

Response to Comment Letter I96

Sandra and Byron Cooper
February 25, 2014

Comment Letter I96

Hingtgen, Robert J

From: Sandra Cooper <byscoop@aol.com>
Sent: Tuesday, February 25, 2014 2:10 PM
To: Hingtgen, Robert J; michael.beck@sdcounty.ca.gov; leon.brooks@sdcounty.ca.gov; adam.day@sdcounty.ca.gov; peder.norby@sdcounty.ca.gov; david.pallinger@sdcounty.ca.gov; bryan.woods@sdcounty.ca.gov; john.riess@sdcounty.ca.gov
Cc: Fitzpatrick, Lisa; tsdale.donna@gmail.com; ben.hueso@sen.ca.gov; raquel.maden@sen.ca.gov; juan.vargas@mail.house.gov; matt.balich@mail.house.gov; Jacob, Dianne; Cox, Greg; Roberts, Dave; Roberts, Ron; Horn, Bill
Subject: SOITEC SOLAR DEVELOPMENT PROGRAM ENVIRONMENTAL IMPACT REPORT, LOG NO. PDS2012-3910-120005 (ER); 3800-12-010 (GPA); TIERRA DEL SOL, 3300-12-010 (MUP); 3600-12-005 (REZ); 3921-77-046-01 (AP); RUGGED SOLAR, 3300-12-007 (MUP); SCH NO. 2012121018.
Attachments: February_9.doc; February 23.doc

Dear Sir or Madam,
 We have two attachments to this email. One is our letter of February 9, 2014, to Robert Hingtgen and the Board of Directors and another is our letter of February 23, 2014, to Robert Hingtgen and the County Planning Commissioners regarding our opposition to

SOITEC SOLAR DEVELOPMENT PROGRAM ENVIRONMENTAL IMPACT REPORT, LOG NO. PDS2012-3910-120005 (ER); 3800-12-010 (GPA); TIERRA DEL SOL, 3300-12-010 (MUP); 3600-12-005 (REZ); 3921-77-046-01 (AP); RUGGED SOLAR, 3300-12-007 (MUP); SCH NO. 2012121018.

I96-1

Thank you!

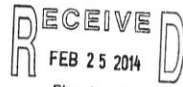
Sandra and Byron Cooper

I96-1

The County of San Diego (County) acknowledges receipt of the two attachments to the comment letter.

February 9, 2014

Robert Hingtgen, Land Use/Environmental Planner
 Supervisor Dianne Jacob, Supervisor Greg Cox, Supervisor Dave Roberts
 Supervisor Ron Roberts, Supervisor Bill Horn



Dear Sir or Madam,

This letter is intended to explain why we believe that it would be a mistake to approve the SOITEC SOLAR DEVELOPMENT PROGRAM ENVIRONMENTAL IMPACT REPORT, LOG NO. PDS2012-3910-120005 (ER); 3800-12-010 (GPA); TIERRA DEL SOL, 3300-12-010 (MUP); 3600-12-005 (REZ); 3921-77-046-01 (AP); RUGGED SOLAR, 3300-12-007 (MUP); SCH NO. 2012121018.

We, also, want noted that the Los Robles site is not even included in the project name. In fact, according to Donna Tisdale, Chair of the Boulevard Planning Group, the Los Robles site was added mid-December 2013. That would explain why we have received only one letter dated January 2, 2014. Our property is located adjacent to the southeast corner of the eastern portion of the Los Robles site. It seems backwards to possibly choose the Los Robles site and then have Soitec apply for the necessary permits and perform a site specific review. The Los Robles site should be removed for lack of Major Use Permit (MUP) application and lack of adequate information.

We have already endured a loss of property due to the grant of an easement of a portion of our property to SDG&E's East County (ECO) Substation Project. The location of thousands of large solar trackers adjacent to our property certainly would devalue our property and decrease the surrounding beautiful landscape due to the ugly aesthetics of the huge solar panel trackers.

We now want to address our protest of all of the possible sites. We attended the February 6, 2014, Boulevard Community Planning Group Meeting. We listened to the presentation of the county staff and viewed their power point. We listened to comments from attendees and responses from county staff and/or Soitec representatives. We listened to the reading of a letter written by Marty Kennell, a local well driller with decades of experience in the Boulevard area. We read materials handed out by the Boulevard Planning Group which included a Final Meeting Agenda, Draft Minutes/Summary for January 2, 2014, Boulevard Planning Group Actions on Soitec Solar Projects-To Date, and Draft Proposed Action/Motion for Soitec Solar Draft PEIR (DPEIR).

