive 115:16
possibility 62:12
  117:17
possible 23:24,25
  60:6 65:22 100:14
  109:25 121:11
  128:24,24
possibly 146:6
post 93:9
potential 51:24
  94:6 107:19
  108:13 135:11
potentially 18:7
  109:22
power 2:14 5:17
  5:19,20,24 6:2,16
  6:16,19 7:2 20:2
  22:10 42:13 46:22
  47:1,2 49:6,7,16
  49:17,19,21,25
  50:2 65:19 69:20
  72:21 74:7,11,13
  74:13 75:6 79:6
  89:13 103:11
  105:8 115:14,15
  121:18,24 122:5
  126:2,15 127:11
  137:4
power's 20:7
powering 50:8
  130:8
powerlink 17:14
  134:7,9
ppa 49:18,24 54:4
ppa's 58:10
precarious 82:11
precious 82:11
precision 105:3
prefer 146:3
premier 3:13

preparation 76:16
prepared 3:2
  14:16 17:23 18:19
  76:17
present 57:3 82:7
presentation 3:3
  20:24 21:2 34:15
  44:18,20,25 45:1,4
  45:17,21 47:7
  49:15 66:9 68:3
presentations
  58:15
presented 61:3
  103:21 109:7
  111:5 113:3 119:8
presenting 2:1
preservation
  12:16 85:17
preserve 52:9
  81:20 83:20
president 46:6
press 114:9,12
  115:1 116:4
pretty 21:11 22:21
  26:13 29:8 33:25
  34:9 36:10 76:18
prevent 142:16
previously 4:6
  14:7 29:17 67:8
  129:10
primarily 53:11
primary 51:23
  133:11
principle 117:6
printed 41:23
prior 32:15,20,20
  40:15 93:3 118:12
  136:6 147:5
priority 119:2
private 63:16

pro 23:24 69:9
probably 25:10,20
  27:9 35:25 41:2
  41:24 66:17 76:13
  76:19 126:8
  127:12 129:21
  131:4 142:13
problem 61:6,15
  61:16 118:7
  130:14
problems 101:23
  142:20
proceed 27:15
  31:15 114:7,21
proceedings 149:5
process 36:7 41:13
  41:14 42:15,23
  45:24 46:9 59:15
  76:19 120:12,14
  120:16,17 121:24
  121:25 131:21
processes 121:9
processing 4:10
  11:9 13:2 91:10
procurement 47:1
procuring 62:18
produce 2:14
  72:22 91:3
produced 5:24
  7:25 20:6 73:9
producing 20:1
production 122:5
productive 53:8
  67:13
professional 122:9
  142:7
program 5:19
  14:23 80:14 92:5
programming
  84:8

programs 61:18
79:21 81:23
progress 113:15
project 2:4,12,17
3:3,5 4:10,24 5:10
7:15 9:4,15,19,21
10:3,5,6,11,12,16
10:18,19,23 11:1,3
11:6,7,9 12:10
13:3 14:12 15:3
15:12,16,17 16:20
17:6,12,20,21 18:4
18:15,22,24 19:4
19:13,24 20:9,10
20:11,12,16,22,22
20:23 21:21 27:23
28:7 36:17 37:2,5
37:18,20 38:7
39:5,15,23 40:9,9
42:14 43:16,18,22
46:21 47:22 48:16
49:8,25 50:6
51:10,14,18 52:1,6
52:20,24 53:4,10
53:16,23 54:23
55:5,10,12,21 57:5
58:7,9 59:3,14
60:8 61:8 62:8,9,9
64:5,11,21,22 65:9
69:12,21 71:6,13
71:18 72:16 73:19
73:21 75:25 76:3
76:8,23 77:10,14
78:1,4,9,12 79:12
83:11 84:2,6 85:2
85:3 86:19 88:20
89:24 90:23 92:3
97:23 98:19 99:9
99:14 102:4
107:13 110:17,20
111:4 113:7 115:5

115:11,16,18
116:23 117:19
118:10,11,13,17
118:22 119:3,5,8
120:5,19 122:8,22
122:24 123:8
124:3,10 125:16
126:6,12,13
130:14,25 131:16
134:2,16 136:1,4
136:21,24 137:7
138:5,12 142:24
145:25 146:11
147:1,5,18 148:14
projects 17:7
27:24 43:8,8 50:4
57:1 73:2 76:9
82:8,10 84:7
115:19 123:7
127:13
prolific 59:4
promise 49:20
properly 78:4
118:8
properties 2:24
5:1 9:12 27:2
70:18
property 9:22
10:4,13 13:6,15
36:13 38:14 40:25
48:9,12 76:11
109:16 124:20,22
124:22 125:1,8,17
136:23,25
proposal 68:1
76:15 104:1
proposals 141:16
proposed 2:15 5:3
9:21 13:8,19 14:8
15:2 16:19 19:6
30:7,19 48:9

54:23 55:5,21
57:5 64:11 83:11
99:9,13 104:25
113:7 120:11
123:22 124:3
proposing 86:21
146:19
pros 141:3
protect 13:14 76:1
103:8
protected 132:18
protecting 103:1
119:1
protection 14:15
14:23 15:4,8,8,11
22:10
protects 13:10
protest 143:1
proven 72:8
provide 12:17,18
14:9 20:6 32:17
41:9 50:17 73:11
82:17 99:10 116:6
provided 5:21 6:5
11:15 15:23 16:3
28:24 31:1 32:17
32:22 40:5 110:5
142:6
provides 7:23
31:23 120:9
providing 126:2
proximate 49:13
proximity 19:5
72:18
public 2:18 12:5
12:25 17:24 18:2
31:21 32:9 51:19
58:16 66:13 67:6
74:5 96:7,9
108:17 115:25
118:15 119:14

