

Attachment K

Public Comments/Correspondence



State of California - The Natural Resources Agency
 DEPARTMENT OF FISH AND GAME
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
 http://www.dfg.ca.gov

EDMUND G. BROWN JR., Governor
 CHARLTON H. BONHAM, Director



LATE SUBMITTAL

#5

April 12, 2012

Mr. Matthew Schneider
 County of San Diego
 Department of Planning and Land Use
 5201 Ruffin Road, Suite B
 San Diego, California 92123

APR 13 2012

Received by the
 San Diego County
 Planning Commission

Subject: County of San Diego and Department of Fish and Game's March 29, 2012 Follow Up Meeting Regarding Wind Energy Zoning Ordinance and General Plan Amendment and Response to Public Comment (POD10-007, LOG NO 09-00-003) San Diego County (SCH# 2010091030).

Dear Mr. Schneider:

The Department of Fish and Game (Department) and the County of San Diego (County) met on March 29, 2012, to discuss the Wind Energy Zoning Ordinance (Ordinance) and General Plan Amendments (Project) dated November 8, 2011. The Department provided comments on the December 30, 2011 on the Draft Environmental Impact Report (DEIR) prepared by the County acting as the Lead Agency. The County was in the process of preparing the response to the Department's comments to the DEIR and was preparing to submit recommendations to the Planning Commission on April 13, 2012, at the time of the meeting, and has subsequently published the Response to Comments on the County website (<http://www.sdcounty.ca.gov/dplu/advance/POD10007DEIR.html>). The Department suggested a meeting with the County prior to the Planning Commission meeting to discuss biological implications as a result of the proposed ministerial permit process for small wind projects. The purpose of the meeting was to discuss measures which could be incorporated into the ministerial process to avoid and minimize impacts to biological resources and discuss the implications of the ordinance to Department programs (California Environmental Quality Act (CEQA), Public Resources Code section 21000, et seq.; California Endangered Species Act (CESA), Fish and Game Code section 2050, et seq.; Natural Community Conservation Planning Act (NCCPA), Fish and Game Code Section 2800, et seq.; and Lake and Streambed Alteration Agreement, Fish and Game Code Section 1600, et seq.). Due to the Department's need to respond before the Planning Commission meeting, the Department may provide additional comments of the DEIR Response to Comments, once they can be reviewed more thoroughly. The Department requests the County provide Department notification of the Board of Supervisor meeting once a hearing date has been scheduled for this Project.

The County Ordinance establishes new guidelines for small and large wind turbine projects. Large projects would still require Major Use Permits, and are therefore, not discussed further in this letter. The purpose of this letter is to provide comments on the ministerial process proposed for small wind projects and meteorological towers.

Adequacy of Environmental Review Under CEQA

CEQA applies to all "discretionary projects proposed to be carried out or approved by public agencies." (Pub. Res. Code, § 21080, subd. (a).) For purposes of CEQA, a project is "any

activity which may cause a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Pub. Res. Code, § 21065.) A public agency seeking to approve a project must determine whether the project "may have a significant effect on the environment and, if so, prepare an environmental impact report." (Pub. Res. Code, § 21100, subd. (a).) In addition to complying with these procedural requirements, CEQA also imposes a "substantive mandate" on public agencies not to approve any project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. (*Mountain Lion Foundation v. Fish & Game Comm.* (1997) 16 Cal.4th 104, 134.).

The approval of amendments to the Ordinance and General Plan constitutes a discretionary approval of a project subject to CEQA. The DEIR prepared by the County must, therefore, analyze all potentially significant environmental effects that may occur as a result of the project and impose feasible measures to avoid, minimize, or mitigate those effects. Because the amendments seek to modify and reestablish a ministerial process for approving small wind turbine projects, which would allow such projects to be approved without further project-specific CEQA review, all potentially significant environmental effects of reasonably anticipated small wind turbine projects must be analyzed and mitigated during the CEQA process for the amendments. While the adoption of a statement of Overriding Considerations allows a Lead Agency to approve a project with known significant environmental effects that cannot be mitigated to a level below significance, it does not relieve the agency from identifying and fully analyzing those impacts and identifying feasible mitigation measures. Because the small wind project locations are not identified in the DEIR, the full impacts of the projects could not be identified or evaluated in the DEIR. Without an analysis of the impacts, potentially feasible mitigation measures for specific projects cannot be identified. Contrary to typical small development projects, where direct impacts to biological resources are reasonably known before construction and typically do not continue for the life of the project, any small wind turbine projects can have significant effects on biological resources including endangered, threatened, and candidate species (collectively, "listed species") any time during its use, and for as long as the turbine is in use.

A project proponent constructing and operating a small wind turbine project that may result in take of listed species would be recommended, by the Department, to consult with and if necessary, obtain an incidental take permit (ITP) from the Department. Without an ITP for listed species, the proponent is at risk of prosecution should take occur during the operation of the turbine. (Fish & Game Code § 2080, *et seq.*) In addition, any small wind turbine projects that will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake or deposit debris or waste into any river, stream, or lake, the project proponent must notify the Department and enter into a lake or streambed alteration agreement (LSAA) pursuant to Fish and Game Code Section 1600, *et seq.*

Anytime a local government agency approves a project and an ITP or LSAA is required, the Department serves as a Responsible Agency under CEQA and has its own independent obligation to ensure that adequate environmental review is completed and that CEQA's substantive mandate is satisfied with respect to those environmental impacts that fall within the scope of the Department's permitting jurisdiction. (*San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924, 938-41.). If the Lead Agency's environmental document (e.g. Negative Declaration, Mitigated Negative Declaration, or EIR) fails to fully analyze the reasonably foreseeable effects of small wind turbine projects on biological resources subject to regulation under CESA or Section 1600, *et seq.*, the Department may not be able to rely on the environmental document in its role as a Responsible Agency permitting the project. In that event, the Department may be required to assume Lead Agency

status and conduct additional environmental review to comply with CEQA's procedural requirements and substantive mandate and to lay the foundation for issuance of an ITP or LSAA. (Pub. Res. Code, § 21166; CEQA Guidelines, §§ 15052, 15096, 15162.) If the Department is required to prepare a subsequent or supplemental environmental document or an addendum and existing such document, this could result in significant delays for project applicants and may further impede wind energy development in the County.

The Department provides the following comments to the Response to Comments:

While Department understands the County's need to streamline the permitting process for small, personal-use turbines that appear to have minimal to no impacts to biological resources, the Department remains concerned the use of a ministerial permit process for approving small turbines could potentially lead to significant and avoidable impacts to State-listed species and resources not identified in the EIR. The EIR and the conditions included in the Response to Comments do not effectively resolve the potential biological constraints resulting from the small wind projects. The Department does acknowledge the County has included additional criteria to the ministerial permit process that will be added to Section 6951.a of the Ordinance. The Department offers the following additional comments:

Additional Measures Included Avoiding Impacts to Streams

The County added the following measures: No part of the wind turbine shall be closer than 300 feet or 5 times the turbine height, whichever is greater from the following: Blue line watercourse(s) as identified on the United States Geological Survey (USGS) Topographic Map. The measures would minimize impacts to streams and riparian birds associated with those streams. The Department is concerned the use of the USGS blue line stream to designate streams, falls well short of the full extent of the Department's jurisdiction under Fish and Game Code Section 1600 *et seq.* The Department is concerned the use of this system of mapped drainages is not consistent with the Department's criteria for a lake or stream, and could lead to the applicant wrongly assume impacts to a smaller, unmapped drainage would not require notification to the Department. The Department recommends the County include a definition, or language in the Ordinance or within the Ministerial permit process to educate the applicant to the purview of the Department. The Department recommends the County include a requirement for the applicant to consult with the Department on any project with the potential to impact streams.

Eagle Buffers

The County incorporates a measure that would exclude turbines within 4,000 feet of known golden eagle nests. While the Department appreciates and supports the addition of these measures, current golden eagle experts from the Department and U.S. Fish and Wildlife suggest a standard 4,000-foot buffer approach may not always lead to adequate buffer distances to prevent direct mortality or other significant impact to this species. In addition, nest occurrence does not necessarily predict mortality risk from turbine strikes (Service, 2009 and Hunt 2009). Resident and nesting birds adjacent to wind projects are not the only variable when determining risk to golden eagles. Transient and juvenile bird behavior is also important as these individuals are typically the eagles killed by wind turbines. The Department would typically recommend proponents conduct individual eagle point count and nest surveys for each proposed project in areas known to support eagles. Because the proposed ministerial permit process does not require this level of analysis, the Department recommends a minimum one-mile buffer be established from each nest known to be active within the last five years to further

eagle nest data utilized by the County be comprehensive to the County and should be updated regularly to maximize avoidance to golden eagles.

Projects Consistency with the County's MSCP

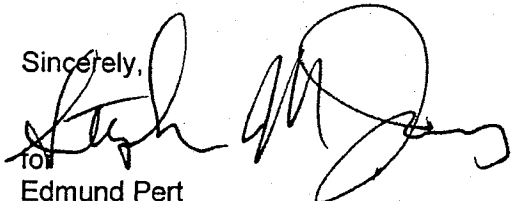
The Department recommends the County and the Department continue to discuss the potential impacts to the County's Natural Community Conservation Plan [NCCP, also known as the Multiple Species Conservation Plan (MSCP)] permit. Currently, the County has an approved NCCP permit for South County (1998), but not for North County or East County (in-progress). Although the Department understands that the County has a current Ministerial permit process (pre-dating MSCP) that does allow for small projects to be approved County-wide, the Department is concerned that the cumulative increase in demand for wind generation resulting from recently enacted State and local renewable energy goals may not be covered under the County's MSCP and could potentially risk the Counties existing and future permits. The Department recommends that before any projects be considered ministerial and transfer Third Party beneficiary status under the MSCP, the County should include standard measures to ensure consistency with the existing and future MSCPs including, but not limited to: avoidance of narrow endemics; avoidance of nesting birds; a bird and bat study; mitigation for habitat impacts; an adaptive management plan for turbines that after installation are found to have a significant impact to covered species; and/or, excluding areas known to support sensitive species/populations critical to the plan to further minimize impact to covered species.

Project Tracking

The Department also recommends the Ordinance include a provision for tracking/inventorying all projects permitted under the new Ordinance. Copies of the tracking reports should be made available to the Department for review. For projects that are conveyed Third Party Beneficiary Status in the adopted South County MSCP, the tracking should be included in the County's MSCP annual report.

We appreciate the opportunity to continue to coordinate with the County regarding the proposed Wind Energy Zoning Ordinance changes, as needed. If you have any questions or comments regarding this letter, please contact Erinn Wilson, Staff Environmental Scientist of the Department at (714) 968-0953 or email to ewilson@dfg.gov.

Sincerely,



for
Edmund Pert
Regional Manager
South Coast Region

References

- W. Grainger Hunt, A Population Study of Golden Eagles in the Altamont Pass Wind Resource Area: Population Trend Analysis 1994-1997, by Predatory Bird Research Group, University of California Santa Cruz
- U.S. Fish and Wildlife Service, Final Environmental Assessment Proposal to Permit Take Provided under the Bald and Golden Eagle Protection Act, April 2009, Federal Register

cc: State Clearinghouse, Sacramento

Mr. Matthew Schneider
April 12, 2012
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ec: Bill Condon, DFG, Sacramento
Stephen M. Juarez, DFG, San Diego
Randy Rodriguez, DFG, San Diego
Paul Schlitt, DFG, San Diego
Erinn Wilson, DFG, San Diego
Susan Wynn, US Fish and Wildlife Service, Carlsbad
Doreen Stadlander, Fish and Wildlife Service, Carlsbad

Jones, Cheryl

From: Rich Volker [r.volker@cox.net]
Sent: Thursday, April 12, 2012 2:20 PM
To: Jones, Cheryl
Cc: Schneider, Matthew
Subject: Reject the Proposed Wind Ordinance

#5

Dear SD County Planning Commissioners:

This correspondence is to express my concerns about to the County's Wind Ordinance as proposed which is on calendar to be considered by the Planning Commission tomorrow, April 13, 2012. I am unable to appear and testify due to a calendar conflict, but I'm requesting that you reject the "Ordinance" as proposed principally for reason that the dBC noise standards, including the accompanying setback requirements as required under the proposed Ordinance, will virtually eliminate significant wind energy development in San Diego County.

The proposed dBC noise standards, if adopted, would be the most restrictive in California and would result in SD County establishing itself as unfriendly to meaningful renewable energy projects – an terribly unfortunate consequence given the County's unique and abundant renewable energy natural resources. The proposed dBC noise standards are not supported by any good science and, in fact, lack a recognized or accepted scientific basis. Unless the proposed Ordinance is modified to include dBC noise standards that are more supportable and reasonable for wind energy development, the proposed Ordinance will stop development of all of the currently planned projects – the proposed Ordinance standing alone would make those projects economically unfeasible for the developers. If the Ordinance were to be adopted as currently proposed, developers of those projects would then look to areas outside of SD County for wind project development, a result contrary to the expressed goal of the County Board of Supervisors to promote renewable green energy in San Diego County. East San Diego County is known to be and has been confirmed as one of the best wind energy development areas in the US, but unfortunately is also among the most economically deprived areas in the County. Wind energy development projects currently targeted for the area will result in substantial economic benefit for East County communities and residents (jobs, increased tax revenues, etc.) if allowed to be brought to completion.

Accordingly, I am requesting that the Ordinance be rejected as currently proposed with your recommendation to Staff that the dBC noise standards be re-worked and modified to more reasonable levels that will allow for wind energy development in the County to move forward. Thank you for your consideration of the foregoing and my request in this regard.

Rich Volker



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011



In Reply Refer To:
FWS-SDG-12B0055-13TA0024

NOV 16 2012

San Diego County Board of Supervisors
Attn: Clerk of the Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, California 92101

Subject: Zoning Ordinance Amendment Related to Wind Energy Systems Regulations (POD10-007), San Diego County, California.

Dear Members of the Board of Supervisors:

We have reviewed the County of San Diego's (County) proposed zoning ordinance amendment that provides an updated set of definitions, procedures, and standards for review and permitting of wind turbines and meteorological testing (MET) facilities. We previously provided comments on the draft Environmental Impact Report and General Plan Amendment for the Wind Energy Zoning Ordinance in a letter dated December 20, 2011. Although the County has addressed many of the issues we raised in our letter, we remain concerned regarding the potential impacts to golden eagles (*Aquila chrysaetos*) from the construction and operation of wind turbines. The golden eagle is protected under the Migratory Bird Treaty Act (MBTA) and is afforded additional protection by the Bald and Golden Protection Act (BGEPA). Both the MBTA and BGEPA are administered by the U.S. Fish and Wildlife Service (Service). We request that the amendment to the County's Wind Energy Ordinance increase the proposed setback distance for small wind turbine placement in order to minimize potential impacts to golden eagles.

For small wind turbines, the amended ordinance would require that "No part of a wind turbine shall be closer than 4000 feet of a known golden eagle nest." While we support the requirement for a setback, we recommend the County increase the setback distance to 10,560 feet (2 miles) in order to minimize the risk to golden eagles from wind turbine operations. Our recommendation is based on our draft Eagle Conservation Plan Guidance (draft Guidance) dated January 2011. The draft Guidance is intended to assist parties to avoid, minimize, and mitigate adverse effects to bald and golden eagles. The draft Guidance includes a general approach to assess the risk to eagles from wind energy projects. Key to this assessment is identifying "important eagle-use areas" which the Service defines as "an eagle nest, foraging area, or communal roost site that eagles rely on for breeding, sheltering, or feeding, and the landscape features surrounding such nest, foraging area, or roost site that are essential for the continued viability of the site for breeding, foraging, or sheltering eagles" (USFWS 2009). Wind energy projects that overlap important eagle use areas may pose a risk to eagles either through direct mortality by collision (Hunt 2002, Krone 2003, Chamberlain *et*

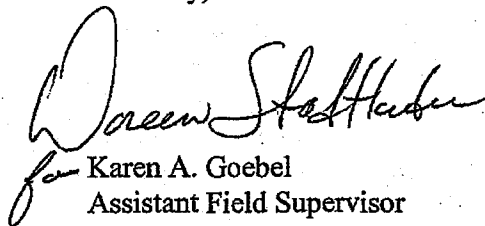
al. 2006) or disturbance from construction and maintenance activities which can result in a loss of productivity.

For a specific project, the draft Guidance recommends very detailed studies of eagles within 10 miles of a proposed wind turbine project. This type of analysis is not feasible since the proposed amendment to the zoning ordinance does not address specific project sites but rather is meant to provide criteria for future small wind turbine placement. Thus, we have based our recommended setback distance by calculating the mean inter-nest distance^a for all currently known eagle nests within the County which is approximately 4 miles. The draft Guidance recommends using half the mean inter-nest distance as the radius from known nests to predict the areas of highest risk to eagles from proposed wind energy projects (USFWS 2012). Based on this assessment, wind turbines located within a 2 mile or 10,560-foot radius of a golden eagle nest are predicted to be of highest risk to eagles. Hence, our recommendation to increase the setback distance to 10,560 feet for small wind turbine projects. Please note that this recommendation should not be applied to large turbine projects as these projects would be subject to site specific analyses.

We recognize that our recommended setback distance will encompass a larger area then currently proposed by the amendment but believe the greater set back is warranted to minimize the risk to golden eagles from small wind turbine placement within the County. Should a small wind turbine project be proposed within the setback distance, we are available to provide technical assistance to project applicants for site specific evaluations. Based on our review of the topography, surrounding land uses, and the status of the adjacent eagle nest(s), we may be able to waive the 10,560-foot radius setback for certain small wind turbines.

We appreciate the opportunity to comment on the proposed amendment to the wind energy systems regulations. If you have any questions, please contact Susan Wynn of this office at 760-431-9440, extension 216.

Sincerely,


for Karen A. Goebel
Assistant Field Supervisor

cc:

Steve Juarez, California Department of Fish and Game, San Diego, CA
Matthew Schneider, Department of Planning and Development Services
Tom Dietsch, USFWS, Migratory Bird Program, Carlsbad, CA

^a The average inter-nest distance is the average of the distances between each nest and the closes neighboring nest detected (USFWS 2011).