From the above, our first concern involves water use. It was stated that the ECO substation project has used more than three times the amount of water for construction as they estimated in their approved plan. We question the accuracy of the estimate in the Soitec plan. This is partly based on the letter from Marty Kennell, a local well driller, who clearly described a decreasing availability of water he has witnessed first hand due to drought, increases in population, and the building and use of the Casino and Border

196-2

196-3

I96-2

The County acknowledges the commenter's opposition to the Proposed Project. The information in this comment will be provided in the Final Program Environmental Impact Report (FPEIR) for review and consideration by the decision makers.

Please refer to common response ALT2 for clarification on the Los Robles site; the site was not added to the Draft Program Environmental Impact Report (DPEIR) as part of the Proposed Project, but rather is considered as an alternative location (DPEIR Section 4.4). At the time that the Proposed Project application was submitted to the County, the applicants not have an option to obtain site control of the Los Robles (or any other alternative) sites and the Proposed Project was brought forward with the four proposed sites defined as the Proposed Project in the DPEIR. The applicants explored a number of alternative locations for the Proposed Project during the environmental review process, including the Los Robles site. The County determined that Los Robles was a feasible alternative location, appropriate for analysis, when the applicant had acquired an option to obtain access and control of the site. Accordingly, Los Robles is not part of the Proposed Project in the DPEIR and is analyzed at a level appropriate for an alternative, and not at a programmatic or project-level. Please refer to responses F1-15 and F1-18 related to the requisite degree of analysis necessary for

	<p>alternatives under CEQA. The Los Robles site is properly analyzed within the DPEIR as a feasible alternative location. 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 <i>Kings County Farm Bureau v. City of Hanford</i> (1990) 221 Cal.App.3d 692, 733 (Information sufficient to allow an informed comparison of the impacts of the project with those of the alternatives should be provided.)) Therefore, the County does not agree that the Los Robles site should be eliminated from the Proposed Project for lack of information or lack of a major use permit application. See Common Response ALT-3. Other specific comments are responded to below.</p> <p>This comment raises concerns regarding property values. This topic was not evaluated in the DPEIR since it is not related to environmental impacts (see 14 CCR 15131). However, the information in this comment will be provided in the FPEIR for review and consideration by the decision makers. Potential visual impacts were considered and addressed in Chapter 2.1, Aesthetics, of the DPEIR. The County acknowledges that the Proposed Project would have certain significant and unavoidable impacts on aesthetics.</p> <p>I96-3 Refer to common response WR1, which addresses the issues related to water demand. Potential impacts</p>
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related to the use of groundwater for the Proposed Project were considered and addressed in DPEIR Sections 3.1.5.3.4 and 3.1.9.3.1. The DPEIR found that the Project would have a less than significant impact on groundwater. As provided in Section 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 suffer any significant impact as a result of the Proposed Project. With respect to the anecdotal information relayed by the commenter regarding local water levels, the comment is acknowledged and will be included in the FPEIR for review and consideration by the decision makers.

Patrol facilities. Dudek and San Diego County staff should have sought and included Mr. Kennell's expertise. We also question the accuracy of the water estimate based on a long list of components enumerated by Howard Cook of Jacumba that would affect water use and were not listed. We question the failure to include a plan to compensate a resident whose well dries up. We want to reiterate that the county was not up-to-date with the water table levels and, therefore, should not permit such a huge withdrawal from the water table.

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196-3
Cont.

Second, potential fire damage could result with the depletion of water resources. We fail to understand why a Fire Service Availability letter states that services will not be available for 5 years.

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196-4

Third, Donna Tisdale brought up questions regarding Soitec's reliability. She has visited Soitec's Newberry Solar 1 site near Barstow three times. She stated that neighbors near that site said that Soitec had not kept promises and were unreliable. Soitec's representatives either chose or were unable to speak positively about the Newberry site. The most foolish statement we heard came from Soitec employee Patrick Brown. He claimed that the company couldn't fail because hundreds of thousands of dollars were being invested. President Obama's failures in green technology, such as Solyndra, came immediately to mind and were vocalized by some members of the audience.

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196-5

Fourth, we are concerned about the political agenda or fad to embrace green energy or is it just a means to garner federal funds? Boulevard does not benefit from this project. Yet Soitec, according to Robert Hingtgen in the January 2, 2014, minutes, is only the third project in the state to receive fast-tracking certification. Shouldn't the Board of Supervisors look out for Boulevard's residents? Don't they represent the tax-payers?

↑
196-6

We want to support the justified opposition of the Boulevard Planning Group. We want the board to choose the "No Project" alternative. We see it as an easy choice for the board because they can move the Boulevard projects to an already approved Imperial Valley site.

↑
196-7

We want to thank Robert Hingtgen for promptly returning phone calls and sending information to us via email.