124:15 126:1
129:5
publicly 46:25
purchase 5:17,20
5:24 38:13 42:13
49:16 53:15
115:15 118:12
121:24
purple 48:17
purply 37:1
purpose 55:19
purposes 13:17
pursuant 16:12
pursuing 20:9
push 142:18
pushes 72:16
pushing 133:11
put 26:2 27:8
28:25 36:17,22
37:4,11 41:21
55:3,10 70:12
79:20 85:22 88:11
95:15 107:11
136:15 141:13
putting 48:10
85:18 105:6

q

qualify 101:19
102:4,15
quality 17:23
18:10,12 49:23
50:9 79:13 90:24
quantity 29:5
56:23
quarter 50:17
51:14 66:3 106:2
106:4
question 22:14,14
25:1 27:21 28:11
28:14,18,19 29:13
29:16,19 30:11

31:17 33:10 34:13
56:17 59:20 79:16
80:20 82:15
105:12 126:17
128:1 138:19
question's 63:1
questionable
101:5
questioned 120:5
120:20
questions 20:25
21:2 26:3,12,20
27:15,19 31:14
32:8,12 33:12
35:24 57:7,12
58:18,20 64:24
65:13 66:11 74:16
80:23 87:12,14
119:5 120:2
124:16 125:24,25
129:4,4
quick 119:25
121:22
quickly 106:24
quiet 86:16
quietness 86:15
quino 31:8 52:8
quirks 86:22
quite 22:6 30:9,13
36:15 41:14
102:19 134:16
quote 43:17

r

r 149:1
r.e. 46:16
radar 83:25
rail 3:11,20
raise 23:9 88:1
99:5 112:22
raised 23:6,11,14
125:25

raises 104:1
raising 118:5
ranch 4:8,11 9:17
46:20 90:22
randall 33:7,18,22
34:5 45:25 100:17
range 12:17 30:3
rare 91:12
rates 136:13
ratio 30:1
ratios 30:3
reach 104:24
117:15
read 40:4 66:18
75:17 77:6 101:2
readily 13:23
ready 84:17
real 24:25 61:15
77:22 106:23
107:11
reality 91:2
realize 134:7
really 25:20 35:17
39:13,21 40:23
75:25 76:12 78:1
78:3 80:21 88:8
88:14 89:21 91:6
95:24 96:5 97:11
97:21 101:8,9
102:7 107:17
112:10 121:15
136:23 137:5
reason 22:8 36:22
38:21 72:16 76:14
109:16 143:25
reasonable 86:21
86:23 113:20
reasons 22:9
rebuild 107:18
108:8

rebut 119:18
rebuttal 58:14
66:10
recap 147:17
receive 21:9 40:17
117:9 135:25
received 11:10
18:2,4 51:21
62:16 148:22
receiving 59:23
recirculate 58:1
reclaimed 9:8,9
recognize 81:5
107:4
recognizes 20:18
recommend 19:3
20:15,21,22 44:24
57:4 77:13 78:9
78:11 92:2
recommendation
55:15,16,21 58:5
63:16 135:6 147:1
147:2,17 148:14
148:17
recommendations
117:21 142:7
147:13,14
recommended
4:23 58:7 146:20
recommending
2:3 141:17,23
recommends 2:23
20:14
reconvene 66:4
record 28:6 67:17
83:4 84:20 109:2
114:11 115:2
118:2 122:6
144:21 148:10
149:5

recover 56:20
recreational 108:2
recyclable 59:8,14
recycle 59:2
recycled 9:8,9
21:21 22:1 131:2
recycling 56:17,18
59:3,10,13,23
red 122:12
redevelopment
124:4
reduce 12:8,21
38:3
reduced 2:21 5:13
19:13 53:13,19,21
54:9
reduces 19:21
reducing 53:3
65:8 88:24
reduction 20:1
54:5
refer 120:7
reference 48:4
54:6 56:6,13,15
referred 3:4 6:11
6:12 8:13
referring 35:4
reflects 82:5
regard 120:25
regarding 27:21
56:17 117:17,22
119:5
regards 146:1
region 50:5 82:15
83:4 113:5 115:20
region's 46:25
79:12 115:8
regional 81:14
102:25 115:10,17
regretfully 134:17

regular 28:4
regulations 20:13
reiterate 148:16
related 4:10 11:17
  113:10
released 53:20
relevant 20:13
reliable 46:22
  49:19 50:2 123:9
remain 5:11 12:9
  49:2 51:15 63:25
remaining 9:8
remains 3:20
  48:13
remarks 131:19
remember 25:5
  108:15
remind 84:19
  142:12
reminder 41:5
remote 14:21 59:6
  82:16
removal 5:7 16:13
remove 9:5 76:10
  85:13
removed 3:18
  30:25 56:13 76:15
  76:18 102:6
renewable 2:14
  5:20 17:7 20:1,4
  46:24 47:15,18
  57:1 69:9 73:12
  83:14 91:8 103:14
  105:8 115:12,19
  121:23 123:4,6
  138:7 139:23
  142:25
renewables 47:13
  56:19 59:9
renewed 4:3

renovated 71:2
renovating 36:8
rents 36:16
repeat 67:8
repeated 68:4
repeating 75:24
replace 128:16
replicated 134:16
report 3:2 4:6 12:2
  18:20 20:17 40:15
  40:23 41:21 69:10
  119:6 148:24
reports 76:5
represent 78:15
  78:16 90:6,13
representative
  91:15
representatives
  78:14 82:23
representing
  68:20 94:1
represents 54:13
  90:7,14
reps 39:3
reputation 43:19
request 2:1 53:11
  55:20 57:4 68:2
  111:4 122:12
requested 65:6
requesting 35:9,10
requests 34:17
require 28:3 32:6
  33:14,20,22 34:1
  73:3 103:7 104:22
  108:17 128:2
  138:10
required 8:24 14:9
  15:3 20:13 32:15
  76:8
requirement
  102:5