Literature Cited

Chamberlain, D. E., M. R. Rehfisch, A. D. Fox, M. Desholm, and S. J. Anthony. 2006. The effect of avoidance rates on bird mortality predictions made by wind turbine collision risk models. *Ibis* 148:198-202.

Hunt, G. 2002. Golden eagles in a perilous landscape: predicting the effects of mitigation for wind turbine blade-strike mortality. California Energy Commission Report P500-02-043F. Sacramento, California, USA.

Krone, O. 2003. Two white-tailed sea eagles (*Haliaeetus albicilla*) collide with wind generators in northern Germany. *Journal of Raptor Research* 37:174-176.

U.S. Fish and Wildlife Service (USFWS). 2009. Eagle permits: take necessary to protect interests in particular localities. *Federal Register* 74(175):46836-46879.

U.S. Fish and Wildlife Service (USFWS). 2012. Draft eagle conservation plan guidance module 1 – land-based wind energy technical appendices. August.

April 10, 2012

Planning Commission
County of San Diego
5201 Ruffin Rd, Suite B
San Diego, CA 92123

RE: Wind Energy Zoning Ordinance Amendment (Hearing Date, April 13, 2012)

Dear Chairman Pallinger and Members of the Commission:

The Endangered Habitats League (EHL) is pleased to submit written testimony regarding the Wind Energy Ordinance. EHL is Southern California's only regional conservation group, and a long-term stakeholder in County planning efforts.

We submitted extensive comments on the DEIR for the ordinance amendments, including from a biologist with special expertise in this subject. In the present testimony, we outline the aspects of the proposed ordinance we support as well as areas for improvement. Underlying our remarks is the belief that for property owners seeking electricity generation on site, rooftop solar panels *rather than turbines* are the least environmentally harmful and probably most cost effective option.

Wind energy presents a conundrum. While good from a greenhouse gas standpoint, turbines – both large and small, as defined in the ordinance – will *predictably* kill birds and bats over their entire life span. Furthermore, studies at Altamont Pass have shown that “small” turbines – here defined as up to 80 feet in height – may have impacts equivalent to “large” ones, due to the overarching importance of siting factors.

Central to your decision-making is that studies show that a small percentage of wind turbines cause *disproportionate* mortality. *By appropriately conditioning turbines, particularly in regard to siting, we can at least eliminate the worst offenders.* However, in its determination that small turbines should be permitted ministerially, the County has severely constrained the options for reducing impacts.

Within these constraints, the proposed ordinance – including modifications in response to comments received – goes a long way toward eliminating “bad actor” small turbines. This progress is commended (though additional needed steps will be identified below). EHL thus *supports* the proposed conditions listed below, all of which are necessary under CEQA as feasible mitigation measures. We note, however, that some jurisdictions, such as Marin County, go much further, and require full biological studies for “small” turbines.

- Setbacks from transmission lines and towers (where birds perch)
- Setbacks from riparian areas and wetlands using the surrogate of “blue line” USGS maps for watercourses and water bodies
- Setbacks from known golden eagle nests
- Setbacks from known bat roosting sites (with modification suggested below)
- Avoidance of ridgelines
- Construction without guy wires (which are perching sites and collision hazards)
- Sole use of California Energy Commission-approved turbine models
- Disturbance limits

Areas for improvement are described below, *all of which are feasible mitigation measures under CEQA to reduce significant environmental impacts:*

EHL supports adoption of the “Limited Small Wind Turbine Alternative” which means that only already disturbed areas will be used for construction rather than pristine habitat areas.

We request clarifying language for the topographic siting aspect, which is *the* most crucial factor for reducing bird and bat deaths and injuries. According to the draft ordinance, “Small wind turbines towers shall not be located on ridgelines.” Ridgelines are defined as, “The plateau or maximum elevation which extends along the top of Steep Slope Lands.” It is important to ensure that “saddles” –which are dips along a ridgeline that funnel birds and bats – are similarly prohibited from turbine placement. Also, to realize the intent of the ridgeline prohibition, the full height of the turbine blade should not encroach into the ridgeline or saddle air space. Thus, to provide clarity to applicants and DPLU counter staff, additional language should be added for saddles and airspace:

Saddle: A dip or lower area along a ridgeline between two higher points.

Ridgelines and Saddles. Small wind turbines towers shall not be located on ridgelines and associated saddles. Turbine blades shall not encroach into the airspace above ridgelines and associated saddles.

The language regarding setbacks from known bat roosts should be modified to eliminate the term “sensitive,” which has a particular *legal* meaning within the context of CEQA and is not appropriate to an ordinance that, on a *policy* level, should protect all bats – rare or still relatively common – from unnecessary killing. Little is known about San Diego’s bat populations, and we don’t want to turn “non-sensitive” species into “sensitive” ones by locating turbines too close to roosts. In addition, as not all information from the California Natural Diversity Database is mapped, and because the San Diego Natural History Museum is also an important source, the following changes are recommended:

Significant roost sites for sensitive bat species as ~~mapped on~~ obtained from the California Natural Diversity Database and San Diego Natural History Museum.

Both eagle nest and bat roost data should be periodically updated, of course.

The proposed ordinance proposes to *increase* from one to three the number of small turbines per parcel permitted on a ministerial basis. Given the admittedly significant and unavoidable biological impacts of these devices, it is a feasible mitigation measure to leave unchanged the *status quo* of a single ministerial turbine per parcel.

The ordinance particularly needs improvement to avoid prejudicing the County's adopted Multiple Species Conservation Program (MSCP). As you know, the MSCP provides for streamlined development permitting and ESA compliance through creation of a habitat reserve system. Wind turbines are not a "covered activity" under the MSCP permits, and turbine impacts to bird and bat species were not analyzed in the MSCP environmental documents (see U.S. Fish and Wildlife Service comment letter).

The County responds that one turbine is currently allowed ministerially per legal lot within MSCP "Preapproved Mitigation Area," or PAMA, and this would not change under the proposed ordinance. However, the DEIR *itself* determines that impacts from small turbines are significant and unavoidable for wildlife movement including "bird and bat flight paths." (DEIR at 2.4-37) The turbines similarly cause significant and unavoidable impacts to "candidate, sensitive or special-status species due to removal of areas of sensitive habitat and bird or bat strikes." (DEIR, Executive Summary) Given these findings, the County presents no substantial information to support its contention that simply requiring discretionary review for greater than one turbine per parcel within PAMA "will ensure that the Wind Energy Ordinance does not conflict with the goals of the MSCP." (Response to Comment I-11)

In order to protect the MSCP, we *strongly* recommend that *all* turbines within PAMA be subject to a discretionary Administrative Permit. However, as a compromise to still fit within a ministerial process, an application for a single turbine within PAMA could alternatively show that the conditions enunciated in the ordinance, plus any other steps identified by staff, have been applied so as to avoid MSCP conflicts. (An Administrative Permit would, of course, still be required for more than one turbine per parcel within PAMA.) It is certainly not worth jeopardizing the MSCP permits through uncovered impacts to covered species.

Regarding large turbines, the County relies upon the discretionary MUP process and in particular upon the fact that the California Energy Commission Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development (CEC Guidelines) will be applied during CEQA as part of the County Guidelines for Determining Significance for Biological Resources. *This is insufficient.* The CEC Guidelines, which are *absolutely crucial* to reducing bird and bat mortality, are otherwise voluntary. And deferring to the CEQA process is a far cry from actually ensuring that they will be followed, as under CEQA, projects with significant impacts can nonetheless proceed with "over-riding findings."

As it appears the County's *intent* is indeed to respect the best available guidance -- that is, CEC's -- it is *wholly feasible* for the County to simply *require* large turbine conformance to the most recent formulation of these standards. Handing off to the "game" of CEQA compliance is the wrong answer if certainty for all parties is a desired outcome.

To summarize, and to comply with CEQA, we recommend the following improvements to build upon the progress to date:

- Adopt the Limited Small Wind Turbine Alternative
- Clarify ridgeline language as to avoidance of topographic saddles and air space encroachment
- Eliminate the qualifier "sensitive" from the bat roost setback provision and expand the sources of data
- Retain the *status quo* of a single ministerial small turbine per non-PAMA parcel
- For a single turbine within PAMA, require an Administrative Permit, or alternatively, a showing that the conditions as applied, plus any additional measures identified by staff, result in turbine height and placement that will not prejudice the MSCP
- Incorporate the "most recent CEC Guidance" into the ordinance for large turbines

Thank you for considering our views.

Yours truly,

Dan Silver, MD
Executive Director

July 18, 2012

VIA ELECTRONIC MAIL AND FACSIMILE

Chairman David Pallinger
County of San Diego Planning Commission
5201 Ruffin Rd, Suite B
San Diego, CA 92123

RE: Wind Energy Zoning Ordinance Amendment (Item 1, July 20, 2012)

Dear Chairman Pallinger and Members of the Commission:

The Endangered Habitats League (EHL) is pleased to submit additional written testimony regarding the Wind Energy Ordinance. EHL is Southern California's only regional conservation group, and a long-term stakeholder in County planning efforts.

Our comments are limited to the biological aspects of turbines, noting that the "small" turbines, according to studies at Altamont pass, may have impacts on wildlife equivalent to "large" ones. Our comments are also based on the availability of rooftop solar as an environmentally and probably more cost-effective option. We will not reiterate all past testimony but first summarize previous but non-acted upon recommendations for small turbines, then comment on a new and highly unwise approach suggested for the MSCP, and finally reiterate our recommendation on the MUP process for large turbines regarding biology.

1. Feasible additional mitigation measures

Areas for improvement are described below, *all of which are feasible mitigation measures under CEQA* to reduce significant environmental impacts:

- a) *EHL supports adoption of the "Limited Small Wind Turbine Alternative" which means that only already disturbed areas will be used for construction rather than pristine habitat areas.*
- b) *We request clarifying language for the topographic siting aspect, which is the most crucial factor for reducing bird and bat deaths and injuries.*

According to the draft ordinance, "Small wind turbines towers shall not be located on ridgelines." Ridgelines are defined as, "The plateau or maximum elevation which extends along the top of Steep Slope Lands." It is important to ensure that "saddles" –

which are dips along a ridgeline that funnel birds and bats – are similarly prohibited from turbine placement. Also, to realize the intent of the ridgeline prohibition, the full height of the turbine blade should not encroach into the ridgeline or saddle air space. Thus, to provide clarity to applicants and DPLU counter staff, additional language should be added for saddles and airspace:

Saddle: A dip or lower area along a ridgeline between two higher points.

Ridgelines and Saddles. Small wind turbines towers shall not be located on ridgelines and associated saddles. Turbine blades shall not encroach into the airspace above ridgelines and associated saddles.

- c) *The language regarding setbacks from known bat roosts should be modified to eliminate the term “sensitive,” which has a particular legal meaning within the context of CEQA.*

Use of a technical CECA term is not appropriate to an ordinance that, on a *policy* level, should protect all bats – rare or still relatively common – from unnecessary killing. Little is known about San Diego’s bat populations, and we don’t want to turn “non-sensitive” species into “sensitive” ones by locating turbines too close to roosts. In addition, as not all information from the California Natural Diversity Database is mapped, and because the San Diego Natural History Museum is also an important source, the following changes are recommended:

Significant roost sites for sensitive bat species as ~~mapped on~~ obtained from the California Natural Diversity Database and San Diego Natural History Museum.

- d) *Both eagle nest and bat roost data should be periodically updated, rather than just eagle data as currently proposed.*
- e) *The status quo of a single ministerial permit per parcel should be maintained.*

The proposed ordinance proposes to *increase* from one to three the number of small turbines per parcel permitted on a ministerial basis. Given the admittedly significant and unavoidable biological impacts of these devices, it is a feasible mitigation measure to leave unchanged the *status quo* of a single ministerial turbine per parcel.

3. MSCP issues

Now “on the table” is a proposal to allow the *construction* of small turbines within the MSCP under the County’s “take” permits, but to sever the *operation* of said turbines from the construction. “Take” authorization for covered species would not be provided for operation. This approach is wrong.

It is the County’s responsibility to fully implement its *own* MSCP. It should not create conflicts for citizens by leaving them at risk for ongoing violations of the state and

federal Endangered Species Acts as a result of operationally non-compliant activities. Also, in our previous comments, we outlined the problem under CEQA in allowing activities with known significant impacts to covered species to occur within the MSCP without providing substantial evidence that MSCP goals will not suffer. These same acknowledged impacts may lead to the County's violation of its own MSCP permits.

The underlying problem is that the wind turbines *were not addressed* by the MSCP and are therefore *not* a covered activity. Rather than being straightforward about this, the County is proposing a jerry-rigged answer that is anything but a real solution. In order to protect both the MSCP *and* property owners, we recommend that small turbines be prohibited within PAMA. As a *compromise*, we recommend that *all* turbines within PAMA be subject to a discretionary Administrative Permit, so that siting and other factors are considered on a more detailed basis than possible at the DPLU counter.

4. The MUP process for large turbines should incorporate guidance from the California Energy Commission.

Regarding large turbines, the County relies upon the MUP process and in particular upon the fact that the California Energy Commission Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development (CEC Guidelines) will be applied during CEQA as part of the County Guidelines for Determining Significance for Biological Resources. *This is insufficient.* The CEC Guidelines, which are *crucial* to reducing bird and bat mortality, are otherwise voluntary. And deferring to the CEQA process is a far cry from actually ensuring that they will be followed, as under CEQA, projects with significant impacts can nonetheless proceed with "over-riding findings."

As it appears the County's *intent* is indeed to respect the best available guidance – that is, CEC's – it is *wholly feasible* for the County to simply *require* large turbine conformance to the most recent formulation of these standards. Handing off to the "game" of CEQA compliance is the wrong answer if certainty is a desired outcome.

5. Summary of recommendations

- Adopt the Limited Small Wind Turbine Alternative
- Clarify ridgeline language as to avoidance of topographic saddles and air space encroachment
- Eliminate the qualifier "sensitive" from the bat roost setback provision and expand the sources of data
- Retain the *status quo* of a single ministerial small turbine (except within PAMA)
- Within PAMA, prohibit small turbines, or require an Administrative Permit for all turbines
- Incorporate the "most recent CEC Guidance" into the ordinance for large turbines

Thank you again for considering our views.

Yours truly,

Dan Silver, MD
Executive Director

April 10, 2012

Planning Commission
County of San Diego
5201 Ruffin Rd, Suite B
San Diego, CA 92123

RE: Wind Energy Zoning Ordinance Amendment (Hearing Date, April 13, 2012)

Dear Chairman Pallinger and Members of the Commission:

The Endangered Habitats League (EHL) is pleased to submit written testimony regarding the Wind Energy Ordinance. EHL is Southern California's only regional conservation group, and a long-term stakeholder in County planning efforts.

We submitted extensive comments on the DEIR for the ordinance amendments, including from a biologist with special expertise in this subject. In the present testimony, we outline the aspects of the proposed ordinance we support as well as areas for improvement. Underlying our remarks is the belief that for property owners seeking electricity generation on site, rooftop solar panels *rather than turbines* are the least environmentally harmful and probably most cost effective option.

Wind energy presents a conundrum. While good from a greenhouse gas standpoint, turbines – both large and small, as defined in the ordinance – will *predictably* kill birds and bats over their entire life span. Furthermore, studies at Altamont Pass have shown that “small” turbines – here defined as up to 80 feet in height – may have impacts equivalent to “large” ones, due to the overarching importance of siting factors.

Central to your decision-making is that studies show that a small percentage of wind turbines cause *disproportionate* mortality. *By appropriately conditioning turbines, particularly in regard to siting, we can at least eliminate the worst offenders.* However, in its determination that small turbines should be permitted ministerially, the County has severely constrained the options for reducing impacts.

Within these constraints, the proposed ordinance – including modifications in response to comments received – goes a long way toward eliminating “bad actor” small turbines. This progress is commended (though additional needed steps will be identified below). EHL thus *supports* the proposed conditions listed below, all of which are necessary under CEQA as feasible mitigation measures. We note, however, that some jurisdictions, such as Marin County, go much further, and require full biological studies for “small” turbines.

- Setbacks from transmission lines and towers (where birds perch)
- Setbacks from riparian areas and wetlands using the surrogate of “blue line” USGS maps for watercourses and water bodies
- Setbacks from known golden eagle nests
- Setbacks from known bat roosting sites (with modification suggested below)
- Avoidance of ridgelines
- Construction without guy wires (which are perching sites and collision hazards)
- Sole use of California Energy Commission-approved turbine models
- Disturbance limits

Areas for improvement are described below, *all of which are feasible mitigation measures under CEQA to reduce significant environmental impacts:*

EHL supports adoption of the “Limited Small Wind Turbine Alternative” which means that only already disturbed areas will be used for construction rather than pristine habitat areas.

We request clarifying language for the topographic siting aspect, which is *the* most crucial factor for reducing bird and bat deaths and injuries. According to the draft ordinance, “Small wind turbines towers shall not be located on ridgelines.” Ridgelines are defined as, “The plateau or maximum elevation which extends along the top of Steep Slope Lands.” It is important to ensure that “saddles” –which are dips along a ridgeline that funnel birds and bats – are similarly prohibited from turbine placement. Also, to realize the intent of the ridgeline prohibition, the full height of the turbine blade should not encroach into the ridgeline or saddle air space. Thus, to provide clarity to applicants and DPLU counter staff, additional language should be added for saddles and airspace:

Saddle: A dip or lower area along a ridgeline between two higher points.

Ridgelines and Saddles. Small wind turbines towers shall not be located on ridgelines and associated saddles. Turbine blades shall not encroach into the airspace above ridgelines and associated saddles.

The language regarding setbacks from known bat roosts should be modified to eliminate the term “sensitive,” which has a particular *legal* meaning within the context of CEQA and is not appropriate to an ordinance that, on a *policy* level, should protect all bats – rare or still relatively common – from unnecessary killing. Little is known about San Diego’s bat populations, and we don’t want to turn “non-sensitive” species into “sensitive” ones by locating turbines too close to roosts. In addition, as not all information from the California Natural Diversity Database is mapped, and because the San Diego Natural History Museum is also an important source, the following changes are recommended:

Significant roost sites for sensitive bat species as mapped on obtained from the California Natural Diversity Database and San Diego Natural History Museum

Both eagle nest and bat roost data should be periodically updated, of course.

