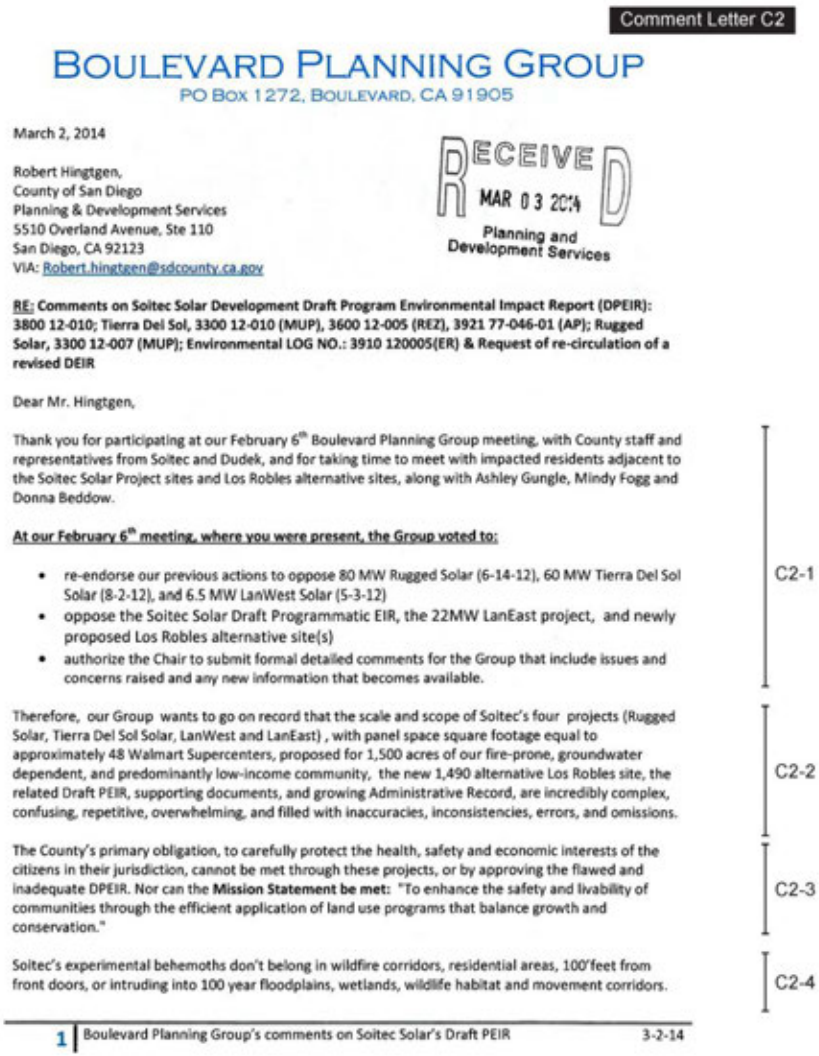


Comment Letter C2

BOULEVARD PLANNING GROUP
PO Box 1272, Boulevard, CA 91905

March 2, 2014

Robert Hingtgen,
County of San Diego
Planning & Development Services
5510 Overland Avenue, Ste 110
San Diego, CA 92123
VIA: Robert.hingtgen@sdcounty.ca.gov

RECEIVED
MAR 03 2014
Planning and Development Services

RE: Comments on Soitec Solar Development Draft Program Environmental Impact Report (DPEIR): 3800 12-010; Tierra Del Sol, 3300 12-010 (MUP), 3600 12-005 (REZ), 3921 77-046-01 (AP); Rugged Solar, 3300 12-007 (MUP); Environmental LOG NO.: 3910 120005(ER) & Request of re-circulation of a revised DEIR

Dear Mr. Hingtgen,

Thank you for participating at our February 6th Boulevard Planning Group meeting, with County staff and representatives from Soitec and Dudek, and for taking time to meet with impacted residents adjacent to the Soitec Solar Project sites and Los Robles alternative sites, along with Ashley Gungle, Mindy Fogg and Donna Beddow.

At our February 6th meeting, where you were present, the Group voted to:

- re-endorse our previous actions to oppose 80 MW Rugged Solar (6-14-12), 60 MW Tierra Del Sol Solar (8-2-12), and 6.5 MW LanWest Solar (5-3-12)
- oppose the Soitec Solar Draft Programmatic EIR, the 22MW LanEast project, and newly proposed Los Robles alternative site(s)
- authorize the Chair to submit formal detailed comments for the Group that include issues and concerns raised and any new information that becomes available.

C2-1

Therefore, our Group wants to go on record that the scale and scope of Soitec's four projects (Rugged Solar, Tierra Del Sol Solar, LanWest and LanEast) , with panel space square footage equal to approximately 48 Walmart Supercenters, proposed for 1,500 acres of our fire-prone, groundwater dependent, and predominantly low-income community, the new 1,490 alternative Los Robles site, the related Draft PEIR, supporting documents, and growing Administrative Record, are incredibly complex, confusing, repetitive, overwhelming, and filled with inaccuracies, inconsistencies, errors, and omissions.

C2-2

The County's primary obligation, to carefully protect the health, safety and economic interests of the citizens in their jurisdiction, cannot be met through these projects, or by approving the flawed and inadequate DPEIR. Nor can the **Mission Statement be met:** "To enhance the safety and livability of communities through the efficient application of land use programs that balance growth and conservation."

C2-3

Soitec's experimental behemoths don't belong in wildfire corridors, residential areas, 100'feet from front doors, or intruding into 100 year floodplains, wetlands, wildlife habitat and movement corridors.

C2-4

1 | Boulevard Planning Group's comments on Soitec Solar's Draft PEIR 3-2-14

Response to Comment Letter C2

Boulevard Planning Group
Donna Tisdale
March 3, 2014

C2-1 The County acknowledges the actions taken by the Boulevard Community Planning Group (BCPG) on February 6, 2014 including recommendations to oppose the proposed project and DPEIR. Ultimately, the decision makers must determine whether to approve the Proposed Project or any alternatives. The information in this letter will be in the Final Project Environmental Impact Report (FPEIR) for review and consideration by the decision makers.

C2-2 The comment is acknowledged and will be included in the FPEIR for review and consideration by the decision makers. The BCPG's general assertions with regards to the Draft Program Environmental Impact Report (DPEIR) do not raise specific issues for which a response can be provided; specific comments regarding Project impacts and the adequacy of the DPEIR are addressed below.

C2-3 The County acknowledges the BCPG's view of the Mission Statement in relation to the proposed project. However, this comment does not raise an environmental issue for which a response is required. Ultimately, the decision makers must determine how

The two photographs below were taken by Donna Tisdale on December 8, 2013 at Soitec's Newberry Solar 1 project in Newberry Springs, east o f Barstow.

Soitec's Boulevard projects ignore the intent of the General Plan Update and the Boulevard Community Plan to reduce unnecessary backcountry development due to lack of water and infrastructure, the presence of sensitive resources, and to reduce the risk of wildfire that additional development represents. These projects will increase public health and safety risks through well interference, glint and glare, increased wildfire risk from malfunctioning electrical equipment and increased lightning strikes, increased electrical fields and related pollution and electromagnetic interference with natural and manmade electrical and communication systems, significant adverse impacts to visual, cultural, historic, biological, and recreation , and hydrological, resources, quality of life, property values, tourism draw, and more. C2-6

The draft EIR is so fundamentally flawed, inadequate, and conclusory in nature that meaningful public review, comment, and informed decision making are precluded. Making an informed decision, as required by CEQA, is simply impossible based on what has been presented and misrepresented to the public and decision makers by Soitec , Dudek, their representatives, and others. C2-7

The extended CEQA comment period, and available Administrative Record documents, provide evidence that even County staff has not had enough time to properly review and critique the entire DPEIR and supporting documents—as required to protect the public interest and to ensure the PEIR is adequate and defendable. The County must use its independent authority to re-circulate a revised and corrected Draft EIR, or two separate EIRs, one for Rugged Solar and one Tierra Del Sol Solar only. LanWest, LanEast, and Los Robles should be eliminated for lack of information, lack of MUP applications, and lack of progress on these projects by the applicant, and sensitive locations too close to existing homes and other sensitive receptors. C2-8

There are no evident benefits from these projects for the community of Boulevard and our disproportionately impacted residents and resources. Any alleged mitigation, mitigation funds / offers would come at great expense and irreparable harm overall. John Gibson, representing Hamann Companies, Rough Acres Water Company, Rough Acres Foundation, Waterstone Support Foundation, Vista Oaks Business Park and Harmony Grove Partners, stated publically that any and all donations from Rugged Solar will go to El Cajon. C2-9

We incorporate by reference all of our previous comments filed on these projects, our Planning Group minutes/ summaries, which are posted on the County's website, and request the following: C2-10

C2-11

the County of San Diego (County) can best meet its objectives. The information in this comment will be in the FPEIR for review and consideration by the decision makers.

C2-4 The County acknowledges the BCPG's opposition to the Proposed Project. The information in this comment will be in the FPEIR for review and consideration by the decision makers. Specific impacts of the Proposed Project related to visual impacts, including glare, floodplains, wetlands, wildlife habitat, and movement corridors have been considered and addressed in DPEIR Chapter 2.1, Aesthetics, Chapter 2.3, Biological Resources, and Chapter 3.1.5.3.1, Hydrology and Drainage Patterns. Also, please refer to the response to comment I82-3 regarding the compatibility of the proposed project sites with local zoning and land use plans, the response to comment I98-8 related to intrusion into 100-year floodplains, and the responses to comments O10-80 through O10-84 on the risk of wildfire.

C2-5 The County acknowledges that the photos are from Soitec's Newberry Springs facility which utilizes similar technology as the proposed project. The photos indicate the scale of the CPV trackers and the potential for glare from the CPV panels mounted on the trackers. The scope of the proposed project including a description of all components is contained in Chapter

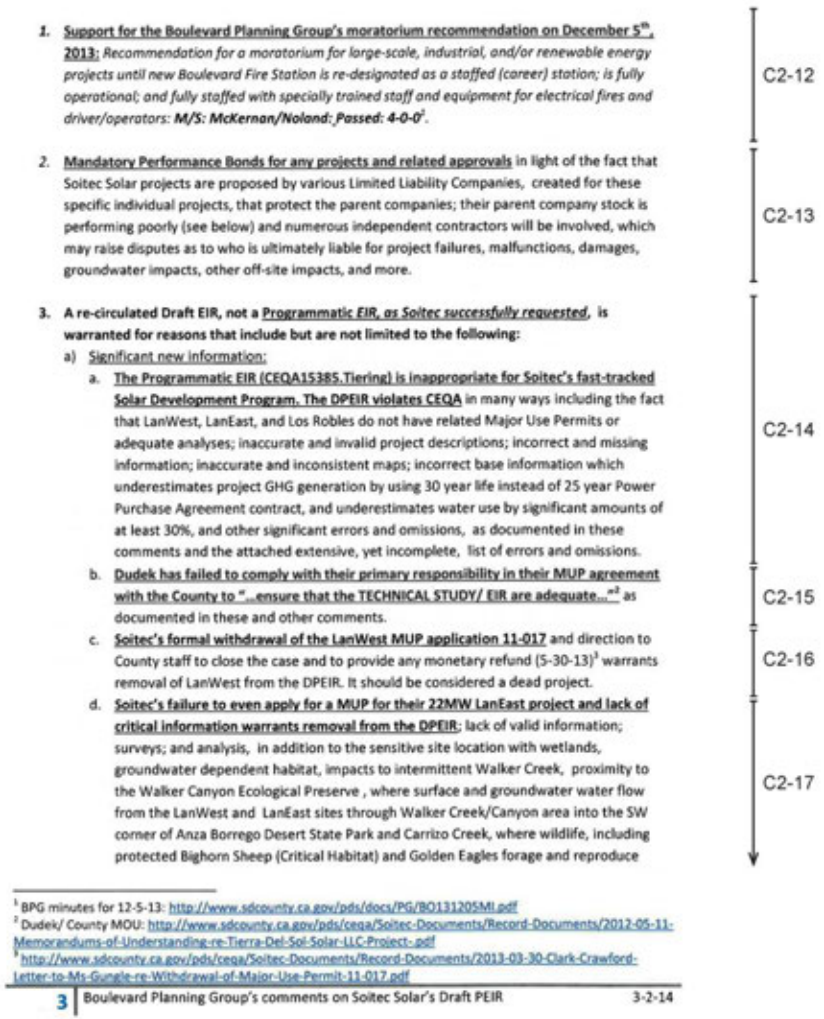
		1 of the DPEIR and the issue of aesthetics including glare is addressed in Chapter 2.1.
	C2-6	The DPEIR assesses the Proposed Project's conformance with the General Plan and Boulevard Community Plan (County of San Diego 2010, 2013; see Section 2.5.3.2 and Appendices 2.5-1 and 2.5-2 of the DPEIR). Ultimately, the decision makers must determine whether the Proposed Project complies with the intent of the General Plan Update and Boulevard Community Plan. The information in this comment will be in the FPEIR for review and consideration by the decision makers.
	C2-7	The Proposed Project's potential effects related to the issues raised in this comment are addressed in DPEIR Chapters 2.0 and 3.0. The DPEIR provides information regarding potential health effects and hazards from exposure to electric and magnetic fields (EMFs); see Section 3.1.4.5 of the DPEIR. However, the DPEIR does not consider EMFs in the context of the CEQA for determination of environmental impact because there is no agreement among scientists that EMFs create a health risk and because there are no defined or adopted CEQA standards for defining health risks from EMFs. As a result, the EMF information is presented for the benefit of the public and decision makers. Furthermore, in response to this comment and other

		comments regarding EMF, a memorandum was prepared by Asher R. Sheppard, PhD to support the information provided in the DPEIR and provide more detail; see Appendix 9.0-1 of the DPEIR. The memorandum concludes that EMF from the Proposed Project are highly localized and pose no known concern for human health. The commenter's concerns related to property values and tourism do not relate to an environmental issue. Under CEQA, social and economic effects need not be considered in the DPEIR (14 CCR 15064(e)).The County addresses specific comments on the environmental impacts of the Proposed Project below.
	C2-8	The County disagrees with this comment. The DPEIR for the Proposed Project adheres to the dictates of the California Environmental Quality Act (CEQA) (California Public Resources Code 21000 et seq.) and its Guidelines (14 CCR 15000 et seq.). In conformance with CEQA, the DPEIR evaluated the whole of the action and analyzed each environmental subject area with regard to potential adverse effects, as well as a reasonable range of alternatives. The DPEIR is generally consistent with the County's EIR Format and General Content Requirements, dated September 26, 2006. Each chapter of the DPEIR lists references used in the preparation of that chapter, including the studies used to support the analysis and conclusions

		presented in the DPEIR. The referenced sections provide all studies used as reference and background material within the analysis of each applicable section of the DPEIR. All important data or material was incorporated directly into the analysis of the DPEIR. The DPEIR includes summarized technical data pursuant to Section 15147 of the CEQA Guidelines, and provides sufficient material "to permit full assessment of significant environmental impacts by reviewing agencies and members of the public." Any reports associated with technical analysis were made available for public review.
	C2-9	The County disagrees with the commenter's assertion that County staff lacked sufficient time to "review and critique" the DPEIR and supporting documents. The Notice of Preparation for the DPEIR was issued in December 2012, and the DPEIR was issued in January 2014. The County disagrees with the commenter's assertion that the County must use its independent authority to recirculate a revised and corrected DPEIR because the commenter has provided no significant new information that requires recirculation (California Public Resources Code, Section 21092.1; 14 CCR 15088.5). The County disagrees that the LanEast and LanWest elements should be removed from the DPEIR. CEQA provides for programmatic analysis where a series of

	actions can be characterized as one large project and are related (14 CCR 15168(a); see also 14 CCR 15165). LanEast and LanWest are related to the Rugged solar farm and Tierra del Sol solar farm by geography, as logical parts in a chain of contemplated actions by the applicants, and because they would have generally similar environmental effects that can be mitigated in similar ways (14 CCR 15168(a); see also 14 CCR 15165). The County does not agree that LanWest, LanEast, and Los Robles should be eliminated from the Proposed Project for lack of information, lack of Major Use Permit (MUP) applications, or lack of progress on these solar farms by the applicants, or because the sites are located too close to existing homes and other sensitive receptors. The LanWest and LanEast solar farms are are reviewed at a programmatic level. The programmatic nature of the review of these two project sites is designed to address project actions at an early stage of the planning process (14 CCR 15168(b)(1)–15168(b)(4)). The Los Robles site is analyzed within the DPEIR as a feasible alternative location and should not be eliminated from the DPEIR. Sufficient information exists in the DPEIR for the Los Robles site to be evaluated as an off-site alternative pursuant to CEQA Guidelines Section 15126.6 (see *Kings County Farm*

		Bureau v. City of Hanford (1990) 221 Cal. App. 3d 692, 733 (information sufficient to allow an informed comparison of the impacts of the Proposed Project with those of the alternatives should be provided)). See common response ALT3.
	C2-10	One of the primary purposes of an EIR is to identify a project's significant effects on the environment (California Public Resources Code, Section 21002.1(a)). Economic or social information related to the Proposed Project may be included in an EIR or may be presented in another form by the County (14 CCR 15131). However, any economic or social effect of the Proposed Project shall not be treated as a significant effect on the environment (14 CCR 15064(e), 15131(a)). Evidence of economic or social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment (14 CCR 15064(f)(6)). While an evaluation of the local, County-wide, or broader economic or social benefits of the Proposed Project within the Boulevard community is not a required element of the DPEIR, the County has provided information in the DPEIR related to local economic benefits. The Proposed Project will employ approximately 326 workers during construction and approximately 33 full-time employees during



1. **Support for the Boulevard Planning Group's moratorium recommendation on December 5th, 2013:** *Recommendation for a moratorium for large-scale, industrial, and/or renewable energy projects until new Boulevard Fire Station is re-designated as a staffed (career) station; is fully operational; and fully staffed with specially trained staff and equipment for electrical fires and driver/operators:* ***M/S: McKernan/Noland; Passed: 4-0-0***[1]. C2-12

2. **Mandatory Performance Bonds for any projects and related approvals** in light of the fact that Soitec Solar projects are proposed by various Limited Liability Companies, created for these specific individual projects, that protect the parent companies; their parent company stock is performing poorly (see below) and numerous independent contractors will be involved, which may raise disputes as to who is ultimately liable for project failures, malfunctions, damages, groundwater impacts, other off-site impacts, and more. C2-13

3. **A re-circulated Draft EIR, not a Programmatic *EIR, as Soitec successfully requested*, is warranted for reasons that include but are not limited to the following:** C2-14
   a) Significant new information:
      a. **The Programmatic EIR (CEQA15385.Tiering) is inappropriate for Soitec's fast-tracked Solar Development Program. The DPEIR violates CEQA** in many ways including the fact that LanWest, LanEast, and Los Robles do not have related Major Use Permits or adequate analyses; inaccurate and invalid project descriptions; incorrect and missing information; inaccurate and inconsistent maps; incorrect base information which underestimates project GHG generation by using 30 year life instead of 25 year Power Purchase Agreement contract, and underestimates water use by significant amounts of at least 30%, and other significant errors and omissions, as documented in these comments and the attached extensive, yet incomplete, list of errors and omissions.
      b. **Dudek has failed to comply with their primary responsibility in their MUP agreement with the County to "...ensure that the TECHNICAL STUDY/ EIR are adequate..."**[2] as documented in these and other comments. C2-15
      c. **Soitec's formal withdrawal of the LanWest MUP application 11-017** and direction to County staff to close the case and to provide any monetary refund (5-30-13)[3] warrants removal of LanWest from the DPEIR. It should be considered a dead project. C2-16
      d. **Soitec's failure to even apply for a MUP for their 22MW LanEast project and lack of critical information warrants removal from the DPEIR**; lack of valid information; surveys; and analysis, in addition to the sensitive site location with wetlands, groundwater dependent habitat, impacts to intermittent Walker Creek, proximity to the Walker Canyon Ecological Preserve , where surface and groundwater water flow from the LanWest and LanEast sites through Walker Creek/Canyon area into the SW corner of Anza Borrego Desert State Park and Carrizo Creek, where wildlife, including protected Bighorn Sheep (Critical Habitat) and Golden Eagles forage and reproduce C2-17

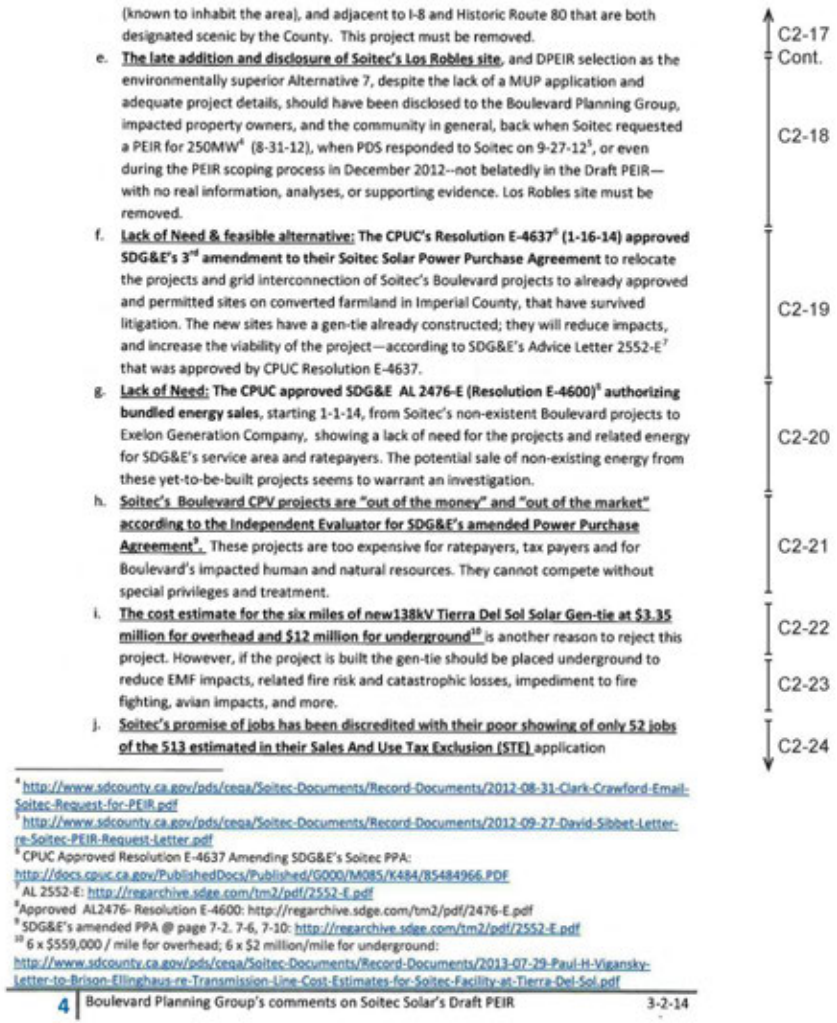
[1] BPG minutes for 12-5-13: http://www.sdcounty.ca.gov/pds/docs/PG/BO131205MI.pdf
[2] Dudek/ County MOU: http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2012-05-11-Memorandums-of-Understanding-re-Tierra-Del-Sol-Solar-LLC-Project-.pdf
[3] http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2013-03-30-Clark-Crawford-Letter-to-Ms-Gungle-re-Withdrawal-of-Major-Use-Permit-11-017.pdf

operation (DPEIR, 1.0-39, Tables 1-3, 1-5). Also, as stated in Chapter 3.17, Public Services, of the DEPIR, the Proposed Project will contribute funding to improve local emergency response capabilities in the project area (see Section 3.1.7.3.1, Fire and Emergency Medical Response Capabilities). The Proposed Project, has also received updated Project Facility Availability Forms from the San Diego County Fire Authority indicating that existing facilities will be adequate to provide fire protection services for the Tierra del Sol and Rugged solar farms with a developer agreement or similar finding mechanism. See Section 3.1.7, Public Services, for a discussion of PDF-PS-1 that would be implemented by the Tierra del Sol and Rugged solar farm projects to include a fair share contribution to fund the provision of appropriate fire and emergency medical services for the project area.

C2-11 This comment is acknowledged. The County has reviewed all comments submitted on this Proposed Project as well as the Boulevard Planning Group minutes and summaries that are included in the administrative record for the Proposed Project. This comment does not raise specific issues related to the Proposed Project or the adequacy of the environmental analysis in the DPEIR; therefore, no additional response is provided or required.