requirements 4:10
  13:14,21 14:13
  20:8 58:11
requires 15:5
  49:24 106:15
  121:18
requiring 14:1
research 81:23
  117:21
reserve 58:13
reserved 39:1
residences 55:23
  72:15
resident 68:21
  81:24 84:25 97:17
  106:22 109:6
residential 2:24
  4:20 5:1 9:12,22
  10:4 16:17 27:1
  41:7 81:25 112:8
  112:9 135:11
  140:12
residents 36:19
  79:14 84:9
resolution 83:7
resolve 114:17
resort 3:7,19,22
  36:7 44:14 53:7
resorts 3:16
resounding 142:23
resources 11:17
  11:18 15:7 18:10
  18:11,13,14,17,17
  36:19 52:7,22
  70:14 76:2 91:9
respect 58:5 83:16
  97:2 113:21 121:2
  131:3
respectful 83:15
respectfully 55:20
  57:4 68:2 122:12

respond 28:18
  121:1
responding 83:23
response 2:18
  53:11,22 73:22
  121:12 122:6
responses 57:22
responsibility
  108:17
rest 3:3 42:16 46:1
  89:4 102:3
restating 117:11
restaurant 93:10
restored 30:15
  38:8
restoring 38:10
restrict 13:11
restrictions 13:13
result 128:11
resulted 17:8
resulting 18:24
results 84:6
resume 52:23
retain 128:18
retirement 61:10
return 40:20
  68:13 86:13
revegetate 127:22
review 17:24 18:2
  33:5 41:19 42:2
  51:19
reviewed 15:9
  17:22 32:19 33:6
  57:22
reviewing 42:5,8
revised 11:3
revitalization 53:5
  124:4
revitalize 68:25
revitalizing 3:25

rich 82:15
rid 131:7
riders 38:19
right 11:25 21:13
  25:6 30:13 36:17
  36:21 37:13,17
  38:6 39:7,14
  42:15,24 43:15
  45:3,9,18 46:13
  60:1 63:14 65:12
  65:14 66:1,12
  67:10 68:8 70:7
  73:19 81:8 87:18
  87:24 88:25 90:17
  97:23 100:19
  116:9 119:17
  122:16 125:1,5,22
  129:2 130:1 131:4
  144:1 146:21
  147:7 148:22
rights 83:17
ring 82:2
risen 118:2
risk 117:8
risks 14:18 117:7
rivaling 70:4
river 38:12
riverpartners.org.
  38:9
road 6:5 27:4 48:1
  54:10 72:25 74:18
  86:4 88:17 93:16
  93:22
roadmap 56:19,24
  59:12
roads 26:16
rocks 39:5
role 99:7
ronald 139:8,14
  139:19 141:11
  144:7 147:9,22

roof 137:20
room 107:21
  141:18
roughly 125:19
route 98:10
routine 142:14
rugged 76:10
ruggedness 92:25
ruin 43:1 69:16
run 72:23 87:1
running 103:11
runoff 87:7,8
runs 122:25 134:7
runway 14:5
  37:13 104:10,24
  105:1,9
rural 37:2 90:25
  98:5,6
rush 76:20
ryan 57:9,13,15
  119:24

s

s 36:5
sacred 98:11
sacrifice 107:8
sacrificial 117:12
safe 51:16 75:6
  121:4,7
safely 104:24
safety 13:12,16,18
  13:20,24 14:10
  52:20 74:5 103:22
  104:7 105:9
san 1:9 3:12 5:19
  5:22 13:1 14:23
  20:7 36:15 37:3
  46:23 47:1 49:17
  50:8,10 54:7
  60:23 69:6,14
  70:1 77:10 78:13
  78:15 79:6 80:1

  81:16 82:10,23
  83:13 89:4 92:16
  95:11,17,23 96:19
  98:5,21 110:21
  111:24 112:10
  113:5,18,19 115:5
  115:6,13,20
  116:19 117:24
  118:21,23 126:9
  132:11,16 137:25
  140:2
sand 85:24
sandra 108:24
santa 72:13
satisfy 4:9 51:11
save 78:17 110:22
saying 62:1 67:12
  71:21 72:21
  136:17 146:9
says 25:25 102:5
scale 16:21 56:25
  113:6
scarce 56:20
scattered 82:20
scenery 69:11
scenic 19:9 69:3
  70:24 71:9,14
  75:8 76:11 98:9
  103:1,3,8
schools 110:6
  129:24
schreck 57:17
scrape 127:14
screeching 94:17
screening 9:24
  16:2 52:4 56:13
sdcp 5:19,24 6:2
  49:19
sdcp's 50:2
sdg&e 6:1 7:1,12
  7:13 9:2 17:8,17

  49:5 51:5 73:17
sealed 8:4
second 22:14
  74:24 80:12,17,19
  92:15 101:24
  110:8 126:16,19
  127:8 131:17,19
  131:23 134:17
  147:8,10
secondary 83:6,24
seconded 147:12
seconds 83:21
secretary 34:16,19
  34:25 35:5 44:4,9
  44:12,23 47:4
  60:13 66:19 67:1
  67:15,22,24 68:16
  78:19,20 81:3
  84:15 87:16 92:8
  100:6 108:23
  111:8 112:15
  114:1,8 119:20
  141:9 144:3,4,8,10
  144:12,15,17,19
  144:21 147:16,19
  147:23,25 148:2,4
  148:6,8,10
section 101:20
secure 83:14
security 6:4 33:23
  34:4,6
see 24:19 25:15
  26:8 27:25 36:24
  37:14,16 38:7,11
  38:24 39:1,8,19
  45:14 48:12 56:10
  61:14 69:3,10
  71:10,13,24 74:16
  86:3 88:15 93:22
  97:3,9 100:2
  103:16 111:13