The proposed ordinance proposes to *increase* from one to three the number of small turbines per parcel permitted on a ministerial basis. Given the admittedly significant and unavoidable biological impacts of these devices, it is a feasible mitigation measure to leave unchanged the *status quo* of a single ministerial turbine per parcel.

The ordinance particularly needs improvement to avoid prejudicing the County's adopted Multiple Species Conservation Program (MSCP). As you know, the MSCP provides for streamlined development permitting and ESA compliance through creation of a habitat reserve system. Wind turbines are not a "covered activity" under the MSCP permits, and turbine impacts to bird and bat species were not analyzed in the MSCP environmental documents (see U.S. Fish and Wildlife Service comment letter).

The County responds that one turbine is currently allowed ministerially per legal lot within MSCP "Preapproved Mitigation Area," or PAMA, and this would not change under the proposed ordinance. However, the DEIR *itself* determines that impacts from small turbines are significant and unavoidable for wildlife movement including "bird and bat flight paths." (DEIR at 2.4-37) The turbines similarly cause significant and unavoidable impacts to "candidate, sensitive or special-status species due to removal of areas of sensitive habitat and bird or bat strikes." (DEIR, Executive Summary) Given these findings, the County presents no substantial information to support its contention that simply requiring discretionary review for greater than one turbine per parcel within PAMA "will ensure that the Wind Energy Ordinance does not conflict with the goals of the MSCP." (Response to Comment I-11)

In order to protect the MSCP, we *strongly* recommend that *all* turbines within PAMA be subject to a discretionary Administrative Permit. However, as a compromise to still fit within a ministerial process, an application for a single turbine within PAMA could alternatively show that the conditions enunciated in the ordinance, plus any other steps identified by staff, have been applied so as to avoid MSCP conflicts. (An Administrative Permit would, of course, still be required for more than one turbine per parcel within PAMA.) It is certainly not worth jeopardizing the MSCP permits through uncovered impacts to covered species.

Regarding large turbines, the County relies upon the discretionary MUP process and in particular upon the fact that the California Energy Commission Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development (CEC Guidelines) will be applied during CEQA as part of the County Guidelines for Determining Significance for Biological Resources. *This is insufficient.* The CEC Guidelines, which are *absolutely crucial* to reducing bird and bat mortality, are otherwise voluntary. And deferring to the CEQA process is a far cry from actually ensuring that they will be followed, as under CEQA, projects with significant impacts can nonetheless proceed with "over-riding findings."

As it appears the County's *intent* is indeed to respect the best available guidance – that is, CEC's – it is *wholly feasible* for the County to simply *require* large turbine conformance to the most recent formulation of these standards. Handing off to the “game” of CEQA compliance is the wrong answer if certainty for all parties is a desired outcome.

To summarize, and to comply with CEQA, we recommend the following improvements to build upon the progress to date:

- Adopt the Limited Small Wind Turbine Alternative
- Clarify ridgeline language as to avoidance of topographic saddles and air space encroachment
- Eliminate the qualifier “sensitive” from the bat roost setback provision and expand the sources of data
- Retain the *status quo* of a single ministerial small turbine per non-PAMA parcel
- For a single turbine within PAMA, require an Administrative Permit, or alternatively, a showing that the conditions as applied, plus any additional measures identified by staff, result in turbine height and placement that will not prejudice the MSCP
- Incorporate the “most recent CEC Guidance” into the ordinance for large turbines

Thank you for considering our views.

Yours truly,

Dan Silver, MD
Executive Director

From: Rich Volker [mailto:r.volker@cox.net]
Sent: Thursday, April 12, 2012 2:20 PM
To: Jones, Cheryl
Cc: Schneider, Matthew
Subject: Reject the Proposed Wind Ordinance

Dear SD County Planning Commissioners:

This correspondence is to express my concerns about to the County's Wind Ordinance as proposed which is on calendar to be considered by the Planning Commission tomorrow, April 13, 2012. I am unable to appear and testify due to a calendar conflict, but I'm requesting that you reject the "Ordinance" as proposed principally for reason that the dBC noise standards, including the accompanying setback requirements as required under the proposed Ordinance, will virtually eliminate significant wind energy development in San Diego County.

The proposed dBC noise standards, if adopted, would be the most restrictive in California and would result in SD County establishing itself as unfriendly to meaningful renewable energy projects – an terribly unfortunate consequence given the County's unique and abundant renewable energy natural resources. The proposed dBC noise standards are not supported by any good science and, in fact, lack a recognized or accepted scientific basis. Unless the proposed Ordinance is modified to include dBC noise standards that are more supportable and reasonable for wind energy development, the proposed Ordinance will stop development of all of the currently planned projects – the proposed Ordinance standing alone would make those projects economically unfeasible for the developers. If the Ordinance were to be adopted as currently proposed, developers of those projects would then look to areas outside of SD County for wind project development, a result contrary to the expressed goal of the County Board of Supervisors to promote renewable green energy in San Diego County. East San Diego County is known to be and has been confirmed as one of the best wind energy development areas in the US, but unfortunately is also among the most economically deprived areas in the County. Wind energy development projects currently targeted for the area will result in substantial economic benefit for East County communities and residents (jobs, increased tax revenues, etc.) if allowed to be brought to completion.

Accordingly, I am requesting that the Ordinance be rejected as currently proposed with your recommendation to Staff that the dBC noise standards be re-worked and modified to more reasonable levels that will allow for wind energy development in the County to move forward. Thank you for your consideration of the foregoing and my request in this regard.

Rich Volker

Dear County Planners:

Here are some last minute items for the Wind Ordinance consideration specific to an area I know well. It does not imply my concerns for some of the other areas as there are many. Most specifically to that end, I am opposed to changing Boulevards Plan. I perceive it as a violation of self government and democracy. It is unnecessary, inappropriate and will end up costing our county in controversy and potential suits.

It has taken a while to piece together the comment process as well as the intentions of this proposal. This is a very serious proposal so I hope you will take your time.

Some of this has only come to light very recently.

Please consider the recent photo:



Ten years ago the San Diego County Board of Supervisors endorsed the creation of the proposed Eagle Peak Wilderness as part of Senator Boxer's California Wild Heritage Act. The picture above is in the heart of the Sill Hill unit of that proposal as well as an existing IRA or Inventoried Roadless area. It is on a ridge that sits across Boulder Creek, pretty much in the middle of nowhere-that is to say, impeccably unspoiled, remote, rugged, and absolutely gorgeous.

It is also adjacent to the legacy Marston Ranch and the oldest Ranch in San Diego, the McCoy Ranch, on Boulder Creek Road. This waterfall cascades between Cuyamaca and Middle Peak over about 14 tiers and slides for over 800 feet **253** -

This is not the sole vista, in the area. In my opinion it is highly indicative of the region.—the WHOLE region. That is the region bounded by Descanso, Julian, and Ramona. The views are sweeping and breathtaking. There are a number of waterfalls close to 100 feet: Cedar Creek Falls, Three Sisters Falls, the San Diego River 100 Foot Falls, Mildred Falls, The Big 12 above, Cuyamaca falls just to the south, to name a few. There are cascades into Cedar Gorge during the wetter months nearly 400 feet. Additionally these streams are all gorgeous, wild and unspoiled from source to El Capitan Reservoir. Cedar Creek and Boulder Creek above are known protected Steelhead waters as well and it would follow that the San Diego River has high potential for Steel head as well. To the South, the Sweetwater also has known steelhead-a trout with a life cycle similar to a salmon given unrestricted ability to get to the ocean.

This is also a primary region for Golden Eagles, ducks, Bald Eagles, Hawks, and other raptures appearing on the migratory bird act.

It is a primary region for 23 species of bats. Our mining history has accommodated several species with mine caves for habitat.

You may recall the Wilderness legend, Geoffrey Smith referring to this as the "Crown Jewel " "Wilderness" or the Crown Jewel of San Diego.

This region, close to town-attainable for hiking even after work during the summer months, is about 60,000 to 70,000 acres of US Forest lands including few small in holdings. The ranches are mostly less than 300 acres and most are less than 150 acres and surrounded by forest. Anything in those in holdings will impact the surrounding forest.

Please consider the next several pages of excerpts compiled from Ryan Hensen, CalWild on the evaluation of IRA's in this area in the 2005 FEIS of the Cleveland Land Management Plan. They are now under reassessment. These projects will face the same issues and must be considered before spending public money, making any zone decisions, or compromising sensitive lands:

The National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 et seq., and the Council on Environmental Quality's (CEQ) implementing regulations, 40 C.F.R. §§ 1500-1517, require that each federal agency prepare an Environmental Impact Statement (EIS) for every major federal action significantly affecting the environment. 42 U.S.C. § 4332(C). The purpose of an EIS is to inform the decision-makers and the public of the significant environmental impacts of the proposed action, means to mitigate those impacts, and reasonable alternatives that will have lesser environmental consequences. An EIS must assess the environmental impacts of the proposed action, including direct effects, indirect effects, and cumulative impacts. 40 C.F.R. §§ 1502, 1508.7-1508.8. NEPA also requires federal agencies to use high quality, accurate scientific information and ensure the scientific integrity of the analysis in an EIS. See 40 C.F.R. § 1500.1(b); 40 C.F.R. § 1502.24....

...the FS has utterly failed in the FEIS to examine the direct effects, indirect effects, and cumulative impacts of placing the majority of IRAs in zones allowing for such activities, despite the fact that some IRAs could lose their wilderness character over the life of the plans as a result. The only explanation for this failure is offered on page 422 of the *FEIS, Volume 2 (Appendices), LMPs, September, 2005* where the FS writes that "In all cases, project proposals that are located within the revised inventory of roadless areas will be analyzed for effects on roadless character during NEPA analysis including the full disclosure of those effects." ...

The possibility of subsequent NEPA documents fails to address the impacts of placing IRAs in zones where development and other activities are allowed. The FS must comply with NEPA "at the earliest possible time to insure that planning and decisions reflect environmental values." 40 C.F.R. § 1501.2. A project-by-project NEPA analysis will not and cannot address

the combined and cumulative regional and local environmental impacts of allowing such development to occur in the first place. As the FS concludes on page 1-15 in the *Forest Service Roadless Area Conservation FEIS, Volume 1, November, 2000*:

Regardless of how well informed individual decisions may be at the local level, any new road building in inventoried roadless areas still results in a loss of roadless characteristics. When local officials evaluate the impacts of their decision to build a road into a roadless area, the incremental effect of the decision is considered. However, when these individual decisions are aggregated over time...the resulting ecological and social outcomes resulting from the loss of roadless areas may become substantial.

The Forest Service Handbook (FSH) at 1909.12-92-1, 4.19(c)(5) states that a land and resource management plan must "Describe the potential environmental consequences of a wilderness and a nonwilderness recommendation." At FSH 1909.12-92-1, 4.19(c)(5)(b) the FS is required to:

Discuss the impact on the roadless area of a wilderness designation and the impact of each nonwilderness prescription. Show the social and economic effects in each case. Include mitigation, if any, for loss of wilderness characteristics and the effects on plant and animal communities....

It is not enough to make "conclusory" or "perfunctory references" to cumulative impacts or to continue to use the same boilerplate language throughout the EIS. *Natural Resources Defense Council v. Hodel*, 865 F.2d 288, 298-99 (D.C. Cir. 1988). Cumulative effects analysis requires "some quantified or detailed information. . ." *Neighbors of Cuddy Mountain v. U.S.F.S.*, 137 F.3d 1372, 1379 (9th Cir. 1998). "General statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided." *Id.* at 1380.

Some of the issues that should have been studied, described and discussed for each alternative in the southern California FEIS (and listed from page 3-21 to 3-242 in the RAC FEIS) include:

- The projected amounts and impacts of road construction in IRAs.
- The costs associated with maintaining new roads in IRAs.
- The risks of reducing water quality in IRAs.
- Impacts to air resources from IRA development.
- Consequences of and for fire and fuels management in IRAs.
- Impacts of insects and disease in IRAs.
- Impacts to the size of roadless areas (as the RAC FEIS states at 3-136, "There is a positive relationship between size of an area protected from human disturbance and maintenance of biodiversity").
- Impacts to IRAs of development at various elevation distributions.
- Impacts to terrestrial animal habitat in IRAs, including fragmentation and connectivity, edge effects, habitat suitability and effectiveness, early successional habitat, game species and late-successional habitat.
- Impacts to aquatic animal habitat and species in IRAs, including fragmentation and connectivity, water hydrology and stream channel morphology, habitat complexity, water quality, pools, riparian vegetation, introduction of nonnative species and diseases and over-harvest and illegal introduction.
- Impacts to terrestrial and aquatic plant species in IRAs, including non-native invasives, habitat fragmentation and effects of temporary roads.
- Impacts to threatened, endangered, proposed and sensitive species in IRAs.
- Impacts to research, monitoring and reference landscapes in IRAs.
- Consequences for non-mechanized, mechanized and motorized recreation in IRAs.
- Impacts to scenic quality in IRAs.
- Consequences to heritage resources in IRAs.
- Impacts from IRA development on existing wilderness and the possibility of future wilderness designation.

More precisely, the FEIS failed to consider the impacts the preferred alternative and the other alternatives would have on the natural integrity, apparent naturalness, remoteness, solitude, special features, manageability, logical boundaries, and special places or values in the CNF IRAs as has been done by other national forests in Region 5. Thus, the effect of the proposed action on the wild character of the affected roadless areas was improperly studied in the FEIS (or more precisely, not studied at all) and therefore it does not satisfy the detailed analysis requirements set forth in 36 CFR 219.17.

To expand on one potential impact further, the (LMP) FEIS fails to explicitly evaluate the effect that zoning IRAs for road construction and other forms of development will have on the introduction of invasive species. It is well known that off-road vehicle activity, road construction, infrastructure construction and the like are principle causes for the introduction and spread of invasive species. Executive Order 13112 (February 3, 1999) puts a heavy burden on agencies whose activities may spread invasive species. It is a sad irony that the FS is devoting so much effort to eradication of one of the Chief's four big threats--invasive species--while at the same time failing to inform the decision process of its own activities which do not take proper account of prevention.

To make matters worse, what little information is offered in the FEIS is often quite contradictory. For example, the FEIS Volume 2 in Table 451 lists the Ladd IRA as 1C (roads allowed) while it is shown as 1B (roads not allowed) and 1C on the map in the *Land Management Plan Part 2, CNF Strategy*. In addition, No Name IRA is shown as 1B and 1C on the map while it is listed as 1B in the EIS. The San Mateo Canyon IRA is listed as 1C in the EIS and it is not even displayed on the map. Lastly, none of the "other undeveloped areas" are listed in the EIS or shown on the map. Neither the public, nor the Regional Forester can make informed decisions regarding roadless areas when contradictory information is coupled with an incomplete analysis. The FEIS and RODs thus fail to meet the standards set forth in the NEPA, 40 CFR Part 1500.2 (e) and Part 1500.1 (b) which require the federal government to ensure "that environmental information is available to public officials and citizens before decisions are made and before actions are taken," and that the information provided to public officials and citizens "must be of high quality."

As the foregoing discussion demonstrates, the effect of the proposed action on the wild character of the roadless areas mentioned above was improperly studied in the FEIS (or more precisely, not studied at all). Thus, the FEIS does not satisfy the detailed analysis requirements set forth in 36 CFR 219.17, as well as the requirement that agencies shall identify environmental effects and values in sufficient detail to make informed decisions (40 CFR 1501.2[b]).

During the forest planning process, the Forest Service must evaluate and consider roadless areas for recommendation as potential wilderness areas. 36 C.F.R. § 219.17(a). These areas may then be considered by Congress for their inclusion in the National Wilderness Preservation System, as provided by the Wilderness Act. 16 U.S.C. § 1131, et seq. The regulation suggests a two-step process, describing areas subject to evaluation in (a)(1) and providing significant issues for evaluation in (a)(2). *Id.* The FSH provides further guidelines for this two-step process of inventory and evaluation of roadless areas. FSH 1909.12, Ch. 7. In the wilderness evaluation phase, the FS decides which areas should be recommended for wilderness designation. The CNF's wilderness evaluations fail to meet NEPA requirements that the FS "assess the wilderness value of each area" and evaluate the impact of not recommending each area for wilderness designation. *California v. Block*, 690 F.2d 753, 764 (9th Cir. 1982); see also FSH 1909.12-7.25(1)(2).

The FS totally fails to consider the impact of non-wilderness management on "each area's wilderness characteristics and value." *Id.* The FS also fails to adequately assess each area's wilderness value. The FSH outlines the criteria for evaluating each potential wilderness area. "An area recommended as suitable for wilderness must meet the tests of capability, availability, and need." FSH 1909.12.7.2. Guidelines for determining if the character of an area is appropriate for wilderness designation are found primarily in the FSH under capability. FSH 1909.12.7.21 ("The capability of a potential wilderness is the degree to which that area contains the basic characteristics that make it suitable for wilderness designation without regard to its availability for or need as wilderness."). Availability is largely determined by capability. FSH 1909.12.7.22 ("All National

Forest System lands determined to meet wilderness capability requirements are generally available for consideration as wilderness."). Availability is also a function of need. FSH 1909.12.7.22 ("determination of availability is conditioned by the value of and need for the wilderness resource"). Contrary to the requirements of the FSH, the FS fails to consider all of the factors which enhance wilderness value and therefore an area's "capability" for wilderness designation.

Improper use of "sights and sounds" criteria

In its evaluations, the CNF largely relied upon "sights and sounds" criteria, rather than an area's undeveloped character, to decide whether or not IRAs should be recommended for wilderness designation. In so doing, the CNF acts contrarily to long-standing direction from Congress to avoid using sights, sounds and other external influences to judge an area's wilderness quality.