	C2-12	The County acknowledges the Boulevard Planning Group's recommendation made on December 5, 2013. This comment will be provided to the decision makers for their consideration.
	C2-13	The County disagrees with the commenter's assertion that mandatory performance bonds are necessary for the Proposed Project, including to ensure funding related to disputes regarding Proposed Project failures, malfunctions, damages, groundwater impacts, or other off-site impacts. Regarding the concern regarding the applicants' stock performance and the funding of the applicants' limited liability companies, the economic health or funding sources of the applicants (or parent companies) are not environmental issues that are properly the subject of the DPEIR and such comments do not require a response. To the extent that the commenter is concerned about funding of mitigation requirements, such as the funding of habitat preserves or contribution to local fire and emergency response capabilities, the County will adopt a mitigation reporting and monitoring program (MMRP) for the Proposed Project in accordance with CEQA (California Public Resources Code, Sections 21081(a)(1), 21081.6; 14 CCR 15097(a); DPEIR PDF-PS-1, pp. 4.1.4-46, 3.1.7-11; DPEIR M-BI-PP-1, pp. 2.3-174 to 2.3-176). The MMRP must be designed to ensure compliance during

		implementation of the Proposed Project and the County is responsible for ensuring that implementation of mitigation measures occurs in accordance with the MMRP (14 CCR 15097(a)). Mitigation measures in the DPEIR will be fully enforceable through permit conditions, agreements, or other measures (California Public Resources Code, Sections 21081.6, 21183(d)). Furthermore, CEQA does not require the applicants to provide financial assurances that mitigation measures and their required monitoring will be funded (see *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2007) 157 Cal. App. 4th 149, 163). As a separate requirement, the County Zoning Ordinance requires that the operator of a solar farm provide security to ensure the removal of the solar farm, in a form and amount to be determined by the Director of Planning and Development Services (County Zoning Ordinance, Section 6952.b.3; DPEIR, p. 1.0-19).
	C2-14	The commenter is referred to the responses to comments C2-9 (programmatic CEQA analysis) and O16-2 (fast tracking), as well as common response WR1 (revised water demand estimates) in Chapter 9.0. As shown in common response WR1, the commenter is correct in that additional water demand needed for construction activities was determined to increase by an additional 50 acre feet or 38%. The County disagrees that its estimation of GHG emissions



(known to inhabit the area), and adjacent to I-8 and Historic Route 80 that are both designated scenic by the County. This project must be removed.

e. **The late addition and disclosure of Soitec's Los Robles site**, and DPEIR selection as the environmentally superior Alternative 7, despite the lack of a MUP application and adequate project details, should have been disclosed to the Boulevard Planning Group, impacted property owners, and the community in general, back when Soitec requested a PEIR for 250MW[4] (8-31-12), when PDS responded to Soitec on 9-27-12[5], or even during the PEIR scoping process in December 2012--not belatedly in the Draft PEIR—with no real information, analyses, or supporting evidence. Los Robles site must be removed.

f. **Lack of Need & feasible alternative: The CPUC's Resolution E-4637[6] (1-16-14) approved SDG&E's 3rd amendment to their Soitec Solar Power Purchase Agreement** to relocate the projects and grid interconnection of Soitec's Boulevard projects to already approved and permitted sites on converted farmland in Imperial County, that have survived litigation. The new sites have a gen-tie already constructed; they will reduce impacts, and increase the viability of the project—according to SDG&E's Advice Letter 2552-E[7] that was approved by CPUC Resolution E-4637.

g. **Lack of Need: The CPUC approved SDG&E AL 2476-E (Resolution E-4600)[8] authorizing bundled energy sales**, starting 1-1-14, from Soitec's non-existent Boulevard projects to Exelon Generation Company, showing a lack of need for the projects and related energy for SDG&E's service area and ratepayers. The potential sale of non-existing energy from these yet-to-be-built projects seems to warrant an investigation.

h. **Soitec's Boulevard CPV projects are "out of the money" and "out of the market" according to the Independent Evaluator for SDG&E's amended Power Purchase Agreement[9].** These projects are too expensive for ratepayers, tax payers and for Boulevard's impacted human and natural resources. They cannot compete without special privileges and treatment.

i. **The cost estimate for the six miles of new138kV Tierra Del Sol Solar Gen-tie at $3.35 million for overhead and $12 million for underground[10]** is another reason to reject this project. However, if the project is built the gen-tie should be placed underground to reduce EMF impacts, related fire risk and catastrophic losses, impediment to fire fighting, avian impacts, and more.

j. **Soitec's promise of jobs has been discredited with their poor showing of only 52 jobs of the 513 estimated in their Sales And Use Tax Exclusion (STE)** application

[4] http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2012-08-31-Clark-Crawford-Email-Soitec-Request-for-PEIR.pdf
[5] http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2012-09-27-David-Sibbet-Letter-re-Soitec-PEIR-Request-Letter.pdf
[6] CPUC Approved Resolution E-4637 Amending SDG&E's Soitec PPA: http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M085/K484/85484966.PDF
[7] AL 2552-E: http://regarchive.sdge.com/tm2/pdf/2552-E.pdf
[8] Approved AL2476- Resolution E-4600: http://regarchive.sdge.com/tm2/pdf/2476-E.pdf
[9] SDG&E's amended PPA @ page 7-2. 7-6, 7-10: http://regarchive.sdge.com/tm2/pdf/2552-E.pdf
[10] 6 x $559,000 / mile for overhead; 6 x $2 million/mile for underground: http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2013-07-29-Paul-H-Vigansky-Letter-to-Brison-Ellinghaus-re-Transmission-Line-Cost-Estimates-for-Soitec-Facility-at-Tierra-Del-Sol.pdf

4 | Boulevard Planning Group's comments on Soitec Solar's Draft PEIR 3-2-14

C2-17 Cont.
C2-18
C2-19
C2-20
C2-21
C2-22
C2-23
C2-24

associated with the Project is inaccurate or unsupported. Statements regarding "inaccurate and invalid project descriptions; incorrect and missing information; inaccurate and inconsistent maps" lack sufficient specificity to allow for further response.

C2-15 The commenter is referred to response to comment C2-8 above.

C2-16 The commenter is referred to the response to comment C2-9. The County disagrees that the applicants' withdrawal of the LanWest MUP application (12-002) warrants removal of LanWest from the DPEIR. The applicant has indicated that while it is not currently pursuing approval of a MUP for LanWest, it could do so in the foreseeable future.

C2-17 The commenter is referred to the responses to comments C2-9 and C2-16, which justify the use of programmatic analysis for LanEast and LanWest. The DPEIR explains that LanEast and LanWest are analyzed at a programmatic level of review as sufficient project-level data has not been developed. Where information regarding LanEast and LanWest is insufficient to evaluate the significance of environmental impacts, the DPEIR notes that fact and reserves such analysis to a future project-level environmental review after a MUP application is submitted.

	C2-18 The County disagrees with the commenter's assertion that the Los Robles site must be removed from the DPEIR as an alternative site location. Alternatives need not be analyzed at the same level of detail as the Proposed Project (14 CCR 15126.6(a)). Furthermore, it would not be appropriate for the County to "remove" the Los Robles site from consideration in the DPEIR. The County is required to analyze a reasonable range of alternatives to the Proposed Project, or to the location of the Proposed Project, which would feasibly attain most of the basic objectives but would avoid or substantially lessen any of the significant effects of the Proposed Project (14 CCR 15126.6(a), 15126.6(f)(2)). The County has concluded that the Los Robles site meets the initial screening threshold for consideration in the DPEIR. Finally, CEQA does not require disclosure of alternative site locations prior to publication of a draft EIR. The commenter is also referred to response to comment C2-9, above, and common response ALT 3 in Chapter 9.0. **C2-19** The commenter is referred to response O10-7. The commenter's reference to California Public Utilities Commission (CPUC) Resolution E-4637 does not concern an environmental issue regarding the Proposed Project and the DPEIR. Accordingly, no further response is required.

	C2-20	The County disagrees that any investigation is required. The commenter is referred to the responses to comments C2-19 and O10-7. The comment regarding the sale of energy from the Project does not concern an environmental issue regarding the Proposed Project and the DPEIR. Accordingly, no further response is required.
	C2-21	The commenter is referred to responses O10-7 (the Proposed Project is not connected to a Power Purchasing Agreement (PPA)). The comment does not concern an environmental issue regarding the Proposed Project and the DPEIR. Accordingly, no further response is required.
	C2-22	The commenter's reference to the financial cost of the Tierra del Sol solar farm's gen-tie line does not concern an environmental issue regarding the Proposed Project and the DPEIR. Accordingly, no further response is required.
	C2-23	The commenter's preference to underground the Tierra del Sol gen-tie line is acknowledged. Potential impacts related to EMF, fire risk and emergency response capabilities, and dangers to avian species were analyzed in the DPEIR (Sections 2.3, 3.1.7, 3.1.9). The County found that impacts associated with fire risk and emergency response capabilities would be less than significant. Similarly, potential impacts to biological resources, including avian species and impacts from

documented in their STE application for their CPV manufacturing facility in Rancho Bernardo, and in the latest California Alternative Energy And Transportation Financing Authority (CAEATFA STE report dated 2-1-14)[11] They have already used $10.44 million of their estimated $9.38 million STE while generating only 10% or so of the jobs. C2-24 Cont.

k. **Soitec's promise of local jobs has also been discredited with their performance at their Newberry Solar 1 project where Blattner Energy was hired** and imported their own labor force, according to Soitec's Newberry ID Card[12], Blattner's website[13] and adjacent Newberry Springs residents who witnessed the construction, and the high number of post construction non-operating (stowed or restrained) CPV trackers, and crews from out of the area that are on-site daily—when the site is supposed to be unmanned. Soitec's vertical and inoperable tracker, in Newberry Solar 1 photo below (Tisdale 12-27-13), is restrained in place with a cable to the ground, others are horizontal, and panels are washed manually. Noise from the washer generator was obvious in the otherwise quiet desert neighborhood. Glare photo on n right was sent by a Newberry local. C2-25 C2-26 C2-27 C2-28

l. **According to Bloomberg Businessweek, Soitec's reported 52 week stock high of $3.96 (converted from pounds) and low of $1.84 ($.o.i.t.e.c. (SOI:Euronext Paris)[14]** . This raises concerns with their financial viability and ability to see these expensive and experimental CPV projects through and/or to avoid potential bankruptcy or default, leaving others to cleanup and pay for any unfinished mess or site restoration. C2-29

m. **Soitec secures EUR 21.3 million for funding CPV research *due to market failure*[15]:** The Dec 29, 13 article reported that –"In the absence of state aid, the company's R&D efforts would have been considerably reduced: it would for example have abandoned development of high-efficiency cells, considered to be an excessive risk. This would undoubtedly have affected the development of the CPV sector C2-30

n. **SDG&E is adding gas-fired power-plants**, including the 300MW Pio Pico Energy Center (2011-AFC-1) approved in 2014; 558MW NRG Carlsbad (2007-AFC-6) approved in 2012; and they are negotiating for additional peaker plants[16]. There is no supporting evidence that any gas-fired plants or related GHGs are being replaced through the Soitec Solar C2-31

[11] CAEATFA Sales & Use Tax Exclusion (STE) report dated 2-1-14: see #31 & 32 @ page 2 http://www.treasurer.ca.gov/caeatfa/ste/applicants/considered.pdf
[12] http://www.soitec.com/pdf/sites/Soitec_Newberry_ID_card.pdf
[13] Blattner Newberry Solar http://blattnerenergy.com/projects/newberry-solar-project/
[14] Soitec stock average: http://investing.businessweek.com/research/stocks/snapshot/snapshot.asp?ticker=SOI:FP
[15] http://www.compoundsemiconductor.net/csc/detail-news/id/19737131/name/-Soitec-secures-EUR-21.3-million-funding-for-Guepard-R&D-projec.html
[16] CEC project siting case list :http://www.energy.ca.gov/sitingcases/all_projects.html

transmission lines, would be less than significant with the implementation of mitigation. The County does not evaluate the potential effects of EMF under CEQA, but has provided information for the public in DPEIR Section 3.1.4.5 and in Appendix 9.0-1.

The DPEIR analyzed two project alternatives that included full undergrounding of the Tierra del Sol gen-tie. A comparison of the environmental effects of the alternatives (i.e., Alternatives 3 and 4) and the Proposed Project is presented in DPEIR Section 4.3.3 and 4.3.4.

The County appreciates this information and will take it into consideration. Ultimately, the decision makers must determine how the County can best meet its objectives. The information in this comment will be in the FPEIR for review and consideration by the decision makers.

C2-24 The commenter's reference to employment figures associated with the concentrator photovoltaic (CPV) panel manufacturing facility does not concern an environmental issue regarding the Proposed Project and the DPEIR. Accordingly, no further response is required. The County disagrees that the reference cited by the commenter supports the commenter's assertion. The commenter has misconstrued the meaning of the statistics reported by the state regarding the California Sales and Use Tax Exclusion (STE) Program. The state

		created the STE Program (for which Soitec Solar Industries LLC has qualified) "to provide a sales and use tax exclusion on equipment and machinery used in an advanced manufacturing process" (CAEATFA 2014, Introduction). The STE Program has an annual limit of $100 million in sales and use tax exclusion awards, and an applicant is only accepted into the program after a positive evaluation of the fiscal and environmental benefits of the project (CAEATFA 2014, p. 3). The state's 2013 annual report (CAEATFA 2014) shows the STE program results for Soitec Solar Industries LLC. The report indicates that of 513 total jobs expected to be created by Soitec, 52 of those jobs were expected to be created by the benefits provided by the STE Program (CAEATFA 2014, Appendix A, p. A-2).
	C2-25	The commenter's reference to construction employment at the Newberry Solar 1 solar farm does not concern an environmental issue regarding the Proposed Project and the DPEIR. Accordingly, no further response is required. The County disagrees with the commenter's assertion that Newberry Solar 1's construction employment is predictive of future employment for the Proposed Project. The Rugged solar farm and Tierra del Sol solar farm have qualified as environmental leadership projects under Assembly Bill (AB) 900, and the Governor has certified that the projects will create high-wage, highly skilled jobs as specified in California Public Resources Code, Section 21183(b).

	C2-26 The commenter's reference to the status of a particular tracker on December 27, 2013, at the Newberry Solar 1 solar farm does not concern an environmental issue regarding the Proposed Project and the DPEIR. Washing of the proposed project's CPV trackers is described in DPEIR Chapter 1.2.1.1.
	C2-27 The commenter's reference to noise associated with tracker washing at the Newberry Solar 1 solar farm does not concern an environmental issue regarding the Proposed Project and the DPEIR. The commenter is directed to DPEIR Chapter 2.6.3.1 which addresses noise associated with washing the CPV trackers of the proposed project.
	C2-28 The commenter is directed to DPEIR Chapter 2.1.3.3 and Appendix 2.1-3 (Boulevard Glare Study) which addresses potential impacts related to glare from the proposed project.
	C2-29 The commenter's reference to Soitec's European stock price during an unspecified 52-week period does not concern an environmental issue regarding the Proposed Project and the DPEIR. The County disagrees with the commenter's assertion that Soitec's financial status in Europe is relevant to determining whether it would be able to decommission the Proposed Project because the County Zoning Ordinance requires the applicants to post a removal surety prior to construction (Zoning Ordinance,

Project, as claimed in the DPEIR. SDG&E's applications actually state that the intermittent and unreliable nature of renewable energy projects requires additional peaker plants.

o. **Governor Brown's Official Drought Proclamation and request for 20% reduction** of water use. The Boulevard and surrounding water source areas are also suffering from a significant drought period with well levels dropping, stressed oak trees dying, withering riparian and foraging habitat, and more. Extended droughts reduce groundwater recharge rates and must be analyzed and addressed.

p. **AECOM's Construction Water Demand Estimation Sheets for Rugged Solar and Tierra Del Sol Solar**, and estimation of 24,000 GAL/ACRE are based on a 42.1 acre site staff identified as the new $29 million Boulevard Border Patrol station on Ribbonwood Road[17]. However, that Border Patrol property is only 31 acres as documented in the linked media from the Army Corps of Engineers[18], who oversaw construction of the $29 million project, and the County's 2009 comment letter on the project's PEA. *This means the GAL/ACRE was underestimated by at least 30%. In addition, no supporting documentation was found to support the 24,000 GAL/ACRE figure.*

q. **Dudek's alarming, inept, and now, invalidated $64,000 Maderas Golf Club groundwater analysis, for City of Poway**, for on-site and off-site groundwater impacts, and their incorrect denial of aquifer interconnections between Golf Club irrigation wells, adjacent private wells, and groundwater dependent habitat, resulted in curtailment of pumping form 4 wells within just 60 days of the City's reauthorization of pumping due to significant and unsafe drop in water levels[19]. Dudek's bias towards developers seems obvious and raises significant concerns with the validity of their work for Soitec.

r. **The significant increase in amount of water required for ECO Substation construction** from estimated 30 million gallons, to the real world need for 90-100 million gallons[20], raises alarms that similar significant underestimations are being put forward for Soitec's projects, with insufficient and conflicting information to support the claims that impacts will be insignificant. We strongly disagree and object to that unsupported conclusion.

s. **Formation of the new Rough Acres Water Company, Inc (C3477807 filed with the Secretary of State)[21], is a connected action for Soitec Solar and should be treated as such.** The new private for-profit company raises concerns with cumulative groundwater impacts, growth inducement, and other questions regarding unpermitted uses and potential clandestine water use and sales are also of concern. With water tanker trucks currently being stored on-site at Rough Acres Ranch property, stashed tightly behind a concrete barn (documented over several months with photos), and the unethical and disrespectful behavior by John Gibson , concerns are justified.

C2-31 Cont.
C2-32
C2-33
C2-34
C2-35
C2-36
C2-37

[17] http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2014-02-18-DonnaTisdale-email-to-Jim-Bennett-Re-Soitec-Water-Question.pdf
[18] USACE News ID 77388 dated 9-15-11: http://www.dvidshub.net/news/printable/77388
[19] http://www.utsandiego.com/news/2014/jan/28/maderas-golf-water-wells/all/?print
[20] ECO Substation Amended Water Supply Plan http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/Amended%20Construction%20Water%20Supply%20Plan.pdf
[21] Rough Acres Water Company, Inc filed with the SOS on June 4, 2012: http://kepler.sos.ca.gov/

Section 6952(b)(3)(d)), as discussed in the DPEIR (pp. 1.0-18 to 1.0-19). See the response to comment C2-47 (CPV trackers are not experimental).

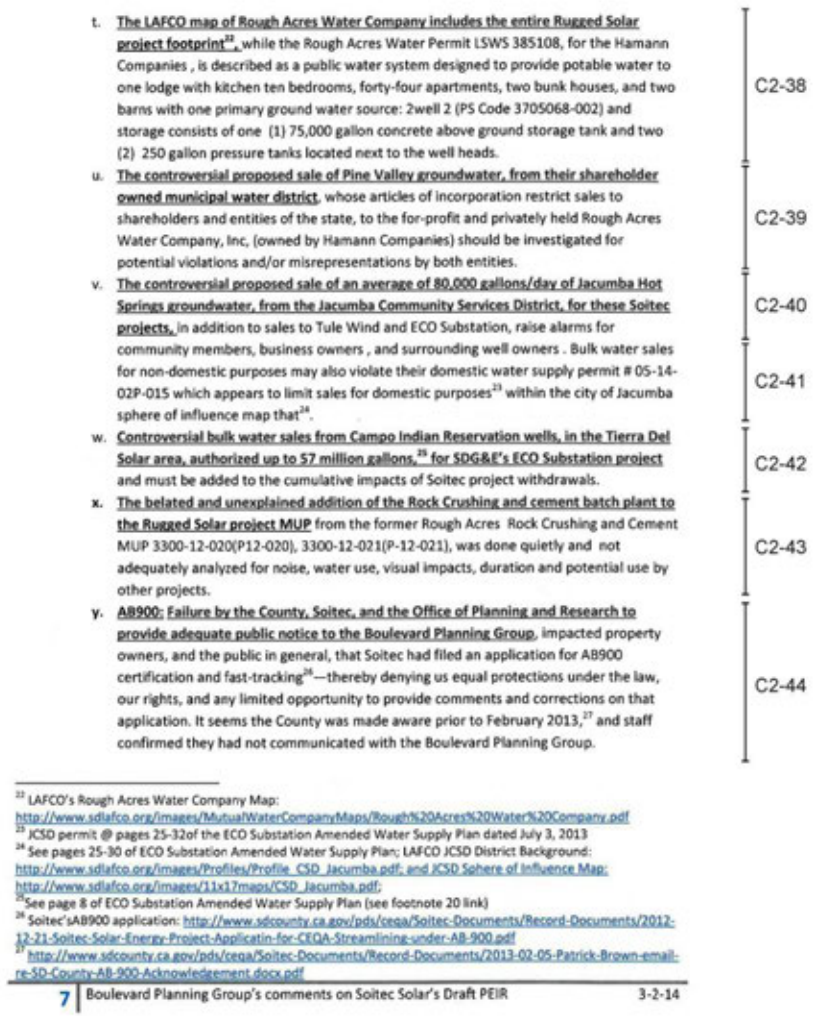
C2-30 The commenter's reference to research funding received by Soitec does not concern an environmental issue regarding the Proposed Project and the DPEIR. Accordingly, no further response is required. The County notes, however, that Soitec recently announced that it achieved a world record for the conversion of sunlight into electricity by achieving 44.7% efficiency (see Fraunhofer ISE et al. 2013).

C2-31 The commenter is directed to the responses to comments O10-8 (reduction of greenhouse gases (GHGs) and consumption of fossil fuels) and O10-106 (San Onofre Nuclear Generating Station (SONGS) shutdown requires replacement of 2 gigawatts of electricity generation).

C2-32 The commenter cites Governor Brown's drought proclamation without reference to the adequacy of the DPEIR analysis. The commenter is referred to DPEIR Section 3.1.5.3.4 and Appendices 3.1.5-5 and 3.1.5-6 (Section 3.1.2, specifically), which indicate the water balance analysis included periods of drought.

C2-33 The County acknowledges the correct acreage of the Boulevard Border Patrol Station and has revised the construction water demand estimation sheets

	accordingly. The amount of water needed for construction of the proposed project was underestimated and additional analysis has been provided. Please refer to common response WR1 in Chapter 9.0 and response to comment C2-14 above.
	C2-34 The commenter's reference to a groundwater analysis for the City of Poway does not concern an environmental issue regarding the Proposed Project and the DPEIR. No response is required for comments based on issues or events related to other projects, or without specific reference to the analysis methodologies used in the DPEIR. Accordingly, no further response is required.
	C2-35 The commenter is referred to the response to comment C2-34. The commenter's opinion regarding the Dudek firm does not concern a significant environmental issue regarding the Proposed Project and the DPEIR. Applicants are responsible for selecting and direct contracting with specific consultants from the County's list of approved consultants to prepare CEQA documents for private projects; however, the County retains approval authority over the documents prepared by approved consultants.
	C2-36 The commenter is referred to the response to comment C2-14 and to common response WR1 in Chapter 9.0.



t. **The LAFCO map of Rough Acres Water Company includes the entire Rugged Solar project footprint[22],** while the Rough Acres Water Permit LSWS 385108, for the Hamann Companies , is described as a public water system designed to provide potable water to one lodge with kitchen ten bedrooms, forty-four apartments, two bunk houses, and two barns with one primary ground water source: 2well 2 (PS Code 3705068-002) and storage consists of one (1) 75,000 gallon concrete above ground storage tank and two (2) 250 gallon pressure tanks located next to the well heads.

u. **The controversial proposed sale of Pine Valley groundwater, from their shareholder owned municipal water district**, whose articles of incorporation restrict sales to shareholders and entities of the state, to the for-profit and privately held Rough Acres Water Company, Inc, (owned by Hamann Companies) should be investigated for potential violations and/or misrepresentations by both entities.

v. **The controversial proposed sale of an average of 80,000 gallons/day of Jacumba Hot Springs groundwater, from the Jacumba Community Services District, for these Soitec projects,** in addition to sales to Tule Wind and ECO Substation, raise alarms for community members, business owners , and surrounding well owners . Bulk water sales for non-domestic purposes may also violate their domestic water supply permit # 05-14-02P-015 which appears to limit sales for domestic purposes[23] within the city of Jacumba sphere of influence map that[24].

w. **Controversial bulk water sales from Campo Indian Reservation wells, in the Tierra Del Solar area, authorized up to 57 million gallons,[25] for SDG&E's ECO Substation project** and must be added to the cumulative impacts of Soitec project withdrawals.

x. **The belated and unexplained addition of the Rock Crushing and cement batch plant to the Rugged Solar project MUP** from the former Rough Acres Rock Crushing and Cement MUP 3300-12-020(P12-020), 3300-12-021(P-12-021), was done quietly and not adequately analyzed for noise, water use, visual impacts, duration and potential use by other projects.

y. **AB900: Failure by the County, Soitec, and the Office of Planning and Research to provide adequate public notice to the Boulevard Planning Group,** impacted property owners, and the public in general, that Soitec had filed an application for AB900 certification and fast-tracking[26]—thereby denying us equal protections under the law, our rights, and any limited opportunity to provide comments and corrections on that application. It seems the County was made aware prior to February 2013,[27] and staff confirmed they had not communicated with the Boulevard Planning Group.

C2-38
C2-39
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C2-41
C2-42
C2-43
C2-44

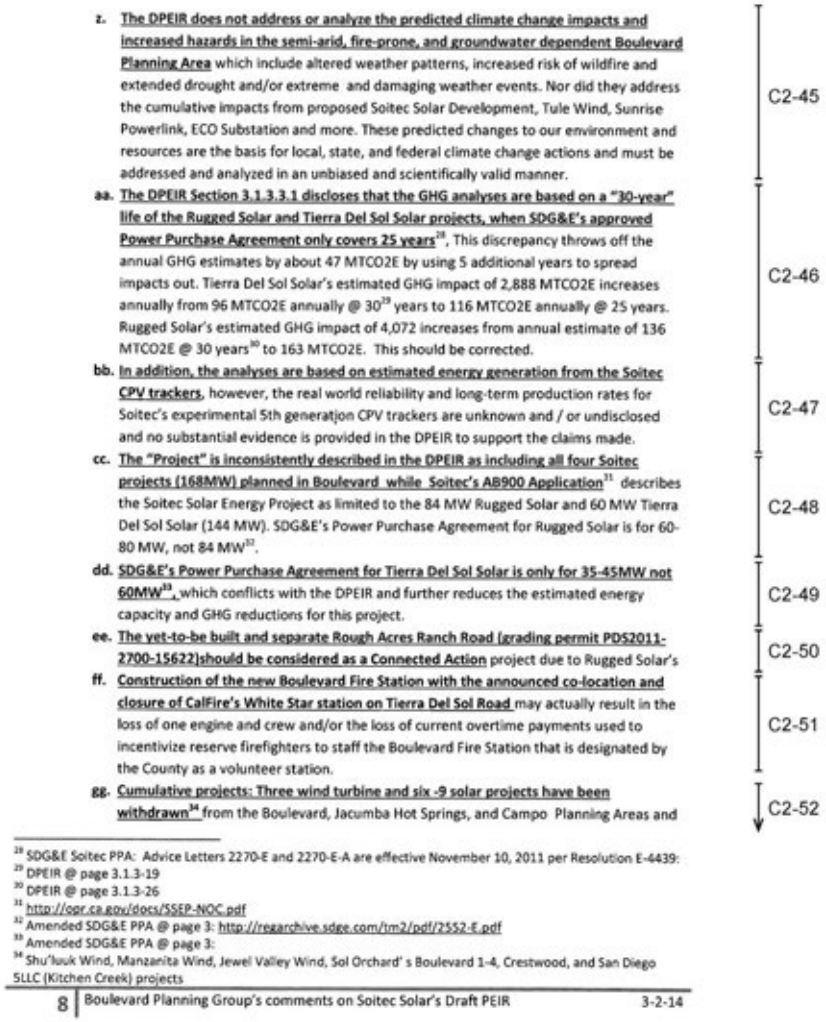
[22] LAFCO's Rough Acres Water Company Map: http://www.sdlafco.org/images/MutualWaterCompanyMaps/Rough%20Acres%20Water%20Company.pdf
[23] JCSD permit @ pages 25-32of the ECO Substation Amended Water Supply Plan dated July 3, 2013
[24] See pages 25-30 of ECO Substation Amended Water Supply Plan; LAFCO JCSD District Background: http://www.sdlafco.org/images/Profiles/Profile_CSD_Jacumba.pdf; and JCSD Sphere of Influence Map: http://www.sdlafco.org/images/11x17maps/CSD_Jacumba.pdf;
[25] See page 8 of ECO Substation Amended Water Supply Plan (see footnote 20 link)
[26] Soitec'sAB900 application: http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2012-12-21-Soitec-Solar-Energy-Project-Applicatin-for-CEQA-Streamlining-under-AB-900.pdf
[27] http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2013-02-05-Patrick-Brown-email-re-SD-County-AB-900-Acknowledgement.docx.pdf

C2-37 The County directs the commenter to the DPEIR's analysis of the Proposed Project's potential to have direct and cumulative impacts on groundwater (DPEIR, Sections 3.1.5.3.4 and 3.1.5.4.2) and Appendices 3.1.5-5 through 3.1.5-8 and Groundwater Monitoring and Mitigation Plans for the Tierra del Sol site, Rigged site, Pine Valley Mutual Water Company, and the Jacumba Community Services District). The Rough Acres Water Company's water sales are governed by the California Corporations Code, which places limits on the company's ability to sell water. The commenter's opinion regarding Mr. Gibson does not concern a significant environmental issue regarding the Proposed Project and the DPEIR. Accordingly, no further response is required.