112:6 113:3 116:2 126:21 130:18 143:10 145:5,8,12 147:3	**share** 90:21 104:17	**significant** 12:6,9 12:22 15:13 16:6 18:8,9,16,25 29:8 48:13 50:4 52:14 52:17 75:21 102:22 103:5 104:6 117:2	40:19 47:25 48:17 48:23 49:13 51:11 53:2 71:13
seek 83:6,13	**shared** 137:1 143:20		**site's** 17:18
seely 139:25	**shareholder** 57:15		**sits** 96:23 109:17
seen 36:5 88:4 96:17 107:10 113:4	**she'll** 114:25		**sitting** 53:9 74:6,9 88:25
	shirley 84:18 87:16,20,21	**significantly** 54:9 128:25	**situation** 141:3
self 27:10	**shock** 130:23	**similar** 128:14	**six** 89:25 100:20 114:9,13,24 115:1 116:4
send 59:18 95:12	**shop** 61:17	**similarly** 102:21	
senior 42:7 46:6	**shopping** 110:13	**simple** 96:16	
sensitive 52:7	**shops** 93:11 99:2	**simulation** 9:20 10:2,12,15,25 11:3 11:22	**size** 16:19 19:14 22:22 27:23 28:3 50:1 54:7 65:9 88:25 116:23
sent 148:21	**show** 27:6 43:7 48:21 55:17 69:23 70:6,9 72:4,19 144:21 148:10		
sentiments 143:19			
seriously 78:7 99:7 118:24		**simulations** 23:4 55:18	**sizeable** 129:12
	showed 22:15,16 23:23 49:12	**single** 8:11 76:6 94:11 122:11,21 122:24 123:1,2 137:22	**sjoblom** 33:7,18 33:22 34:5 100:17
serve 117:7			
served 84:9	**shown** 5:2 6:8,22 7:21 23:3		**skill** 105:22
service 3:11 5:4 81:17 90:12			**slide** 4:4,23 6:23 10:4,17 11:5,19 12:12 36:1,22 37:8,9,21 39:9 41:12 43:6 47:5 47:11,12,22 48:5,8 48:15,20,24 49:3,9 49:14 50:3,25 51:7,18,22 52:18 53:9,14,16,18,20 53:24 54:8,11,14 54:17,21,23 55:1,3 55:6,8,10,13,25 56:2,4,8,11,13 70:5,10,19,25 71:5 71:10,14,17,23 72:3,5,17 73:7 74:1,14,22 75:1,3	
services 1:25 28:23 50:16 55:15 123:21	**shows** 4:23 9:11 10:4,7,17,20 11:5 11:19 14:3 36:23 36:24 37:9 48:25 54:25 72:11	**sir** 29:14 35:11 60:4,10 62:2,14 63:23 65:14 68:1 78:18 84:13,23 87:11 89:8 91:21 92:7 100:10 105:11,12 106:18 106:19 111:6 112:14 122:20 125:24 131:3	
serving 81:14			
set 11:1 14:7 16:1 93:15	**shut** 14:22 74:4		
	sickening 96:10 97:6,6		
setback 2:24 9:22 10:3,13,16 11:4,8 54:13,14	**side** 11:7,25 29:24 39:5		
	sided 8:13	**sit** 90:10 94:14 95:1 135:21 141:24	
setbacks 2:19 15:19 52:3 53:12 54:9,19,20,22 55:3 55:5,10,12	**sides** 8:15 14:6 16:1 37:15 78:4 136:10 142:2		
		site 2:6,11,17 3:9 4:1,17,21 5:11 9:15,19 10:11,23 12:16 16:17,22,25 17:2,9,12 23:11,21 28:25 29:20,21 30:18 31:5,8	
setting 17:9 82:19	**sigman** 100:8 106:21,22		
seven 93:3			**slovic** 28:15 44:24 45:4 46:10
seventy 86:2	**signal** 118:23		
severe 117:25	**signatory** 61:4		**slovick** 46:1
shaking 37:17	**signature** 149:11		
shame 143:3	**signed** 42:13 50:15 60:18,23		

slow 41:16
small 35:17 53:7
  96:11 111:23
  112:11
smaller 40:2
smart 90:25
smith 29:22 30:8
  30:11,21
snob 109:11
soared 118:4
social 18:23
socioeconomic
  19:8
softball 70:11 80:2
soil 85:7
solar 2:3,12,16,20
  2:22 5:3,12,13,25
  6:3,6,8,12,14,16
  6:21 7:2 8:2,10,16
  8:19,21,25 9:7,25
  11:22,23 12:3
  13:19 14:5,8,19,22
  15:2,24,25 16:5,8
  16:25 17:16 19:6
  19:12,19,21 22:4
  24:1 27:22,22,23
  28:23 29:5 30:15
  36:20 37:1,4 38:2
  38:22 40:16,19
  43:7,11,11,20
  62:20 69:7,7,8
  74:9 76:4,10
  77:10,14 82:9
  87:23,25 88:8,18
  89:5,16 90:19
  91:2 93:19 94:25
  95:15 97:20 99:13
  101:8,11 103:12
  103:13 104:4
  105:7 107:22,24
  109:14 112:7