During Subcommittee Hearings for the 1978 Endangered American Wilderness Act Congress found that:

... many areas, including the Lone Peak [outside Salt Lake City] ..., received lower wilderness quality ratings because the Forest Service implemented a "sights and sounds" doctrine which subtracted points in areas where the sights and sounds of nearby cities (often many miles away) could be perceived from anywhere within the area. This eliminated many areas near population centers and has denied a potential nearby high quality wilderness experience to many metropolitan residents, and is inconsistent with Congress' goal of creating parks and locating wilderness areas in close proximity to population centers. The committee is therefore in emphatic support of the Administration's decision to immediately discontinue this "sights and sounds" doctrine. House Report 95-540, 95th Congress, July 27, 1977, page 5.

...During Senate hearings on the Endangered American Wilderness Act, Dr. M. Rupert Cutler, the Assistant Secretary of Agriculture, assured Senator Pete Domenici (R-NM) that "...there is no reference in the Wilderness Act to criteria for wilderness that includes such things as the sights, sounds, and smells of civilization which is a set of criteria which has been misapplied to wilderness areas" (Subcommittee on Parks and Recreation of the Committee on Energy and Natural Resources, United States Senate on S. 1180, September 19 & 20, 1977, Publication No. 95-88, Committee on Energy and Natural Resources, page 41).

Relevant to the photo above:

- **Sill Hill IRA:** Capability is rated as medium in part because urban areas can be seen from the IRA. This has no bearing on the area's undeveloped character. The capability rating for this area would have been higher had it been given a fair and appropriate evaluation. Neither the public, nor the Regional Forester can make informed decisions regarding roadless areas when the FEIS and ROD fail to meet the standards set forth in NEPA, 40 CFR Part 1500.2 (e) and Part 1500.1 (b) which require the federal government to ensure "that environmental information is available to public officials and citizens before decisions are made and before actions are taken," and that the information provided to public officials and citizens "must be of high quality."

(I was on this ridge last Sunday, it was in my opinion one of the most breathtaking areas in our county. If IMAX was doing a film on our Cuyamcas, I would take them there.)

- **Eagle Peak IRA:** The IRA's capability is rated as medium because difficulty and challenge are low in those portions where a trail is present, and difficulty and challenge are also low in the trackless portions of the area where there are no human-created routes. What perfect combination of trails and trackless areas must a roadless area have to achieve a high degree of challenge and adventure according to the CNF? Thick chaparral and other vegetation obviously offers great challenges to visitors seeking to travel cross-country. In contrast, the Angeles National Forest's IRA narratives repeatedly acknowledge this indisputable fact. For example, in the Red Mountain IRA narrative the ANF states that "Hampered by dense chaparral, cross-country exploring provides interesting challenges." The narratives repeat essentially the same point while describing the Salt Creek, Sespe-Frazier, Strawberry Peak, Tule and Fish Canyon IRAs. Lastly, the narrative mentions that there "are unclassified roads in the area," but later states that "There are currently no roads or trails within the IRA." Neither the public, nor the Regional Forester can make informed decisions regarding roadless areas when contradictory information is coupled with an incomplete analysis. The FEIS and ROD thus fail to meet the standards set forth in the NEPA, 40 CFR Part 1500.2 (e) and Part 1500.1 (b) which require the federal government to ensure "that environmental information is available to public officials and citizens before decisions are made and before actions are taken," and that the information provided to public officials and citizens "must be of high quality."

The 5,000 acre *recommendation* offered in the Wilderness Act is not a magic number. The key factor according to the FSH at 1909.12, 7.21(5) is whether the FS has the "...ability to manage an area as an enduring resource of wilderness, untrammelled by man, retaining its primeval character, and to protect and manage its natural character...Also consider such factors as size, shape, and juxtaposition to external influences." The evaluation document failed to discuss any of these considerations with the exception of external influences, and in that case it mentioned that the potential for conflict with activities outside the area is low. The capability rating for this area would have been higher had it been given a fair and appropriate evaluation. Neither the public, nor the Regional Forester can make informed decisions regarding roadless areas when the FEIS and ROD fail to meet the standards set forth in NEPA, 40 CFR Part 1500.2 (e) and Part 1500.1 (b) which require the federal government to ensure "that environmental information is available to public officials and citizens before decisions are made and before actions are taken," and that the information provided to public officials and citizens "must be of high quality."

... FSH 1909.12, 7.23 explains how the FS should evaluate the need for new wilderness areas in the forest planning process. The FEIS fails to fully explain the rationale behind zoning inventoried roadless areas for development instead of recommended wilderness. The CNF ROD (page 9) states "By managing these areas as Backcountry zones managers expect to have the flexibility to accommodate a range of uses such as mountain biking or hang-gliding, that are not permitted in designated wildernesses." However, the FEIS fails to demonstrate that there is a demand for these other activities in the inventoried roadless areas excluded from recommended wilderness designation. In fact, the FEIS is clear that wildlife viewing and hiking/walking are the two most popular activities in the southern California forests. The IRA analysis repeatedly states that there is a low need for wilderness management in the CNF's IRAs because of the low number of visitors in nearby existing wilderness areas. This assessment is inconsistent with the FEIS' observation on Page 266 that "Recreation use in southern California national forest wilderness is increasing and can affect wilderness values and resources, naturalness, wildness and solitude."

...Eagle Peak IRA: The needs analysis states that the "Eagle Peak IRA is among the key ecological areas identified for this region and is dominated by some of the best remaining occurrences of low-elevation ecosystems." However, the narrative failed to explain how plants and animals will be affected by the fact that 798 acres of this area are in the BC zone (where communication site construction, public woodcutting, commercial logging, "temporary" road construction, energy development, permanent road construction, new utility corridor construction, construction of buildings, mechanized vehicle use and off-road vehicle use are allowed), 1,227 acres are in the BCMUR zone (where communication site construction, commercial logging, "temporary" road construction, energy development, permanent road construction, new utility corridor construction, construction of buildings and mechanized vehicle use are allowed), and 4,435 acres are in the BCNM zone (where communication site construction, commercial logging, "temporary" road construction, energy development and mechanized vehicle use are allowed). The use of short, generic, and utterly unsupported reassurances about the future wellbeing of plants and animals in the face of the severe development threat posed by the zoning schemes described above does not under any circumstances constitute a complete and fair analysis. The need rating for this area would have been

higher had it been given a fair and appropriate evaluation. Neither the public, nor the Regional Forester can make informed decisions regarding roadless areas when the FEIS and ROD fail to meet the standards set forth in NEPA, 40 CFR Part 1500.2 (e) and Part 1500.1 (b) which require the federal government to ensure "that environmental information is available to public officials and citizens before decisions are made and before actions are taken," and that the information provided to public officials and citizens "must be of high quality."

... No Name: The needs analysis for the IRA states that the area supports a "high number of rare and vulnerable riparian species." However, the narrative failed to explain how plants and animals will be affected by the fact that 441 acres of this area are in the BC and DAI zones (where communication site construction, public woodcutting, commercial logging, "temporary" road construction, energy development, permanent road construction, new utility corridor construction, construction of buildings, mechanized vehicle use and off-road vehicle use are allowed), 923 acres are in the BCMUR zone (where communication site construction, commercial logging, "temporary" road construction, energy development, permanent road construction, new utility corridor construction, construction of buildings and mechanized vehicle use are allowed), and 3,524 acres are in the BCNM zone (where communication site construction, commercial logging, "temporary" road construction, energy development and mechanized vehicle use are allowed). The use of short, generic, and utterly unsupported reassurances about the future wellbeing of plants and animals in the face of the severe development threat posed by the zoning schemes described above does not under any circumstances constitute a complete and fair analysis. The need rating for this area would have been higher had it been given a fair and appropriate evaluation. Neither the public, nor the Regional Forester can make informed decisions regarding roadless areas when the FEIS and ROD fail to meet the standards set forth in NEPA, 40 CFR Part 1500.2 (e) and Part 1500.1 (b) which require the federal government to ensure "that environmental information is available to public officials and citizens before decisions are made and before actions are taken," and that the information provided to public officials and citizens "must be of high quality."

Sill Hill IRA: The needs analysis states that the coast horned lizard population is declining and yet it fails to explain how it and other plants and animals will be affected by the fact that 404 acres of this area are in the BC and DAI zones (where communication site construction, public woodcutting, commercial logging, "temporary" road construction, energy development, permanent road construction, new utility corridor construction, construction of buildings, mechanized vehicle use and off-road vehicle use are allowed) and 4,369 acres are in the BCNM zone (where communication site construction, commercial logging, "temporary" road construction, energy development and mechanized vehicle use are allowed). The use of short, generic, and utterly unsupported reassurances about the future wellbeing of plants and animals in the face of the severe development threat posed by the zoning schemes described above does not under any circumstances constitute a complete and fair analysis. The need rating for this area would have been higher had it been given a fair and appropriate evaluation. Neither the public, nor the Regional Forester can make informed decisions regarding roadless areas when the FEIS and ROD fail to meet the standards set forth in NEPA, 40 CFR Part 1500.2 (e) and Part 1500.1 (b) which require the federal government to ensure "that environmental information is available to public officials and citizens before decisions are made and before actions are taken," and that the information provided to public officials and citizens "must be of high quality."

Caliente IRA: The needs analysis states that the "Maintenance of unroaded, non-motorized conditions is one means of meeting the needs" of the many "rare and vulnerable botanical and wildlife species" found in the roadless area. However, the narrative failed to explain how plants and animals will be affected by the fact that 235 acres of this area are in the BC and DAI zones (where communication site construction, public woodcutting, commercial logging, "temporary" road construction, energy development, permanent road construction, new utility corridor construction, construction of buildings, mechanized vehicle use and off-road vehicle use are allowed) and 5,675 acres are in the BCNM zone (where communication site construction, commercial logging, "temporary" road construction, energy development and mechanized vehicle use are allowed). The use of short, generic, and utterly unsupported reassurances about the future wellbeing of plants and animals in the face of the severe development threat posed by the zoning schemes described above does not under any circumstances constitute a complete and fair analysis. The need rating for this area would have been higher had it been given a fair and appropriate evaluation. Neither the public, nor the Regional Forester can make informed decisions regarding roadless areas when the FEIS and ROD fail to meet the standards set forth in NEPA, 40 CFR Part 1500.2 (e) and Part 1500.1 (b) which require the federal government to ensure "that environmental information is available to public officials and citizens before decisions are made and before actions are taken," and that the information provided to public officials and citizens "must be of high quality."

As described in detail above, both NEPA and CEQA laws require clear readable unbiased descriptions of all areas that projects will impact. This was not done in the Wind Ordinance. The lone map for large wind is on an 8.5 X 11 scale page that is increasingly blurry as it is enlarged. It contains a overview map of the entire county with color coded wind feasible regions. These were produced by the National Renewable Energy Lab as models only. Surely they were never intended as a finished project. Do land owners live in fear now that their property will be rezoned via satellite? No field data went into their creations. There are very few labels. I had to spend several hours just to figure out where these zones are.

Well, I will tell you now about a couple of them in the region between Descanso, Ramona and Julian. These contain Rancho Alegria, the Marston Ranch, and the former Rutherford Ranch to name some, as well as the Daley Flat Area and a huge swath overlooking the San Diego River Gorge in the center and again at the head waters.

The Sierra Club did an informal study with the input of Devinheim (misspelled) Wind in 2009. They cited a number of other resources in that informal document created by an intern, all of which concluded that wind resources should not be placed near Riparian areas. All of the above areas are in or impact Riparian areas. Since this is a small region of the entire map it makes no sense to sacrifice any portion of it. It will not result in a significant plus to the Global Warming issue but it will deny San Diego of its "Crown Jewel".

Cedar Creek Falls is so popular that 500 people a day were showing up, when the Forest Service initiated formal public trails and management. –So popular that unfortunately they had to close it for a while. To take its place the public has been going in the hundreds to Three Sisters Waterfall one canyon over in Boulder Creek. I have seen the dozens of cars parked there myself. The hunting blogs are a buzz with hunters all over Boulder Creek and Eagle Peak Road in the last five years due to increased pig, turkey, deer, dove, and quail hunting. Indeed McGee Flat and Dead Man Flat and Temescal canyons have become the latest hunting heaven and Fish and Game had to close McGee Flat last weekend to regroup its management when someone put out food for turkeys. McGee Flat purchased only recently by the Forest Service protects an enormous stand of Engelmann Oaks, Golden Eagle Nests, and steelhead watershed. The San Diego River Park Foundation has successfully acquired several hundred acres of unspoiled legacy back county and a mailing list of over 80,000 people right across from Mildred Falls on Eagle Peak Road. Management of this region has had to struggle to keep up with the enormous popularity of the area. For good reason, it is all gorgeous and Geoff is right, it is our Crown Jewel.

Unfortunately the modelers of wind are not here. They have not been here, they could not have not seen much if any of this area. "much if any" is hardly NEPA compliant. I can document as of last week the US Forest Service has not been to the photo above. Their people are glowing, but they have not had the time and resources in the last decade to get onto the land. I participated in the Land Management Collaborative as part of a long Law Suit by a number of Environmental organizations over the 15 year Forest Management Plan that was released in late 2005. There were a number of times in that five month process that I had to correct the general geographic understanding because even the best of the agencies had not been able to field check the land.

You are suggesting wind zones, large wind zones with 450 foot wind mills on them on private in holdings in several places in this region. These need to be removed from your Ordinance. One cannot construct a 450 foot object in seriously rugged terrain without serious infrastructure such as cranes and roads, and continual maintenance. These are surrounded by Inventoried Roadless areas. They are but in holdings in a region that is largely managed by US Forest Service. When you drive up I-8 the signage even says "entering the Cleveland National Forest".

One of the responses to my other comments was, "remember these are only proposals and these have to go through our process." The smaller projects in this proposal actually are here because you want to eliminate that process. However you do not have any infrastructure around them, most especially the larger ones that can accommodate this

action. You are suggesting that we place met towers all over private lands next to IRAs in the forest without review. However NEPA does not allow this. NEPA says you must disclose make aware as soon into the process as possible. See Ryan's comments as well. The descriptions must be clear and unbiased enough for the public and the administrators to make an informed decision. That is not possible in this case because as I can attest several times over, the US Forest Service has not been there and does not necessarily have this information, *ibid* the legal issue above. (not to site anyone on the Forest –the current administrators are new-please, not about them, it's about our county and our lands) Per our lawsuit they are required now to do that work and are in the process of doing so. However I know for fact that they have not seen the areas that would have to be impacted by infrastructure such as the ones mentioned above, they have not been to. As a matter of fact to their credit, some of them attempted to last week and did not make it. I did get the Native Plant Society there and they are asking for much more review. There are also considerable Native American sites there. One of the major issues of the law suit now underway is that the scenic integrity was not properly evaluated. I can confirm this by conversations and emails that occurred during our collaborative and the conditions stated in the suit. On one occasion the forest Service confirmed an ongoing confusion over the word Inaja switching and confusing it to Inaja Reservation and Inaja Memorial Park in our communications. This confused two sub-watersheds and impacts both the head waters of the San Diego River as well as the most unspoiled , in fact almost untouched portions of Cedar Gorge next to the Inja Reservation.

Let's imagine you owned one of these ranches. Someone in another part of the country uses GIS to model wind and because you have a private island in the forest your property is targeted. The MET tower can be constructed without environmental review. Then and only then you decide to do an EIS to find out after two years of stress and controversy that all of the issues above are going to prevent construction. OR you are planning to railroad a project through anyway? NEPA is clear that this is not ok. You cannot get to these properties without Forest permitting through a NEPA process. What has to happen is both illegal and most definitely unethical.

And that is only the environmental part. There are many issues that must be disclosed that have not been and the Forest Service as we speak is addressing the deficiencies ordered by the 9th district Federal Court.

Further more, not only does NEPA make it clear that you must do the environmental review before any of these projects but also the final decision from the federal courts on IRA upheld that the IRA itself is the time when the EIS must be considered, and overruled the US Forest version that wanted it to be considered merely administrative. Likewise your ordinance as it is taken up in the Federal Forest would have to follow that precedent and not the one that says this is administrative until it happens. In the Forest according to the IRA rules it must follow NEPA as early as possible. That is public disclosure fully.