C2-38 The County concurs that the Rugged Solar Project falls within Rough Acres Water Company's footprint on the Local Agency Formation Commission (LAFCO) map. Potential impacts to groundwater resources during construction and operation of the Proposed Project are analyzed in Section 3.1.5.3.4, Groundwater Resources, of Chapter 3.1.5, Hydrology and Water Quality. As discussed in Section 3.1.5.3.4, approximately 54 acre-feet of the 83 acre-feet of short-term water demand associated with the construction of the Rugged Solar Farm will be supplied on-site supply wells. Water from on-site supply wells would be purchased from the Rough Acres Water Company and

		once permitted, Rugged Solar LLC would become a member of the Rough Acres Water Company.
	C2-39	The County does not believe that any investigation of the Pine Valley Mutual Water Company or Rough Acres Water Company is necessary. The commenter is referred to responses I100-3 and I100-5.
	C2-40	The County agrees that citizens served by JCSD have a right to be concerned with how JCSD manages the water supply. The commenter is referred to Common Response WR1 in Chapter 9.0, the DPEIR's analysis of JCSD as a potential water source for the Proposed Project (DPEIR, Sections 3.1.5.3.4 and 3.1.9.3.1, Appendix 3.1.5-8, and and Groundwater Monitoring and Mitigation Plan for Jacumba Community Services District).
	C2-41	The County disagrees that water sales from JCSD to the Proposed Project would violate the law (see California Government Code, Section 56133(e) (permitting sale of non-potable water)).
	C2-42	The commenter's reference to water sales from the Campo Indian Reservation wells to SDG&E's ECO Substation Project does not concern a significant environmental issue regarding the Proposed Project and the DPEIR. Water sales from the Campo Indian Reservation wells is not within the cumulative scope of analysis for impacts to groundwater resources for three reasons: 1) construction of the ECO Substation Project

		is nearing completion and will be complete before the Proposed Project would break ground, 2) the location of the subject wells on the Campo Indian Reservation is over 5 miles from any of the water sources identified for the Proposed Project, and 3) according to the Amended Construction Water Supply Plan submitted to CPUC, "the Campo Indian Reservation stopped providing water for the [ECO Substation Project] as of November 18, 2013" (SDG&E 2013) Accordingly, no further response is required.
	C2-43	The County disagrees that the rock crushing and batch plant facility were added quietly and not adequately analyzed. The 10-acre temporary batch plant and rock crushing facility is included as one of the project components in the DPEIR and is described in detail in Section 1.2.1.1 of the DPEIR. The facility is only proposed for use by the Proposed Project. The rock crushing and batch plant facility would temporarily be located on the interior of the Rugged solar farm site and would not be prominently visible in the fore or middle-ground views from the Key Views analyzed in Chapter 2.1, Aesthetics, of the DPEIR. As such, the facility is not specifically called out in the aesthetics analysis; however, impacts related to construction activities and fugitive dust, including those related to the rock crushing and batch plant facility are considered and addressed in Section 2.1.3.2.



z. **The DPEIR does not address or analyze the predicted climate change impacts and increased hazards in the semi-arid, fire-prone, and groundwater dependent Boulevard Planning Area** which include altered weather patterns, increased risk of wildfire and extended drought and/or extreme and damaging weather events. Nor did they address the cumulative impacts from proposed Soitec Solar Development, Tule Wind, Sunrise Powerlink, ECO Substation and more. These predicted changes to our environment and resources are the basis for local, state, and federal climate change actions and must be addressed and analyzed in an unbiased and scientifically valid manner. C2-45

aa. **The DPEIR Section 3.1.3.3.1 discloses that the GHG analyses are based on a "30-year" life of the Rugged Solar and Tierra Del Sol Solar projects, when SDG&E's approved Power Purchase Agreement only covers 25 years**[28]. This discrepancy throws off the annual GHG estimates by about 47 MTCO2E by using 5 additional years to spread impacts out. Tierra Del Sol Solar's estimated GHG impact of 2,888 MTCO2E increases annually from 96 MTCO2E annually @ 30[29] years to 116 MTCO2E annually @ 25 years. Rugged Solar's estimated GHG impact of 4,072 increases from annual estimate of 136 MTCO2E @ 30 years[30] to 163 MTCO2E. This should be corrected. C2-46

bb. **In addition, the analyses are based on estimated energy generation from the Soitec CPV trackers**, however, the real world reliability and long-term production rates for Soitec's experimental 5th generation CPV trackers are unknown and / or undisclosed and no substantial evidence is provided in the DPEIR to support the claims made. C2-47

cc. **The "Project" is inconsistently described in the DPEIR as including all four Soitec projects (168MW) planned in Boulevard while Soitec's AB900 Application**[31] describes the Soitec Solar Energy Project as limited to the 84 MW Rugged Solar and 60 MW Tierra Del Sol Solar (144 MW). SDG&E's Power Purchase Agreement for Rugged Solar is for 60-80 MW, not 84 MW[32]. C2-48

dd. **SDG&E's Power Purchase Agreement for Tierra Del Sol Solar is only for 35-45MW not 60MW**[33], which conflicts with the DPEIR and further reduces the estimated energy capacity and GHG reductions for this project. C2-49

ee. **The yet-to-be built and separate Rough Acres Ranch Road (grading permit PDS2011-2700-15622)should be considered as a Connected Action** project due to Rugged Solar's C2-50

ff. **Construction of the new Boulevard Fire Station with the announced co-location and closure of CalFire's White Star station on Tierra Del Sol Road** may actually result in the loss of one engine and crew and/or the loss of current overtime payments used to incentivize reserve firefighters to staff the Boulevard Fire Station that is designated by the County as a volunteer station. C2-51

gg. **Cumulative projects: Three wind turbine and six -9 solar projects have been withdrawn**[34] from the Boulevard, Jacumba Hot Springs, and Campo Planning Areas and C2-52

[28] SDG&E Soitec PPA: Advice Letters 2270-E and 2270-E-A are effective November 10, 2011 per Resolution E-4439:
[29] DPEIR @ page 3.1.3-19
[30] DPEIR @ page 3.1.3-26
[31] http://opr.ca.gov/docs/SSEP-NOC.pdf
[32] Amended SDG&E PPA @ page 3: http://regarchive.sdge.com/tm2/pdf/2552-E.pdf
[33] Amended SDG&E PPA @ page 3:
[34] Shu'luuk Wind, Manzanita Wind, Jewel Valley Wind, Sol Orchard' s Boulevard 1-4, Crestwood, and San Diego SLLC (Kitchen Creek) projects

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Potential noise impacts related to the rock crushing and batch plant facility are considered and addressed in Section 2.6.3.2 of the DPEIR.

Water use for the rock crushing and batch plant facility was included in Table 1-6 (see DPEIR, Chapter 1.0) as a component of the dust control and tracker installation activities. However, the County has made revisions and clarifications to the DPEIR. These revisions to the DPEIR are presented in ~~strikeout~~/underline format; refer to Table 1-6 in Chapter 1.0. The revisions include clarifications to the specific water use required by the rock crushing and batch plant facility. Additional clarifications to the operational characteristics of the facility, including the duration of operation, are presented in ~~strikeout~~/underline format; refer to Section 1.2.1.1 of the DPEIR. Please also refer to common response WR1 in Chapter 9.0.

C2-44 The applicants' AB 900 applications were posted on the website maintained for that purpose by the Governor's Office of Planning & Research (see http://opr.ca.gov/s_californiajobs.php) from January 7, 2013, through February 6, 2013, as required by the guidelines established for AB 900 applications (DPEIR, Chapter 1.0; see also California Public Resources Code, Section 21184(c)). The County does not believe that it had any obligation to the Boulevard Planning Group to notify it of the applicants' pending AB 900 applications.

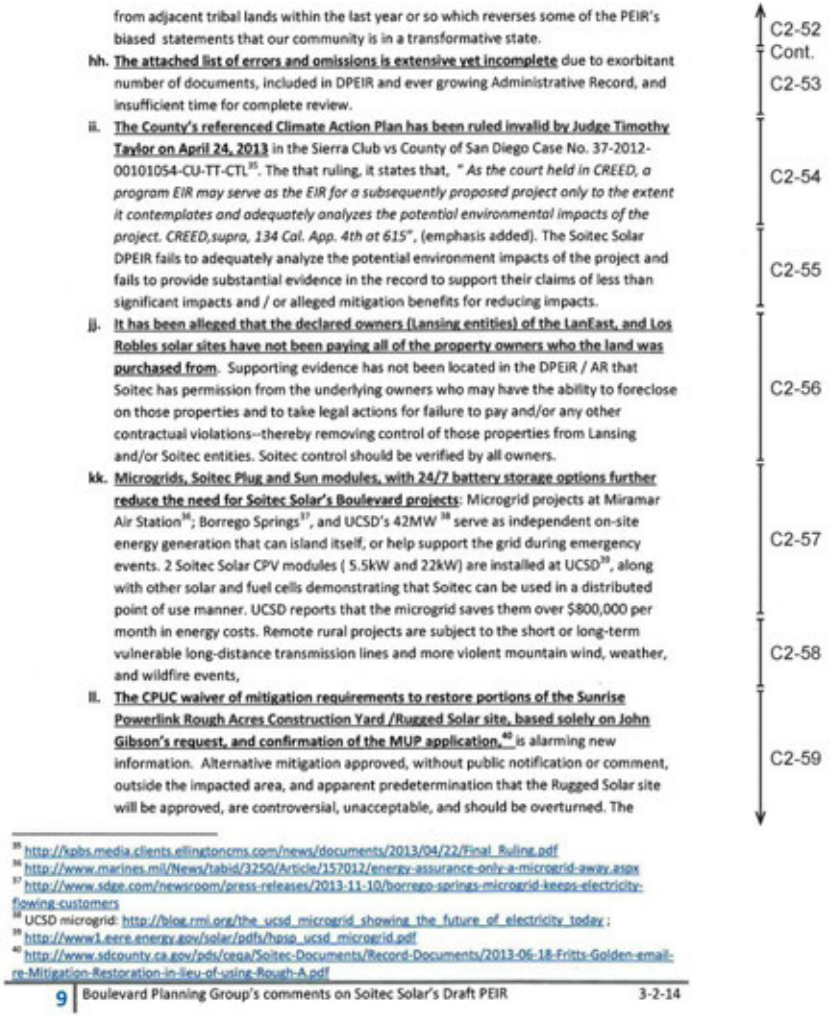
	C2-45	The County disagrees that the DPEIR does not address the predicted climate change impacts. Climate change has and will continue to create numerous changes to the world's and California's environment. Some of these effects are described in Section 3.1.3.1.3 of the DPEIR. Some effects of climate change, such as reduced snowpack and rising sea levels, would clearly not impact the Proposed Project. Other effects of climate change, such as increased temperature; precipitation; extreme weather events; and timing, frequency, and behavior of wildfires, are projected to manifest over decades. While there is consensus on the likelihoods of such changes, the predicted magnitude is uncertain and highly variable due to variability of climate change models, projected future levels of GHGs in the atmosphere, and efforts by states and nations to reduce GHGs from current levels. A specific evaluation of such impacts in the project area is too speculative at this time. The County disagrees that the cumulative impacts of climate change (i.e., GHGs) from the Proposed Project, Tule Wind project, Sunrise Powerlink, ECO Substation Project, and other projects must be addressed. As stated in Section 3.1.3.4 of the DPEIR, climate change is recognized as the result of the cumulative global accumulation of GHG emissions. Accordingly, under CEQA, a project is evaluated as to whether its GHG emissions would

	constitute a cumulatively considerable contribution to this significant cumulative impact. An analysis of other specific projects is not required to make this determination.
	C2-46 The County disagrees that the Proposed Project's construction emissions must be amortized over the term of a PPA rather than over the life of the Proposed Project. The lifespan of the solar facility is estimated to be 30 to 40 years or longer. Accordingly, using 30 years as the lifetime to amortize the Proposed Project's construction emissions is a reasonable assumption. Even if a 25-year lifetime were used to gauge the significance of the Proposed Project's greenhouse gas emissions, the significance determination would not change because the Rugged, Tierra del Sol, LanEast, and LanWest projects would not generate 900 metric tons of carbon-dioxide equivalent emissions, either individually or combined. Furthermore, as stated in the response to comment O10-87, the Tierra del Sol and Rugged solar farms have been certified as an Environmental Leadership Project under AB 900, and the applicants have committed to obtain voluntary carbon offsets or GHG credits from a qualified GHG emissions broker to offset total projected construction and operational GHG emissions.

	C2-47	The County disagrees that the tracker technology proposed for use by the Proposed Project is "experimental." The applicants report that the CPV tracker technology has been or is being commercially deployed around the world, including 44 MW in Touwsrivier, South Africa; 1.5 MW Newberry Springs, California; 5 MW Borrego Springs, California (in construction); and 73.5 MW Imperial County, California (in permitting). The County further disagrees that the product information provided in the DPEIR regarding the trackers to be installed at the Proposed Project does not constitute substantial evidence (DPEIR, pp. 1.0-6 to 1.0-7, Appendices 3.1.3-1 (TDS GHG report), 3.1.3-2 (Rugged GHG report)). In response to this comment, the applicants have submitted additional data sheets on tracker performance (Soitec, Technical Data Sheet, Soitec CX-S530-II CPV System 29.4 kWp Concentrix™ Technology (Soitec 2014)).
	C2-48	The County disagrees that the project description is not consistently defined in the DPEIR. The DPEIR explains that the applicants only received AB 900 certification for the Rugged solar farm and Tierra del Sol solar farm, and that the applicants are not seeking project-level approvals for LanEast and LanWest at this time (DPEIR, pp. 1.0-5, 1.0-31). The commenter is referred to the response to comment O10-7 (Proposed Project not related to PPA). The EIR project

	description governs the project analyzed in the EIR, not the AB 900 application, which stated that the Rugged project would be "up to 84 MW".
	C2-49 The commenter is referred to the response to comment O10-7 (Proposed Project not related to PPA). As stated in Chapter1.0, Project Description, of the DPEIR, the Tierra del Sol solar farm would produce up to 60 MW of alternating current (AC) generating capacity.
	C2-50 Rough Acres Ranch Road is proposed under MUP 3300-09-019 by Iberdrola Renewables and traverses the Rugged solar farm site from east to west connecting McCain Valley Road to Ribbonwood Road. If the road is not constructed under this MUP, optional Northern and Western access roads are proposed as part of the Rugged solar farm by the applicant. As discussed in Section 2.3.1.4 of the DPEIR, the northern access road would connect from McCain Valley Road to the northeast portion of the Rugged solar farm site. The western access road would connect from Ribbonwood Road to the northwest portion of the Rugged solar farm site. These optional access roads are identified on plot plans prepared for the Rugged Solar Project. Analysis of optional access roads the Proposed Project may construct/utilize is provided in relevant chapters of the revised DPEIR.

	C2-51	The Proposed Project would provide significant resources to the Boulevard Fire Department via San Diego County Fire Authority. Resources resulting from the Proposed Project's approval will include an initial Paramedic staff and startup equipment kit and annual funding for one Paramedic staff firefighter. See Project Design Feature PDF-PS-1 (Chapter 3.1.7 of the DPEIR). There is no indication from the comment how co-locating CalFire and SDCFA personnel within one fire station would potentially result in the loss of one engine company and/or the loss of overtime pay. The SDCFA stated plan is to consolidate into one building for financial considerations and continuity of personnel training. CalFire and SDCFA currently have this same arrangement in other jurisdictions, including Warner Springs. There is no indication that SDCFA would change the status of the Boulevard Fire Department by making it less able to complete its mission of providing fire and emergency medical response for the area. Likewise, CalFire has a separate mission that is focused on protecting the area's natural resources. Therefore, it would not be a logical conclusion to assume that one engine company would be dissolved. In fact, discussions with the County during the preparation of the Proposed Project's DPEIR indicate that they seek to bolster the staffing at the Boulevard Station through project-related funding, resulting in a more reliable and capable fire response.



from adjacent tribal lands within the last year or so which reverses some of the PEIR's biased statements that our community is in a transformative state.

hh. **The attached list of errors and omissions is extensive yet incomplete** due to exorbitant number of documents, included in DPEIR and ever growing Administrative Record, and insufficient time for complete review.

ii. **The County's referenced Climate Action Plan has been ruled invalid by Judge Timothy Taylor on April 24, 2013** in the Sierra Club vs County of San Diego Case No. 37-2012-00101054-CU-TT-CTL[35]. The that ruling, it states that, *" As the court held in CREED, a program EIR may serve as the EIR for a subsequently proposed project only to the extent it contemplates and adequately analyzes the potential environmental impacts of the project. CREED,supra, 134 Cal. App. 4th at 615"*, (emphasis added). The Soitec Solar DPEIR fails to adequately analyze the potential environment impacts of the project and fails to provide substantial evidence in the record to support their claims of less than significant impacts and / or alleged mitigation benefits for reducing impacts.

jj. **It has been alleged that the declared owners (Lansing entities) of the LanEast, and Los Robles solar sites have not been paying all of the property owners who the land was purchased from**. Supporting evidence has not been located in the DPEIR / AR that Soitec has permission from the underlying owners who may have the ability to foreclose on those properties and to take legal actions for failure to pay and/or any other contractual violations--thereby removing control of those properties from Lansing and/or Soitec entities. Soitec control should be verified by all owners.

kk. **Microgrids, Soitec Plug and Sun modules, with 24/7 battery storage options further reduce the need for Soitec Solar's Boulevard projects**: Microgrid projects at Miramar Air Station[36]; Borrego Springs[37], and UCSD's 42MW [38] serve as independent on-site energy generation that can island itself, or help support the grid during emergency events. 2 Soitec Solar CPV modules (5.5kW and 22kW) are installed at UCSD[39], along with other solar and fuel cells demonstrating that Soitec can be used in a distributed point of use manner. UCSD reports that the microgrid saves them over $800,000 per month in energy costs. Remote rural projects are subject to the short or long-term vulnerable long-distance transmission lines and more violent mountain wind, weather, and wildfire events,

ll. **The CPUC waiver of mitigation requirements to restore portions of the Sunrise Powerlink Rough Acres Construction Yard /Rugged Solar site, based solely on John Gibson's request, and confirmation of the MUP application,**[40] is alarming new information. Alternative mitigation approved, without public notification or comment, outside the impacted area, and apparent predetermination that the Rugged Solar site will be approved, are controversial, unacceptable, and should be overturned. The

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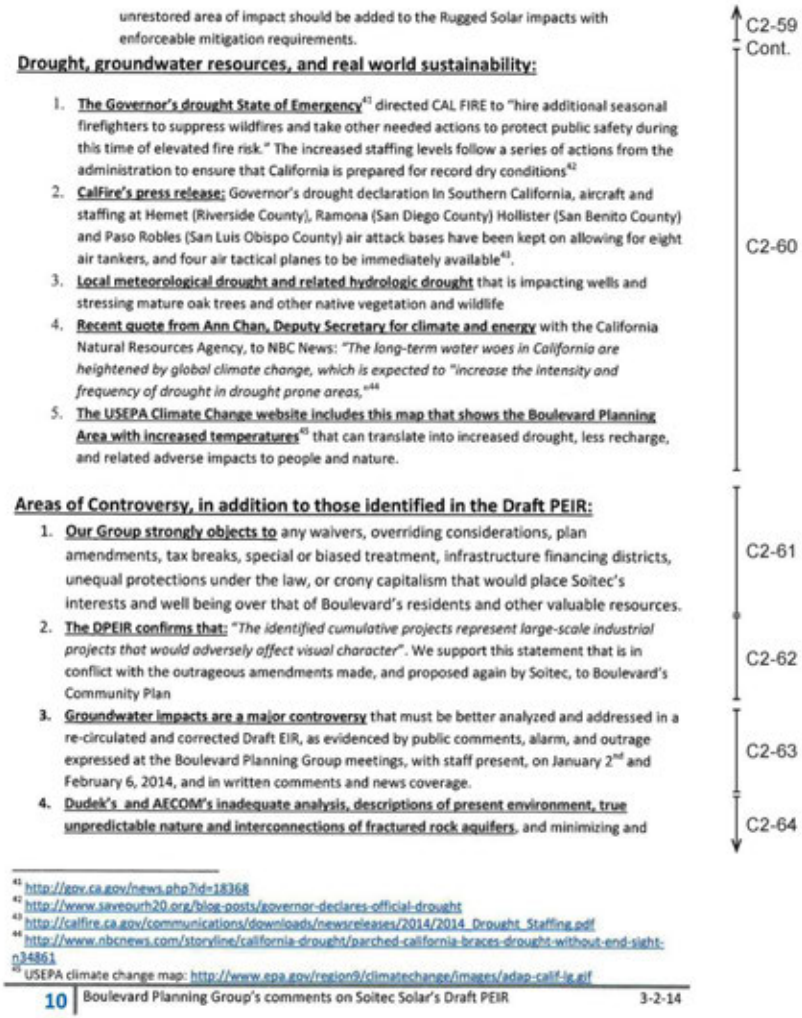
[35] http://kpbs.media.clients.ellingtoncms.com/news/documents/2013/04/22/Final_Ruling.pdf
[36] http://www.marines.mil/News/tabid/3250/Article/157012/energy-assurance-only-a-microgrid-away.aspx
[37] http://www.sdge.com/newsroom/press-releases/2013-11-10/borrego-springs-microgrid-keeps-electricity-flowing-customers
[38] UCSD microgrid: http://blog.rmi.org/the_ucsd_microgrid_showing_the_future_of_electricity_today ;
[39] http://www1.eere.energy.gov/solar/pdfs/hpsp_ucsd_microgrid.pdf
[40] http://www.sdcounty.ca.gov/pds/cega/Soitec-Documents/Record-Documents/2013-06-18-Fritts-Golden-email-re-Mitigation-Restoration-in-lieu-of-using-Rough-A.pdf

Fires and emergency medical calls in the area are not limited to the Boulevard Fire Station response. In fact, there are several stations that are owned and staffed by SDCFA, CalFire, San Diego Rural Fire Protection District (SDRFPD), and USFS within a close proximity to the Proposed Project. Within the unincorporated region's emergency services system, fire and emergency medical services are provided by Fire Protection Districts, County Service Areas, and CalFire. Collectively, there are over 2,800 firefighters responsible for protecting the San Diego region from fire. Generally, each agency is responsible for structural fire protection and wildland fire protection within their area of responsibility. However, mutual and automatic aid agreements enable non-lead fire agencies to respond to fire emergencies outside their district boundaries. Interdependencies that exist among the region's fire protection agencies are primarily voluntary as no local governmental agency can exert authority over another. This was demonstrated by the major response to the 2003 and 2007 San Diego County Fires, and more recently, in the 2012 Shockey Fire which burned very near the Proposed Project's Tierra Del Sol Solar site. Statistics provided by CalFire indicated that there were some 115 fire engines on scene (35 CalFire), 47 hand crews (36 CalFire), 2 dozers, 3 water tenders and including resources from SDRFPD, the Bureau of Land Management, Campo Reservation, and mutual aid

	strike teams. In addition, six aerial tankers were providing fire retardant drops. **C2-52** The County disagrees with this comment. The DPEIR's characterization of the Boulevard community as a community with an "evolving character" (see Section 1.2.2.3 of the DPEIR) due to the the growing presence of major infrastructure features accounts for the withdrawal of any previously proposed projects and is made based on the projects included in the cumulative analysis as listed in Table 1-12 of the DPEIR, which include numerous projects beyond those that the commenter claims have been withdrawn. **C2-53** The County acknowledges this comment and agrees that there is a very large volume of project documentation. The attached list of errors and omissions is identified and addressed as comment C2-133 below. **C2-54** The commenter is referred to response O10-87 (County Climate Action Plan). **C2-55** The DPEIR identifies several impacts related to the project some of which were determined to be unmitigable. In addition to the DPEIR, the FPEIR and Administrative Record will comprise the substantial evidence that will be presented to decision-makers for a decision regarding the proposed project. The commenter does not provide specific instances or

	examples of the perceived inadequacies such that the County can provide a more specific response.
	C2-56 The County received a preliminary title report with the MUP application for LanWest which has since been withdrawn (see http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/ApplicationForms/LanWest/2011-12-22-Preliminary-Title-Report-2167-McCain-Valley-Road.pdf). Evidence of site control for submittal of an application for an MUP is required; however, there is no independent requirement under CEQA to evaluate a project applicant's control over a proposed project site. If, at some point in the future, the applicants seek a MUP for one or both sites, the County will require the applicants to demonstrate that the property owner has approved the applicants' application for a MUP on the subject property.
	C2-57 Under CEQA, whether or not a demonstrated need exists for a project is not a basis upon which environmental review determinations are made. In addition, the microgrid or distributed generation scenario stated in the comment does not comport with the Proposed Project Objectives in the DPEIR. A distributed generation alternative was considered but ultimately rejected from further analysis in the EIR because it did not accomplish most of the basic Proposed Project objectives. Please refer to DPEIR Section 4.2, Alternatives Considered but Rejected, in Chapter 4.0, Project Alternatives.