113:9,13 118:6
  122:4,22 124:3,24
  133:13,14 137:20
  138:3,5 140:16
sold 62:1
solution 69:18
solutions 137:5
somebody 79:23
  112:16 116:10
someplace 36:20
son 112:22
sonya 149:3,12
sooner 101:2
sorry 25:19 30:8
  33:18 34:25 43:3
  46:7 47:3 65:25
  68:14 70:7 79:17
  83:15 112:15
  116:11 124:17
  125:20
sort 33:23 143:1
sorts 112:2
sound 19:17 22:18
  115:8,9
source 74:13
sources 47:15
  130:8
south 2:8 10:9
  11:2 48:7 122:23
  122:25 134:4
southeast 10:22
  54:24
southern 2:10
  69:8 81:15,21
southwest 17:13
  48:19 49:6
souvenirs 99:2
sovereign 83:17
spa 107:19 110:2,9
  124:4

space 12:11,13,16
  48:25 49:2 52:9
  53:2 63:25 113:14
  113:16 140:15
spanse 108:4
spas 110:1
speak 34:17,20
  66:25 67:18 69:1
  81:10,25 82:3
  84:20 97:16
  103:20 104:2,8,15
  109:1,4 112:18
  114:5 133:20
  135:10 137:18
speaker 67:14
  68:16 78:19 81:2
  84:14 87:15,16
  95:6 97:14 100:5
  103:18 106:20
speaker's 87:18
speakers 44:8
  65:17 67:9 100:7
  108:24 114:3
  120:4,20
speaking 78:25
  123:24
speaks 104:14
  118:25
specializing
  136:11
species 12:17 31:9
  103:15 132:14,25
  134:14
specific 4:1,6,8,11
  4:14,18,19 5:5
  15:21 16:9,16,23
  28:18 33:4 40:12
  41:5
specifically 25:16
  42:20

specified 16:14
speculators 140:3
spending 136:10
spent 136:9
spinach 29:1,17
spirit 142:3
spoke 121:3
  133:20 137:18
  138:20
sponsor 11:11
  19:3,11,18 34:15
  34:18,21 35:5,16
  37:22 40:7 41:17
  42:6,20,21 44:8,15
  65:6 89:11,11
  90:3,4,14 116:21
  117:16
spot 93:14 109:18
spots 111:21
spring 112:25
springs 2:5,8 3:6
  3:13,16,22 9:13
  11:12,25 12:4
  15:25 19:7,15,23
  28:10 68:20,22
  70:2,5 97:18 98:4
  98:12,12,20 99:18
  112:22 113:19
  116:21 127:9
  132:4 140:22
square 107:12
staff 2:23 4:23
  12:24 20:14,17,17
  20:24 21:2 24:9
  24:11 26:5 28:13
  29:15 31:10,24
  32:11 42:3 44:20
  45:22,24 48:4
  51:5 55:15 75:20
  117:20 128:7,22
  141:16 142:7

146:19,20 147:1 147:13,14,17 148:14	steel 14:20 104:11	submitted 4:7,8,12 4:21 19:18 44:20 44:22 46:10 57:21 77:4 122:6	support 19:12 41:7 79:3,12 113:22 115:5,7,12 115:17,18 119:8 141:13 142:4 143:25
staff's 17:19 55:16	steven 108:25 109:3		
stakeholders 11:10 51:6,22	stewarded 82:6	subsequently 4:12	
	stewardship 83:17	substantially 53:10	supported 43:7
stand 65:11 120:18 143:3	stipend 129:14	substation 6:25 7:2,5,8 17:3,17 43:10 49:10,12 56:6 72:24 73:24 90:19 123:12	supposed 85:2
	stop 98:1 135:7,7		suppression 8:9
standard 34:9	storage 2:13 7:16 7:19,21,23 8:3,8 21:22 23:6,12 59:10 91:3,6		sure 30:9 37:24 38:23 41:15 63:1 87:5 101:25 109:2 114:8 121:1,7 123:23 124:18
standards 52:16			
stands 97:23 117:24			
	storing 7:24	succinct 67:7	
star 37:6 86:17 114:9,13,24 115:1 116:4	storms 127:14	sucks 107:15	surface 8:18 82:21
	stranger 82:8	suffer 98:6	surfaces 128:17
	strangers 99:22	sufficient 79:5	surrounding 3:23 17:10 35:24 70:18 93:6 117:4 118:6
stars 70:3	stream 136:23	suggested 39:4	
started 69:25 79:25	streamlining 41:3	suggestions 25:13	
	street 111:19,20 111:25	suitability 16:25	surveys 83:25,25
state 11:20,21 12:4 12:13 19:25 36:12 38:17 67:17 84:19 109:2 112:16 114:10 115:2 116:5 121:17 132:21 139:23 140:19 143:24		suited 140:25	survive 98:3
	stretches 38:16	summarize 40:24 43:4 91:24	sustainable 69:19 99:12 107:2
	strips 104:18		
	strong 79:3	summary 4:17	swim 99:4
	strongly 79:11 83:8 111:3,4	sun 8:12 122:25 132:6	switching 73:13 86:5
	structures 5:7 16:13 23:13 30:15	sunday 93:4	switchyard 7:8,9 7:10,12 9:1 49:11 56:6 73:3,15,17 75:6 101:14,25 102:2,14
stated 19:12 21:20 66:21 117:1,10 129:10 143:18		sundays 98:22	
	strukel 92:11 97:15,17 100:1	sunrise 17:13 49:7 134:7,9	
	stuck 89:5	sunset 86:12	
statement 18:18 18:21 118:20,25	studied 72:8 126:11 127:3	supervisor 89:13	switchyard's 102:9
	study 78:8	supervisors 15:5 20:16 51:9 57:5 58:8 63:14,17 89:10 135:6 136:5 137:6 141:23 147:6	
states 40:11,14 56:23 57:2 91:16 118:1	stuff 26:3 39:14 42:5 77:20 85:24 95:14 112:2 126:25 131:10 143:1		system 6:13,24 7:16,19 8:7,10 22:3 43:11
station 14:25 93:9			systems 56:21
stations 73:14 86:5 129:24,25		supplied 141:14	t
status 28:7	stupid 128:1	supply 7:25 50:1	t 130:20 149:1,1
stay 101:16	submit 100:25 116:21	supplying 74:12	table 88:4
steadily 118:2			