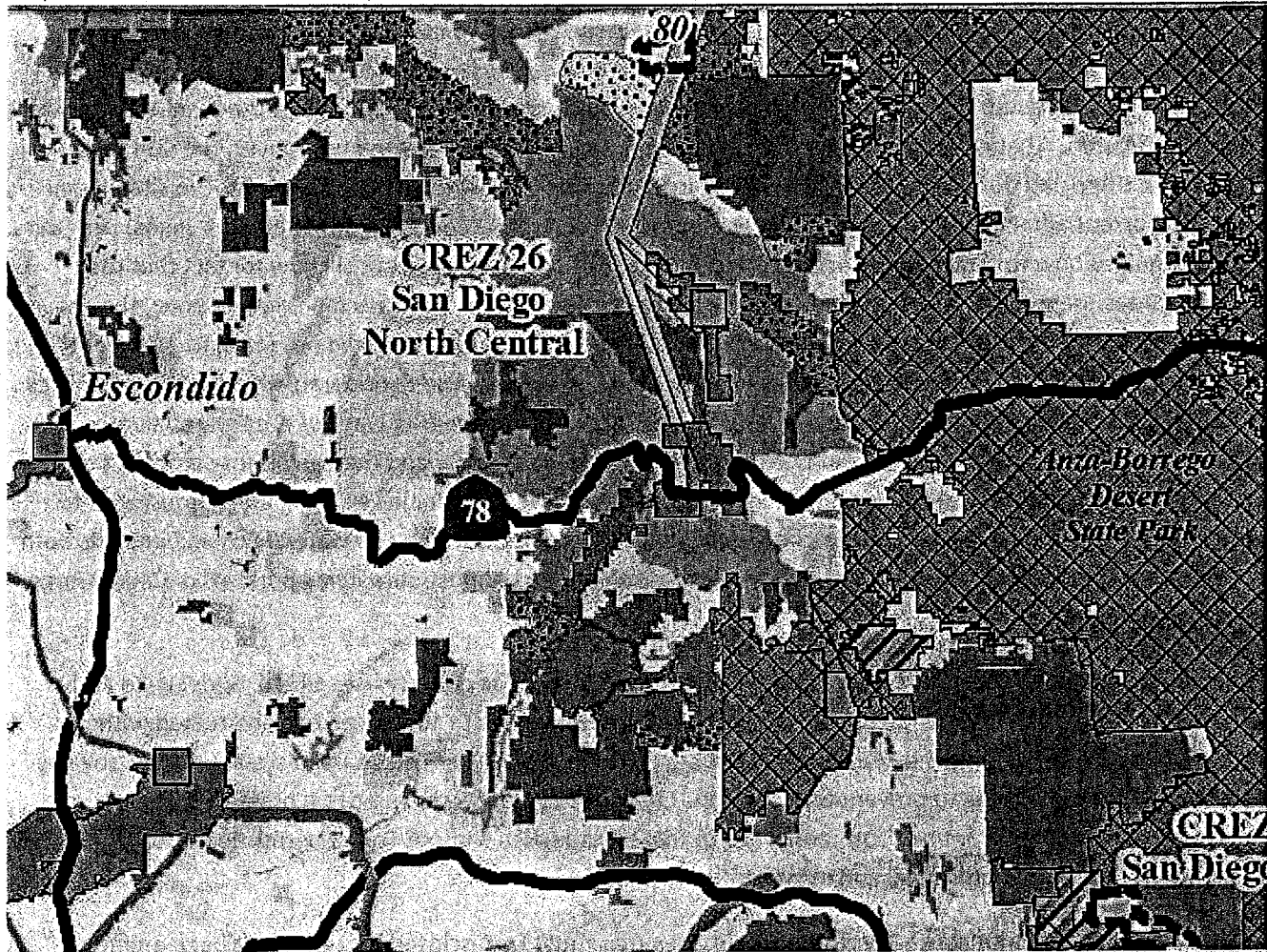
This definitely did not happen. See the following:

<http://www.energy.ca.gov/reti/documents/index.html>

Especially the following two:

<http://www.energy.ca.gov/2010publications/RETI-1000-2010-002/RETI-1000-2010-002-F.PDF>

http://www.energy.ca.gov/reti/documents/phase2B/CA_CREZ_Conceptual_Transmission_Segments_Phase_2B_final.pdf



In the conference by RETI in 2010 you will notice a man by the name of Carl Zichella touting the priority wind areas. I had not seen this until last fall. But Reti had been very busy. Most of San Diego has no idea they exist or what they were planning for us on our land. I forwarded to several groups. The Julian Planning group had not heard of RETI not before during or after the creation of the County plan, nor had Donna Tisdale who misses nothing nor had the US Forest Supervisor who logically would have been informed. No one. Why? Because Carl Zichella may be have been Carl Pope's energy advisor, and he may have been on RETI but he sure is not an elected official. He is at the National Resources Defense Council now but he left when members in the Sierra Club challenged the secrecy and lack of democracy in this process. Indeed it raises concern that members were manipulated out of basic federal rights to participate in this process that they believed was being done, while their leadership was investing in ways not disclosed to them. If it seems ironic that the Sierra Club that has been in suit after suit to enforce NEPA and CEQA did not abide by it themselves, you are in good company. I contend that these upper level environmental organizational leaders made decisions on behalf of all of us that we were never informed of nor could they have had adequate information to make them. If you will notice just last Friday the article in the LA Times about one of these decisions it will validate at least in a general way what happened.

<http://www.latimes.com/news/local/la-me-solar-green-20120406%2c0%2c1278620%2cfull.story>

I agree with this article, but I think the article sugar coated the issue. There is much more. I point out that some of these enviro representatives were also investing and getting grant money. A lot of money. They were reluctant **262** -

down right rude and marginalizing if we attempted to input. This is directly in violation of federal law if they assume to know the data but refuse to take it but are designated to be providing it. It could be a violation of making false statements. If you proceed without assuring the legitimacy of these proposals you could be too. If these wind companies have had meetings with these organizations as far as advising and technical information they cannot participate in the Procurement process as well, as a bidder. Remember I mentioned that Devenheim (not spelled correctly) Wind did so with the Sierra Club in 2009. I was briefly away from my committee at the time and when I returned upon consulting with Donna Tisdale in horror we did not endorse the intern's project.

If they have gone beyond that to actually donate money in exchange for privileged support from orgs with consultation rights as perceived in the above article, the Sierra Club National and NRDC national had, they could be in more trouble for insider trading. If they knowingly marginalized members we potentially could add racketeering.

I think you should be taking the time to find out. This is costly to the tax payers and stressful to all. The result of destroying the "crown jewel" of San Diego thanks to potential negligence on the part of Sierra Club National would be crushing to this community, not to mention mind blowingly ironic.

They had not been to these areas, certainly not the one above with any ability to review assess and consult. Hence whatever criteria or data they provided, I challenge as not NEPA compliant.

It gets worse though.

Someone wanted this route very badly. VERY badly. It's not like SDG&E themselves don't have alternatives to get north. They, someone, associated with wind, right there, wants it right there. Unlike the perceived bullying of SDG&E, I perceive wind company affiliates that will not stop there. They tried to accuse people in Boulevard of threatening behavior and were proven wrong-they failed to notice the meetings were taped. Opps. They tried to slander us who love the forest too, too. I had law enforcement at my door one morning. The concern closed but not before I questioned them for printing in a font that was not largely used yet outside of large companies and agencies, though unconfirmed. During that time, I had a man watching me at 2 am through my windows in North Park, while working on my rental. Subsequently someone told my insurance agent that the house was abandoned. The usual addenda of voyeurs? It had been rented for two months. I've rebuild three engines when I had only rebuilt one in the last 20 years prior, on one the thermostat was in backwards. I heard multiple reports of contractors threatened if they found Indian artifacts during Sunrise assessments. I invited friends to my appeal who were later threatened and told they could not volunteer at the Palomar Fire Watch. (an independent tower) I would have been all too happy to forget these concerns, if I had not noticed another pattern.

Four people are dead. Yup. Over the last four years. They were not just articulate they were leaders at what they did and their focus was right under the general option D route where these in holdings would pass. They all died of reasonable causes but also under rather unusual circumstances that were never totally confirmed. Any one by itself would go unnoticed. They were all heart/ nuero toxin like causes. Some of these new energy gods do have potential access to military items that could plausibly be used to get their opposition out of the way. Do I have a good imagination? I like to think so. Nevertheless, these four people, the ones I happen to be aware of, had collective leadership to have been a formidable opposition with excellent data, better than I could hope for, often better than the Forest Service, and right there. Now they are gone.

I hope this is not your legacy and vision for our community. As builders and environmentalists we come together and don't always agree. However, surely we can agree that there is no money or project worth sacrificing basic freedoms, civil rights and security over. This must be assured. I am most concerned that currently it is not.

Let's say under the bell curve there are a number of random things that happen. If the odds get out to the edges of that bell curve, the more likely stuff isn't just coincidence but has been acted upon by some outside influence indicating greater odds that something is not random but may have an influence behind it. Let's say that the odds that those leaders all passing away within three years of each other right there are low but not unheard of. Say maybe 20%. So an 80% chance that it's really just coincidence. Nevertheless, given a number of attacks by the new wind to bully in their projects I now have to worry, and be hyper vigilant. In America this is not ok. In San Diego where our military presence assures our freedom this is definitely not ok.

It's not hard to understand how it went unnoticed; but now that the issue is here, we have very lucrative projects in the billions collectively being proposed, people tempted with investments that have never studied investing or SEC and FTC laws before.

I told Michael Shames 4 years ago, that 700 million front loaded, as he liked to claim, was not enough to motivate Sunrise, and something else had to be afoot, something a power or two powers of 10 more lucrative. I was right. The 7000 page EIS for Sunrise did not clearly present this connected action according to the notes above. Only on a map at the end does it even hint that after all of that they may be wanting to come up Boulder Creek Road. This is not NEPA disclosure. Hinting is basically illegal in the world of NEPA. It's one or the other: If you know, you have to disclose, clearly. Clearly they did not. If you don't know than how is it on the map? I have yet to get this answer and I have tried and tried.

There is nothing here that I see that addresses protecting us from threats to us for speaking against them. There are federal whistleblower laws but this big money that comes to our door steps is not something we have had to consider. It is scary and high potential for organized crime and the violence that could accompany it. I do not want this culture in my community and I'm terrified that that is the door that is being opened wittingly or not. I would rather be poor and reading by candlelight than live under tyranny. I have very good company on this point all over our backcountry .

Due to the size of the money and potential for harm, there should be a plan to guard against it and respond to it. No oversight and boundaries seem to be in place specific enough to assure that individuals are protected from mal intent . It is an outlandish claim I know. But I've watched the circumstances and there are patterned to it. Yes the FBI was told and we should all be telling them anything we can. I do not buy that we are too small and unimportant. Everyone should be weighing in right now. These projects have come to us not the other way around, from people who in my opinion could not have quality data and are not in a position to encumber people's private lives before they acquire the proper information and perform the appropriate disclosures. Furthermore when asked they are not eager to communicate and often become indignant and attempt to be intimidating of people who know the land when they do not. I do not know for sure of course, but there has been so much adversarial encounters from people that were never at odds before, for so long when there did not use to be any of these concerns apparent. Reporting is the first step we all need to be taking.

Thank you for reviewing these concerns. I think you should remove the area from Ramona to Descanso to Julian, from your Ordinance once and for all. I do not favor this ordinance at all. This was specific to an area I know well. It is not an indication that I approve of the rest of it. The view from Crest Summit is stunning. I do not favor ruining it with massive wind. Clearly from the RETI information above that area was flown under the public radar every bit as much and more so. I am not convinced that large wind accomplishes the global warming goals that they claim. At the very least, I think you should table the rest of it for much more review for many of the same concerns.

Thank you for reviewing these serious concerns.

Sincerely,

Cindy Buxton

FAX # 1. 858. 694. 3373

To:

MATTHEW SCHNEIDER

DPLU

5201 RUFFIN RD. STE. B.

S. D., CA.

92123

From:

JEFFREY MCKERNAN

PO BOX 1209

BOULEVARD, CA.

91905

Cell 9. 746. 9185

RE: GPA & WIND ORDINANCE'S, BLVD. CORH. PLAN

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GOAL LU-6.6 IS "NOT CONSISTENT" BECAUSE IT DOES NOT INCORPORATE NATURAL FEATURES DUE TO THE TYPE OF PROJECT.

GOAL LU-10.2 IS "NOT CONSISTENT" BECAUSE IT CANNOT RESPECT AND CONSERVE NATURAL FEATURES AND RURAL CHARACTER BY INSTALLING INDUSTRIAL SCALE TURBINES AND MILES OF 138 KV TRANSMISSION LINES.

GOAL LU-10.4 IS "NOT CONSISTENT" BECAUSE IT IS AN INDUSTRIAL SCALE PROJECT THAT WILL SELL ELECTRICITY TO THE COMMERCIAL MARKET. (COMMERCIAL - MADE, DONE OR OPERATING PRIMARILY FOR PROFIT). TURBINES THAT STAND UP TO 500 FT. TALL, WITH BLADES THAT TURN AT OVER 100 M.P.H., GENERATE NOISE AND VIBRATIONS, HAVE FLASHING WHITE AND RED LIGHTS, AND POSE SERIOUS RISKS TO HUMANS AND WILDLIFE ARE NOT "PASSIVE IN NATURE". (PASSIVE - SUBMISSIVE, YIELDING, PATIENT, NOT EXERTING INFLUENCE)

GOAL LU 11.2 IS "NOT CONSISTENT" BECAUSE IT IS NOT COMPATIBLE WITH THE UNIQUE CHARACTER OF THE COMMUNITY. THE PROJECT IS A COMMERCIAL AND INDUSTRIAL DEVELOPMENT.

(INDUSTRY - ANY LARGE SCALE BUSINESS ACTIVITY)
(INDUSTRIAL - CHARACTERIZED BY INDUSTRIES, OF, CON-

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(CONNECTED WITH, OR RESULTING FROM INDUSTRY)

(INDUSTRIALIZE - TO MAKE INDUSTRIAL - ESTABLISH OR DEVELOP INDUSTRIALISM)

GOAL COS 11.1 IS "NOT CONSISTENT" BECAUSE THE TURBINES AND TRANSMISSION LINES WILL DESTROY SIGNIFICANT SCENIC VISTAS AND NATURAL FEATURES INCLUDING PROMINENT RIDGELINES, DOMINANT LANDFORMS AND SCENIC LANDSCAPES.

GOAL 1 POLICY 3 - IS "NOT CONSISTENT" BECAUSE "INDUSTRIAL ELEMENTS" ARE IDENTIFIED IN THE AREA (WIND TURBINES AND 500KV SUNRISE POWERLINK) AND THE PROJECT WOULD ADD ADDITIONAL INDUSTRIAL ELEMENTS.

POLICY LU 1.1.4 IS "NOT CONSISTENT" BECAUSE SELLING ELECTRICITY IS COMMERCE, THEREFORE THE PROJECT IS COMMERCIAL.

WIND ORD,

2.3-11 BOTH SECTIONS STATE THAT FUTURE

2.4-28 PROJECTS AND LOCATIONS ARE UNKNOWN

AT THIS TIME. THIS IS FAR FROM THE TRUTH. THE COUNTY IS WELL AWARE OF THE CUMULATIVE PROJECTS AS IS DUDEK WHO WROTE THE EIR /EIS FOR TULE, EOD AND ESJ. HOW COULD THESE PROJECTS HAVE BEEN MISSED?

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DUDER SHOULD PRESENT A COPY OF THEIR EIR/EIS TO THE COUNTY.

2.3-17 BECAUSE SECTION 6318 OF THE COUNTY'S ZONING ORD. REQUIRES COMPLIANCE BY ALL COMMERCIAL AND INDUSTRIAL USES AS WELL AS ALL FUTURE PROJECTS, THIS AFFIRMS THAT TULE WIND IS AN INDUSTRIAL AND COMMERCIAL PROJECT.

S1-1 "... BUT CONTINUE TO PROHIBIT LARGE WIND TURBINES IN AREAS WHERE VIEWSHEDS WOULD BE ADVERSELY IMPACTED." TULE WIND WILL HAVE CLASS 1 UNMITIGABLE IMPACTS.

S1-5 IF THE "ECONOMIC, SOCIAL, TECHNOLOGICAL AND OTHER RELEVANT BENEFITS MUST BE CONSIDERED OVER ADVERSE ENVIRONMENTAL EFFECTS, THEN THE NEGATIVE IMPACTS TO ECONOMIC, SOCIAL, TECHNOLOGICAL MUST ALSO BE EXAMINED, SUCH AS THE LOSS OF PROPERTY VALUES. THE MCCANN APPRAISAL LLC HAS BEEN SUBMITTED BY THE BLVD. PLANNING GROUP.

2.4-30 (THELANDER ET AL. 2003) IS OUTDATED AND GREATER RISKS TO GOLDEN EAGLES HAVE BEEN IDENTIFIED BY WIND TURBINES.

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2.10.1 THIS SECTION STATES THAT MANY VIEWS WOULD BE TRANSFORMED FROM PREDOMINATELY NATURAL OR MIXED NATURAL AND COMMUNITY SETTINGS TO LANDSCAPES WITH STRONG INDUSTRIAL CHARACTERISTICS. THIS CONFIRMS THAT WIND TURBINES ARE INDUSTRIAL BECAUSE THEY ARE TYPICAL AND DISTINCTIVE.

2.10.3 " SOME BIRDS AND BATS COULD BE KILLED THROUGH COLLISIONS WITH THE WIND TURBINES AND POWER LINES, HOWEVER, POPULATIONS OF INDIVIDUAL SPECIES WOULD NOT BE ELIMINATED AND THE IMPACTS TO POPULATIONS WOULD NOT BE IRREVERSIBLE." THIS IS AN ARROGANT AND UNJUST STATEMENT. THE INDUSTRY DOES NOT RELEASE AVIAN MORTALITY STUDIES.

GOLDEN EAGLES, HAWKS, OWLS, BATS, SONGBIRDS, ARE BEING KILLED IN RECORD NUMBERS IN STUDIES DONE OUTSIDE THE INDUSTRY.

IN 2009 THE NORTHERN WHITE AFRICAN RHINOCEROS WAS LISTED AS EXTINCT. IN OCTOBER 2011, IT WAS OFFICIALLY DECLARED EXTINCT IN THE WILD. THE SAN DIEGO ZOO SAFARI PARK HAS 2 OF THE REMAINING 6 LEFT IN THE WORLD.

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2.8-12

C. WEIGHTED NOISE WAIVER MUST BE REMOVED BECAUSE IT BECOMES A FREE PASS FOR PROJECTS NOT TO COMPLY.

Z.B. DOES NOT STATE WHAT SPECIFIC ECONOMIC, SOCIAL OR TECHNOLOGICAL BENEFITS ARE. NEGATIVE ECONOMIC AND SOCIAL EFFECTS MUST ALSO BE IDENTIFIED.

POST CONSTRUCTION SOUND MEASUREMENTS WILL BE REQUIRED. WHEN THE PROJECT IS NOT IN COMPLIANCE, THERE ARE NO RECOMMENDATIONS OR REQUIREMENTS AS TO THE OUTCOME, OR WHAT ACTIONS NEED TO BE TAKEN.

BOULEVARD COMMUNITY PLAN

THE BOULEVARD PLANNING GROUP DID AN OUTSTANDING JOB ON THEIR COMMUNITY PLAN. THE PLANNING GROUP WAS OVERWHELMINGLY ELECTED ON A PLATFORM TO PROTECT AND PRESERVE THE COMMUNITY CHARACTER AND LIFESTYLE ALONG WITH THE RUGGED WILDERNESS.

THE BOULEVARD RESIDENTS SPOKE LOUDLY THROUGH THE ELECTORAL PROCESS THAT THEY DID NOT WANT INDUSTRIAL ENERGY PROJECTS, OR LARGE SCALE COMMERCIAL OR

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RESIDENTIAL.