		The examples of successful microgrid, solar, and fuel cell projects, including Soitec technology do not lead to a conclusion that utility-scale renewable-energy projects are unnecessary. Refer to the responses to comments O10-96 and O10-106 regarding demand and procurement of utility-scale energy capacity by IOUs like SDG&E.
	C2-58	The purpose of the DPEIR is to identify the significant effects of the Proposed Project on the environment; the significant effects of the environment on the Proposed Project, including "violent mountain wind, weather, and wildfire events" are not properly the subject of the DPEIR (see *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal. App. 4th 455, 473).
	C2-59	The commenter refers to the CPUC mitigation requirement for biological resources impacts to the Rough Acres Construction Yard, which was utilized by SDG&E during construction of Sunrise Powerlink. Though this site may be utilized by the applicant for the Rugged solar farm, the CPUC determined that off-site habitat conservation to mitigate SDG&E's impacts to Jacumba milk-vetch, semi-desert chaparral, and flat-topped buckwheat scrub at the Construction Yard was appropriate (Letter, Billie Blanchard, CPUC, to Linda Collins, SDG&E (June 18, 2013)). The County has no jurisdiction over SDG&E and the mitigation required for its projects. The County has no comment on



unrestored area of impact should be added to the Rugged Solar impacts with enforceable mitigation requirements.

Drought, groundwater resources, and real world sustainability:

1. **The Governor's drought State of Emergency**[41] directed CAL FIRE to "hire additional seasonal firefighters to suppress wildfires and take other needed actions to protect public safety during this time of elevated fire risk." The increased staffing levels follow a series of actions from the administration to ensure that California is prepared for record dry conditions[42]
2. **CalFire's press release:** Governor's drought declaration In Southern California, aircraft and staffing at Hemet (Riverside County), Ramona (San Diego County) Hollister (San Benito County) and Paso Robles (San Luis Obispo County) air attack bases have been kept on allowing for eight air tankers, and four air tactical planes to be immediately available[43].
3. **Local meteorological drought and related hydrologic drought** that is impacting wells and stressing mature oak trees and other native vegetation and wildlife
4. **Recent quote from Ann Chan, Deputy Secretary for climate and energy** with the California Natural Resources Agency, to NBC News: *"The long-term water woes in California are heightened by global climate change, which is expected to "increase the intensity and frequency of drought in drought prone areas,"*[44]
5. **The USEPA Climate Change website includes this map that shows the Boulevard Planning Area with increased temperatures**[45] that can translate into increased drought, less recharge, and related adverse impacts to people and nature.

Areas of Controversy, in addition to those identified in the Draft PEIR:

1. **Our Group strongly objects to** any waivers, overriding considerations, plan amendments, tax breaks, special or biased treatment, infrastructure financing districts, unequal protections under the law, or crony capitalism that would place Soitec's interests and well being over that of Boulevard's residents and other valuable resources.
2. **The DPEIR confirms that:** *"The identified cumulative projects represent large-scale industrial projects that would adversely affect visual character"*. We support this statement that is in conflict with the outrageous amendments made, and proposed again by Soitec, to Boulevard's Community Plan
3. **Groundwater impacts are a major controversy** that must be better analyzed and addressed in a re-circulated and corrected Draft EIR, as evidenced by public comments, alarm, and outrage expressed at the Boulevard Planning Group meetings, with staff present, on January 2nd and February 6, 2014, and in written comments and news coverage.
4. **Dudek's and AECOM's inadequate analysis, descriptions of present environment, true unpredictable nature and interconnections of fractured rock aquifers**, and minimizing and

[41] http://gov.ca.gov/news.php?id=18368
[42] http://www.saveourh20.org/blog-posts/governor-declares-official-drought
[43] http://calfire.ca.gov/communications/downloads/newsreleases/2014/2014_Drought_Staffing.pdf
[44] http://www.nbcnews.com/storyline/california-drought/parched-california-braces-drought-without-end-sight-n34861
[45] USEPA climate change map: http://www.epa.gov/region9/climatechange/images/adap-calif-lg.gif

10 | Boulevard Planning Group's comments on Soitec Solar's Draft PEIR 3-2-14

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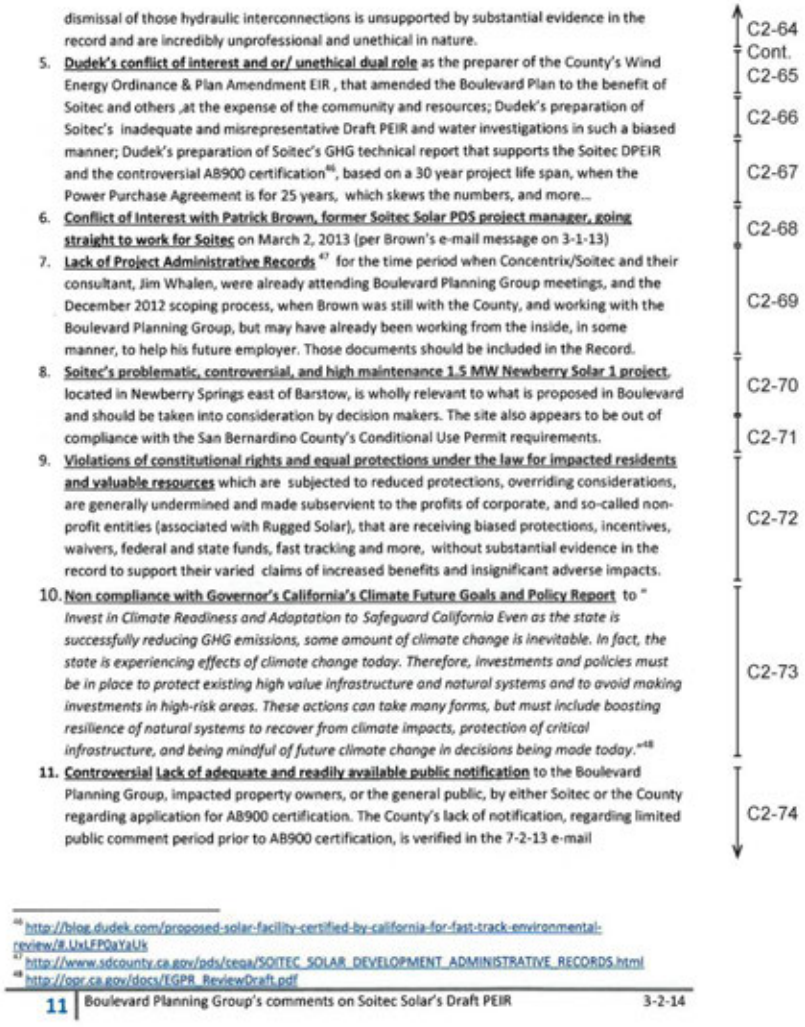
whether the CPUC's decision to allow alternative mitigation was improperly noticed or approved, as the commenter asserts. On the other hand, the County does have jurisdiction and responsibility over the mitigation of any potential significant impacts of the Proposed Project on biological resources. To that end, the County has provided adequate mitigation for Jacumba milk-vetch, semi-desert chaparral, and flat-topped buckwheat scrub impacts on the Rugged site (DPEIR, pp. 2.3-104 - 2.3-105, 2.3-119 - 2.3-120, 2.3-129 - 2.3-130, 2.3-136). It would be a violation of CEQA to impose additional mitigation requirements on the Proposed Project related to impacts caused by a different project (14 CCR 15126.4(a)(4)(B) ("the mitigation measure must be 'roughly proportional' to the impacts of the project")). Furthermore, the Proposed Project's environmental baseline analyzes the portion of the Rugged solar farm used by SDG&E in its current condition, which is as a disturbed area used as a construction lay-down yard.

C2-60 The County appreciates the concern the Boulevard community has for their groundwater resources. However, the information presented is not at a level of detail that would affect the analysis in the DPEIR. Please refer to the response to comment C2-32 regarding the Project water balance analysis taking drought conditions into account.

	C2-61	The County acknowledges the commenter's opposition to the general plan amendment proposed for the Proposed Project. The County also acknowledges the commenter's opposition to the adoption of any overriding considerations by the decision makers for the Proposed Project. The information in this comment will be in the FPEIR for review and consideration by the decision makers. It is unclear what "waivers" or "infrastructure financing districts" the comment is referring to; therefore, a response cannot be provided. The Proposed Project does not implicate any infrastructure financing district. The County is not aware that the Proposed Project has received unfair tax breaks or special or biased treatment from any governmental entity.
	C2-62	The County disagrees with the commenter's purported quotation from the DPEIR that "The identified cumulative projects represent large-scale industrial projects that would adversely affect visual character." This statement does not appear in the DPEIR. The DPEIR analyzes the potential cumulative impact of the Project on the visual character and quality of the area (DPEIR, pp. 2.1-71 to 2.1-72). The DPEIR concludes that the Proposed Project would contribute to a cumulatively considerable impact, as it would contribute to long-term visual contrast with existing conditions (DPEIR, p. 2.1-72). Various projects,

		including the Proposed Project, would alter the rural character and increase the prominence of industrial components in the landscape (DPEIR, p. 2.1-72). The Proposed Project includes an amendment to the Boulevard Community Plan, as the commenter states (DPEIR, p. 1.0-49, Table 1-11.). The County notes that the Wind Energy Ordinance EIR, which analyzed related General Plan amendments, has been upheld in *Protect Our Communities Foundation v. San Diego County Board of Supervisors* (San Diego Superior Court case no. 37-2013-00052926-CU-TT-CTL).
	C2-63	The County directs the commenter to the FPEIR's analysis of the Proposed Project's potential to have direct and cumulative impacts on groundwater (FPEIR, Sections 3.1.5.3.4 and 3.1.5.4.2) and Appendices 3.1.5-5 through 3.1.5-8. Please also refer to common response WR1 in Chapter 9.0 regarding construction and operational water demand estimates provided in the DPEIR (and subsequent revisions made to the FPEIR to address underestimated demands), response to comment C2-37, above, and response to comment C2-91, below.
	C2-64	The DPEIR is supported by numerous technical reports (among them, DPEIR Appendices 3.1.5-5 and 3.1.5-6) which acknowledge the properties and characteristics of the underlying aquifer, and which are based on literature, well inventories, site-specific aquifer testing,



dismissal of those hydraulic interconnections is unsupported by substantial evidence in the record and are incredibly unprofessional and unethical in nature.

5. **Dudek's conflict of interest and or/ unethical dual role** as the preparer of the County's Wind Energy Ordinance & Plan Amendment EIR , that amended the Boulevard Plan to the benefit of Soitec and others ,at the expense of the community and resources; Dudek's preparation of Soitec's inadequate and misrepresentative Draft PEIR and water investigations in such a biased manner; Dudek's preparation of Soitec's GHG technical report that supports the Soitec DPEIR and the controversial AB900 certification[46], based on a 30 year project life span, when the Power Purchase Agreement is for 25 years, which skews the numbers, and more...
6. **Conflict of Interest with Patrick Brown, former Soitec Solar PDS project manager, going straight to work for Soitec** on March 2, 2013 (per Brown's e-mail message on 3-1-13)
7. **Lack of Project Administrative Records** [47] for the time period when Concentrix/Soitec and their consultant, Jim Whalen, were already attending Boulevard Planning Group meetings, and the December 2012 scoping process, when Brown was still with the County, and working with the Boulevard Planning Group, but may have already been working from the inside, in some manner, to help his future employer. Those documents should be included in the Record.
8. **Soitec's problematic, controversial, and high maintenance 1.5 MW Newberry Solar 1 project**, located in Newberry Springs east of Barstow, is wholly relevant to what is proposed in Boulevard and should be taken into consideration by decision makers. The site also appears to be out of compliance with the San Bernardino County's Conditional Use Permit requirements.
9. **Violations of constitutional rights and equal protections under the law for impacted residents and valuable resources** which are subjected to reduced protections, overriding considerations, are generally undermined and made subservient to the profits of corporate, and so-called non-profit entities (associated with Rugged Solar), that are receiving biased protections, incentives, waivers, federal and state funds, fast tracking and more, without substantial evidence in the record to support their varied claims of increased benefits and insignificant adverse impacts.
10. **Non compliance with Governor's California's Climate Future Goals and Policy Report** to " *Invest in Climate Readiness and Adaptation to Safeguard California Even as the state is successfully reducing GHG emissions, some amount of climate change is inevitable. In fact, the state is experiencing effects of climate change today. Therefore, investments and policies must be in place to protect existing high value infrastructure and natural systems and to avoid making investments in high-risk areas. These actions can take many forms, but must include boosting resilience of natural systems to recover from climate impacts, protection of critical infrastructure, and being mindful of future climate change in decisions being made today.*"[48]
11. **Controversial Lack of adequate and readily available public notification** to the Boulevard Planning Group, impacted property owners, or the general public, by either Soitec or the County regarding application for AB900 certification. The County's lack of notification, regarding limited public comment period prior to AB900 certification, is verified in the 7-2-13 e-mail

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[46] http://blog.dudek.com/proposed-solar-facility-certified-by-california-for-fast-track-environmental-review/#.UxLEP0aYaUk
[47] http://www.sdcounty.ca.gov/pds/ceqa/SOITEC_SOLAR_DEVELOPMENT_ADMINISTRATIVE_RECORDS.html
[48] http://opr.ca.gov/docs/EGPR_ReviewDraft.pdf

and hydrogeological analysis and modeling per County guidelines (which were developed by a technical panel and the County Geologist). The hydrology and water quality section of the DPEIR (Chapter 3.1.5) accurately represents the nature and properties of the groundwater aquifer as well.

C2-65 The commenter correctly asserts that Dudek, the preparer of the DPEIR for the Proposed Project, also prepared the County's Wind Energy Ordinance and Plan Amendment EIR, under contract to the County. However, the comment is not a direct comment on the content or adequacy of the Proposed Project's DPEIR, and does not raise any specific environmental issue.

C2-66 The County disagrees with the assertions made by the commenter that the DPEIR and hydrogeological analysis are "inadequate and misrepresentative" or were prepared in "a biased manner." On the contrary, and as noted in responses to more specific comments, the County has conducted an independent review of the DPEIR and related technical studies and has found them to be thorough and accurate, and completed in an objective manner.

C2-67 Please see response to comment C2-46 above. The DPEIR addresses the potential life span of the Proposed Project as being 30 to 40 years or longer (DPEIR, p. 1.0-17).

	C2-68 The County acknowledges that Mr. Patrick Brown was previously employed at the County and now is employed by the applicants. The County disagrees with the commenter's assertion that this represents a conflict of interest. The comment does not raise an environmental issue requiring further response.
	C2-69 The administrative record has been compiled by the County in accordance with California Public Resources Code Sections 21167.6 and 21186(b). The County has included in the record all of the items required under California Public Resources Code Section 21167.6(e). The statute specifies the appropriate materials for inclusion in the record, including project application materials; staff reports; documents, correspondence, or other evidence submitted by any person to the agency related to a project and CEQA; transcripts of proceedings; notices provided to the public for the project under CEQA and other laws; proposed decisions or findings submitted to the decision makers; the EIR; documentation of the agency's decision and documents cited or relied upon in the agency's findings or in a statement of overriding considerations; and all other written materials related to the agency's compliance with CEQA and its decision on the project, including documents that it relied upon that were available to the public or are in the agency's files and internal agency communications (California Public Resources Code, Sections 21167.6(e)(1)–21167(e)(11)).

		The commenter's allegations related to Mr. Patrick Brown's work for the County prior to his employment by Soitec does not raise an environmental issue for which further response is required.
	C2-70	The comment concerns the commenter's observations related to the Newberry Solar 1 project, located in Newberry Springs, California, and does not concern an environmental issue regarding the Proposed Project and the DPEIR. The County is aware that neighbors of Soitec's Newberry Springs facility have filed Public Records Act Requests with San Bernardino County regarding the permitting of that facility.
	C2-71	Please refer to the response to comment C2-70.
	C2-72	The comment's lack of specificity about alleged violations of constitutional rights and equal protections under the law prevents the County from being able to respond. CEQA permits a lead agency to approve a project with unmitigable significant environmental impacts so long as the lead agency makes findings that the benefits of the project override the environmental impacts (California Public Resources Code, Section 21081). Refer to the response to comment C2-61. The County disagrees with the commenter's assertion that the record does not contain substantial evidence to support conclusions related to the benefits and impacts of the Proposed Project. As the commenter

correspondence[49] included in the Administrative Record. The only notification was published for a limited time on an obscure website[50] as confirmed by Scott Morgan of the Governor's Office of Planning and Research in e-mail confirmation to Donna Tisdale on July 1, 2013. Morgan also stated that "noticing and review requirements by the lead agency under the California Environmental Quality Act is still required for all AB900 certified projects".

12. **Judicial Fast tracking of AB900 projects was overturned, as unconstitutional, in Planning and Conservation League and Bruce Reznik v. State of California and California State Controller**, case number RG12626904, in the Superior Court of the State of California, County of Alameda[51]

13. **There are over 100 apparently interrelated for profit companies and non-profits, and their representatives, that share the same address as Hamann Companies (1000 Pioneer Avenue, El Cajon, CA)[52]** including John Gibson, the Hamann Companies, Rough Acres Foundation, Rough Acres Water Company, Inc, and various members of the extended Hamann family that are listed in various documents for the Rugged Solar MUP , the Tule Wind MUP, the Rough Acres Campgroup and Conference Center MUP, and the Rough Acres Ranch Road Grading Permit, which raises questions and concerns regarding potential gaming of the system and tax laws which in turn can adversely impact the Boulevard Planning Area and impacted non-participating property owners.

14. **Why is Rough Acres Ranch and Hamann Companies, cramming water trucks behind their concrete barn?** They appear to be trying to hide them from someone. Different trucks come and go, so it is apparent they are not long-term storage. Who owns them and is this an authorized use?

15. **An unbiased Cost /Benefit analysis is needed:** CEQA does require agencies to *'consider qualitative factors as well as economic and technical factors and long-term benefits and costs' when evaluating projects* [Pub. Res. Code § 21001(g)]. It also requires a general

[49] http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2013-07-02-Megan-Jones-email-re-Re-Soitecs-AB900-fast-tracking.pdf
[50] http://opr.ca.gov/s_californiajobs.php
[51] http://www.courthousenews.com/2013/04/03/56350.htm
[52] http://www.bizapedia.com/addresses/1000-PIONEER-WAY-EL-CAJON-CA-92020.html

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does not provide any further information on what benefits or "insignificant adverse impacts" are not supported by analysis in the DPEIR or other documentation in the record, the County cannot provide a more specific response.

C2-73 The commenter offers no support for its assertion that the Proposed Project or the County is not complying with the statement extracted from the California's Climate Future Goals and Policy Report related to investing in climate readiness and adaptation. The Report does not require the County to take any specific actions, particularly with regard to individual projects within the County's jurisdiction.

C2-74 See response C2-44. The information provided by the Office of Planning and Research to the commenter regarding noticing and review requirements, as quoted in the comment, is accurate. Like any other project subject to CEQA, the Proposed Project is subject to notice and public review under CEQA. The County has fully complied with these notice and review requirements; the commenter does not assert otherwise.

C2-75 The County acknowledges the outcome of *Planning and Conservation League v. State of California* (Alameda Sup. Ct. Case No. RG12626904, Statement of Decision (Apr. 9, 2013)), referenced by the comment. SB 743 amended Public Resources Code § 21185(a) in response to the Alameda Superior Court

		finding in *Planning and Conservation League v. State of California*. The commenter is referred to the amendments made to the Public Resources Code by SB 743, which took effect January 1, 2014, and California Rule of Court Rule 3.2220 et seq.
	C2-76	The commenter's assertion that there are over 100 corporate entities that share the same address (1000 Pioneer Avenue, El Cajon, CA) does not concern an environmental issue regarding the Proposed Project and the DPEIR. Accordingly, no further response is required.
	C2-77	The comment regarding the existence of water trucks at Rough Acres Ranch does not concern an environmental issue regarding the Proposed Project and the DPEIR. Accordingly, no further response is required.
	C2-78	The County disagrees with the commenter's assertion that a specific cost-benefit analysis of the Proposed Project is required by CEQA. Because adverse, unavoidable environmental effects have been identified, the County must determine if the adverse environmental effects are considered acceptable with consideration of economic, social, technological, and other relative benefits of the Proposed Project (DPEIR, Section S.4, Issues to be Resolved by the Decision-Making Body, and 1.5, Intended Uses of the EIR; California Public Resources Code, Section 21081). If the County decision makers approve the Proposed Project, the required statement of overriding

description of the project's *'technical, economic, and environmental'* characteristics [Guidelines § 15124(c)]."

16. **Lack of final and/or adequate mitigation reports and enforceable requirements:** most of the mitigation requires reports to be produced *after close of public comment*, similar to the ECO Substation Construction Water Supply Plan that vastly underestimated water use by about 300% from 30 million gallons to 90 million gallons. Draft mitigation documents should be made available for public review and comment.
17. **Inadequate glare studies leave out numerous homes and ranches, and critical wildlife habitat, that are well within the impact zone** around Rugged Solar on Ribbonwood Road, McCain Valley Road, Tierra Heights, Jewel Valley Court, and other areas; around the Tierra Del Sol Solar project within several miles from both adjacent and more distant elevated surrounding properties; and from homes around LanWest, immediately to the west, and southwest; and from homes around LanEast on Old Hwy 80, and the Old Hwy 80 section, to the south, east in Bankhead Springs area and the adjacent ranch with livestock, to the west and southwest. Designated Bighorn Sheep habitat is adjacent to Rugged Solar and LanEast, how will the glare impact them?
18. **Failure to account for loss of terrestrial sequestration of carbon**[53], above and below ground, with loss of chaparral and other native cover and habitat, and by disturbing soils.
19. ***New research from the Max Planck Institute*** *examines the role of cryptogamic covers in the global exchange of oxygen, carbon, and nitrogen. Covering approximately 30% of soil surface that includes the surfaces of plants,* ***the scientists found that algae, mosses, and lichens take up approximately 14 billion tons of carbon dioxide and fix approximately 50 million tons of nitrogen per year***[54].

20. **A good portion of remaining unburned chaparral exists within and around the Boulevard Planning Area**[55], where Soitec's projects are proposed, as evidenced in the map below.

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[53] http://teeic.anl.gov/er/carbon/apptech/terrapp/index.cfm
http://scitechdaily.com/cryptogamic-covers-take-up-huge-amounts-of-atmospheric-carbon-dioxide/[54]
[55] http://www.californiachaparral.org/images/CHAP_28_Threats_to_the_Chaparral.pdf

considerations would reflect the decision makers' ultimate balancing of the Proposed Project's impacts and benefits (DPEIR, p. S.0-72). Thus, the County will undertake the consideration of various factors, including economic and technical factors, and short- and long-term benefits and costs, referenced by the commenter in the quotation of California Public Resources Code Section 21001(g).Furthermore, a description of the project's technical, economic, and environmental characteristics is contained in the DPEIR at Section 1.2.2.

C2-79 The County disagrees with the commenter's assertion that there is a lack of adequate enforceable requirements on the Proposed Project. It is sufficient for the County to commit to feasible mitigation in the DPEIR and require the drafting of plans and reports to implement this mitigation based on specific performance criteria outlined in the DPEIR and supporting documentation (*North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors* (2013) 216 Cal. App. 4th 614, 629, 630). Also refer to the response to comment O10-117. Plans and reports related to mitigation need not be circulated for public review and comment prior to approval of the Proposed Project.

The DPEIR outlines all of the mitigation measures proposed by the County to reduce potential significant

		environmental impacts (DPEIR, pp. S.0-9 to S.0-71). These mitigation measures will be incorporated into an MMRP, to be adopted for the Proposed Project by the County in accordance with CEQA (California Public Resources Code, Sections 21081(a)(1), 21081.6; 14 CCR 15097(a)). The MMRP must be designed to ensure compliance during development and implementation of the Proposed Project and the County is responsible for ensuring that implementation of mitigation measures occurs in accordance with the MMRP (14 CCR 15097(a)). The mitigation measures of the DPEIR will be fully enforceable through permit conditions, agreements, or other measures (California Public Resources Code, Section 21081.6.)
	C2-80	The County agrees that the Proposed Project construction water demand estimate requires an upward revision. Common Response WR1 in Chapter 9.0 describes the changes made to the water demand estimate, the locations where edits to the DPEIR have been made, and explains why the changes made to the Proposed Project's water demand are an insignificant modification that do not raise important new issues about significant effects on the environment. The County is unable to respond to the commenter's request to provide draft mitigation documents for public review and comment because the commenter has not identified which documents are at issue.

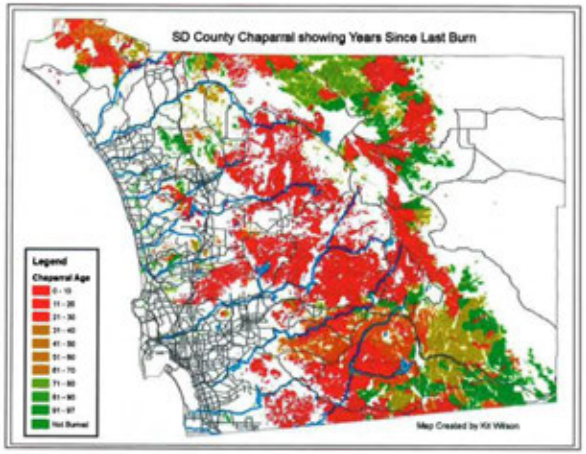
	C2-81 The County does not agree that the glare studies leave out numerous homes, residences and critical wildlife habitat. Residences in the area surrounding the proposed solar farm sites were considered during preparation of the Boulevard Glare Study and according to Power Engineers, any residence not included in the study would not receive project-generated glare during normal operations. Project-generated glare would not be received at residences other than those identified in the Boulevard Glare Study due to direction of reflected light angle and/or because residences are located at an elevation lower than proposed trackers and the trajectory angle of the reflected light would pass over residences; refer to common response AES2 for further details. Regarding bighorn sheep, as indicated in the DPEIR Section 2.31.2, the closest Peninsular bighorn sheep population to the project area is the Carrizo Canyon subpopulation (63 FR 13134–13150; USFWS 2000). Also, west of the In-Ko-Pah Gorge and I-8 there are "island" areas that receive transient bighorn sheep use. Other "islands" between the east- and west-bound I-8 lanes on the desert slope are known to be yearly lambing areas. The Proposed Project area is located well west of these areas, so development in the project area is not anticipated to affect bighorn sheep movement or lambing areas.