tackle   42:8
take   26:15 27:7
   53:13 65:20 76:22
   77:15,19,21 78:2,7
   78:7 88:6,21,23
   94:20 99:3,6
   107:13 111:20
   123:13 128:3
taken   66:2 112:12
takes   6:18 40:10
   54:1 60:1 91:20
talk   39:10 42:10
   60:7,12 92:1
   99:22 124:8 133:8
talked   77:15 93:20
   135:13,16
talking   29:9 35:3
   41:3 62:3 87:4
   112:9
talks   96:15
tall   17:13,15 48:5
taller   86:1
tanks   14:20 22:21
   22:25 23:23 24:13
   24:19 26:13,22
   27:9,13
tanya   92:11,14,14
   95:5
task   42:3
tax   108:12,12
   110:4 111:2
   124:22 125:17
taxed   125:11
taxes   124:22
   136:24,25
team   45:16 46:1
   57:20 62:16 116:8
   145:19
teams   70:11
tech   115:8 123:5

technical   39:14
   41:23 51:3
technological
   18:23
technologies   43:21
technology   5:14
   59:15 117:15
   123:4,6 146:16
telephone   65:18
   114:23
tell   39:20 61:1
   63:24 65:1 66:16
   80:8 140:22
telling   96:20
temperature   72:9
   87:25 88:1 118:5
   128:8,25
temperatures
   118:1,3,3 128:19
temporary   101:4
   101:19,21,24
   102:1
ten   3:8 4:22 18:7
   35:3,9,10 42:1
   66:5 68:3,9 85:25
   90:16
tenants   87:22
tens   46:22
term   5:8,17 26:23
   50:11,15,24,25
   52:24 141:4
terminate   120:9
terms   29:10 32:23
   107:12
terrain   9:18 10:10
   10:23
testimony   66:13
   119:14,16 124:15
   126:1
thank   21:1 26:4
   27:17 28:20 29:15

29:15 31:3,10,12
31:16 35:14,14
43:25 44:1 45:22
46:2,13 47:7 57:2
57:2 58:17,19
62:24 65:14,15
66:6 67:4,11
76:23,24 78:17,18
78:24 79:14,15
80:20,24,25 81:9
84:11,13 87:9,13
89:6,7 91:21 92:6
92:7 95:3,4 97:12
97:13,15 100:2,4
100:24 103:16,17
105:10 106:18,18
106:19 108:20,21
109:3 111:5,6
112:13,14,19
113:23,24 114:20
115:21 119:10,12
119:13 121:21
122:17 124:13
125:15,22 129:3
131:25 134:18,19
134:22 137:8,9,15
137:16 138:12,16
138:17 139:19
142:8 143:8,13
145:4 146:22,23
thankful   93:21
thankfully   81:8
thanks   87:11
thereabouts   38:4
thing   38:23 43:14
   43:16 62:10 70:3
   96:13 97:12
   129:17 131:6
   135:12,17 136:2
   141:19

things   25:3,4 32:3
   39:25 59:5 60:21
   67:12 69:7 75:22
   86:18 87:8 89:24
   94:23 95:13 108:6
   112:1 120:18
   129:22,24 131:9
   134:15,24 135:9
   135:21 136:7
   146:15
think   25:14,14
   27:23,24 30:13,19
   31:7 34:8 38:6,15
   39:9,22,24 58:22
   66:8 67:5 68:4
   69:10 72:2 74:22
   75:23 76:13,21
   77:24 78:3 81:7
   89:18 90:20 91:19
   92:4 96:6,12,14
   101:5 102:18
   107:4,18 108:8
   110:22 113:8
   116:1 124:2
   129:23 130:9
   133:16 134:12
   135:14 136:3,10
   136:13 138:11
   140:21 141:4,21
   142:22 145:17
   148:21
thinking   96:9
thinks   62:5 129:21
third   92:15 104:25
thirty   83:21
thoroughly   52:21
thought   35:2 62:7
   142:15
thousand   105:23
thousands   46:23