THE PROJECT IS INCONSISTENT WITH,

GOAL LU 1.1

POLICY LU 1.1.1 (RENEWABLE PROJECTS ARE INDUSTRIAL)

" " 1.1.2

" " 1.1.3 (NATURAL FEATURES CANNOT BE INCORPORATED)

POLICY LU 1.1.4 (THE PROJECT WILL SELL ELECTRICITY ON THE COMMERCIAL MARKET)

GOAL LU 1.3

POLICY LU 1.3.2

GOAL LU 6.1

POLICY LU 6.1.1

" " 6.1.2

" " 6.1.3

" " 6.1.4

GOAL CM 8.5

POLICY CM 8.5.1

THESE INCONSISTENCIES ARE SUBSTANTIAL AND SHOULD NOT BE AMENDED.

THE GENERAL PLAN AND COMMUNITY PLAN WERE ADOPTED BY THE BOARD OF SUPERVISORS.

THE COUNTY STAFF NEEDS TO LEAVE THE LANGUAGE IN THE DOUGLEND COMMUNITY PLAN AS IT WAS WRITTEN AND ADOPTED.

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PG 16 Policy LU 1.1.1 - RENEWABLE ENERGY PROJECTS ARE INDUSTRIAL.

Policy LU 1.1.2 "REQUIRE" MUST BE LEFT IN FOR PROTECTION. ENCOURAGING WILL NOT WORK AND MEANS PROJECTS WOULD NOT HAVE TO COMPLY. (WILLY NILLY?)

Policy LU 1.1.3 "REQUIRE" MUST BE LEFT IN FOR PROTECTION OF THESE VALUABLE RESOURCES

PG. 18 Policy 1.2.1 "INDUSTRIAL" MUST BE LEFT IN.

Policy LU 1.2.2 RENEWABLE PROJECTS REQUIRE REGIONAL INFRASTRUCTURE.

PG 23 ISSUE LU-6.1 - LARGE SCALE ENERGY PROJECTS ARE INDUSTRIAL... IF THEY CAN IMPACT (NEGATIVELY) COMMUNITY CHARACTER, AND OVERALL QUALITY OF... - RURAL LIFESTYLE, THEN PROPERTY VALUES WILL BE IMPACTED.

Policy LU 6.1.1 - LARGE SCALE ENERGY GENERATION PROJECTS ARE INDUSTRIAL AND COMMERCIAL.

PG 24 Policy LU 6.1.2 "REQUIRE" : : MUST BE LEFT IN. ENCOURAGE LEAVES TOO MUCH ROOM FOR INTERPRETATION.

Policy LU 6.1.4 - MUST REMAIN. ADVERSE HEALTH IMPACTS MUST REMAIN. THEY ARE IDENTIFIED IN TULE RIVER/EIS AND THE COUNTIES

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OWN WIND ORDINANCES.

ADVERSE PROPERTY VALUES MUST REMAIN BECAUSE AS VIEWSHED AND QUALITY OF LIFE, AS WELL AS NOISE LEVELS ARE NEGATIVELY IMPACTING RESIDENTS, SO WILL PROPERTY VALUES BE IMPACTED.

PG 32 Policy 8.6.2 MUST REMAIN TO PROTECT HIGH RISK FIRE AREAS AND GROUNDWATER DEPENDANT COMMUNITIES.

IMPLEMENTATION PROG. CM 8.6.1 MUST REMAIN TO INFORM AND PROTECT RESIDENTS

PG 38 4.1 MUST REMAIN. THESE ARE TRULY VALID CONCERNS

PG 41 5.1 - INDUSTRIAL MUST REMAIN ALONG WITH HEALTH IMPACTS, LOSS OF PROPERTY VALUES, AND QUALITY OF LIFE.

5.2 ISSUE N 2.1 - CONTINUOUS NOISE LEVELS, THAT ARE "AND CREATE A NUISANCE DO MORE THAN "DISRUPT THE QUIET ENJOYMENT OF ONE'S PROPERTY". IN SECT. 2.8 NOISE IS IDENTIFIED AS A HEALTH ISSUE. CONSTANT NOISE (MOST PROJECTS WILL BE OPERATING FOR 30 YEARS) WILL HAVE SIGNIFICANT NEGATIVE PROPERTY AND HEALTH IMPACTS.

THESE ARE ALL LEGITIMATE CONCERNS THAT THE COUNTY HAS OBVIOUSLY DECIDED AREN'T NECESSARY OR ARE IN THE

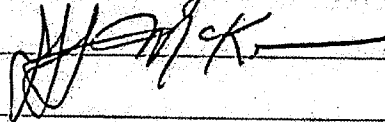
9

McKERNAN

WAY OF THE WIND INDUSTRY WHO
APPARENTLY HAVE HAD A VERY HEAVY HAND
IN THE WIND ORDINANCE AND THE DIS-
MANTLING OF THE BOULEVARD COMMUNITY
PLAN. I GUESS THIS IS HOW YOU GET
HIRED BY THE PRIVATE SECTOR WIND AND
SOLAR INDUSTRY.

Thank You,

Sincerely,



JEFFREY MCKERNAN

PO BOX 1209

BOULEVARD, CA.

91905

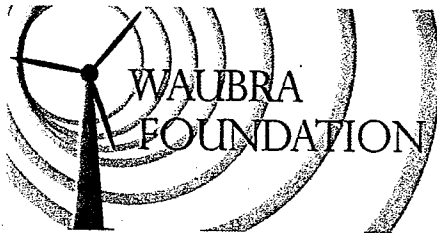
619.766.9185

LATE SUBMITTAL

MAY 11 2012

Received by the
San Diego County
Planning Commission

11th May, 2012



WIND TURBINE ACOUSTIC POLLUTION ASSESSMENT REQUIREMENTS

On behalf of the many people around the world, suffering acute and chronic health damage from living near wind turbines, the Waubra Foundation demands that relevant authorities initiate:

- *full frequency spectrum acoustic monitoring inside and outside the homes and workplaces of people claiming health problems caused by the proximity of operating wind turbines;*
- *the monitoring must be conducted for sufficient time, under the weather and wind conditions indicated by victims as being contributive to their symptoms;*
- *measurements must specifically include, infrasound and low frequency noise, (dBZ or dBLin, dBA, dBC, & dBG).*

The noise monitoring must be performed by accredited acousticians demonstrably independent of the wind industry, approved by the sufferers, and in a manner that will avoid any deliberate manipulation of turbine operation to reduce the acoustic emissions during testing. The results (including all the raw data and associated sound files) must be made available to all parties.

The Rationale for These Demands

- Most health practitioners are well aware of the links between chronic severe sleep deprivation¹ chronic stress² and poor physical and mental health. This is exactly what residents living near wind turbines are experiencing,³ together with other specific symptoms directly correlating with acute exposure to this sound energy.^{4,5,6,7}
- Knowledge of the damage to health from exposure to infrasound⁸ and low frequency noise⁹ (ILFN) has been known for many years. Despite this, little is known about the current exposure levels of residents to ILFN emissions from wind turbines inside their homes.
- The link between chronic exposure to low frequency noise and chronic physiological stress, even when asleep, was clearly highlighted by Professor Leventhall et al in 2003.¹⁰
- Most medical practitioners have been unaware of the problems associated with exposure to ILFN. This ignorance has not been helped by acousticians and others calling such problems “annoyance” without accurate clinical diagnoses.¹¹
- These symptoms have been reported to occur specifically with exposure to operating wind turbines by medical practitioners since 2003.^{12,13,14,15,16,17} Symptoms have been reported by acousticians, health practitioners and residents from countries including Denmark, Sweden, Germany, United Kingdom, France, United States, Canada, New Zealand and Australia.
- Symptoms have been reported historically up to 4 km from the nearest wind turbine, and more recently characteristic symptom patterns have been reported at distances up 10km away from the nearest wind turbine¹⁸. This is described especially with larger wind turbines (eg 3MW), and on occasions even further away, where turbines are sited at altitude¹⁹ or near expanses of water.
- These health problems consistently worsen over time, until the exposure ceases. Families are being advised by their treating doctors to leave their homes in order to regain their health. Many have nowhere else to go, and cannot sell their homes, so they become homeless “wind farm refugees”. Others remain trapped, unable to move²⁰.

- Professors Moller and Pedersen, from the University of Aalborg in Denmark, have confirmed that larger more powerful wind turbines emit more low frequency sound waves as a proportion of their sound emissions²¹. These emissions are known to easily penetrate through the walls, roofs, and windows of homes and workplaces, due to the lower transmission loss of low frequencies.
- Recent acoustic survey work in the USA (Falmouth)²² and Australia (NSW)²³ has confirmed that low frequency noise and pulsatile infrasound emitted by wind turbines have been measured inside the homes and workplaces of sick people, and occur when they are experiencing the symptoms of Wind Turbine Syndrome.
- Currently governments around the world do not require measurement of the full sound and vibration spectrum, do not require measurement **inside** homes and workplaces, do not require evaluation of sleep or other disturbances, but instead limit almost all assessment to audible noise (dBA) only, **outside** homes and workplaces.

Summary

The plight of people made ill by wind turbine acoustic pollution has been universally ignored by their respective governments.

The current noise assessment practices and standards are incompetent and unacceptable, and must be changed to include full spectrum acoustic monitoring inside homes and workplaces as a matter of urgency.

References

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2. **McEwen, Bruce** "Protective and Damaging Effects of Stress Mediators" *NEJM* 1998, 338 171-179
3. **Shepherd, Daniel et al** "Evaluating the impact of wind turbine noise on health-related quality of life" *Noise & Health*, September-October 2011, 13:54,333-9 <http://www.wind-watch.org/documents/evaluating-the-impact-of-wind-turbine-noise-on-health-related-quality-of-life/>
4. **Pierpont, Dr Nina** "Wind Turbine Syndrome, A report on a Natural Experiment" Published by K Selected Books, Santa Fe NM 2009 www.windturbinesyndrome.com see also <http://www.wind-watch.org/documents/wind-turbine-syndrome-excerpts-from-the-executive-summary/>
5. **McMurtry, Professor Robert** "Toward a Case Definition of Adverse Health Effects in the Environs of Industrial Wind Turbines: Facilitating a Clinical Diagnosis" *Bulletin of Science Technology and Society* 2011 31:316 <http://bst.sagepub.com/content/31/4/316>
6. **Phillips, Prof Carl V** "Properly interpreting the Epidemiological evidence about the health effects of Industrial Wind turbines on nearby residents" *Bulletin of Science, Technology and Society* vol 31 No 4 (August 2011) pp 303 – 315 <http://www.wind-watch.org/documents/properly-interpreting-the-epidemiologic-evidence-about-the-health-effects-of-industrial-wind-turbines-on-nearby-residents/>
7. **Leventhall, Benton & Pelmear** May 2003, A report for DEFRA "A review of published Research on Low Frequency Noise and its Effects" <http://archive.defra.gov.uk/environment/quality/noise/research/lowfrequency/>
8. **NIEHS** (National Institute of Environmental Health Sciences) November 2001, "Infrasound Brief Review of Toxicological Literature"
9. **Leventhall, Benton & Pelmear**, May 2003 op cit
10. **Leventhall, Benton & Pelmear**, May 2003 op cit Section 10

11. **Pederson & Wayne**, "Perception and Annoyance due to wind turbine noise – a dose-response relationship" in J Acous. Soc. Am. 116 (6) 2004 pp 3460-70
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<http://bst.sagepub.com/content/31/4/316>
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17. **Laurie, Dr Sarah** Medical Director, Waubra Foundation, Submission to the Australian Federal Senate Inquiry into Rural wind Farms, February 2011, accessible via www.waubrafoundation.com
18. **Waubra Foundation** Submission to the NSW Department of Planning, March 2012, at <http://www.wind-watch.org/documents/response-to-nsw-planning-department-draft-guidelines-for-wind-developments/>
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20. <http://www.wind-watch.org/news/2012/03/09/letter-to-australian-prime-minister-from-dr-sarah-laurie/>
21. **Moller & Pedersen** "Low Frequency Noise from Large Turbines" J Acoustical Society America 2011 129: 3727 – 3744 <http://www.wind-watch.org/documents/low-frequency-noise-from-large-wind-turbines-2/>
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<http://www.wind-watch.org/documents/review-of-nsw-draft-wind-farm-guidelines/>

Schneider, Matthew

From: Donna Tisdale [tisdale.donna@gmail.com]
Sent: Friday, April 06, 2012 4:19 PM
To: Schneider, Matthew; Slovick, Mark
Subject: Wind Energy Ordinance & PPlan Amend
Attachments: Wind Ener Ord DEIR BAD_POC revised final comments 1-24-12.pdf; EXPLICIT CAUTIONARY NOTICE.pdf; Health Warning - EPAW_NAPAW_11 dec 2011.pdf; VAD-press-release-070531.pdf; Cumulative Renewable Projects as of 1-23-12.pdf

To: Matthew Schneider and Mark Slovik,

RE: POD 10-007 Wind Energy Ordinance & Plan Amendment

My apologies, again, for not getting the Boulevard Planning Group's finalized comment letter submitted in a timely manner.

In the intermim, I am providing the following information, and attachments, for the record, and hope to provide the finalized comment letter prior to the April 13 Planning Commission hearing.

I am also requesting some extra time to make a power point presentation at the April 13 hearing.

Thank you
Donna Tisdale, Chair
Boulevard Planning Group
619-766-4170

At our regular meeting held on December 1, 2011, the following actions were taken to oppose these projects however, our minutes have not yet been approved:

Item 5C: Tule Wind Major Use Permit 3300 09-019, General Plan Amendment 3800 11-001, Log NO. 09-021-002:

M/S Hall/ Lawrence – Approve Chair to revise previous comments opposing Tule Wind MUP and GPA and to include additional comments, concerns, and items discussed. Oppose all revisions to our community plan. Go on record that turbines are not a civic use, they are commercial industrial energy projects. Specify definition small vs. large turbines. Passes 6-0-0

Item 5 E: County Revised Wind Energy Ordinance and Plan Amendment Draft EIR:

M/S Lawrence/McKernan: Approve draft resolution content (in opposition) with recommended changes; Allow Chair to add additional amendments, supplements, and member comments; incorporate by reference the comment letter submitted by Backcountry Against Dumps and The Protect Our Communities Foundation (on Wind Energy Ordinance & Plan Amend): Approved 6-0-0

- 1) WE STRONGLY REQUEST A COUNTY-WIDE MORATORIUM ON LARGE-SCALE INDUSTRIAL WIND TURBINE PROJECTS AND THE INITIATION OF LEGITIMATE INDEPENDENT SCIENCE-BASED MEDICAL EPIDEMIOLOGICAL FIELD AND LABORATORY AND RESEARCH TO DETERMINE WHAT, IF ANY, SETBACKS[1], [2] FROM OPERATING LARGE WIND TURBINE PROJECTS ARE ADEQUATE TO PROTECT BASIC CIVIC AND HUMAN RIGHTS, PUBLIC HEALTH AND SAFETY[3], [4], and other critical resources from direct, indirect[5], and cumulative project-related emissions[6] / impacts / effects , including ELF, EMF, Radio Frequency radiation [7], [8], [9], [10], microwave radiation[11], [12], and the need for backup / load balancing

generation[13] that is usually gas-fired / peaker power plants[14] , [15], [16]and related increased emissions [17], increased risk of fire[18] and impediment to fire fighting is also a major concern.

2) WE STRONGLY OPPOSE THE PROPOSED DRAFT EIR FOR THE WIND ENERGY ORDINANCE; THE GENERAL PLAN AMENDEMENT ; AND THE REDUCED TURBINE PROJECT ALTERNATIVES[19] BASED ON, BUT NOT LIMITED TO, THE FOLLOWING REASONS:

- Proposed changes represent at least 24 significant adverse impacts that reportedly cannot be mitigated below a level of significance.[20]
- Potential transformation of over 800,000 acres [21] of San Diego County's quiet rural communities, sensitive habitats[22], [23]and iconic uncluttered open landscapes into industrial energy export sacrifice zones meant to serve distant urban/ suburban areas[24], [25], [26],[27],[28].
- Lack of empirical unbiased data to support the proclaimed safety, reliability, lack of emissions, GHG benefits, cost/ benefit analysis , economic viability of large-scale commercial industrial wind energy.
- Lack of legitimate cumulative impact projects list, and/or selection of those that are relevant to the project proposal and disproportionate adverse impacts to targeted areas that include the Boulevard Planning Area
- (AT PAGE 15) Amending Section 7359 FINDINGS REQUIRED FOR PARTICULAR USE PERMITS for Large Wind Turbines removing protections for impacted communities represents an unconscionable and unsupportable double standard between communities and resources located within known wind resource areas and those that are not.

3) WE STRONGLY SUPPORT THE NO PROJECT ALTERNATIVE AS BEING THE MOST PROTECTIVE OF THE FOLLOWING:

- The Recently approved General Plan Update [29], Community Plans & Rural communities [30]
- The Boulevard Community Plan[31]: Boulevard is the most highly and disproportionately impacted rural community, followed by Jacumba, as demonstrated by the cumulative project maps that are already outdated.[32]. The Boulevard Community Plan is singled out for amendments to remove long fought protections for people, property, views, and other valuable resources, certified by the Board of Supervisors' August 2011 General Plan Update approval, and to allow industrial wind turbine projects . However, the Borrego Community Plan will be amended to disallow industrial wind turbines in order protect their viewsheds. WE agree that Borrego viewsheds should be protected, but why are Borrego viewsheds more valuable than Boulevard's?
- Rural residents and [33] ,[34], socioeconomics[35] ,[36],[37] ,[38], in and around Alpine, Boulevard, Borrego Springs, Campo, Descanso, Jacumba, Julian, Pine Valley, Potrero, Ramona, Santa Ysabel, Warner Springs, Ocotillo Wells, and any other impacted rural community, many of which qualify as low-income communities located in High Fire Severity Zones[39].
- Eco regions [40] , habitats, wildlife migration corridors, and related at-risk resources [41], [42] ,[43]
- Military and Homeland Security Training & Operations, Routes of Travel , and emergency services aviation and communications[44],[45] .