	C2-82 This comment is introductory in nature for comments C2-83 and C2-84. See the responses to those comments. **C2-83** The County disagrees that the DPEIR failed to evaluate the carbon sequestration related to cryptogamic covers (e.g., algae, lichens, mosses). Despite a brief reference to the presence of cryptogamic covers on soils in dry regions, the summary of the study by the Max Planck Institute cited by the commenter does not indicate that the conclusions of the study would be applicable or relevant to the Proposed Project area. Accordingly, no specific analysis could have been provided in the DPEIR with respect to the impacts related to soil disturbance associated with the Proposed Project. Furthermore, a previous review of similar studies in the EIR/EIS for the East County Substation/Tule Wind/Energia Sierra Juarez U.S. Transmission Line projects regarding the carbon sequestration capacity of desert soils does not indicate a complete understanding of the mechanism by which carbon dioxide is taken up by desert soils and flora. Specifically, the studies did not suggest that temporary disruption of desert soils during construction of a project would release carbon dioxide or eliminate or reduce the potential carbon sequestration capacity of desert soils, and if it did occur, the mechanism by which it would occur (i.e., inorganic or biological uptake).

	C2-84 The County agrees that chaparral may provide the benefits cited by the commenter. With respect to carbon sequestration of chaparral, there is no universally accepted methodology for evaluating this issue in CEQA documents and more specifically for chaparral (as contrasted with forests, the loss of which is identified as a potentially significant impact in Appendix G of the CEQA Guidelines). No significance thresholds or other criteria have been established for evaluating loss of carbon sequestration resulting from removal of vegetation on a Proposed Project site. As the figure provided by the commenter shows, the chaparral communities of San Diego have burned routinely over many years. The fact that the chaparral in the Proposed Project area has not burned in several decades does not mean that it is not likely to burn at some time in the future. When it does, the sequestered carbon in the biomass will be released as carbon dioxide (CO_2), which is a GHG. Thus, even if the Proposed Project were not implemented, there would still be a likely release of CO_2 to the atmosphere. Eventually, the burned areas will recover and recovering chaparral will again sequester carbon. Thus, the carbon cycle in the chaparral community is a complex issue, which may be beyond the scope of a CEQA analysis.

Chaparral sequesters carbon above and below ground, helps to hold soil in place and prevent dust storms and reduce air pollution, diffuses rain fall to help prevent erosion and to support critically important groundwater recharge, and supports abundant and diverse wildlife. Chaparral is a resource worth protecting.

C2-84 Cont.



Heat Island effects from converting growing native vegetation into industrial energy zone: Heat Island effects:

1. Heat Islands, usually associated with urban areas will be created in rural areas through the introduction of thousands of acres of dense industrial / utility scale energy generation projects and related transmission infrastructure that requires the removal or disturbance of carbon sequestering native vegetation and disturbance of soils.
2. According to the USEPA, Heat islands can affect communities by increasing summertime peak energy demand, air conditioning costs, air pollution and greenhouse gas (GHG) emissions, heat-related illness and mortality, and water quality.[56]
3. **USEPA recommended Mitigation for impacts from heat islands** document that what Boulevard is about to lose, if Soitec's projects are approved, is already the best mitigation for heat island effects:
   - "Trees, vegetation, and green roofs can reduce heating and cooling energy use and associated air pollution and greenhouse gas emissions, remove air pollutants, sequester and store carbon, help lower the risk of heat-related illnesses and deaths, improve

C2-85

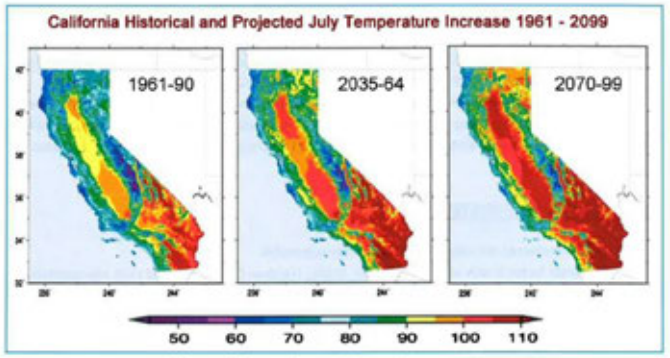
[56] http://epa.gov/statelocalclimate/local/topics/heat-islands.html

For full disclosure, however, the approximate loss of sequestered carbon in the biomass of chaparral to be removed from the Proposed Project sites can be calculated. According to DPEIR Table 2.3-1, Vegetation Communities and Land Cover Types, the total acreage of chaparral communities in the project sites is approximately 943 acres. The California Emissions Estimator Model (CalEEMod) Version 2013.2.2 calculates project-related GHG emissions resulting from land conversion and utilizes five general Intergovernmental Panel on Climate Change (IPCC) land use classifications—forest land (scrub), forest land (trees), cropland, grassland, and wetlands—for assigning default CO_2 content values (metric tons CO_2/acre). Calculation of the one-time loss of sequestered carbon in CalEEMod is the product of the converted acreage value and the CO_2 content value for each vegetation community. Applying the CalEEMod factor of 14.3 metric tons CO_2/acre for forest land (scrub) to 943 acres, the one-time loss of sequestered carbon would be 13,485 metric tons CO_2.

C2-85 The County acknowledges the commenter's concern regarding heat island effects. The Proposed Project trackers are lightweight and surrounded by airflow both inside and outside the tracker. As a result, heat dissipates quickly from a tracker. As described in Chapter 1.0, Project Description, of the DPEIR, the normal operating temperature for solar modules is 20

stormwater control and water quality, reduce noise levels, create habitats, improve aesthetic qualities, and increase property values"[57].

C2-85 Cont.



California's Proposed First Update to the Climate Change Scoping Plan (February 2014)[58] (Excerpts)

- *"Moving forward, as energy-related emissions continue to decline in California and the developed world, the role of the natural environment in managing GHG emissions will only increase. Still, whatever its fraction of total GHG emissions, the importance of incorporating the natural environment into climate policy and planning outstrips its contribution to the State's GHG inventory. In addition to preserving California's lifestyle and economy, natural capital provided by our environment is crucial for providing safe and reliable water supplies, clean air, ecological habitat, and protection against climate change impacts".*
- *'Strong and healthy coastlines, forests, waterways, marshlands, agricultural lands, and rangelands are crucial not only to support our agricultural and tourism-based economies, but also to reinforce and buffer our state from the increasing impacts of climate change, including drought, flood, and forest fires. Strengthening our natural environment makes it, and consequently our economy, more resilient to the impacts of climate change and protects our built environment".*
- *"Adequately accounting for the natural environment in our climate framework requires an integrated approach that values natural resources, not just as emission sources or sinks, but also for the other values they provide. It requires coordinating plans to reduce emission*

C2-86

[57] USEPA Heat Island Mitigation: http://www.epa.gov/hiri/mitigation/index.htm
[58] http://www.arb.ca.gov/cc/scopingplan/2013_update/draft_proposed_first_update.pdf

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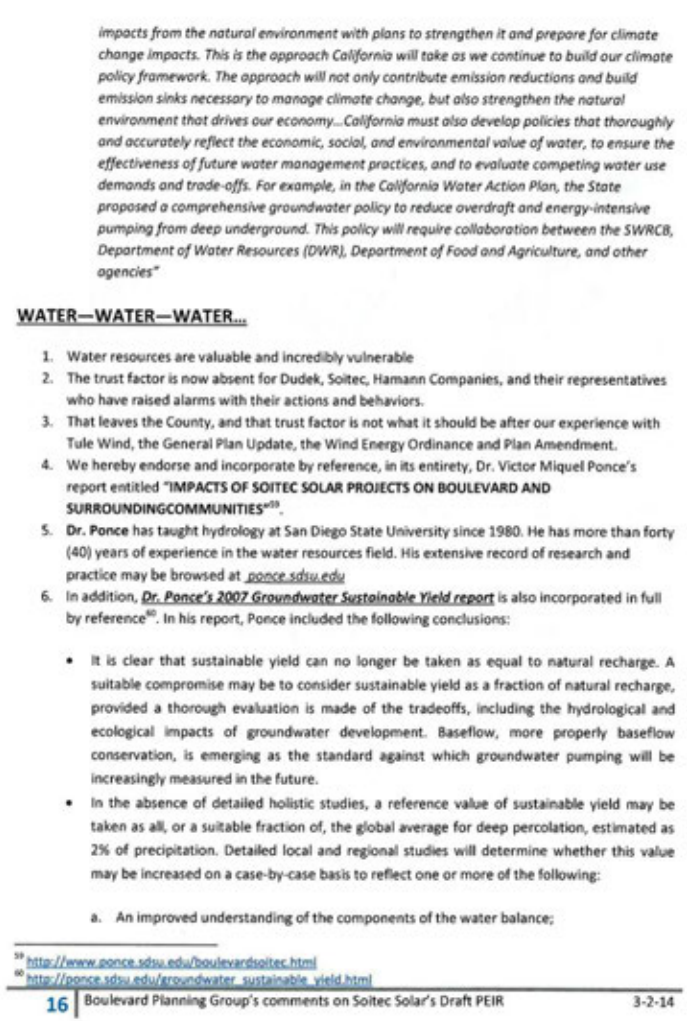
degrees Celsius (°C; 68 degrees Fahrenheit (°F)) above ambient temperature; therefore, on a typical summer day at 40°C (104°F), the panel temperature would be approximately 60°C (140°F). When accounting for irradiance (a measure of solar radiation energy received on a given surface area in a given time), wind, and tracker type, it is expected that the peak tracker temperatures in the summer would be between 65°C and 70°C (149°F and 158°F), and the peak tracker temperatures in the winter would be between 35°C and 40°C (95°F and 104°F).

Although the trackers would be hot to the touch as a result of solar energy absorption, trackers are designed to absorb light energy inwards towards the tracker to produce electricity. As opposed to mirrors, which redirect the sun, trackers use Fresnel lenses to concentrate sunlight inside the module to produce electricity; therefore, they would not noticeably affect the temperature of the surrounding area. Temperatures below the trackers would be nearly the same as ambient temperatures in ordinary shade. Ultimately, although the trackers do create heat due to dissipation of the heat in the trackers, they also create shade. Without the presence of the trackers the heat would still be present, but less localized, and all the solar irradiance would be dissipated into heat in the environment. Therefore, the trackers are not anticipated to cause a rise in



impacts from the natural environment with plans to strengthen it and prepare for climate change impacts. This is the approach California will take as we continue to build our climate policy framework. The approach will not only contribute emission reductions and build emission sinks necessary to manage climate change, but also strengthen the natural environment that drives our economy…California must also develop policies that thoroughly and accurately reflect the economic, social, and environmental value of water, to ensure the effectiveness of future water management practices, and to evaluate competing water use demands and trade-offs. For example, in the California Water Action Plan, the State proposed a comprehensive groundwater policy to reduce overdraft and energy-intensive pumping from deep underground. This policy will require collaboration between the SWRCB, Department of Water Resources (DWR), Department of Food and Agriculture, and other agencies"

C2-86 Cont.

WATER—WATER—WATER…

C2-87

C2-88

1. Water resources are valuable and incredibly vulnerable
2. The trust factor is now absent for Dudek, Soitec, Hamann Companies, and their representatives who have raised alarms with their actions and behaviors.
3. That leaves the County, and that trust factor is not what it should be after our experience with Tule Wind, the General Plan Update, the Wind Energy Ordinance and Plan Amendment.
4. We hereby endorse and incorporate by reference, in its entirety, Dr. Victor Miquel Ponce's report entitled "**IMPACTS OF SOITEC SOLAR PROJECTS ON BOULEVARD AND SURROUNDINGCOMMUNITIES**"[59].
5. **Dr. Ponce** has taught hydrology at San Diego State University since 1980. He has more than forty (40) years of experience in the water resources field. His extensive record of research and practice may be browsed at *ponce.sdsu.edu*
6. In addition, ***Dr. Ponce's 2007 Groundwater Sustainable Yield report*** is also incorporated in full by reference[60]. In his report, Ponce included the following conclusions:

C2-89

- It is clear that sustainable yield can no longer be taken as equal to natural recharge. A suitable compromise may be to consider sustainable yield as a fraction of natural recharge, provided a thorough evaluation is made of the tradeoffs, including the hydrological and ecological impacts of groundwater development. Baseflow, more properly baseflow conservation, is emerging as the standard against which groundwater pumping will be increasingly measured in the future.
- In the absence of detailed holistic studies, a reference value of sustainable yield may be taken as all, or a suitable fraction of, the global average for deep percolation, estimated as 2% of precipitation. Detailed local and regional studies will determine whether this value may be increased on a case-by-case basis to reflect one or more of the following:

  a. An improved understanding of the components of the water balance;

[59] http://www.ponce.sdsu.edu/boulevardsoitec.html
[60] http://ponce.sdsu.edu/groundwater_sustainable_yield.html

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temperatures at the site above what would otherwise occur without the Proposed Project, or produce a heat island effect.

C2-86 The County acknowledges the commenter's provided excerpts regarding California's climate change scoping plan. The comment will be included in the Final EIR for review and consideration by the decision makers. The comment does not raise an environmental issue for which a response is required.

C2-87 The County agrees with the commenter and acknowledges this comment; however, this comment does not raise specific issues related to the Proposed Project or the adequacy of the environmental analysis in the DPEIR; therefore, no additional response is provided or required.

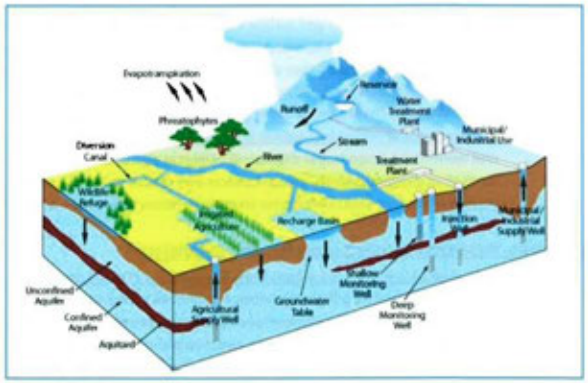
C2-88 The comment does not raise a specific environmental issue for which a response is required.

C2-89 The County has reviewed Dr. Victor M. Ponce's report cited in this comment. The County does not dispute some of the basic theoretical premises stated in Dr. Ponce's report; however, the County does not agree with Dr. Ponce's report in regard to the significant impacts to groundwater resources and groundwater-dependent habitat under CEQA; see common response WR2 and Appendix 9.0-2 of the DPEIR for further details.

b. A workable compromise between conflicting socioeconomic interests; or
c. The choice of a less conservative approach to resource management.

- Sustainability goes hand-in-hand with conservation; the more conservative the proposed or adopted policy, the more sustainable it will be. Sustainable yield is seen to be a moving target, subject to adaptive management. (Ponce 2997: Figure 1 Surface and groundwater relations)

C2-89 Cont.



7. **At this point, there are grave concerns with Dudek's flawed and biased water investigations and estimates,** their flawed Maderas Golf Club groundwater impact studies, and their apparent general pro-development stance without adequate evidence to support that stance.

C2-90

8. ***According to the USGS: Water-well problems***
   a. **Declining ground-water levels have three main effects on water wells.**
   b. **First, as the depth to water increases, the water must be lifted higher to reach the land surface.** As the lift distance increases, so does the energy required to drive the pump. Thus, power costs increase as ground-water levels decline.
   c. Depending on the use of the water and the energy costs, it may no longer be economically feasible to use water for a given purpose.
   d. **Second, ground-water levels may decline below the bottom of existing pumps,** necessitating the expense of lowering the pump, deepening the well, or drilling a deeper replacement well. Third, the yield of the well may decline below usable rates[41].

C2-91

9. **From the USEPA National Water Program 2012 Strategy in Response to Climate Change**
   a. B. **Watersheds and Wetlands**[42] VISION: Watersheds are protected, maintained and restored to provide climate resilience and to preserve the ecological, social and

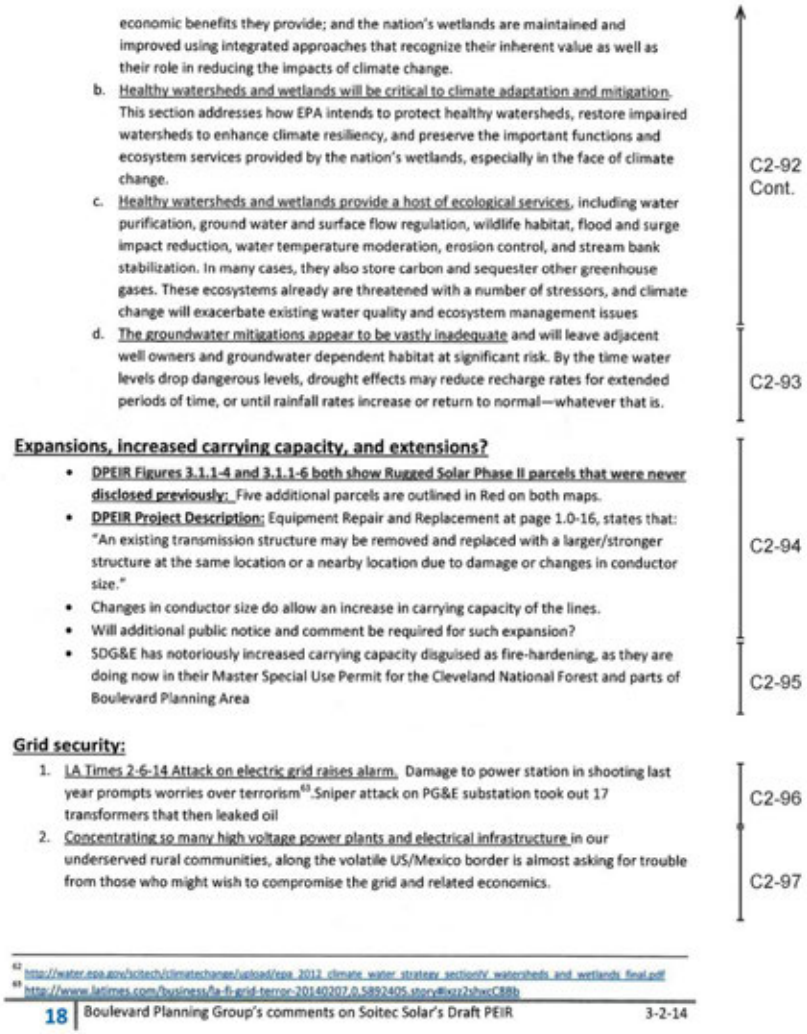
C2-92

[41] http://pubs.usgs.gov/fs/fs-103-03/

C2-90 The comments related to Dudek's work on the Maderas Gold Club project or its "pro-development stance" do not raise specific issues related to the Proposed Project or the adequacy of the environmental analysis in the DPEIR; therefore, no additional response is provided or required. Please refer to common response WR1 in Chapter 9.0 related to revised water demand estimates.

C2-91 The comment does not raise specific issues related to the Proposed Project or the adequacy of the environmental analysis in the DPEIR; therefore, no additional response is provided or required. The County analyzed potential impacts to local wells; as provided in DPEIR Sections 3.1.5.3.4 and 3.1.9.3.1. The County will place conditions on the Major Use Permit that will restrict the amount of water that is permitted to be withdrawn from on-site wells in order to prevent interference with off-site wells. As such, the County does not anticipate that wells of neighboring residents will experience any significant impact as a result of the Proposed Project.

C2-92 The comment does not raise specific issues related to the Proposed Project or the adequacy of the environmental analysis in the DPEIR; therefore, no additional response is provided or required.



economic benefits they provide; and the nation's wetlands are maintained and improved using integrated approaches that recognize their inherent value as well as their role in reducing the impacts of climate change.

b. Healthy watersheds and wetlands will be critical to climate adaptation and mitigation. This section addresses how EPA intends to protect healthy watersheds, restore impaired watersheds to enhance climate resiliency, and preserve the important functions and ecosystem services provided by the nation's wetlands, especially in the face of climate change.

c. Healthy watersheds and wetlands provide a host of ecological services, including water purification, ground water and surface flow regulation, wildlife habitat, flood and surge impact reduction, water temperature moderation, erosion control, and stream bank stabilization. In many cases, they also store carbon and sequester other greenhouse gases. These ecosystems already are threatened with a number of stressors, and climate change will exacerbate existing water quality and ecosystem management issues

d. The groundwater mitigations appear to be vastly inadequate and will leave adjacent well owners and groundwater dependent habitat at significant risk. By the time water levels drop dangerous levels, drought effects may reduce recharge rates for extended periods of time, or until rainfall rates increase or return to normal—whatever that is.

C2-92 Cont.

C2-93

Expansions, increased carrying capacity, and extensions?

- **DPEIR Figures 3.1.1-4 and 3.1.1-6 both show Rugged Solar Phase II parcels that were never disclosed previously:** Five additional parcels are outlined in Red on both maps.
- **DPEIR Project Description:** Equipment Repair and Replacement at page 1.0-16, states that: "An existing transmission structure may be removed and replaced with a larger/stronger structure at the same location or a nearby location due to damage or changes in conductor size."
- Changes in conductor size do allow an increase in carrying capacity of the lines.
- Will additional public notice and comment be required for such expansion?
- SDG&E has notoriously increased carrying capacity disguised as fire-hardening, as they are doing now in their Master Special Use Permit for the Cleveland National Forest and parts of Boulevard Planning Area

C2-94

C2-95

Grid security:

1. LA Times 2-6-14 Attack on electric grid raises alarm. Damage to power station in shooting last year prompts worries over terrorism[63].Sniper attack on PG&E substation took out 17 transformers that then leaked oil
2. Concentrating so many high voltage power plants and electrical infrastructure in our underserved rural communities, along the volatile US/Mexico border is almost asking for trouble from those who might wish to compromise the grid and related economics.

C2-96

C2-97

[62] http://water.epa.gov/scitech/climatechange/upload/epa_2012_climate_water_strategy_sectionIV_watersheds_and_wetlands_final.pdf
[63] http://www.latimes.com/business/la-fi-grid-terror-20140207,0,5892405.story#ixzz2shxcC88b

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C2-93 Please refer to response to comment O10-23 (adequacy of proposed mitigation measures), and the response to comment C2-91 (impacts to local wells).

C2-94 The County agrees that the parcels outlined in red and called out as "Rugged Solar – Phase II" on DPEIR Figures 3.1.1-4 and 3.1.1-6 were incorrect. These areas are not being considered for inclusion in the Proposed Project. These figures have have been revised to reflect the accurate project boundaries for the Rugged Solar site. Please refer to revised Figures 3.1.1-4 and 3.1.1-6 in Section 3.1.1 of the FPEIR.

If the electrical generation capacity for the Proposed Project as indicated in Table 1-1 (or any other project aspects) and analyzed in the DPEIR were to change after discretionary permit approval (if approved), the changes would be evaluated to determine if additional discretionary review, such as a Major Use Permit Modification, would be required under CEQA.

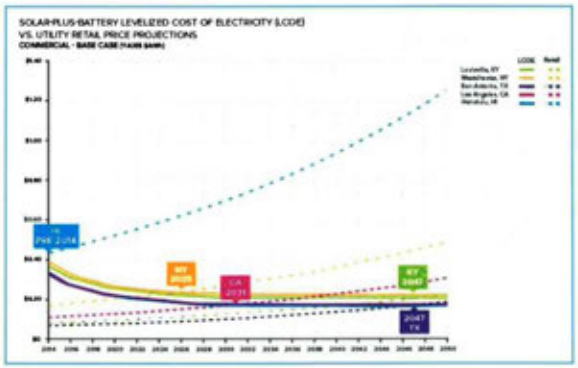
C2-95 This comment does not raise issues related to the Proposed Project or the adequacy of the environmental analysis in the DPEIR; therefore, no additional response is provided or required.

C2-96 This comment does not raise specific issues related to the Proposed Project or the adequacy of the environmental analysis in the DPEIR; therefore, no additional response is provided or required.

3. Distributed point of use generation with some form of backup storage is now affordable and more securethan large rural projects that rely on extensive and vulnerable transmission through fire –prone and earthquake prone areas.
4. The Rocky Mountain Institute's new report **The Economics of Grid Defection** [64] reports on the eroding utility business model, and large rural projects, based on the combination of falling solar prices combined with new solar storage inverters: the report states that : "*This "utility in a box" represents a fundamentally different challenge for utilities. Whereas other technologies, including solar PV and other distributed resources without storage, net metering, and energy efficiency still require some degree of grid dependence, solar-plus-batteries enable customers to cut the cord to their utility entirely*" *(the graphic below is from the RMI report)*

C2-98

C2-99



Fire:

1. The DPEIR does not address the cumulative impacts and risk assessment for Climate Change, such as increased fire risks, and converting 1,500 acres of native vegetation into an industrial energy zone with new fire ignition source, including invasive weeds that burn more quickly. Soitec's panel space will equal the same as 48 Walmart Supercenters (avg 185,000 sq ft)[65].
2. The Cal Adapt site states the following: "*···With expanding development into the urban/wildland interface, threats to human safety and property are even greater. The spread of invasive species that are more fire-prone, coupled with more frequent and prolonged periods of drought, all increase the risk of fires, and reduce the capacity of native species to recover. Wildfires are also bad news for the region in terms of air quality, human health, soil erosion and stress on watersheds".*

C2-100

C2-101

[64] RMI report: http://www.rmi.org/electricity_grid_defection
[65] California Climate Change risk assessment: http://cal-adapt.org/blog/2011/apr/12/wild-fire/

C2-97 The County appreciates this information and the decision-makers take it into consideration. This information, however, would not affect the analysis in the DPEIR.