threatened 31:9	**times** 3:8 36:5	**tourist** 70:4	**transcript** 1:6
three 30:3 35:6	54:6 77:16 83:5	110:14	149:4
37:15 44:17 50:11	89:25 126:2 128:7	**tourists** 107:23	**transects** 17:11
51:1 65:22 66:14	132:6	**tower** 70:18	**transfer** 130:7
66:25 67:18 68:5	**today** 1:25 2:3	**towers** 17:14 48:4	**transferred** 7:13
68:7 75:16 78:21	25:20 27:6 35:20	**town** 3:12 19:15	9:2 11:21
80:5 81:4 84:16	43:15 51:2,8	19:22 27:2 29:10	**transformer** 6:18
84:21 85:8 92:9	53:23 55:8,24	36:8,9,10,18,25	6:20,23 7:17
92:13 93:7,19	57:3 59:3,8,14	37:5,12 39:4,8,9	23:13
95:8 96:24 100:7	62:19 68:24 69:10	39:19 41:8,11	**transition** 47:14
100:9,15,22	78:5,9 81:19	43:1,12 44:14	130:12
104:14 109:1	113:3 115:4,12	48:3,6,19 49:13	**transmission** 7:1,7
112:3 119:22,24	120:19 121:15	53:5 54:11,16	7:12 17:2,11,14,15
122:15 126:8	123:6,24 133:19	56:7 69:2,16,23	48:14 49:4,5,8,11
128:7 133:25	133:22 134:6	70:14,21,24 71:21	49:13 51:25 126:7
137:17	135:5 137:8	72:10,14 74:4	130:21
threw 71:22	145:13,17	88:8 89:2 95:11	**transparency** 83:9
thrive 41:11	**told** 77:18,19	96:11 111:23	**transportation**
thriving 3:6	140:10	112:11 113:8	91:10
throw 131:5	**tommy** 27:17	124:5 126:3 128:9	**travel** 3:18 48:2
tie 123:13	29:14 30:5,10,12	130:10 135:19	**traveled** 52:16
tilt 8:16 122:11,21	31:3 131:18,25	140:5	132:5 135:17
122:22 123:2	144:18 148:7	**towns** 99:6	140:11
time 16:15 21:3	**tons** 20:4 50:7	**traced** 140:1	**traveling** 10:21
27:6,15 31:14	91:10	**track** 8:12	**traversed** 48:13
32:7 33:18 42:22	**top** 10:1 80:11	**tracker** 122:11,22	**traverses** 2:11
45:15,22 50:15	125:5	122:24 123:3	**treated** 80:19
58:21 59:16 64:20	**topography**	**trackers** 8:11	101:16 125:1
66:2,10,15 67:23	127:12	86:11 123:1	**tree** 56:12
72:1 74:3,3 76:16	**tops** 26:8	**tracking** 86:9	**trees** 26:23 27:8
77:15 78:2,2,7,24	**total** 6:20 8:3 18:1	**tracks** 122:25	56:10 86:6
81:8 83:2 84:12	48:23 50:2 53:15	**traditional** 83:10	**tri** 94:17 132:14
87:10 94:4 100:13	54:5,5 140:16	**traffic** 16:7 88:10	**tribal** 18:13
103:6 105:2	**totaled** 2:16 53:18	**trailer** 85:1,8	**tribes** 11:14 18:5
107:16 109:20,20	**totaling** 11:4	87:22	**tribune** 118:21
111:11 119:1,20	**totally** 92:3	**trails** 99:1	**tried** 37:4
122:14 128:1	**totals** 4:25	**trained** 80:16	**trigger** 17:4 58:1
134:25 135:2,3,8	**touch** 127:8	**training** 14:22	**trip** 52:17
137:2	**tough** 85:22	79:10	**tropics** 91:17
time's 103:16	**tourism** 3:15 19:9	**transcends** 82:5	**troubled** 36:5
	69:12 70:1 98:21		

true 23:23 67:12
102:16 107:12
149:4
truest 82:2
truly 54:2 70:24
89:15,22 98:16
118:17
trust 61:13 104:5
try 60:18 66:18,18
122:18
trying 71:20 89:19
89:20 102:19
136:2 145:25
turbulence 105:4
turn 45:20 46:3
turned 122:11
tweaks 145:9
twenty 72:20
two 4:6 6:10 17:18
27:18 43:9,12
54:6 65:18 68:23
71:16 75:10 93:8
93:18,21 101:22
104:1,19 108:24
112:3 114:4
122:12 126:4,18
141:16 148:13
type 8:14 25:5
110:17 116:14
types 6:10 13:8
90:5
typical 7:21
121:24

u

u.s. 2:9 13:1 47:20
ugly 73:5 86:3
ultimate 64:7
ultimately 43:1
136:4 137:7
unable 114:14

unanswered 119:4
unasked 128:2
unattended 12:23
unavoidable 12:9
18:16 75:21
unbelievable
96:25
unchanged 81:20
underestimate
142:23
underground 6:13
6:24 84:1
underlying 5:11
underneath 8:19
underserved
43:24
understand 29:18
37:24 62:5 82:18
98:1,14,15 99:21
103:4 104:12
106:25 107:6
109:19 130:4
understood 26:5
57:11 62:5 127:16
undeveloped
12:13 128:19
undisturbed 31:7
unfeasible 126:5
unfortunately
59:19 61:6 117:5
140:24
ungodly 90:19
unintended
131:11
uninterrupted
82:19
union 20:10 61:7
79:2 118:21
unique 36:15 68:4
united 56:23 57:1
91:16 93:13 118:1

units 4:15 16:18
138:4
unknown 73:23
unlivable 87:1
unmitigable 71:21
117:2
unmitigated
102:22 103:5
unmute 114:10,13
114:14,22,24
115:1 116:5
unstaffed 16:6
unused 48:13
unusual 34:1
upgrade 17:4
uplifting 110:15
urban 117:13
128:15 137:25
urge 79:11 115:17
use 1:10 2:2,16
4:24 5:4,6,8,13
6:9 8:7 9:5 11:18
13:4,13 15:14,18
15:19 16:9,10,11
16:11,12 17:20
20:10 25:7 29:4
34:4 40:18,20,24
42:25 48:22 53:8
59:6 62:13 70:15
75:25 76:1 87:5
88:7 102:3,16,17
106:15 120:8,9,10
120:11,12,24
121:8 123:1,25
127:21,22 136:15
137:4 139:10,15
140:13
user 103:25
uses 4:16 13:8,11
15:20 16:18 50:24
52:14,14 101:21

138:6
usually 13:22
utility 5:4 89:18
90:17
utilized 123:20

v

vacation 99:4
valley 4:8 9:14
46:20 65:3 81:12
81:13 85:5,9
90:22 96:18
109:13,18 126:22
132:6 140:5
valuable 78:13
value 38:15 84:5
103:8 107:5
123:25
values 36:13
125:11
vantage 56:7
variety 4:16
104:16
various 11:14
vegetation 8:20
85:25
vehicle 52:16
135:17 140:11
142:14
version 56:9,12
versus 122:21
vested 61:14 73:17
viable 126:11
vibrant 70:6,9
98:20
vice 46:6 66:22
67:4 90:4 137:11
137:15 143:12
144:20,25 145:4
146:8,21,24 148:9
148:15