4) WE STRONGLY REQUEST THAT ANY WIND TURBINE PROJECTS THAT MAY OVERCOME INTENSE OPPOSITION AND THE EXPECTED LITIGATION, AND SUCCEED IN MOVING FORWARD, BE REQUIRED TO PROVIDE PROPERTY VALUE GUARANTEE (PVG) AGREEMENTS as recommended by professional real estate appraisers [46] who are not beholden to the wind industry.[47]. PVG Agreements are usually opposed by the wind industry , such as Tule Wind's developer, Iberdrola[48]- and their supporters, with willful blindness and false claims that there are no adverse impacts on property values.

5) WE STRONGLY SUPPORT BETTER, LESS INVASIVE, LESS DESTRUCTIVE, LESS LAND INTENSIVE, LESS EXPENSIVE ALTERNATIVE ENERGY OPTIONS, INCLUDING MUCH SMALLER POINT OF USE VERTICAL AXIS WIND TURBINES[49], SOLAR PV, PLUG IN SOLAR CPV UNITS, FUEL CELLS[50], GEOTHERMAL HEAT / COOLING PUMPS[51]--ALL FOLLOWING ENERGY EFFICIENCY AND CONSERVATION MEASURES

[1] Explicit Cautionary Notice To Those Responsible for Wind Turbine Siting Decisions:

<http://waubrafoundation.com.au/Y2NpZD0xJmNhaWQ9MTMmYWlkPSZjcmM9MTQ0OTg1MjMyOA%3D%3D>

[2] Wind turbines and public safety: Setbacks matter: <http://www.windaction.org/faqs/33327>

[3] A Summary of new Evidence: Adverse Health Effects and industrial wind turbines: <http://www.epaw.org/documents.php?lang=en&article=ns25>

[4] Bill of Rights for remedying objectionable flows of electrical current:

<http://www.electricalpollution.com/documents/AB529.pdf>

[5] Radio interview with experts related adverse economic, safety, and other related costs: <http://www.wind-watch.org/documents/pat-miller-on-wind-turbines/>

[6] EMF/ RFR/ transient dirty electricity ground currents: <http://www.electricalpollution.com/>

[7] American Academy of Environmental Medicine letter to PUC Jan 19-12:

<http://www.magdahavas.com/wordpress/wp-content/uploads/2012/01/AAEM-Resolution.pdf>

[8] <http://www.magdahavas.com/what-do-dancing-cows-and-zapped-dogs-have-in-common/>

[9] Examples of Effects Found in Research, and Corresponding Epidemiological Findings:

<http://emfwise.com/science.php>

[10] Biological Effects from EMF: http://www.magdahavas.com/wordpress/wp-content/uploads/2010/11/Blake_Levit-Henry_Lai.pdf

[11] 18 Peer-Reviewed resolutions/ appeals: Biological and health effects related to EMF/ RFR:

<http://www.magdahavas.com/2011/06/12/international-experts'-perspective-on-the-health-effects-of-electromagnetic-fields-emf-and-electromagnetic-radiation-emr/>

[12] IARC Monographs on the Evaluation of Carcinogenic Risks to

Humans <http://monographs.iarc.fr/ENG/Meetings/vol102-participants.pdf>

[13] [ftp://ftp.cpuc.ca.gov/ElectricGenerationPerf/Map of Fossil Fuel Plants 5 12 11.pdf](ftp://ftp.cpuc.ca.gov/ElectricGenerationPerf/Map%20of%20Fossil%20Fuel%20Plants%205%2012%2011.pdf)

[14] Wind and Gas Back-up or Back-out?: <http://www.wind-watch.org/documents/wind-and-gas-back-up-or-back-out-that-is-the-question/>

[15] 300 MW Pio Pico Energy / SDGE has PPA:

[http://www.energy.ca.gov/sitingcases/piopico/documents/applicant/2012-01-](http://www.energy.ca.gov/sitingcases/piopico/documents/applicant/2012-01-24)

[24](http://www.energy.ca.gov/sitingcases/piopico/documents/applicant/2012-01-24) Applicant Letter to Eric Solorio Re SDAPC Notice TN-63442.pdf

[16] SDGE 100MW Quail Brush Peaker plant to support renewables:

<http://www.energy.ca.gov/sitingcases/quailbrush/index.html>

[17] <http://www.wind-watch.org/documents/windmills-increase-fossil-fuel-consumption-and-co2-emissions/>

[18] Altona Wind Turbine Catches Fire: <http://www.wptz.com/news/30324377/detail.html#ixzz1kovDGJ3p>

[19] Wind Energy Ord & GP Amendment DEIR: POD 10007: <http://www.sdcounty.ca.gov/dplu/ceqa/POD10007.html>

[20] POD10007: S.3: Page S.1-4

[21] POD 10007: S

[22] <http://www.cpuc.ca.gov/environment/info/dudek/ecosub/Tule%20ABPP%20signed%20Memo%2010-4-11.pdf>

[23] The Costs of Chronic Noise Exposure for Terrestrial Organisms http://works.bepress.com/jesse_barber/1/

[24] <http://sdge.com/sites/default/files/documents/ECOSubstationProjectMap.pdf>

[25] ECO Substation designed to expand to at least 4800 MW (5-500kV plus) see page 8 of linked SDG&E Application A09-08-003:

http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/SDG&E%20ECO%20Application_A0908003.pdf

[26] Invenergy/SDGE/Campo Band: Shulluk Wind: <http://www.gpo.gov/fdsys/pkg/FR-2011-05-20/html/2011-12416.htm>

[27] Enel Green Power; Jewel Valley Wind: <http://www.jewelvalleyproject.com/overview.asp>

[28] ECO Substation, Tule Wind, ESJ Gen-Tie EIR/EIS: <http://www.cpuc.ca.gov/environment/info/dudek/ecosub/ecosub.htm>

[29] <http://www.sandiegocountynews.com/2011/08/04/county-supervisors-approve-general-plan-update/>

- [30] <http://www.wind-watch.org/news/2011/02/06/the-case-against-industrial-wind-turbines/>
- [31] Boulevard Community Plan:
http://www.sdcounty.ca.gov/dplu/gpupdate/docs/BOS_Aug2011/C.2_10a_BOULEVARD_08.03.11.pdf
- [32] Attached Cumulative Projects Overview map provided by Patrick Brown in Jan 2012
- [33] E-coustic solutions comments and extensive references on adverse effects/impacts related to wind turbines: <ftp://ftp.co.imperial.ca.us/icpds/eir/ocotillo-express/combined-04-public-02-p170-through-p269-sm.pdf>
- [34] <http://www.thisisdevon.co.uk/Farmer-given-anti-depressants-overcome-wind-farm/story-15030725-detail/story.html>
- [35] <http://www.ofa.on.ca/uploads/userfiles/files/ofa%20position%20statement%20on%20industrial%20wind%20turbines.pdf>
- [36] Effects of electrical shocks on cattle: <https://www.msu.edu/user/hillman/elecshok.htm>
- [37] Wind Farm Kills Taiwanese Goats: <http://news.bbc.co.uk/2/hi/8060969.stm>
- [38] Wind farm shut down after death of young bullock in field:
<http://www.pressandjournal.co.uk/Article.aspx/2357094>
- [39] http://frap.cdf.ca.gov/webdata/maps/san_diego/fhszl_map.37.pdf;
http://www.fire.ca.gov/fire_prevention/fhsz_maps/fhsz_maps_sandiego.php
- [40] http://www.sdcounty.ca.gov/dplu/mscp/docs/east_mscp_ecoregions_8x11.pdf
- [41] http://www.sdcounty.ca.gov/dplu/mscp/ec_species.html
- [42] http://www.sdcounty.ca.gov/dplu/mscp/ec_biology.html
- [43] http://www.sdcounty.ca.gov/dplu/mscp/docs/ECMSCP/East_County_Focal_Speceis_List.pdf
- [44] http://www.savewesternny.org/pdf/windfarms_effects_public_radio_systems.pdf
- [45] <http://www.wind-watch.org/news/2012/01/26/wind-turbine-would-interfere-with-raf-radar/>
- [46] <http://www.wind-watch.org/news/2012/03/30/property-value-losses-near-wind-turbines-greater-than-previously-thought-appraisers-say/>
- [47] Zoning Evaluation and Property Values: <http://www.wind-watch.org/documents/zoning-evaluation-and-property-value-impact-study/>
- [48] Iberdrola Threatens to Leave: <http://www.ogd.com/article/20101208/OGD01/312089904/-1/ogd01>
- [49] <http://dabiri.caltech.edu/research/wind-energy.html>; <http://dabiri.caltech.edu/research/wind-energy.html>
- [50] <http://www.clearedgepower.com/>
- [51] <http://www.popularmechanics.com/science/energy/hydropower-geothermal/4331401>

Schneider, Matthew

From: Britta Lee Shain [howlingcoyote@teepeemusic.com]
Sent: Thursday, October 04, 2012 4:05 PM
To: Schneider, Matthew
Subject: Wind Energy Ordinance Amendment

Hey, Matthew: It probably looks better like this...If you could please forward this revised letter to the proper authorities, it would be greatly appreciated...

October 4th, 2012

Re: WIND ENERGY ORDINANCE AMENDMENT

Attention: San Diego County Board of Supervisors

To whom it may concern:

We are, what I can best characterize as, the "victims" of wind turbine abuse. We live in an extremely quiet area of the Anza-Borrego desert where there are only a handful of houses, many unoccupied for most of the year. We began our complaint process in February of 2008 when we first learned that our next door neighbor was about to erect a 50' tower approximately 160 feet from our property line, directly west of our home. At the time, despite our protest, the county approved a permit for a Skystream 3.7 Wind Turbine located at 35481 Great Southern Overland, Julian, Ca 92036. Here is some of what we have learned in the 4 years hence:

1. Living next door to a wind turbine has an extremely negative impact on our quality of life. We live in an area that is windy enough to spin the turbine approximately 4 - 5 out of every 7 days. We can no longer enjoy our meals outdoors, garden peacefully, nor sleep with our windows open, even on the hottest nights of the year except on rare occasions.
2. The cut-in speed of the Skystream 3.7 is said to be 8mph, but the turbine is capable of spinning when there is barely a breeze. This means that the smallest welcomed breath of moving air in this remote desert location can be, and often is, infected with the noise pollution of the turbine.
3. By the company brochure's own admission, the turbine operates in the 50 to 60 decibel range. It is our understanding that the decibel limits for our S-92 zoning (at least during the periods that we have previously tested)are 45 at night and 50 during the day, so we have been continually baffled as to how this permit got approved.
4. The turbine can sound like a small plane in the distance, a helicopter hovering, or the high pitched whine of a passing motorcycle. It can also sound like rattling chains. The difference is that these other sounds would be fleeting whereas the turbine can and has run at times consistently for days or nights on end.
5. Despite what it says in the brochure, the wind turbine noise is almost ALWAYS audible to the ear above the background. When in operation, the turbine's sound is significant enough to infect every corner of our 1 3/4 acre property including the interior spaces and can also be heard in the adjacent Anza-Borrego state park. Unlike the city, there are no sounds of light industry, car alarms or a constant buzz of traffic to mask the Turbine's sound.
6. Additionally, since the turbine was placed due west of our home, every late afternoon and early evening, a STROBE or rapidly flickering light is cast on our land and, at times, into our house. This can be extremely disconcerting and it is my understanding that it can have serious health consequences, but my enquiries with the county have yielded simply that "it's unfortunate."

We have recently brought up all of these matters to the County Commissioners to no avail. We even made a video of the strobing effect on our house, which is quite disturbing, but because we are the only complaint the County has received so far, our issue was not addressed. In addition, it has come to my attention that the Decibel measurement that is used to assess a noise complaint is not the appropriate measurement for the kind of noise made by this small wind turbine as it does not take into

account the Frequency of the noise which would be classified a nuisance by any other objective account. Since Frequency is taken into consideration on Large Wind Turbines, perhaps it should be taken into account on Personal Wind Turbines as well. And finally, there were 3 similar wind turbines manufactured by the same company and installed in the Deep Well subdivision of Borrego Springs during the same time period as the one next door to us. They have all been taken down!

Below is the the letter I forwarded to the Commissioners most recently which further documents our complaint.

I would greatly appreciate your help in this matter and certainly hope that you make note of these pitfalls of Small Wind Turbines in your determinations, to at the very least, keep this from happening to anyone else. I suffer from stage 3 Lyme Disease and it was always my goal in living in this remote part of the desert to reside in a peaceful, healing environment.

Thanks in advance,

Britta Lee Shain
(Marcel V. Shain)
35493 Gr S Overland
Julian, Ca 92036

c 310 613 9706

WIND TURBINE ORDINANCE CORRESPONDENCE - SHADOW FLICKER

May 17, 2012

Re: Setbacks for Personal Wind Turbines in San Diego County

Dear Commissioners...

Thank you so much for offering the public an opportunity to be heard. I realize that the 50 foot tower 160 feet from our property line, and due West of us, is a mere "stick" in comparison with the larger Wind Farms, but, as pointed out in my husband's and my presentations at the hearing and wind workshop, the personal wind turbines are not without their problems: Namely...Noise and Shadow Flicker.

While we are actively engaged in a noise violation complaint, I am very concerned at the notion that because my husband and I are the only complainants, thus far, in regard to Shadow Flicker that somehow there is no need for including it in the revisions to the Wind Ordinance. The fact that it has happened once, as evidenced by our video, is proof positive that it could happen again.

Since the wind workshop, I have spent a couple of hours researching the phenomenon of Shadow Flicker as it pertains to Small Personal Wind Turbines in general and the Skystream 3.7 (the offending unit in our case) in particular. It is apparent from my reading that in other jurisdictions in the United States and in other places around the world, the flicker effect is definitely being taken into consideration in writing the laws. Here is some of what I found in the available online literature. Some of this is text quoted directly from the various sources.

Complaints of Shadow Flicker from Small Personal Wind Turbines (Skystream 3.7), have been filed in San Francisco, Arkansas, Illinois, Australia and other places around the world.

Shadow flicker results from the position of the sun in relation to the blades of the wind turbine as they rotate. Under certain combinations of geographical position and time of day the sun may pass behind the wind turbine causing a flickering effect. This is particularly an issue for turbines located to the *east or west* of a dwelling. Given the height of the wind turbine, shadow flicker may be experienced by the dwellings to the west of the site in the morning (sunrise) or to the east of the site in the evening.

San Francisco:

Installation of the same model windmill in a Forest Hill Extension home (167 Hernandez Ave.) 0.57 miles from the currently proposed site and with similar topography to the proposed site *resulted in complaints from neighbors about noise and light*

(strobe-like) effects, and produced far less power than expected, so that the owner of that property now wants to remove the windmill. Product literature for the proposed Skystream 3.7 windmill stipulate that for maximal efficiency clearance of at least 275 ft horizontally and 20 ft vertically from the nearest structure is required, making it likely the proposed project will yield much less than half of the optimal energy.

Illionois:

When the sun shines through the rotating turbine blades, it creates a periodic shadow called 'flicker'. It has a strobe effect that can be noticed by humans and wildlife and on sunny days, can be of high intensity. The industry has met this condition by following local ordinances that define the minimum distance a turbine should be from any residential structure (typically 500 feet for land owner, 1000 feet for adjacent property owners). However, the angle of the sun in the sky can still impact a site and if it happens, must be resolved after-the-fact either via local ordinance or mitigating actions. Wildlife tends to avoid residential areas and therefore may be found closer to the turbine location, so flicker and the amount of time flicker occurs at a particular spot may or may not be an issue. Species of birds and mammals which require open grasslands may be most affected by flicker since it indicates the presence of a predator (IDNR Study 2007).

Regulating Backyard Wind Turbines 303

With certain installations and light angles there can be a shadow flicker which is visually disturbing. Wind turbines have shadows; in morning and late afternoon hours it is not unusual to have shadows cast across a window or yard.⁹⁴ When the blades are turning, there is a flicker to the shadow which can be quite disturbing.⁹⁵ It does not happen often, or for long periods, but for nearby properties it can be an annoyance.⁹⁶

The potential for flicker can be evaluated. Local standards should be established for the number of hours per year and the number of minutes per day when flicker can affect neighboring properties. There are no generally acceptable standards. One source speculates that the radius for impact analysis should be about 1,750 feet around the tower and that flicker should not exceed thirty hours per year and a maximum of thirty minutes per day.⁹⁷ The potential for flicker is very low once you get beyond ten rotor diameters from the turbine, so it is unlikely to be a serious problem with the small rotors in typical homeowner installations.⁹⁸

There was a study conducted at MIT that says 10 times the diameter of the turbine blades should be enough of a set back to avoid Shadow Flicker. You can bet I will be contacting them when I have more time. Another study says 12 times, but even that would not have been enough to protect us. There are also questions raised as to the allowable number of hours that should be approved for this nuisance to affect a neighboring property. I can tell you that Shadow Flicker affects our land for at least 4 months of the year, so that if you are gardening, birding, relaxing, or attempting to eat outdoors or even if you are looking out your windows, you had better escape to a part of the property that is not flickering. It affects the interior of the house directly for at least 1 month in spring and one month in fall every early evening.

A while back when I checked the lighting ordinance for San Diego County, it said something to the effect that it was against the law for a neighbor to have a light on, or in, his house that casts light across his neighbor's property line. I find it shocking that such an affront to anyone's sensibility as Shadow Flicker has been allowed to persist, let alone that this affront would be perpetuated into the future. (I wrote to Brian Baca on April 28, 2009 about the Shadow Flicker issue and was told that the land owner had complied with the permit. When I followed up with a phone call, Mr. Baca's staff said that the circumstance of the Shadow Flicker was "unfortunate".)

Finally, as I'm sure you are aware, apart from the sheer nuisance, there are known health risks associated with Shadow Flicker. I find it curious that numerous agencies have expressed concern about the effect of Shadow Flicker on wildlife, but they don't seem to express the same concern for we, mere human beings.

Point of interest: Shortly after the Skystream 3.7 was installed next door to us, 3 personal wind turbines were installed in Borrego Springs in a neighborhood called Deep Well. When I went there, Tuesday, they were all gone!