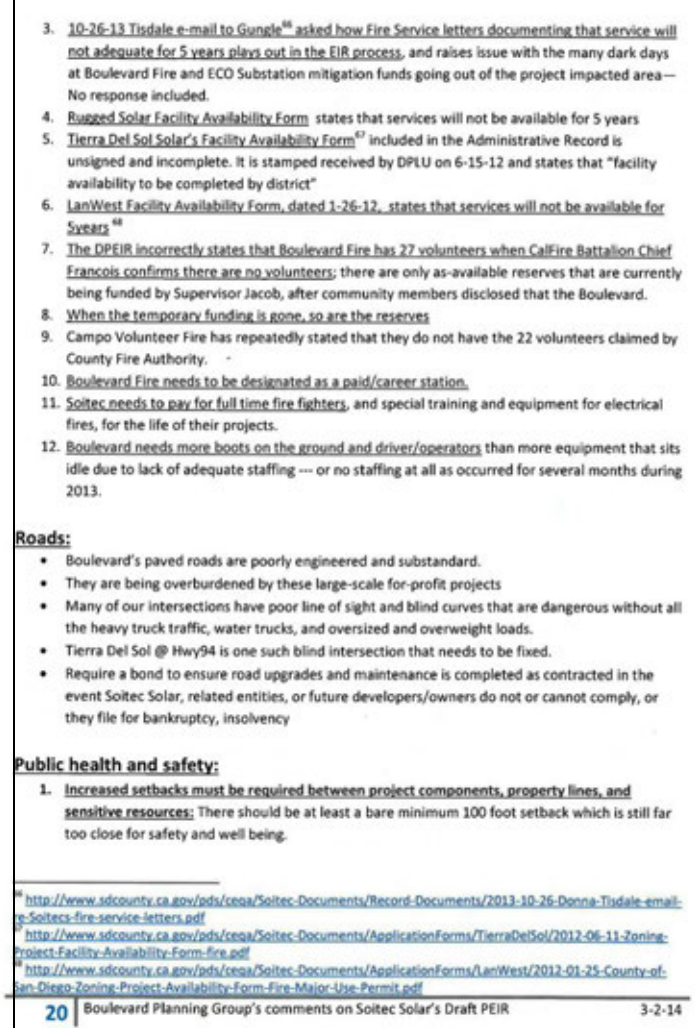
C2-98 The commenter does not provide any evidence for its assertion that distributed generation with storage is more affordable and more secure than utility-scale projects that rely on transmission. To the extent the commenter has concerns related to the vulnerability of the Proposed Project including its proposed transmission lines, to fire or earthquake, these issues are fully addressed in the DPEIR (pp. 3.1.2-2 to 3.1.2-3, 3.1.2-16 to 3.1.2-23, 3.1.4-5 to 3.1.4-6, 3.1.4-8 to 3.1.4-11, and 3.1.4-35 to 3.1.4-41). The vulnerability of other transmission lines, which are not proposed as part of the Proposed Project, is outside the jurisdiction of the County and not within the scope of the Proposed Project. In addition, the effects of the environment on the Proposed Project, including fire or earthquake, are not properly the subject of the DPEIR (see *Ballona Wetlands Land Trust v. City of Los Angeles* (2001) 201 Cal. App. 4th 455, 473).

C2-99 The commenter's reference to the Rocky Mountain Institute's report does not concern an environmental issue regarding the Proposed Project and the DPEIR. Accordingly, no further response is required.

C2-100 The County does not agree that the DPEIR does not

	address cumulative impacts and risk related to climate change. Climate change refers to any significant change in measures of climate, such as temperature, precipitation, or wind, lasting for an extended period (decades or longer). Gases that trap heat in the atmosphere are often called "greenhouse gases" (GHGs). Chapter 3.1.3 of the DPEIR analyzes the Proposed Project's potential to impact climate change through an analysis of potential GHG emissions resulting from the Proposed Project. It should be further emphasized, as stated in Section 3.1.3.3.1 of the DPEIR, that the Tierra del Sol and Rugged solar farms both have been certified as Environmental Leadership Projects under the Jobs and Economic Improvement through Environmental Leadership Act (AB900) which, as a prerequisite, requires that projects would not result in any net additional GHG emissions pursuant to PRC Section 21183(c); see Appendix 3.1.3-3 of the DPEIR. To ensure the Tierra del Sol and Rugged solar farms would result in a zero net increase in GHG emissions, the applicants have committed to obtain voluntary carbon offsets or GHG credits from a qualified GHG emission broker to offset total projected construction and operational GHG emissions as stated in the AB 900 Application for the Soitec Solar Energy Project (attached as Appendix 3.1.3-3 of the DPEIR). In fact, the Proposed Project would offset GHG emissions, in

	accordance with project objective 5. Please also refer to response to comment C2-84. The risk of wildfire is thoroughly evaluated in the DPEIR; see Section 3.1.4.3.3, Wildfire Hazards, and Section 3.1.7.3.1, Fire and Emergency Medical Response Capabilities.
	C2-101 The comment indicates that growth into the urban wildland interface has resulted in greater threats to persons and property. However, the Proposed Project is not proposed in a wildland–urban interface setting and it does not include residential development where persons and their property will reside. Further, even in residential development projects at the wildland–urban interface, the fire protection systems provided, especially in San Diego County, address the fire risks that may face a community and result in hardened, defensible communities. The Proposed Project includes primarily non-combustible features that are provided significant fuel modification by converting higher ignitable and higher British thermal unit (BTU) producing vegetation (e.g. native chaparral) on the site to maintained, low-BTU-producing landscapes (e.g. solar facility). These landscapes are not proposed to enable native fuels (chaparral) to reestablish. Likewise, invasive plants are typically associated with residential communities where multiple landscape plantings by numerous people may escape into the



3. 10-26-13 Tisdale e-mail to Gungle[66] asked how Fire Service letters documenting that service will not adequate for 5 years plays out in the EIR process, and raises issue with the many dark days at Boulevard Fire and ECO Substation mitigation funds going out of the project impacted area—No response included.
4. Rugged Solar Facility Availability Form states that services will not be available for 5 years
5. Tierra Del Sol Solar's Facility Availability Form[67] included in the Administrative Record is unsigned and incomplete. It is stamped received by DPLU on 6-15-12 and states that "facility availability to be completed by district"
6. LanWest Facility Availability Form, dated 1-26-12, states that services will not be available for 5years [68]
7. The DPEIR incorrectly states that Boulevard Fire has 27 volunteers when CalFire Battalion Chief Francois confirms there are no volunteers; there are only as-available reserves that are currently being funded by Supervisor Jacob, after community members disclosed that the Boulevard.
8. When the temporary funding is gone, so are the reserves
9. Campo Volunteer Fire has repeatedly stated that they do not have the 22 volunteers claimed by County Fire Authority.
10. Boulevard Fire needs to be designated as a paid/career station.
11. Soitec needs to pay for full time fire fighters, and special training and equipment for electrical fires, for the life of their projects.
12. Boulevard needs more boots on the ground and driver/operators than more equipment that sits idle due to lack of adequate staffing --- or no staffing at all as occurred for several months during 2013.

C2-102

C2-103

C2-104

Roads:

- Boulevard's paved roads are poorly engineered and substandard.
- They are being overburdened by these large-scale for-profit projects
- Many of our intersections have poor line of sight and blind curves that are dangerous without all the heavy truck traffic, water trucks, and oversized and overweight loads.
- Tierra Del Sol @ Hwy94 is one such blind intersection that needs to be fixed.
- Require a bond to ensure road upgrades and maintenance is completed as contracted in the event Soitec Solar, related entities, or future developers/owners do not or cannot comply, or they file for bankruptcy, insolvency

C2-105

C2-106

Public health and safety:

1. **Increased setbacks must be required between project components, property lines, and sensitive resources:** There should be at least a bare minimum 100 foot setback which is still far too close for safety and well being.

C2-107

[66] http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2013-10-26-Donna-Tisdale-email-re-Soitecs-fire-service-letters.pdf
[67] http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/ApplicationForms/TierraDelSol/2012-06-11-Zoning-Project-Facility-Availability-Form-fire.pdf
[68] http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/ApplicationForms/LanWest/2012-01-25-County-of-San-Diego-Zoning-Project-Availability-Form-Fire-Major-Use-Permit.pdf

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wildlands. The project sites will be solar facilities that will use a very limited plant palette at specific locations around the borders of the facilities, will undergo ongoing maintenance to minimize vegetation growth, and will not be likely to be a source for invasive plant establishment off site.

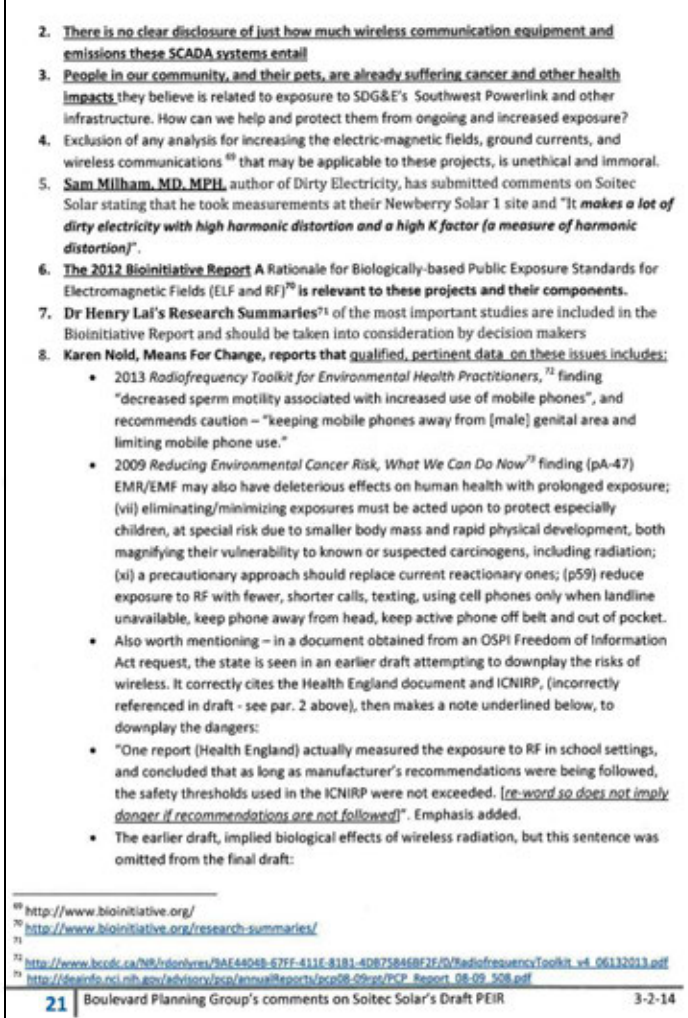
The comment regarding wildfire and air quality, human health, soil erosion and stress on watersheds is noted. Large wildfires can have negative impacts on each of these resources. However, as noted in the DPEIR's analysis and Fire Protection Plans (FPP) (Appendix 3.1.4-5 and Appendix 3.1.4-6), the Proposed Project includes numerous measures to provide fire prevention and suppression resources.

C2-102 Updated Fire Service Availability Forms signed in October 2014 by the San Diego County Fire Authority for the Tierra del Sol and Rugged solar farm projects have been provided and are located in the administrative record. The fire service availability forms indicate that existing fire protection facilities will be adequate to serve the Tierra del Sol and Rugged Solar Farm projects with a developer agreement or similar finding mechanism. In order to achieve fire service availability, the Proposed Project has analyzed the impacts and developed a variety of design, operation, prevention, and response measures that would reduce impacts to a less than significant

		level. In addition to the measures identified in the project-specific FPPs, the Proposed Project would provide fair-share funding to be used for improving local emergency response capabilities (see PDF-PS-1 in Chapter 3.1.7 of the DPEIR). Please also refer to response to comment O10-80.
	C2-103	Updated and completed Facility Availability Forms (399-F) for the Tierra Del Sol and Rugged sites are located in the administrative record at: http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/ApplicationForms/TierraDelSol/2014-10-23-Zoning-Project-Facility-Availability-Form-Fire-approved.pdf and http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/ApplicationForms/Rugged/2014-10-23-Zoning-Project-Facility-Availability-Form-Fire-approved.pdf. The forms are also included in Appendix 3.1.4-5, Draft Fire Protection Plan Tierra del Sol Solar Farm Project, and Appendix 3.1.4-6, Draft Fire Protection Plan Rugged Solar Farm Project, of the FPEIR. No permits are currently being sought for the LanEast and LanWest solar farms. Should development of these sites proceed in the future, then the project applicant(s) would be required to demonstrate during environmental review that existing or planned fire services facilities are adequate to the serve the projects.
	C2-104	The exact number of reserves/volunteers may vary throughout the year and reserves often obtain a full-

	time fire position about every 2 years so there is some variability in staffing, but there is a strong program for reserves and volunteers in San Diego County. Further, there is a commitment by San Diego County to provide full time fire and emergency medical services in all of its fire stations, including in Boulevard, as evidenced by their funding of a new fire station with all facilities necessary for multiple apparatus and for sleeping/living capacity for two engine companies. The San Diego Regional Fire Foundation coordinates the reserve/volunteer firefighter program. Volunteer firefighters and fire stations are not unique to Boulevard. Roughly 60% of San Diego County is protected by volunteers/reserves. There are 30 volunteer fire stations and over 400 volunteer firefighters in San Diego County. Grants and annual funding for the volunteer program have steadily increased over the last decade. In addition, equipment and training have resulted in all volunteer fire departments performing at very effective levels. Since the 2003 and 2007 wildfires, efforts have also focused on increased cooperation and coordination amongst all fire departments. Today, the closest fire engine is dispatched to an emergency whether it is in its own jurisdiction or that of a neighboring fire department. Mutual aid responses are automatic. With the Proposed Project, funding is being targeted for additional full-time personnel (see PDF-PS-1 in Chapter 3.1.7 of the FPEIR). In addition, the FPPs prepared for the

		Proposed Project require the Project to conduct training sessions with local fire fire station personnel and create a video training CD with SDCFA and CAL FIRE input that will be provided to local fire agencies for refresher training and training new firefighters who may rotate into potentially responding stations.
	C2-105	Please refer to common response TRAF-1 regarding physical deterioration of local roadways. Please refer to the response to comment I29-1 regarding the County's analysis of traffic impacts, including potential hazards associated with construction traffic.
	C2-106	The County disagrees with the commenter's assertion that the County should require a performance bond to "ensure road upgrades and maintenance is completed." The Proposed Project will participate in the County's Transportation Impact Fee Program, paying a fee to proportionally fund necessary improvements to County roadways (DPEIR, pp. 3.1.8-8 to 3.1.8-9, 3.1.8-33). The Proposed Project's fee is based upon the projected use and new trips to local and regional roads associated with the Proposed Project (DPEIR, p. 3.1.8-33). The applicants are required under the Transportation Impact Fee Program to pay this fee prior to approval of a MUP; therefore, no bond is necessary to ensure timely payment of the fee (DPEIR, pp. 3.1.8-8 to 3.1.8-9). The DPEIR has not identified



2. **There is no clear disclosure of just how much wireless communication equipment and emissions these SCADA systems entail**
3. **People in our community, and their pets, are already suffering cancer and other health impacts** they believe is related to exposure to SDG&E's Southwest Powerlink and other infrastructure. How can we help and protect them from ongoing and increased exposure?
4. Exclusion of any analysis for increasing the electric-magnetic fields, ground currents, and wireless communications [69] that may be applicable to these projects, is unethical and immoral.
5. **Sam Milham, MD, MPH,** author of Dirty Electricity, has submitted comments on Soitec Solar stating that he took measurements at their Newberry Solar 1 site and "It ***makes a lot of dirty electricity with high harmonic distortion and a high K factor (a measure of harmonic distortion)***".
6. **The 2012 Bioinitiative Report** A Rationale for Biologically-based Public Exposure Standards for Electromagnetic Fields (ELF and RF)[70] **is relevant to these projects and their components.**
7. **Dr Henry Lai's Research Summaries**[71] of the most important studies are included in the Bioinitiative Report and should be taken into consideration by decision makers
8. **Karen Nold, Means For Change, reports that** qualified, pertinent data on these issues includes:
   - 2013 *Radiofrequency Toolkit for Environmental Health Practitioners,* [72] finding "decreased sperm motility associated with increased use of mobile phones", and recommends caution – "keeping mobile phones away from [male] genital area and limiting mobile phone use."
   - 2009 *Reducing Environmental Cancer Risk, What We Can Do Now*[73] finding (pA-47) EMR/EMF may also have deleterious effects on human health with prolonged exposure; (vii) eliminating/minimizing exposures must be acted upon to protect especially children, at special risk due to smaller body mass and rapid physical development, both magnifying their vulnerability to known or suspected carcinogens, including radiation; (xi) a precautionary approach should replace current reactionary ones; (p59) reduce exposure to RF with fewer, shorter calls, texting, using cell phones only when landline unavailable, keep phone away from head, keep active phone off belt and out of pocket.
   - Also worth mentioning – in a document obtained from an OSPI Freedom of Information Act request, the state is seen in an earlier draft attempting to downplay the risks of wireless. It correctly cites the Health England document and ICNIRP, (incorrectly referenced in draft - see par. 2 above), then makes a note underlined below, to downplay the dangers:
   - "One report (Health England) actually measured the exposure to RF in school settings, and concluded that as long as manufacturer's recommendations were being followed, the safety thresholds used in the ICNIRP were not exceeded. [*re-word so does not imply danger if recommendations are not followed*]". Emphasis added.
   - The earlier draft, implied biological effects of wireless radiation, but this sentence was omitted from the final draft:

[69] http://www.bioinitiative.org/
[70] http://www.bioinitiative.org/research-summaries/
[71]
[72] http://www.bccdc.ca/NR/rdonlyres/9AE44048-67FF-411E-8181-4D8758468F2F/0/RadiofrequencyToolkit_v4_06132013.pdf
[73] http://deainfo.nci.nih.gov/advisory/pcp/annualReports/pcp08-09rpt/PCP_Report_08-09_508.pdf

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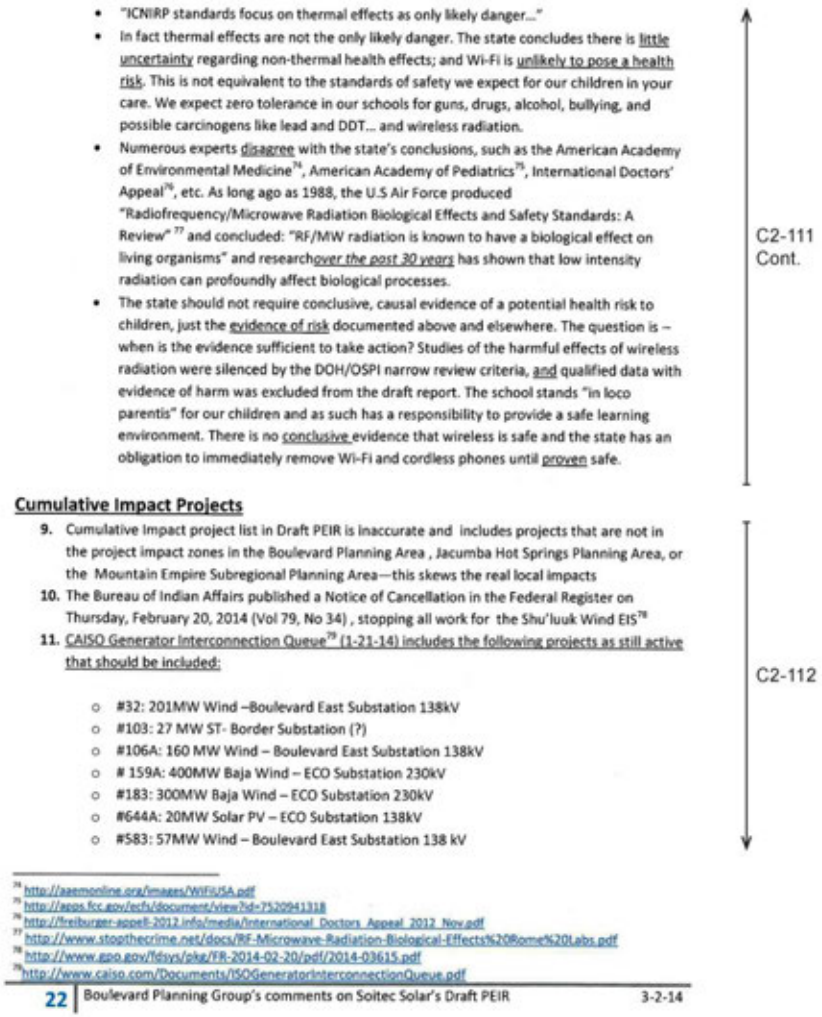
C2-108
C2-109
C2-110
C2-111

any additional specific upgrades or maintenance for County roads necessary to mitigate impacts associated with the Proposed Project, for which an assurance of funding would be applicable. The County also refers the commenter to common response TRAF-1.

C2-107 The Proposed Project design meets the setback requirements per County zoning (the Proposed Project sites are zoned A70, A72, and S92) and has considered additional setbacks to reduce impacts related to fire and visual resources. These additional setbacks include a perimeter fuel modification zone consisting of 18 feet of cleared, drivable surface on the outside of the project fencing and 20 feet of driveway/road inside of the fence (see Section 3.1.4.3.3 of the DPEIR) and a 50-foot-wide landscaped area along public roadways (Tierra Del Sol Road and McCain Valley Road) to screen project components from public viewpoints (see M-AE-PP-1 in Section 2.1.6.1 of the DPEIR). The commenter does not indicate where the 100-foot setback requirement is derived from. The County does not agree that additional setbacks are required for the Proposed Project. The Proposed Project's impacts to safety are considered in Chapter 3.1.4 of the DPEIR.

C2-108 See responses to comments C2-111 and I38-10.

C2-109 The comment is acknowledged and will be included in the FPEIR for review and consideration by the decision makers. The comment does not raise an



- "ICNIRP standards focus on thermal effects as only likely danger…"
- In fact thermal effects are not the only likely danger. The state concludes there is little uncertainty regarding non-thermal health effects; and Wi-Fi is unlikely to pose a health risk. This is not equivalent to the standards of safety we expect for our children in your care. We expect zero tolerance in our schools for guns, drugs, alcohol, bullying, and possible carcinogens like lead and DDT… and wireless radiation.
- Numerous experts disagree with the state's conclusions, such as the American Academy of Environmental Medicine[74], American Academy of Pediatrics[75], International Doctors' Appeal[76], etc. As long ago as 1988, the U.S Air Force produced "Radiofrequency/Microwave Radiation Biological Effects and Safety Standards: A Review" [77] and concluded: "RF/MW radiation is known to have a biological effect on living organisms" and research over the past 30 years has shown that low intensity radiation can profoundly affect biological processes.
- The state should not require conclusive, causal evidence of a potential health risk to children, just the evidence of risk documented above and elsewhere. The question is – when is the evidence sufficient to take action? Studies of the harmful effects of wireless radiation were silenced by the DOH/OSPI narrow review criteria, and qualified data with evidence of harm was excluded from the draft report. The school stands "in loco parentis" for our children and as such has a responsibility to provide a safe learning environment. There is no conclusive evidence that wireless is safe and the state has an obligation to immediately remove Wi-Fi and cordless phones until proven safe.

C2-111 Cont.

Cumulative Impact Projects

9. Cumulative Impact project list in Draft PEIR is inaccurate and includes projects that are not in the project impact zones in the Boulevard Planning Area , Jacumba Hot Springs Planning Area, or the Mountain Empire Subregional Planning Area—this skews the real local impacts
10. The Bureau of Indian Affairs published a Notice of Cancellation in the Federal Register on Thursday, February 20, 2014 (Vol 79, No 34) , stopping all work for the Shu'luuk Wind EIS[78]
11. CAISO Generator Interconnection Queue[79] (1-21-14) includes the following projects as still active that should be included:

    - #32: 201MW Wind –Boulevard East Substation 138kV
    - #103: 27 MW ST- Border Substation (?)
    - #106A: 160 MW Wind – Boulevard East Substation 138kV
    - # 159A: 400MW Baja Wind – ECO Substation 230kV
    - #183: 300MW Baja Wind – ECO Substation 230kV
    - #644A: 20MW Solar PV – ECO Substation 138kV
    - #583: 57MW Wind – Boulevard East Substation 138 kV

C2-112

[74] http://aaemonline.org/images/WiFiUSA.pdf
[75] http://apps.fcc.gov/ecfs/document/view?id=7520941318
[76] http://freiburger-appell-2012.info/media/International_Doctors_Appeal_2012_Nov.pdf
[77] http://www.stopthecrime.net/docs/RF-Microwave-Radiation-Biological-Effects%20Rome%20Labs.pdf
[78] http://www.gpo.gov/fdsys/pkg/FR-2014-02-20/pdf/2014-03615.pdf
[79] http://www.caiso.com/Documents/ISOGeneratorInterconnectionQueue.pdf

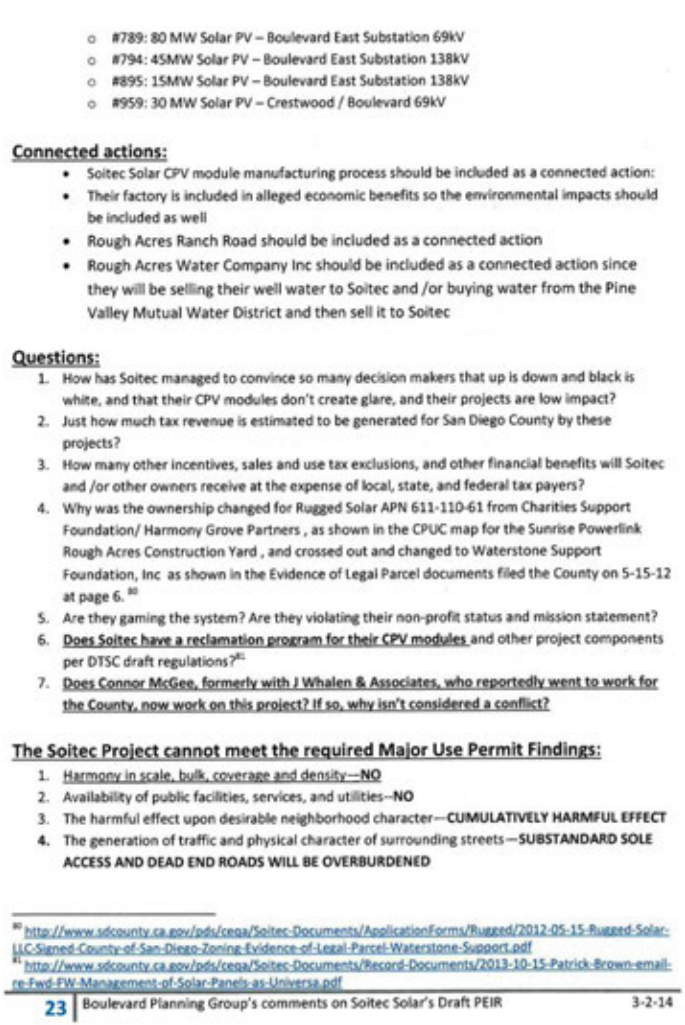
environmental issue related to the DPEIR for which a response is required.