viejas 83:1
view 5:2 9:11,14
  10:5,7,9,17,20,22
  11:20 12:3 22:7
  23:24 24:5 38:22
  41:16 42:12 54:18
  54:22 55:2,4,7,9
  55:11 56:1,3
  70:17 71:6,12,15
  71:16 74:15 83:6
  86:3 92:18,18
viewing 114:22
views 18:23 75:8
village 37:2 74:25
  117:3 139:12,16
  142:1
virtually 104:9
visible 9:25 10:24
  11:24,25
vision 3:24
visionaries 109:20
visitor 4:16
visitors 3:24 48:1
vista 5:22 21:10
vistas 19:9
visual 9:20,24
  10:12,25 11:17
  12:1,8 18:17
  22:24 23:3 52:2
  53:3,13 55:17
visualization
  74:20
visualized 26:15
vital 98:20
vitality 41:8
voiced 21:11
voices 82:2
voltage 6:20 7:4
  74:9
volumes 118:25

voluntarily 63:19
volunteer 93:1,4
vortex 96:23 98:17
  98:18
vote 19:4 43:15,22
  78:5,8,11 79:11
  96:8 97:5 99:20
  111:4 119:7 137:7
  143:2,7 144:3,5
  147:16,20
voted 19:3
voters 108:13,14
voting 43:16 78:12
vu 81:8

w

wagon 87:21
wait 32:8 131:20
  144:4 147:19
waiting 133:19
walk 47:25 96:24
walked 97:1
walkers 26:7
walks 96:15
wall 48:8 133:24
wallet 129:19
want 25:21,21,24
  36:20 37:11,23
  38:20 39:7,10
  42:24 43:6 46:1
  60:7,11 63:1,12,18
  65:19,19 68:12
  69:22 70:6,8
  71:19 74:15 75:9
  76:21 77:8 80:10
  86:3 89:25 95:13
  97:7,8,20 99:15,18
  99:21 111:17
  136:2,21 139:9,15
  142:11 143:9,17
  145:13,15 148:16

wanted 27:19
  35:19 36:8 45:22
  55:17 57:19 58:4
  63:8 67:23 93:20
  109:21 116:21
  121:3,9 134:24
wants 34:10 38:1
  39:9 142:9
warming 138:8
washing 87:8
water 14:20 18:12
  22:21,25 23:23
  24:13,19 26:12
  28:3,7,23 29:4,6
  62:6,11,13 82:24
  85:22 88:4,6,7
  89:17 90:11
  112:25
water's 28:8
waterman 57:9,13
  57:15 119:24
waters 98:11,16
way 24:19 36:3,6
  37:19 38:12 43:1
  71:22 77:19 81:2
  86:12 94:3,5
  110:25 119:4
  124:6 143:5,21
we've 24:25 38:8
  50:13,15 51:20,21
  53:1 55:10,12
  57:21 64:19 66:8
  71:1 74:2 77:18
  81:17 94:17,18,21
  107:2 122:5
  123:19
wealthy 137:21
week 70:20 86:24
  86:25,25 110:20
weekend 80:2

weigh 141:3
welfare 43:24
wells 28:25
went 25:1 80:13
  132:13
wesley 114:12,14
  114:19,21 116:1
  116:11,14,18,19
  119:11
west 12:14 54:16
  72:14 122:25
  130:18
western 70:24
  118:1
wet 62:22
wetlands 52:11
whatsoever 96:9
wheel 87:21
white 9:16
whoopie 95:10
wide 8:5 9:23
  108:4 121:6
wider 53:12
wilderness 132:8
wildfire 15:13
  18:14
wildlife 12:18 19:9
  38:15 52:10 85:15
  85:16 96:23,24
willing 124:12
  145:12
wind 82:9 89:16
  105:4 106:1
  127:13 134:12
winds 72:13 74:5
wingspan 105:6
winters 112:18,19
  112:20
wish 20:18 103:20
  116:6 118:19

wishing   34:15
   114:4
withdrawn   4:12
wojeff   111:10
woman   27:11
   63:11
wonder   145:6
word   139:15
   142:10 145:18,19
   145:22
words   99:16
work   22:24 38:12
   45:24 46:2 51:1,4
   51:10,12 61:20
   66:2 68:10 79:23
   80:10,18 93:1
   94:11 95:22,22,23
   95:25 107:1 124:6
   133:22 142:5
   145:7,19 146:14
   147:3 148:17
worked   50:13
   51:20 60:25 83:4
workers   79:2,9
   80:4 88:12
working   61:19
   75:16 82:22 84:4
   116:16 121:17
   146:5,15
works   12:25 22:6
   77:8
world's   91:4,5
worried   131:7
worst   23:25
worthy   58:7
would've   110:4,4
   110:6
wrap   37:14 74:24
   92:2 121:14
   122:19

wrapping   104:9
   110:24
wren   132:9
wrens   132:10
written   147:14
wrong   86:18 131:4
   142:22
wrote   35:23

y

yard   49:11 87:24
   89:6
yeah   30:12 33:10
   65:21 68:14 69:15
   80:20 105:17
   106:10 119:24
   126:12 135:14
   139:8 145:17
year   5:8,16 28:24
   29:3,11 32:2 42:7
   49:16 50:24 51:12
   51:12,18 52:24
   93:2 94:21 106:22
   112:4
years   4:22 21:17
   21:19 22:13 28:2
   32:4 33:1 39:18
   48:11 51:1 53:9
   64:1 81:18 84:11
   85:25 88:4 92:23
   93:3,19 95:9
   101:12 107:17
   110:2 115:7 120:6
   120:16 126:9
   131:9 133:25
   141:5
yellow   6:9 49:4
yeses   19:4
yesterday   101:1
yoga   70:17
yolanda   65:21
   138:14,18 139:5

143:16 144:11
   148:1
young   112:22
youths   61:20
yuma   85:7

z

zero   19:4
zone   13:20 105:9
   121:7
zones   13:12 14:19
   141:25
zoning   13:17
   40:10,21 101:19
   101:20 102:5,12
   120:21
zoomed   56:9