Sincerely,

Sandra and Byron Cooper
P.O. Box 4283
Yuma, AZ 85366
760 352-3854
928 344-3293

c.c. Senator Ben Hueso
c.c. Congressman Juan Vargas
c.c. Donna Tisdale, Chair of Boulevard Planning Group

I96-4

The comment is not clear with regard to the statement "potential fire damage could result with the depletion of water resources." It is not clear whether the comment is indicating that water availability reductions may result in fire damage due to a fire not being suppressed in a timely manner. It is the DPEIR's analysis that water availability will not be impacted by the Proposed Project; see common response WR1.

The San Diego County Fire Authority has provided updated Fire Service Availability Letters that indicate existing facilities will be adequate to serve the Proposed Project with a developer agreement or similar funding mechanism (County of San Diego 2014a, 2014b). In addition to measures identified in the project-specific fire protection plans, the Proposed Project provides direct funding to be used for improving emergency response capabilities in a targeted manner (see project design feature (PDF) PDF-PS-1 in Section 3.1.7 of the DPEIR). See also the response to comment O10-80.

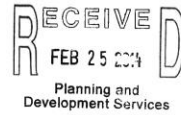
I96-5

The comment purports to summarize comments and questions from others regarding a different project, in a different county, developed by the applicants of the Proposed Project. The comment does not raise specific issues or concerns regarding the environmental analysis of the Proposed Project; therefore, additional response is neither possible nor necessary.

	<p>I96-6 The comment raises a question regarding political motivation related to the Proposed Project, and does not raise any issues or concerns regarding the environmental analysis of the Proposed Project, and therefore additional response on the adequacy of the DPEIR is neither possible nor necessary. Comments regarding the opinions of the commenters on the Proposed Project and the process for considering land use approvals for the Proposed Project are incorporated into the FPEIR.</p> <p>The County disagrees with the commenters’ assertion that the Proposed Project has received “fast tracking certification.” The application for the Proposed Project has been processed by the County according to the County Zoning Ordinance and related regulations. The County would like to clarify that the Proposed Project received certification under Assembly Bill 900. The commenters are also referred to the response to comment I37-8.</p> <p>I96-7 The County acknowledges the commenters’ support for the No Project Alternative. Related to the site in Imperial Valley that the commenters’ reference, please refer to the response to comment O10-7. The decision makers will consider all information in the FPEIR and related documents before making a decision on the Proposed Project. The information in this comment will be provided in the FPEIR for review and consideration by the decision makers.</p>
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February 23, 2014

Robert Hingtgen, Land Use / Environmental Planner
 San Diego County Planning Commissioners:
 Commissioner Michael Beck, Commissioner Leon Brooks, Commissioner Adam Day,
 Commissioner Peder Norby, Commissioner David Pallinger, Commissioner Bryan
 Woods, Commissioner John Riess



Dear Sir or Madam,

Attached is the letter we emailed February 10, 2014, to Robert Hingtgen and the San Diego County Board of Supervisors regarding our opposition to approval of the SOITEC SOLAR DEVELOPMENT PROGRAM ENVIRONMENTAL IMPACT REPORT, LOG NO. PDS2012-3910-120005 (ER); 3800-12-010 (GPA); TIERRA DEL SOL, 3300-12-010 (MUP); 3600-12-005 (REZ); 3921-77-046-01 (AP); RUGGED SOLAR, 3300-12-007 (MUP); SCH NO. 2012121018.

We learned recently that you, the Commissioners, study this issue and then give your recommendation to the Board. So, we wanted to send our letter of February 9, 2014, which details our opposition to approval of the SOITEC SOLAR DEVELOPMENT PROGRAM ENVIRONMENTAL IMPACT REPORT, LOG NO. PDS2012-3910-120005 (ER); 3800-12-010 (GPA); TIERRA DEL SOL, 3300-12-010 (MUP); 3600-12-005 (REZ); 3921-77-046-01 (AP); RUGGED SOLAR, 3300-12-007 (MUP); SCH NO. 2012121018.

Sincerely,

Sandra and Byron Cooper
 P.O. Box 4283
 Yuma, AZ 85366
 760 352-3854
 928 344-3293

c.c. Lisa Fitzpatrick, Secretary of the Planning Commission
 c.c. Senator Ben Hueso
 c.c. Congressman Juan Vargas
 c.c. Donna Tisdale, Chair of Boulevard Planning Group

February 9, 2014

Robert Hingtgen, Land Use/Environmental Planner
 Supervisor Dianne Jacob, Supervisor Greg Cox, Supervisor Dave Roberts,
 Supervisor Ron Roberts, Supervisor Bill Horn

196-8

I96-8 See the responses to comments I96-2 through I96-7.

References

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

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

County of San Diego. 2014a. Project Facility Availability Form (Fire) for Rugged Solar LLC solar farm. October 23, 2014.

County of San Diego. 2014b. Project Facility Availability Form (Fire) for Tierra del Sol Solar Farm LLC solar farm. October 23, 2014

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