The County also refers the commenter to response to comment C2-107 and C2-111.

C2-110 The comment is acknowledged and the resources and quotations provided will be included in the FPEIR for review and consideration by the decision makers. The County also refers the commenter to response to comment C2-107 and C2-111.

C2-111 The comment is acknowledged and the resources and quotations provided will be included in the FPEIR for review and consideration by the decision makers. The County has reviewed the information presented in this comment. Recognizing there is a great deal of public interest and concern regarding potential health effects and hazards from exposure to electric and magnetic fields (EMFs), the DPEIR provides information regarding these potential issues; see Section 3.1.4.5 of the DPEIR. However, the DPEIR does not consider EMFs in the context of the CEQA for determination of environmental impact because there is no agreement among scientists that EMFs create a health risk and because there are no defined or adopted CEQA standards for defining health risks from EMFs. As a result, the EMF information is presented for the benefit of the public and decision makers. Furthermore, in response to this comment and other

		comments regarding EMF, a memorandum was prepared by Asher R. Sheppard, PhD to support the information provided in the DPEIR and provide more detail; see Appendix 9.0-1. The memorandum concludes that EMF from the Proposed Project are highly localized and pose no known concern for human health. See also response to comment I38-10.
	C2-112	The County does not agree that the Cumulative Projects List (DPEIR Chapter 1.0, Table 1-12) includes projects within too broad of a geographic scope, as indicated by the commenter. No fixed standards apply under CEQA or the State CEQA Guidelines as to what will constitute an appropriate geographic scope; the lead agency is provided the discretion to make such a determination so long as the administrative record illustrates a reasonable basis for such a determination (*City of Long Beach v Los Angeles Unified Sch. Dist*. (2009) 176 Cal. App. 4th 889, 908 (selection of the geographic area affected by the cumulative impacts falls within the lead agency's discretion); *Ebbetts Pass Forest Watch v Department of Forestry and Fire Protection* (2004) 123 Cal. App. 4th 1331, 1351–1354; Kostka and Zischke 2009, Section 13.45, pp. 654–655).The geographic scope for the cumulative study area was determined based on the natural boundaries of the resources affected, rather than jurisdictional boundaries, and is consistent with recent cumulative analyses for energy projects recently



- #789: 80 MW Solar PV – Boulevard East Substation 69kV
- #794: 45MW Solar PV – Boulevard East Substation 138kV
- #895: 15MW Solar PV – Boulevard East Substation 138kV
- #959: 30 MW Solar PV – Crestwood / Boulevard 69kV

C2-112 Cont.

Connected actions:

- Soitec Solar CPV module manufacturing process should be included as a connected action: C2-113
- Their factory is included in alleged economic benefits so the environmental impacts should be included as well C2-114
- Rough Acres Ranch Road should be included as a connected action C2-115
- Rough Acres Water Company Inc should be included as a connected action since they will be selling their well water to Soitec and /or buying water from the Pine Valley Mutual Water District and then sell it to Soitec C2-116

Questions:

1. How has Soitec managed to convince so many decision makers that up is down and black is white, and that their CPV modules don't create glare, and their projects are low impact? C2-117
2. Just how much tax revenue is estimated to be generated for San Diego County by these projects? C2-118
3. How many other incentives, sales and use tax exclusions, and other financial benefits will Soitec and /or other owners receive at the expense of local, state, and federal tax payers? C2-119
4. Why was the ownership changed for Rugged Solar APN 611-110-61 from Charities Support Foundation/ Harmony Grove Partners , as shown in the CPUC map for the Sunrise Powerlink Rough Acres Construction Yard , and crossed out and changed to Waterstone Support Foundation, Inc as shown in the Evidence of Legal Parcel documents filed the County on 5-15-12 at page 6.[80] C2-120
5. Are they gaming the system? Are they violating their non-profit status and mission statement? C2-121
6. **Does Soitec have a reclamation program for their CPV modules** and other project components per DTSC draft regulations?[81] C2-122
7. **Does Connor McGee, formerly with J Whalen & Associates, who reportedly went to work for the County, now work on this project? If so, why isn't considered a conflict?** C2-123

The Soitec Project cannot meet the required Major Use Permit Findings:

1. Harmony in scale, bulk, coverage and density—**NO**
2. Availability of public facilities, services, and utilities--**NO**
3. The harmful effect upon desirable neighborhood character—**CUMULATIVELY HARMFUL EFFECT**
4. The generation of traffic and physical character of surrounding streets—**SUBSTANDARD SOLE ACCESS AND DEAD END ROADS WILL BE OVERBURDENED** C2-124

[80] http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/ApplicationForms/Rugged/2012-05-15-Rugged-Solar-LLC-Signed-County-of-San-Diego-Zoning-Evidence-of-Legal-Parcel-Waterstone-Support.pdf

[81] http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2013-10-15-Patrick-Brown-email-re-Fwd-FW-Management-of-Solar-Panels-as-Universa.pdf

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analyzed in the Proposed Project area. In addition, the cumulative discussion for each resource topic defines a specific geographic scope applicable to that resource that is often more narrow in scope than the cumulative study area shown on Figure 1-12. The County also refers the commenter to response to comment C2-52.

The County acknowledges that the Shu'luuk Wind project is no longer under consideration; the project was not included in the DPEIR as a cumulative project (see DPEIR, Chapter 1.0, Table 1-12).

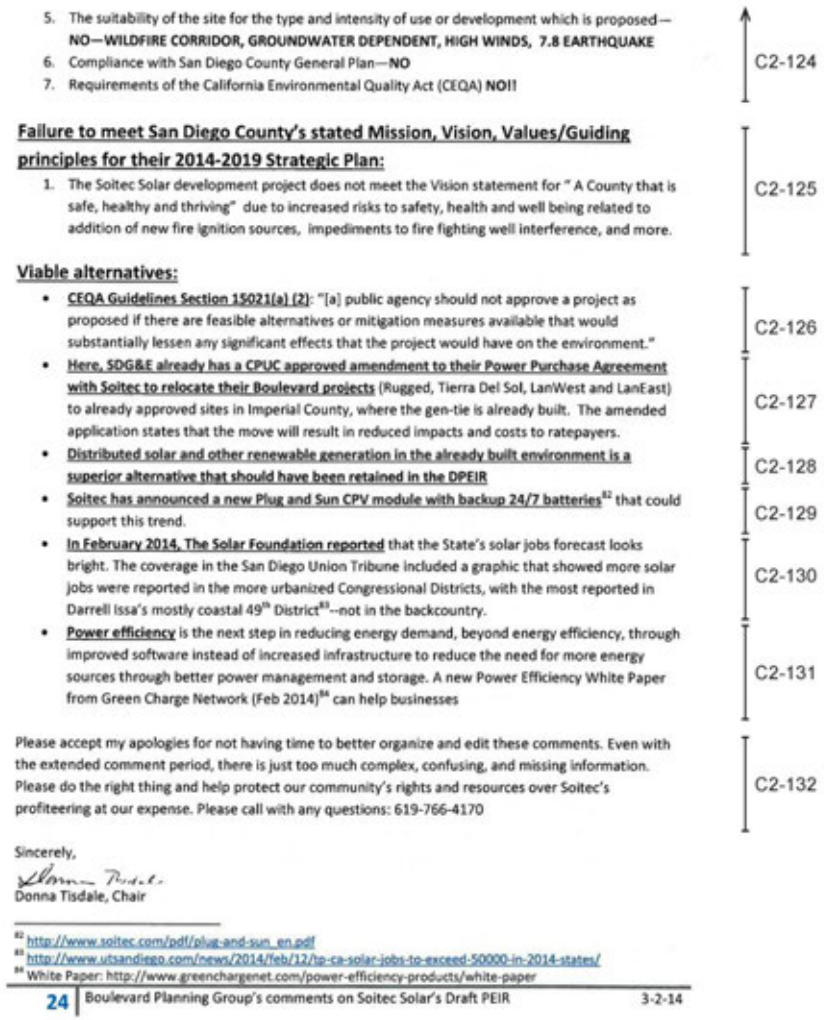
The commenter provides a list of interconnections from the California Independent System Operator Corporation Generator Interconnection Queue. It is possible that the projects represented by these interconnection applications are considered in the DPEIR cumulative analysis; however, specifics regarding project names and locations are not given since interconnection positions are confidential. In addition, positions on the interconnection queue do not mean they are reasonably foreseeable. Therefore, not enough information is provided to compare the list of interconnections to the cumulative projects list in the DPEIR.

C2-113 The County disagrees that the already approved and operational Soitec Solar Industries LLC's factory in the City of San Diego, where it manufactures CPV trackers, is a "connected action" that should be analyzed as part of the Proposed Project. The

		applicants have not sought any approvals from the County related to the manufacturing facility, nor are any necessary for the facility to continue operations, and Soitec Solar Industries LLC's manufacturing activities would continue independent of the Proposed Project. The Proposed Project's approval or eventual development has no bearing on continued production at the manufacturing facility (see California Public Resources Code, Section 21065; 14 CCR 15003(h) and 15378(a), (c)). If the proposed project was to be denied and the Soitec Solar facility discontinued operations, it would be for reasons other than the denial of the proposed project. Finally, CEQA does not require analysis of "connected actions," which is a term of art used under the National Environmental Policy Act (NEPA) (e.g., see 40 CFR 1508.25).
	C2-114	The DPEIR does not provide that Soitec Solar Industries LLC's manufacturing facility, located in San Diego County, is an economic consideration or benefit associated with the Proposed Project. The manufacturing of the trackers is not part of the Proposed Project, so neither the environmental impacts nor benefits of the facility are addressed in the DPEIR as "connected actions. Furthermore, the achievement of project objective #6 (see Chapter 1.0 of the DPEIR) does not include economic development associated with the Soitec Solar Industries LLC's manufacturing facility

	C2-115 Please refer to the response to comment C2-50. **C2-116** Rough Acres Water Company is not a Water Service Agency, as defined under the Groundwater Ordinance sec. 67.703, because it was not in existence when the Rugged Solar Farm major use permit application was submitted. Accordingly, the Rugged Solar Farm is required to comply with the Groundwater Ordinance by preparing a groundwater investigation. Section 67.703 does not control whether a water source may be relied upon by a project, however. Rather, it determines whether a water source must comply with the County's Groundwater Ordinance. Accordingly, the DPEIR analyzed the capacity for Rough Acres Water Company (utilizing on-site production wells) and Pine Valley Mutual Water Company to provide water to the Proposed Project without causing significant impacts on groundwater in storage or well interference (DPEIR, pp. 3.1.9-11 to 3.1.9-12, Appendices 3.1.5-6 (Rough Acres), 3.1.5-7 (Pine Valley)). **C2-117** The County disagrees with the commenter's characterization that the applicants have "convince[d] so many decision makers … that their CPV modules don't create glare, and their projects are low impact?" The DPEIR analyzes potential glare impacts on motorists and residents (DPEIR, pp. 2.1-78 to 2.1-79). Please refer to response comment I2-8 regarding significant and unmitigable impacts of the Proposed

	Project from glare. In addition, the DPEIR finds potential significant impacts to aesthetics, air quality, biological resources, cultural resources, land use, and noise, including unmitigable impacts to aesthetics, air quality, and land use (DPEIR, pp. S.0-9 to S.0-71). The DPEIR presents an objective analysis of the potential environmental impacts of the Proposed Project for consideration by the decision makers. **C2-118** The comment does not raise an environmental issue for which further response is required. **C2-119** The comment does not raise an environmental issue for which further response is required. **C2-120** Beyond information available in public records, the County does not monitor information on the transfer of private property between two entities, including the parcel referenced by the comment. The applicants have complied with County requirements by submitting evidence of legal parcels associated with the applicants' permit application for the Rugged solar farm, as shown by the document in the administrative record referenced by the commenter in a footnote. **C2-121** The comment does not raise an environmental issue for which a response is required. **C2-122** The DPEIR provides information on the decommissioning of the Proposed Project, including



5. The suitability of the site for the type and intensity of use or development which is proposed—**NO—WILDFIRE CORRIDOR, GROUNDWATER DEPENDENT, HIGH WINDS, 7.8 EARTHQUAKE**
6. Compliance with San Diego County General Plan—**NO**
7. Requirements of the California Environmental Quality Act (CEQA) **NO!!**

Failure to meet San Diego County's stated Mission, Vision, Values/Guiding principles for their 2014-2019 Strategic Plan:

1. The Soitec Solar development project does not meet the Vision statement for " A County that is safe, healthy and thriving" due to increased risks to safety, health and well being related to addition of new fire ignition sources, impediments to fire fighting well interference, and more.

Viable alternatives:

- **CEQA Guidelines Section 15021(a) (2)**: "[a] public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment."
- **Here, SDG&E already has a CPUC approved amendment to their Power Purchase Agreement with Soitec to relocate their Boulevard projects** (Rugged, Tierra Del Sol, LanWest and LanEast) to already approved sites in Imperial County, where the gen-tie is already built. The amended application states that the move will result in reduced impacts and costs to ratepayers.
- **Distributed solar and other renewable generation in the already built environment is a superior alternative that should have been retained in the DPEIR**
- **Soitec has announced a new Plug and Sun CPV module with backup 24/7 batteries**[82] that could support this trend.
- **In February 2014, The Solar Foundation reported** that the State's solar jobs forecast looks bright. The coverage in the San Diego Union Tribune included a graphic that showed more solar jobs were reported in the more urbanized Congressional Districts, with the most reported in Darrell Issa's mostly coastal 49th District[83]--not in the backcountry.
- **Power efficiency** is the next step in reducing energy demand, beyond energy efficiency, through improved software instead of increased infrastructure to reduce the need for more energy sources through better power management and storage. A new Power Efficiency White Paper from Green Charge Network (Feb 2014)[84] can help businesses

Please accept my apologies for not having time to better organize and edit these comments. Even with the extended comment period, there is just too much complex, confusing, and missing information. Please do the right thing and help protect our community's rights and resources over Soitec's profiteering at our expense. Please call with any questions: 619-766-4170

Sincerely,

Donna Tisdale, Chair

[82] http://www.soitec.com/pdf/plug-and-sun_en.pdf
[83] http://www.utsandiego.com/news/2014/feb/12/tp-ca-solar-jobs-to-exceed-50000-in-2014-states/
[84] White Paper: http://www.greenchargenet.com/power-efficiency-products/white-paper

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dismantling of the solar farms and recycling of components and their constituent materials (DPEIR, pp. 1.0-17 to 1.0-18). In addition, the County requires the applicants to submit a removal surety as a condition of approval of a MUP and prior to issuance of a building permit, along with final decommissioning plans (DPEIR, p. 1.0-19; County Zoning Ordinance, Section 6952.b.3(d)).

The comment refers to the Department of Toxic Substance Control's (DTSC) draft regulations regarding PV solar panels. The link to the Proposed Project's administrative record referenced in the commenter's footnote provides the California Office of Administrative Law (OAL) Decision of Disapproval of Regulatory Action, for regulations proposed by DTSC that would have regulated PV modules as hazardous waste. As evidenced by the OAL Decision, the draft DTSC regulations were disapproved on October 8, 2013. On February 5, 2014, DTSC issued a Notice Regarding Photovoltaic (PV) Modules: Proposed Regulations Package, which provided that the DTSC has decided to withdraw the PV Modules proposed regulations package and instead will pursue obtaining authorization from the U.S. Environmental Protection Agency (EPA) to implement federal Universal Waste Regulations in California. (*See* https://dtsc.ca.gov/LawsRegsPolicies/Regs/upload /Notice-of-Status-of-PV-Modules-Regulations-

Attachment is Comment C2-133.	Package.pdf.) In the event that the EPA approves this request and there are new or different requirements in California applicable to the disposal of PV modules, the applicants will be obligated to comply with such regulations in effect at the time of decommissioning. In addition, the applicants' decommissioning plan, prepared as a condition of approval of a MUP and prior to issuance of a building permit, will reflect the Proposed Project's compliance with current regulations. **C2-123** The comment does not raise an environmental issue for which further response is required. Mr. McGee has not been assigned to work on the DPEIR or the Proposed Project. **C2-124** The comment sets forth a series of opinions regarding various avenues of compliance and consistency. The County will need to prepare MUP findings in accordance with County Zoning Ordinance Section 7358 for consideration at hearing on the Proposed Project. Pursuant to Section 7358, the County must make the findings required under Section 7358 prior to granting a MUP for the Proposed Project. The County also will issue findings pursuant to CEQA Guidelines Sections 15091 and 15093. **C2-125** The County acknowledges that the Vision Statement from the County's 2014–2019 Strategic Plan has been quoted correctly and notes the commenter's opinion regarding the Proposed Project.

Hingtgen, Robert J

From: Donna Tisdale <tisdale.donna@gmail.com>
Sent: Monday, February 10, 2014 5:00 PM
To: Hingtgen, Robert J; Fogg, Mindy; Gungle, Ashley; Jacob, Dianne; Wilson, Adam; Fitzpatrick, Lisa
Subject: Blvd PG Soitec actions & needs list for DPEIR record
Attachments: BPG Soitec actions 9-14-12 to 2-6-14-signed.pdf; BPG Needs-mitigation list revised 2-6-14 FINAL.pdf

FOR THE SOITEC SOLAR DRAFT PEIR RECORD: (PDS2012-3910-120005):

Hello Robert,

Please include the attached documents into the record for the Boulevard Planning Group:

1. Boulevard Planning Group's Soitec Actions 9-14-12 to 2-6-14
2. Boulevard Needs/Mitigation List revised 2-6-14

Let me know if our planning group actions need to be recorded on PDS 534 forms. I searched but could not locate any that had been filed.

Thank you,

Donna Tisdale, Chair
619-766-4170

1

C2-126 The comment's citation to the CEQA Guidelines is acknowledged and will be included in the FPEIR for review and consideration. Chapter 4.0 of the DPEIR examines a range of Proposed Project alternatives in accordance with the rule of reason (14 CCR 15126.6(a)), and provides detailed explanations for those alternatives determined infeasible, as well as the required identification of an environmentally superior alternative (see Alternative 7).

C2-127 The "approved sites in Imperial County" that the commenter refers to are not viable alternatives to the Proposed Project. Refer to common response ALT1 and the responses to comments O10-7 and O10-99.

C2-128 The County disagrees with the commenter's assertion that distributed solar and other distributed generation in the already built environment is a superior alternative to the Proposed Project. This is an opinion offered by the commenter, rather than a factual conclusion. Refer to responses O10-102 to O10-113 and pages 4.0-4 to 4.0-6 of the DPEIR for the County's reasoning related to the elimination of a distributed generation alternative from detailed consideration by the County.

C2-129 Soitec Solar Industries LLC's Plug and Sun module is a different technology than that proposed for the Proposed Project (DPEIR, pp. 1.06 to 1.09) and is intended primarily for areas that lack access to

BOULEVARD PLANNING GROUP'S APPROVED ACTION/MOTION TAKEN FEBRUARY 6, 2014 FOR SOITEC SOLAR DRAFT PEIR (PDS2012-3910-120005)

- Re-endorse our previous actions to oppose 80 MW Rugged Solar (6-14-12), 60 MW Tierra Del Sol Solar (8-2-12)and 6.5 MW LanWest Solar (5-3-12) (attached)
- Oppose the Soitec Solar Draft Programmatic EIR, the 22MW LanEast and newly proposed Los Robles alternative site(s) for reasons that include but are not limited to the following:
  - Lack of need for the project(s) & experimental nature and misrepresentations of Soitec's dual tracking CPV, with only 14MW currently operational globally (according to SDG&E'S 3rd amendment to their Power Purchase Agreement : AL2552-E)
  - Significant problems evident at Soitec's 1.5 MW Newberry Solar 1 site in Newberry Springs near Barstow SDG&E has approved contracts (CPUC RESOLUTION E-4606) to sell the energy from these yet-to-be-built projects to other entities starting January 1, 2014—showing lack of need and raising questions
  - SDG&E's CPUC approved amendment to Soitec Solar Power Purchase Agreement (AL 2552-E) to move Boulevard projects to an already approved site in Imperial Valley that has survived previous litigation
  - Court ruling of unconstitutionality of AB900 judicial fast-tracking and failure of County and Soitec to provide notice to Planning Group and public of Soitec's AB900 application and public comment period
  - Insufficient information for Programmatic EIR and objection to County's first time use of PEIR
  - Inaccurate project description that downplays the rugged beauty of Boulevard, adverse impacts, proximity to homes and sensitive resources, and exaggerates the negative
  - Inordinate number of errors and omissions (see list)—sloppy work or purposely manipulated?
  - LanWest should be removed from DPEIR due to Soitec's withdrawal of MUP application and lack of information and sensitive location
  - LanEast should be removed from the DPEIR due to lack of MUP application, lack of information, and sensitive location with wetlands and adjacent Walker Creek Ecological Reserve
  - Los Robles Solar alternatives should be removed for lack of MUP application and adequate information
  - Lack of faith in Dudek's abilities due to multiple conflicts of interest, lack of neutrality, apparent bias, and recent failure to accurately analyze the groundwater / hydrological interconnections and adverse impacts to off-site wells at the Madera Golf Club in Poway.
  - Dudek's error became evident when curtailment of irrigation wells was mandated due to significant drop in water levels within a short 60 day period after pumping was resumed—as Dr. Ponce predicted.
  - Significant impacts do include adverse impacts to groundwater and increased fire risk
  - Lack of availability of fire services and County commitment for career staffing at Boulevard Fire
- Support new and viable alternative moving all Soitec projects to pre-approved Imperial Valley sites per AL2552-E
- Oppose all Boulevard Community Plan Amendments, proposed waivers, and overriding considerations due to increased risk, reduced, and unequal protections under the law, and violation of constitutional rights
- Underground all lines including collector lines—to reduce fire hazards and impediments to firefighting
- Endorse and incorporate by reference the report by Dr. V.M. Ponce entitled "Impacts of Soitec Solar Projects on Boulevard and Surrounding Communities", dated November 15, 2013
- Request a re-circulated non-programmatic Draft EIR; removal of LanWest, LanEast and Los Robles Solar
- If Rugged Solar and Tierra Del Sol Solar projects are approved, they must be the most reduced alternatives
- Authorize the Chair to submit formal detailed comments for the Group, by the DPEIR by the Feb 17th deadline, that include issues and concerns raised and any new information that becomes available.

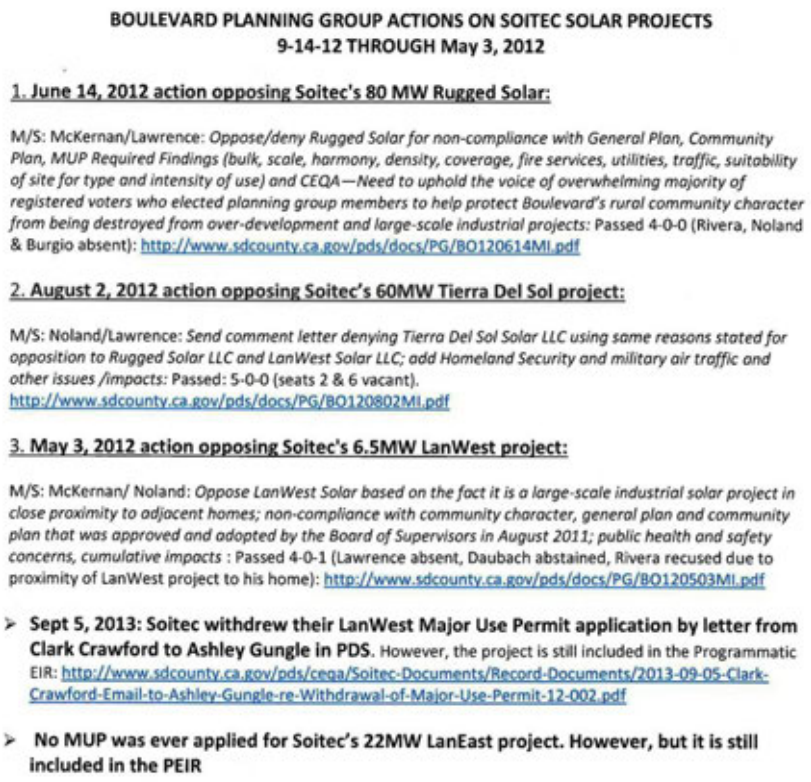
Action taken: M/S: Noland/McKernan: Adopt proposed action/motion as written: Passed: 4-0-0 (Maupin recused due to proximity of his home to Soitec's Tierra Del Sol Solar; seats 2 & 6 vacant)

Vote taken 2-6-14: _____ **Donna Tisdale, Chair**

electricity. The availability of the Plug and Sun module, as a solar distributed-generation technology, does not alter the County's analysis of the infeasibility of distributed generation as an alternative to the Proposed Project (DPEIR, pp. 4.0-4 to 4.0-6; see also common response ALT2 and the responses to comments O10-102 to O10-113).

C2-130 The comment does not raise an environmental issue for which a response is required. The forecast for solar jobs in the coastal areas of San Diego County, compared with inland areas, does not provide support for the siting of the Proposed Project in western San Diego County as an alternative to siting the Proposed Project in eastern San Diego County. The location of solar industry workers does not equate to the location of solar installations in the state, nor does that statistic provide support for the feasibility of siting the Proposed Project in urbanized western San Diego County as an alternative to the proposed sites.

C2-131 The comment does not raise an environmental issue for which a response is required. The Green Charge Networks white paper provided by the commenter relates to energy storage systems for industrial and commercial businesses to reduce their utility demand charges. This is beyond the scope of the Proposed Project. Additionally, the commenter provides no further information on how energy power management and storage constitute a viable alternative to a utility-scale solar generation project.



BOULEVARD PLANNING GROUP ACTIONS ON SOITEC SOLAR PROJECTS
9-14-12 THROUGH May 3, 2012

1. June 14, 2012 action opposing Soitec's 80 MW Rugged Solar:

M/S: McKernan/Lawrence: *Oppose/deny Rugged Solar for non-compliance with General Plan, Community Plan, MUP Required Findings (bulk, scale, harmony, density, coverage, fire services, utilities, traffic, suitability of site for type and intensity of use) and CEQA—Need to uphold the voice of overwhelming majority of registered voters who elected planning group members to help protect Boulevard's rural community character from being destroyed from over-development and large-scale industrial projects:* Passed 4-0-0 (Rivera, Noland & Burgio absent): http://www.sdcounty.ca.gov/pds/docs/PG/BO120614MI.pdf

2. August 2, 2012 action opposing Soitec's 60MW Tierra Del Sol project:

M/S: Noland/Lawrence: *Send comment letter denying Tierra Del Sol Solar LLC using same reasons stated for opposition to Rugged Solar LLC and LanWest Solar LLC; add Homeland Security and military air traffic and other issues /impacts:* Passed: 5-0-0 (seats 2 & 6 vacant).
http://www.sdcounty.ca.gov/pds/docs/PG/BO120802MI.pdf

3. May 3, 2012 action opposing Soitec's 6.5MW LanWest project:

M/S: McKernan/ Noland: *Oppose LanWest Solar based on the fact it is a large-scale industrial solar project in close proximity to adjacent homes; non-compliance with community character, general plan and community plan that was approved and adopted by the Board of Supervisors in August 2011; public health and safety concerns, cumulative impacts* : Passed 4-0-1 (Lawrence absent, Daubach abstained, Rivera recused due to proximity of LanWest project to his home): http://www.sdcounty.ca.gov/pds/docs/PG/BO120503MI.pdf

- **Sept 5, 2013: Soitec withdrew their LanWest Major Use Permit application by letter from Clark Crawford to Ashley Gungle in PDS.** However, the project is still included in the Programmatic EIR: http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2013-09-05-Clark-Crawford-Email-to-Ashley-Gungle-re-Withdrawal-of-Major-Use-Permit-12-002.pdf
- **No MUP was ever applied for Soitec's 22MW LanEast project. However, but it is still included in the PEIR**

Therefore, no further response is required.

C2-132 This comment concludes the letter and does not raise a significant environmental issue for which a response is required.

C2-133 Documents attached to this comment letter include the Boulevard Planning Group's Approved Action/Motion Taken 2-6-14 For Soitec Solar Draft PEIR, Boulevard Planning Group Actions on Soitec Solar Projects 9-14-12 through 5-3-14, Boulevard Needs/Mitigation List revised 2-6-14, and Requests related to the Rough Acres Ranch Road Major Grading Permit Application PDS2011-2700-15622. The County acknowledges receipt of these documents and they will be included in the record for review and consideration by the decision makers. Regarding the document titled Boulevard Planning Group's Soitec Approved Action/Motion Taken 2-6-14 For Soitec Solar Draft PEIR, please refer to response to comments C2-1 through C2-131. The County acknowledges the Boulevard Planning Group Actions on the Soitec Solar Projects. Each individual chapter of the DPEIR analyzes potential cumulative impacts associated with development of the Proposed Project and other closely related past, present and reasonably foreseeable future projects. The document titled Requests related to the Rough Acres Ranch Road Major Grading Permit Application PDS2011-2700-15622 is dated May 25, 2013. The Notice of Availability for the DPEIR for the

REVISED Boulevard Needs / Mitigation List APPROVED 2-6-14 to replace list dated 7-7-11:
Related to cumulative impacts from the following known projects and potential future projects: ECO Substation & Boulevard Substation; 200 MW Tule Wind; Rough Acres Ranch Conference Center /Campground; Soitec Solar's CPV tracking 80 MW Rugged Solar; 60MW Tierra Del Sol Solar; 22MW LanEast Solar; 6.5MW LanWest Solar; Infigen's proposed Fox Solar; potential Chapman Ranch Solar.

Approved by Boulevard Planning Group on 2-6-14: M/S: Noland/Maupin: *Accept with addition of specialized firefighting training and equipment (foam) for electrical fires:* Passed 5-0-0 (seats 2 & 6 vacant)
All mitigation should be required to take place within the disproportionately impacted Boulevard Planning Area--not in El Cajon, North County, Borrego, Palm Springs, or elsewhere.

We do not support the industrialization of our groundwater dependent rural community or Infrastructure Finance Districts, or Renewable Energy Overlay Zones proposed for the Boulevard Planning Area by project developers, absentee landowners, and others who stand to benefit financially at the expense of our community and those who have invested in their homes based on a rural lifestyle.

Emergency Services

- County commitment to re-designate Boulevard Fire to a career staffed station
- Project funding for permanent career staffing for fire & ambulance services at Boulevard Fire
- Funding for specialized firefighter training and equipment (foam) for electrical fires for Boulevard Fire
- County commitment to build a new Boulevard Sheriff Substation at the new Boulevard Fire Station property and return the current Fire/Sheriff station property to the community for a multi use facility
- Emergency Incident Command Post: Boulevard will be converted into an industrial energy generation hub with all the increased risk of fire and impediment to fire fighting from air and ground
- Funding for The Real East County Fire Safe Council (FSC) for projects and efforts that benefit Boulevard
- Secure a permanent home for FSC ToolShare tools
- Developers of large-scale projects, especially cumulative impact electrical generation and transmission infrastructure projects should be required to commit funds for emergency services for the life of their projects which can be extended beyond original 25-30 year average Power Purchase Agreements and lease agreements.
- Require commercial industrial/utility scale projects to disclose, post, and report the amount and type of flammable materials used/stored onsite and where waste is recycled or disposed of.

Multi-Use Community Center / Disaster Response/ Library / Health Clinic / Child & Adult Daycare and Nutrition:

- Fund and build a multi-use community facility built to Red Cross & LEED Standards with commercial grade kitchen and equipment, point of use renewable energy generation to reduce long-term operation costs, and an appropriately sized propane backup generator
- Work with the Boulevard Planning Group to help design a multi-use facility with real community input
- Boulevard library, health clinic, child and adult daycare to be added to multi-use facility
- Funding for staffing, operation and maintenance for projects above (McCain Conservation Camp may potentially provide outside maintenance of grounds)
- Computer / audio visual lab and equipment with periodic upgrades

1 Boulevard Needs/Mitigation List revised as of 2-6-14

Soitec Solar Development Project was issued on January 2, 2014 and as such, the attachment concerning Rough Acres Ranch Road does not relate to the adequacy of the DPEIR. The impacts associated with construction of Roug h Acres Ranch Road were previously addressed in environmental documentation prepared for the Tule Wind Energy Project and the roadway would be permitted under the MUP for the Tule Wind Energy Project.

References

14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

CAEATFA (California Alternative Energy and Advanced Transportation Financing Authority). 2014. California Alternative Energy and Advanced Transportation Financing Authority 2013 Annual Report to the California State Legislature. March 2014. http://www.treasurer.ca.gov/caeatfa/annual/2013.pdf

California Public Resources Code, Sections 21000–21177. California Environmental Quality Act (CEQA), as amended.

County of San Diego. 2006. *County of San Diego Environmental Impact Report Format and General Content Requirements*. County of San Diego Land Use and Environment Group, Department of Planning and Land Use, Department of Public Works. September 26, 2006.

- Design and fund park, playground at new community facility or nearby
- The Boulevard Community sign needs a new permanent home and shielded lighting
- Boulevard needs a dedicated central message center to find notification of all meetings and events in our area (perhaps on Oak Knolls sign posts outside post office—with permission and funding)

Clover Flat Elementary School:

- Funding for new state of the art LEED certified school with propane backup generator (new well and ground-mounted solar system already installed)
- Upgraded recreation area and equipment
- Funding for computer and audio visual lab and equipment with periodic upgrades.

Socio-economic / historic / cultural /eco-tourism / recreation:

- Require industrial wind and solar project developers to enter into enforceable Property Value Guarantee contracts with willing non-participating property owners within the impact zone (TBD), with buyout options for those who want to move but cannot sell their home in a reasonable amount of time
- Mitigation for increased fire insurance rates or loss of insurance coverage due to inconsistently staffed stations or dark fire stations and increased fire risk related to cumulative and disproportional impacts from numerous energy and transmission projects concentrated in the Boulevard Planning Area
- Funding for independent legitimate Health Impact Assessments and mitigation of adverse health effects related to proliferation of cumulative energy and transmission projects.
- Funding for regular local community clean ups, trash, tire and haz mat collection events.
- Upgrades to signage, trails, and public camping areas.
- Help with cleanup of absentee owned and neglected / nuisance properties in central village area.
- Funding for purchase of land, the design, construction, and O& M of joint public Native American / Pioneer museum. (could potentially be located on tribal land with interested and willing tribal entities)
- Funding for design, construction, staffing and O& M of Interpretative Park / Visitor Information Center with necessary infrastructure to advertise local points of interest and recreation opportunities

Roads/Traffic/Transportation:

- Rural roads were never designed, built, or maintained to accommodate 60 ton cranes or massive trucks hauling giant wind turbine parts and other project components--applies to private roads, too.
- Project related road upgrades / improvements are needed for substandard Ribbonwood Road, Jewel Valley Road, McCain Valley Road, and Tierra Del Sol Road that will be overburdened
- Just keep it rural in appearance. No curbs or gutters.
- Tight and enforceable Road Agreement contracts are needed between the County and project developers with pre and post project documentation of road easements conditions / damage /repairs /ongoing maintenance. Iberdrola (Tule Wind developer) belatedly settled a turbine project road lawsuit in another community for over $1 million
- Traffic Impact Fees should go for public transit, park and ride, road repairs, and maintenance that benefit the Boulevard Planning Area.
- Funding for Van with wheelchair access, personnel, and all satellite needs for this vehicle.

2 | Boulevard Needs/Mitigation List revised as of 2-6-14

County of San Diego. 2011. *San Diego County General Plan: A Plan for Growth, Conservation and Sustainability*. Adopted August 2011. http://www.sdcounty.ca.gov/pds/generalplan.html

County of San Diego. 2013. *Boulevard Subregional Planning Area: Mountain Empire Subregional Plan*. August 2011; amended May 15, 2013. http://www.sdcounty.ca.gov/pds/docs/CP/Boulevard_CP.pdf.

County of San Diego Zoning Ordinance. 2010. Ordinance No. 10072, Section 6952, Solar Energy System.

Fraunhofer ISE (Fraunhofer Institute for Solar Energy Systems ISE), Soitec, CEA-Leti, and the Helmholtz Center Berlin. 2013. "World Record Solar Cell with 44.7% Efficiency." Press release. Freiburg, Germany: Fraunhofer et al. September 23, 2013. http://www.soitec.com/en/news/press-releases/world-record-solar-cell-1373/.

SDG&E. 2013. East County Substation Project Amended Construction Water Supply Plan. Revised July 3, 2013.

Soitec. 2014. Technical Data Sheet: Soitec CX-S530-II CPV System 29.4 kWp Concentrix^{TM} Technology. January 1, 2014. Accessed September 11, 2014. http://www.soitec.com/pdf/CX-S530-II_Technical_Data_Sheet.pdf

- Funding rural transportation and personnel for Youth and seniors in a loop (Jacumba to Boulevard, to Campo to Buckman Springs to Pine Valley). This would get locals to libraries, parks, events, and other venues during the summer and seniors to the medical facilities in the area for appointments.
- Set up local Park & Ride locations, potentially at new County-owned Boulevard Fire station property or through coordination with the Golden Acorn Casino with potential for locals to pay to ride the casino shuttle buses that go back and forth to town; with funds for use of dedicated casino park & ride area
- Funding to help pay for casino security patrols that operate at the casinos to watch park and ride area
- Rural transportation system improvements / handicap access/ increased number of days per week that bus service is available.

Public Health & Safety

- County commitment and funds for long-term groundwater monitoring for quality and draw downs
- Per capita limits /ratios should be placed on the number of Sexually Violent Predators allowed in one community with outright denial of placement based on proximity to homes and lack of services
- Concerns with increased number of inmates (and changes in inmate classification that allows more violent and dangerous inmates) without necessary staff increases at McCain Conservation Camp
- Concerns with ongoing "clinic" and rehab clients reportedly present at Rough Acres Ranch facilities

Noise:

- Industrial wind turbines have been identified by numerous doctors, noise specialists and other professionals and experts as sources of both audible and inaudible noise pollution that can adversely impact the health, well being, quality of life, and property values of those living nearby.
- Industrial scale solar projects can include noisy inverters, blowers, fans, transformers, and other components, including low-frequency humming and vibrations that have similar impacts.
- Current Ordinance allows inappropriate levels of increased noise pollution over ambient rural levels
- Revise Noise Ordinance to better protect public health and safety, ambient rural quiet, quality of life, and property values.
- Eliminate options for noise waivers included in the 2013 Wind Energy Ordinance & Plan Amendment
- Preconstruction: Require full spectrum ambient noise measurements, including all low frequencies, to be conducted by an independent certified and licensed specialist, at impacted property lines and existing residents within a 1/4 mile minimum of project related power lines and substations and a 1.5 mile minimum from each individual industrial wind turbine and noisy solar project components.
- Current turbine noise complaints include residents within 3 miles of 50 MW Kumeyaay Wind. Impacts have been reported up to 6 miles distant.
- Post construction: Require the same independent full spectrum noise level measurements once an individual project is operational and upon receiving complaints.
- Tests should be mandated for pre determined intervals for individual and cumulative project impacts
- Require noise mediation through binding and enforceable contract agreements
- Provide local residents with current project developer / construction / enforcement contact lists.
- Write into MUP /CUP the requirement to remove project related infrastructure (like turbines, malfunctioning solar trackers, and other components) that are repeat offenders.
- Clean power line insulators on a regular basis to avoid / reduce corona noise

Electrical Pollution / Dirty Electricity / Stray Voltage:

- "Dirty Electricity, Electrification and the Diseases of Civilization" by Dr. Samuel Milham, MD, MPH, documents the link between adverse health effects, cancer clusters, and EMF, RFR and MWR[1].
- Pulsed or modulated frequencies are reportedly more bioactive and damaging[2].
- Impacted homes, offices, schools, livestock barns and operations, can become electrical conductors for ground currents of high frequency pollution/ harmonics dumped into the ground from the 60 Hz grid.
- Symptoms of exposure to high levels of spurious energy can include sleep disturbance, chronic fatigue, fibromyalgia, seizures, anxiety, childhood asthma, diabetes, various cancers.
- Require proper design, construction, operation and maintenance of energy generation, transformation, and transmission related projects to reduce / eliminate sources of dirty electricity /stray voltage / electrical pollution/ interference.
- Require developers of wind, solar, transmission line and substation projects to conduct pre and post construction noise and power quality measurements in homes of willing owners within a 1/2 mile minimum, with ongoing monitoring and binding and enforceable conditions.
- Mitigation for increased ground currents, Electromagnetic Field, Radio Frequency Radiation, and Microwave Frequency Radiation impacts to non-participating property owners.
- Mitigation for adverse Electromagnetic Interference impacts on non-participating property owners /equipment / appliances / communications.
- Funding for unbiased independent and qualified professional power quality surveying and filtering to reduce dirty electricity levels in local homes and schools, using properly calibrated equipment.

Wildlife / Biological Mitigation:

- Purchase mitigation land in the same impacted area -- not far away like the Bighorn Sheep mitigation for Sunrise that benefitted Bighorns near Palm Springs when our local herds lost habitat
- Floodplains, wetlands, and wildlife movement corridors must be designated and protected – they are rapidly disappearing under sprawling energy projects that disturb soils, remove native vegetation, alter water flows, reduce natural carbon sequestration, and increase dust storms that impact health.
- Require developers to release and publish all avian, bat, and other biological studies and reports conducted for their projects, with regular monitoring, and full disclosure reporting.
- Enforceable protection is needed for Oaks and other large established trees. Utilities and developers are not arborists and it shows.
- Long-term funds for treating and trimming Oaks that are battling drought, the Golden Spotted Oak Borer Beetle, and other pest infestations.
- Oak trees reduce green house gases, generate oxygen, and provide shade and habitat
- Oak Tree propagation and replacement program
- Enforceable regulations needed to stop movement of infested fire wood to prevent loss of more trees

Light Pollution Mitigation:

- Enforceable mitigation for wind turbine blade/shadow "flash" and "flicker" effects
- Enforceable mitigation for solar project glint and glare effects
- Dark skies protections

# # #

[1] http://www.sammilham.com/
[2] http://www.bioinitiative.org/

DATE: 5-25-13

TO: Planning & Development Services Project Manager, Kenneth Brazell, 5510 Overland Ave, Suite 310, San Diego, CA 92123 via: Kenneth.Brazell@sdcounty.ca.gov

FROM: Donna Tisdale, Chair, Boulevard Planning Group, PO Box 1272, Boulevard, CA 91905; 619-766-4170; tisdale.donna@gmail.com

RE: ROUGH ACRES RANCH ROAD MAJOR GRADING PERMIT APPLICATION: PDS2011-2700-15622: 3 REQUESTS: 1)2-WEEK COMMENT EXTENSION; 2) FULL HARD COPY OF PERMIT APPLICATION; 3) FULL APPLICATION IN DIGITAL FORMAT

A Two week extension is justified: As the Chair of the Boulevard Planning Group, I am requesting a 2-week extension to the current May 27th comment deadline that falls on the Memorial Day holiday.

The May 8th notice for this controversial cumulative impact project was received between our regular monthly Planning Group meetings held on May 2nd and June 6th during a time when community efforts, attention, and energy were focused on the two Board of Supervisors hearings for the *Boulevard specific* Wind Energy Ordinance and Plan Amendment. A justified 2-week extension will allow time for an important public discussion and feedback from impacted non-participating property owners and the general public, especially since the notice announces that the County *will not hold a public hearing*.

Inadequate and incorrect Public Notice: The one-page notice and vague Vicinity Map and Site Plan map that were mailed out (hard copies only) are vastly inadequate and do not provide enough information or time for informed public comments. The full Rough Acres Ranch Road Major Grading Permit application was not provided for review in electronic format—or any format--for distribution to interested parties without having to drive over 100 miles roundtrip to "*view the files*" during County business hours.

The May 8th Notice incorrectly references a single APN 611-090-04-00. However, Rugged Solar MUP Plot Plans show the Rough Acres Ranch Road crosses APN 611-090-02-00 and 611-100-07-00, leaving out the APNs for additional parcels not under control of Hamann Companies through their various entities and charities. The photograph below shows the currently open and scenic view of the Tule Creek flood plan through Hamann Companies Rough Acres Ranch in the McCain Valley area of Boulevard. I took the photograph from Ribbonwood Road, north of the proposed intersection with the Rough Acres Ranch Road. The new road will appear as a highly visual intrusion and scar across this sensitive waterway and wildlife corridor that has been flooded during El Nino years and high rain events like Hurricane Kathleen.

Most of the valley area in the photograph is planned for conversion into a commercial industrial solar energy project. Soitec's Rugged Solar Plot Plans include descriptions that Rough Acres Ranch Road will be built under the Rugged Solar MUP (3300-12-007) *if the Rough Acres Ranch MUP 3300-09-019 does not proceed*[1]; and that Rough Acres Ranch Road is part of MUP 3300-09-019[2] (Tule Wind). Which is it?

Cumulative groundwater impacts: All of these controversial and disruptive projects plan to use groundwater from the same two wells located on separate parcels with various ownership names, collectively known as Rough Acres Ranch, including the Connected Action Rough Acres Ranch Road grading project:

1. Iberdrola's Tule Wind (MUP 33-09-019): Up to 56 acre-feet of groundwater use in nine months and ongoing use of O&M facility (2,400 gallons per day).
2. Soitec Solar's 765 acre Rugged Solar LLC with pending MUP 3300-12-007: Estimated use of 81 acre-feet of groundwater in 40 working days, and 5.5 acre-feet per year for ongoing panel washing, soil stabilization, and O&M building.
3. Rough Acres Ranch Campground & Retreat Center and Rock Crushing with pending MUPs 3300 12-020 & 3300 12-021: About 27 acre-feet per year of ongoing groundwater use.
4. Rough Acres Ranch Road Major Grading Permit PDS2011-2700-15622: Please identify how much water will be needed for this road construction and mitigation, and under which project the water use was studied and accounted for.

Tule Creek 100 year flood plain; scouring events; drainage study; impacts to wildlife; impacts to Oak woodlands, and wetland areas: The proposed Rough Acres Ranch Road crosses important and vanishing wildlife migration and movement corridors, foraging habitat for protected, sensitive, and at-risk raptors and other large predators, and is subject to inundation and scouring events where it crosses the Tule Creek 100-year flood plain.

According to the Plot Plan C-101, C-102, C-105, for Rugged Solar LLC, it appears that multiple oaks and sensitive wetlands, located *within marked 50 foot buffer zones,* will also be adversely impacted by the proposed Rough Acres Ranch Road on APN's 611-090-02-00 and 611-090-04-00, 611-100-07-00

It is unclear if the related **RUGGED SOLAR DRAINAGE STUDY** has been completed, and if it included the Rough Acres Ranch Road impacts: (3300 12-007 (MUP); 3910 12-21-003 (ER): 1.5 Miles North of I-8 between Ribbonwood Road and McCain Valley Road, Boulevard; APN 611-110-01; 611-100-02 & 01; 611-090-02 & 04; 611-091-03, 09; 611-060-04;Kiva Project: 11-0159228)

For the record, I am incorporating by reference the attached Boulevard Planning Group's 6-pages of preliminary comments/concerns that have more detailed information on the Tule Creek floodplain documentation and cumulative project impacts. The comments were approved by the Group on Nov 1, 2012 and submitted to the Project Manager for the Rough Acres Campground and Rock Crushing Facility MUPs: 3300-12-020 (P12-020), 3300-12-021(P-12-021).

I am also incorporating by reference the attached 7-page document summarizing selected Rugged Solar LLC Plot Plan information that I drafted with the header: **Rugged Solar LLC Plot Plan selected information P12-007 (dated DPLU rcvd 7-24-12).** Please note the applicant's listed excavation of 776,160 cubic yards of soil, with export of 15,490 cubic yards to unidentified location, proposed limits on construction work hours and idling of construction equipment.

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[1] Soitec Solar's Rugged Solar MUP Plot Plan Sheet Map C-101
[2] Soitec Solar's Rugged Solar MUP Plot Plan Fuel Treatment Exhibit

There is no urgency to permit or build the Rough Acres Ranch Road for the following reasons:

1. Tule Wind does not have a necessary Power Purchase Agreement despite ongoing efforts.
2. Tule Wind does not have the necessary permit from the State Lands Commission approving turbines that Iberdrola has identified as necessary to make the project economically feasible.
3. Tule Wind does not have the necessary Record of Decision from the Bureau of Indian Affairs for the turbines planned for Ewiiaapaayp tribal lands, also identified as necessary.
4. Tule Wind's Golden Eagle expert, Dave Bittner of WRI, recently pled guilty for unlawful take of a Golden Eagle, violation of the Bald and Golden Eagle Protection Act, working on an expired permit, and failure to record critical data since 2006[3]. This may impact USFWS approvals.
5. A complaint filed in US District Court, challenging federal Tule Wind approvals, is still unresolved and may result in an injunction, a significantly reduced, redesigned, or cancelled project.
6. Soitec's Rugged Solar LLC MUP is not expected to be released for public comment until August at the earliest. Approvals of that MUP will face community opposition and likely litigation.
7. Rough Acres Campground and Rock Crushing MUPs are not expected to be released for public comment until August at the earliest.
8. Backup water sources identified for these projects include Live Oak Springs Water Company (LOSWC).
9. Project Availability letters provided LOSWC for Tule Wind and all four of Soitec Solar's Boulevard projects, were unauthorized by the CPUC. Bulk water sales were formerly suspended in March and effectively voided by the May 14th recommendation, issued by the Assigned Administrative Law Judge for the CPUC Division of Water Audits Investigation: Proceeding A1208004[4] , to place the controversial and out of compliance LOSWC into receivership and to find a new owner to protect the health and safety of the Live Oak Springs residents/ratepayers.

Preliminary Questions:

1. How much soil will be moved for Rough Acres Ranch Road project?
2. How many Oaks, wetland areas, or other sensitive resources will be destroyed or degraded?
3. How much water will be used for this project, what is the source, and is it fully authorized?
4. What mitigation measures are proposed for adverse impacts to visual, biological, environmental, groundwater and surface water resources and flow patterns, air quality, and other critical resources?
5. What dust suppression and erosion mitigation is required?
6. Are there any work hours, traffic, or equipment restrictions proposed to protect non-participating property owners and other sensitive receptors (including pets, livestock and wildlife) from noise, dust, and/or other polluting emissions generated by the construction and related daily traffic for this road project and connected major cumulative impact projects that may move forward simultaneously?
7. What independent off-site well monitoring is required to prevent well interruption or interference at non-participating properties that may be within the zone of influence?
8. Will groundwater springs and seeps in the area that wildlife relies on, be monitored as well?
9. What repairs, upgrades, and other ongoing mitigation is proposed to address the existing inadequate engineering and road bed condition of Ribbonwood Road that was never designed for heavy traffic or heavy equipment?
10. In the event of wildfire, flooding, or other emergency, what traffic monitoring will be required by the commercial operations using Rough Acres Ranch Road to ensure that residents living on sole-access Ribbonwood Road are not blocked by project related traffic?

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[3] Press Release from Laura E. Duffy, US Attorney for Southern District, dated April 18, 2013
[4] http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M064/K723/64723607.PDF

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