Exact sources are available upon request. Please keep this travesty from perpetuating. Thank you for your consideration.

Britta Lee Shain
Marcel Shain

35493 Gr S Overland
Julian, CA 92036

310 613 9706

Schneider, Matthew

From: George M Coladonato [agargentocom@yahoo.com]
Sent: Thursday, October 04, 2012 10:46 AM
To: Jones, Cheryl
Cc: Schneider, Matthew; Farace, Joseph
Subject: Wind Ordinance

**GEORGE M COLADONATO
9640 B MISSION GORGE RD #352
SANTEE, CA 92071**

October 4, 2012

VIA E-MAIL & HAND DELIVERY

San Diego County Planning Commissioners

Attn: Cheryl Jones

5201 Ruffin Road, Suite B

San Diego, CA 92123

Re: **Wind Energy Ordinance**

Dear, Ms. Jones

I oppose the Wind Energy Ordinance in its current form and request that the commission instruct staff to modify the ordinance to add language that would permit small land owners to generate **ALL** the energy they need for their projects on parity with solar. The existing ordinance limits Small wind to 50 kW while there is no limit on solar. The technology on small wind turbines is rapidly changing and in our location wind energy generation is superior to solar in; land and water requirements, cost and efficiency.

As a country we need to become energy independent and permitting us to develop ALL our energy needs, with excess going onto the grid, we will gladly do our part.

Thank You and Be Well,

George M Coladonato
619 865 5670

From: Donna Tisdale [tisdale.donna@gmail.com]
Sent: Thursday, July 19, 2012 9:56 PM
To: Jones, Cheryl; Schneider, Matthew
Subject: additional Wind Energy Ord comments
Attachments: Adverse health effects of EMF exposure 5-2010.pdf

Hello Cheryl and Matthew,

I wanted to make sure that Jim Simpson's comments, below, were included in the record for the Wind Energy Ordinance.

I would also like to add the attached letter, dated May 2010 into the record: .

Adverse health effects of exposure to power frequency electric and magnetic fields (EMFs)

The author, Dr Dennis Henshaw (University of Bristol HH Physics Laboratory) has spent over 35 years studying the effects of radiation and EMF exposure

One quote from Dr Henshaw's letter:

"The available evidence on adverse health effects of MF exposure speaks for itself. No longer can we talk of differing opinions of whether or not there are such adverse health effects: the question is not about what people think, rather it is about what the evidence says."

Thank you
Donna Tisdale
619-766-4170

On Thu, Jul 19, 2012 at 8:33 PM, Jim Simpson <jim91905@yahoo.com> wrote:

For Your Review

Living in Boulevard for the past few years, the last thing I would have thought would come into the back country would be industry. Our community would be adversely impacted for many years. As the development of new green power is in it's infancy I can't support this project. Until the effects of wind turbines are truly understood this proposal shouldn't move forward. With limited resources in a location that's sparsely populated it's difficult to have a voice. I support the Boulevard Planning groups proposal.

Thank You
Jim Simpson
619-954-4777

From: Jim Simpson [jim91905@yahoo.com]
Sent: Thursday, July 19, 2012 8:33 PM
To: Jones, Cheryl; Schneider, Matthew; Jacob, Dianne; Donna Tisdale
Subject: Wind Farm Proposal

For Your Review

Living in Boulevard for the past few years, the last thing I would have thought would come into the back country would be industry. Our community would be adversely impacted for many years. As the development of new green power is in it's infancy I can't support this project. Until the effects of wind turbines are truly understood this proposal shouldn't move forward. With limited resources in a location that's sparsely populated it's difficult to have a voice. I support the Boulevard Planning groups proposal.

Thank You
Jim Simpson
619-954-4777



University of
BRISTOL

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Denis L Henshaw
Professor of Physics

TO WHOM IT MAY CONCERN

May 2010

Dear Sir

Adverse health effects of exposure to power frequency electric and magnetic fields (EMFs)

I am writing in response to enquiries I have received on the above issue.

It is indeed unfortunate that the question of health effects of exposure to EMFs well below current exposure guidelines has not received the highest level of scientific or public health attention that it deserves. The evidence of adverse health effects from EMFs associated with the electricity supply, in particular magnetic field (MF) exposures around or below 1 microtesla (μT), is huge and it is quite clear across a range of outcomes. We have long passed the stage where application of the Precautionary Principle and of appropriate legislation against undue exposure is warranted, including a substantial lowering of permitted MF exposure limits, currently 100 μT . In the case of high voltage overhead powerlines, these should not be built close to houses or farms where cattle and poultry are housed.

The available evidence on adverse health effects of MF exposure speaks for itself. No longer can we talk of differing opinions of whether or not there are such adverse health effects: the question is not about what people think, rather it is about what the evidence says.

Official review bodies are usually constrained by their Terms of Reference and have not been in a position to access the bulk of our scientific knowledge of MF interactions with biological systems. As I will explain below, I estimate that such bodies have at most addressed only 10% of the available evidence/data.

I will deal in turn with some aspects of the available scientific evidence/data.

1. Epidemiological evidence

The epidemiological evidence of adverse health effects from EMFs from human population studies has emerged continuously in recent years and it continues to do so. Particular emphasis has been placed on MF exposures, although electric field, EF effects continue to be researched. It may be useful to consider what recent official reports have said concerning MF health effect in particular – see summary table attached.

Internationally, the first major report of note was the US NIEHS report of 1999 (see list of acronyms below). This concluded that both adult and childhood leukaemia was associated with EMF

exposure. However, the 2002 IARC report (part of WHO) without apparent reference to the NIEHS conclusions, concluded that childhood leukaemia was the only cancer associated with EMF (note that IARC is only concerned with non-cancer health outcomes). However, the California Department of Health Sciences report, also published in 2002 concluded that increased risk of five health outcomes was associated with MF exposures: (i) childhood leukaemia; (ii) adult leukaemia; (iii) adult brain cancer; (iv) amyotrophic lateral sclerosis, ALS (or motor neurone disease) and (v) miscarriage. More recently the EU SCENIHR report has associated childhood leukaemia and Alzheimer's disease to MF exposures. The 2007 WHO EHC Report appears to prevaricate on a range of health outcomes, admitting to the existence of evidence but saying simply that this is 'not as strong' as for childhood leukaemia. It is noteworthy that the various reported adverse health effects are associated with average MF exposures around or below 1 μ T. In the specific case of childhood leukaemia, a doubling of risk is seen with average exposures above 0.4 μ T.

The 2002 IARC and California Reports are now a little historic, but their findings have set the trend of perceived MF health effects in recent years. Given that these two reports were published at about the same time, a number of commentators have asked why two major reports using presumably the same available data came to quite different conclusions with respect to the many studies of adult leukaemia and adult brain cancer. This led my colleague Professor Mike O'Carroll and me to study what was said in both reports and to publish our findings in a learned peer-reviewed journal (O'Carroll & Henshaw 2007). We focused on adult leukaemia and adult brain cancer. We found that whereas the California report had looked at each individual study and at the overall findings of the studies in aggregate, the IARC report had made no attempt to look at the aggregate data. This was strange because IARC had listed in tables the findings from 33 studies of adult leukaemia and 43 studies of adult brain cancer. It was quite clear from inspection of these tables that there was a clear dominance of studies reporting a positive association with MF exposure. In the case of adult leukaemia, the association was, if anything, stronger than that for childhood leukaemia. In O'Carroll & Henshaw we concluded: "*IARC shows no evidence of considering the aggregation of results other than subjectively. It considered individual studies but this led to a tendency to fragment and dismiss evidence that is intrinsically highly significant*".

Naturally, I am critical of the 2002 IARC report for not carrying out a rather basic analysis of the overall data. However, this tendency has been repeated in later WHO Reports and by the UK NRPB (now subsumed into the HPA). In fact, these later reports fail to cite or in anyway discuss the conclusions of the California Report. I have to say that this is simply bad science and indeed it is unprofessional. Were any of these reports submitted for publication to a good scientific journal, failure to pick up these failures of citation and basic analysis would be picked up by the blind peer-review system and the reports would not be published. Instead, sadly, they enjoy a rather false sense of respectability. I am bound to say that Governments and Power Companies are being poorly advised if they seek to reply solely on advice from these sources.

Notwithstanding this situation, as mentioned above, the February 2009 update of the EU SCENIHR report has added Alzheimer's disease as associated with MF exposures, based on recent studies that were not available to the earlier review bodies. Alzheimer's disease is highly prevalent in the aging population and of considerable public health significance. Of special note is the 1.5 to 2-fold increase in risk specifically seen near powerlines in Switzerland (Huss *et al.* 2008).

2. Magnetic fields and living systems

I now expand on my above comment that official review bodies have accessed at most only 10% of the relevant scientific data. The areas where MF interactions with living systems have been extensively discussed are:

1. The known ability of birds and other animals to detect tiny changes in the Earth's magnetic field (the Geomagnetic or GM) for the purposes of navigation.

2. The ability of plants to sense magnetic fields including power frequency AC fields.
3. Health effects arising from fluctuations in GM fields
4. The use of magnetic fields, including levels below the ICNIRP limit for medical treatment in wound & bone healing.

I will refer below to the 2008 Bioinitiative Report, but here is an extract of what it says about the use of MFs for medical treatment:

"Another Way of Looking at EMFs: Therapeutic Uses

Many people are surprised to learn that certain kinds of EMFs treatments actually can heal. These are medical treatments that use EMFs in specific ways to help in healing bone fractures, to heal wounds to the skin and underlying tissues, to reduce pain and swelling, and for other postsurgical needs. Some forms of EMFs exposure are used to treat depression. EMFs have been shown to be effective in treating conditions of disease at exposure levels far below current public exposure standards. This leads to the obvious question. How can scientists dispute the harmful effects of EMF exposures while at the same time using forms of EMF treatment that are proven to heal the body?

Medical conditions are successfully treated using EMFs at levels below current public safety standards, proving another way that the body recognizes and responds to low-intensity EMF signals. Otherwise, these medical treatments could not work. The FDA has approved EMFs medical treatment devices, so is clearly aware of this paradox.

Random exposures to EMFs, as opposed to EMFs exposures done with clinical oversight, could lead to harm just like the unsupervised use of pharmaceutical drugs. This evidence forms a strong warning that indiscriminate EMF exposure is probably a bad idea.

No one would recommend that drugs used in medical treatments and prevention of disease be randomly given to the public, especially to children. Yet, random and involuntary exposures to EMFs occur all the time in daily life.

I would add that medical treatment is normally given for a fixed period and not continuously and chronically as for an MF exposure near powerlines.

It is in the field of animal navigation that most progress is currently being made in elucidating the *primary* mechanism by which MFs are known to interact with biological systems. The scientific literature in this field is vast but reference to five recent publications is given below (Ritz *et al.* 2000, 2004 & 2009; Begall *et al.* 2008, Burda *et al.* 2009). Current research suggests that birds possess a magnetic compass in the eye which functions by means of a process which is deeply rooted in chemistry known as the Radical Pair Mechanism. This is the mechanism by which low intensity MFs can increase the lifetime of free radicals. In birds, magneto-reception appears to occur in biological molecules known as cryptochromes, the same molecules that have been associated with magneto-reception in plants. Crucially, cryptochromes are present in human tissues generally, so here too they could be responsible for the primary detection of magnetic fields in man (though I stress such research has not yet been carried out). Whereas in birds the MF-induced increase in lifetime of free radicals is detected for the purposes of navigation, in general such an increase results in their greater ability to cause biological damage, especially in DNA.

The way in which MFs affect biological is becoming increasingly understood. A detailed description and excellent summary may be found in the BioInitiative Report. Here are some extracts from Section 1 (note that this report also discusses health effects from radio frequency RF exposures, principally from mobile phones. The term 'ELF' refers to power frequency EMFs):

Page 17: Both ELF and RF exposures can be considered genotoxic (will damage DNA) under certain conditions of exposure, including exposure levels that are lower than existing safety limits.

Very low-level ELF and RF exposures can cause cells to produce stress proteins, meaning that the cell recognizes ELF and RF exposures as harmful. This is another important way in which scientists have documented that ELF and RF exposures can be harmful, and it happens at levels far below the existing public safety standards.

Page 18: There is substantial evidence that ELF and RF can cause inflammatory reactions, allergy reactions and change normal immune function at levels allowed by current public safety standards.

Page 19: Oxidative stress through the action of free radical damage to DNA is a plausible biological mechanism for cancer and diseases that involve damage from ELF to the central nervous system.

3. The 2007 BioInitiative Report

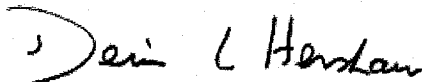
This is an independent report on EMF health effects, which covers both power frequency MFs and radio frequency EMFs such as from mobile phones. The authors include three former Presidents of the International Bioelectromagnetics Society and it presents an authoritative view of the state of the science and the need for precaution against exposure. The report may be accessed at: <http://www.bioinitiative.org/index.htm>

4. Summary

It is notable that some countries took action many years ago to limit public exposure to magnetic fields associated with high voltage powerlines, for example Sweden in 1996, Switzerland and Italy in 2000. Included in the substantial literature of EMF health effects is the 2007 study by Lowenthal *et al.* of increased risk of lymphoproliferative and myeloproliferative disorders in Tasmania.

It is indeed unfortunate that power companies and some governments continue to be ill advised on the adverse health effects of EMF exposures. In the case of overhead powerlines, we really are passed the stage where we should be erecting overhead powerlines close to house and centres of population.

Yours sincerely



Denis L Henshaw

**Review bodies' assessments of EMF causation of various diseases.
- health outcomes classified as Class 2B - possible causal**

Disease	IARC 2002	NIEHS 1999 ²	California 2002	EU SCENIHR ³ February 2009
1. Childhood Leukaemia	Yes	Yes	Yes	Yes
2. Adult Leukaemia		Yes	Yes	
3. Adult brain cancer			Yes	
4. Miscarriage			Yes	
5. ALS ⁴			Yes	
6. Alzheimer's disease				Yes ⁵
7. Childhood brain tumours				Emerging evidence

¹International Agency for Research on Cancer
²US National Institute of Environmental Sciences
³EU Scientific Committee on Emerging and Newly Identified Health Risks
⁴Possible effects of Electromagnetic Fields (EMF) on Human Health
⁵Motor neurone disease
⁶Studies only recently published

Table Note. A doubling of childhood leukaemia risk is seen for average exposures above 0.4 μ T. Other health risks refer generally to increased risk around or below 1 μ T average exposure. The current ICNIRP exposure guidelines are set at 100 μ T, 250 times higher than 0.4 μ T where the doubling of childhood leukaemia risk is seen.

Acronyms

- HPA: Health Protection Agency (UK)
- IARC: International Agency for Research on Cancer (a branch of WHO)
- ICNIRP: International Commission on Non-ionising Radiation Protection
- NIEHS: National Institute of Environmental Health Sciences (USA)
- NRPB: National Radiological Protection Board (UK)
- SCENIHR: Scientific Committee on Emerging and Newly Identified Health Risks (EU)
- WHO: World Health Organisation
- WHO EHC: World Health Organisation Environmental Health Criteria

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For immediate release - NA-PAW and EPAW

July 19 2012

Prominent physician and surgeon Dr. Robert McMurtry calls for wind turbine moratorium

Dr. Bob McMurtry, a prominent member of the Canadian health establishment, joins the victims of industrial wind turbines (IWT's) in their call for Health Canada to turn over their future wind turbine noise study to Canadian Institutes of Health Research (CIHR). While the study is being conducted, they demand an immediate moratorium on all pending and proposed IWT projects.

The victims are represented by the North American Platform Against Wind Power (NA-PAW), and the European Platform Against Windfarms (EPAW), which regroup over 600 associations of victims from 26 countries. These federations, and Dr. McMurtry, are dissatisfied with the way the study is to be conducted. Health Canada (HC) being an arm of the Canadian government, they say, it offers no guarantee as to impartiality, which is the most crucial point in this matter.

Arm's length studies could be assured with involvement from CIHR, according to Dr Robert McMurtry: "research into adverse health effects is a good idea, but is being addressed by the wrong agency which is a regulatory branch of Health Canada. A better approach is to assign the task to the Canadian Institutes of Health Research, which reports to Minister Aglukkaq and is more capable of establishing causation, prevalence, and answering other important questions."

Recently obtained Health Canada Scientific Advisory Board documents reveal that HC have already agreed to not let the results be "causative," and not become a tally of how many people have been affected. These are the first signs that, already, the study is being used as a political stratagem, says Sherri Lange, of NA-PAW. She warns: "the study, if conducted by Health

San Diego County Planning Commission
July 20, 2012 – Handout
Item #1, Wind Energy Ordinance Amendment (POD10-007)

Late Submittal
Item 1, POD 10-007

As a result of the recent passage of Senate Bill 1018(budget trailer bill) the California Energy Commission (CEC) issued a notice July 11, 2012 to advise it is immediately “closing out” the State’s Emerging Renewable Program. This program provides rebates to property owners who install small turbines certified by the CEC. The County’s proposed wind ordinance amendment includes a provision that requires small turbines installed in the County to be certified by the CEC to ensure they meet their rated energy standard. As the Emerging Renewable Program is terminating, the CEC will no longer be certifying small turbines. Therefore, staff is recommending that the small turbine certification provision of the proposed ordinance be revised to state:

Turbine Certification. The small wind turbine shall be certified by the California Energy Commission, listed on the May 23, 2012, California Energy Commission, List of Eligible Small Turbines or determined to be acceptable by the Director of Planning and Development Services.

Including this additional language will ensure the CEC’s most current certification list can be utilized to implement the ordinance. The CEC has indicated there is strong stakeholder interest in exploring options to renew or create a similar program. County Staff will continue to monitor the situation and can recommend further revisions during the routine zoning clean-up process should future revisions be required.

Canada, may not provide the clarity and truth that is being demanded by Canadians.”

The victims are also concerned that the best specialists on the matter may not be consulted as they are not listed in the initial list of 25 experts to assist with this study. They also feel that, now that the authorities have finally admitted there could be a health problem, the principle of precaution must be applied and a moratorium must be called immediately.

Dr. McMurtry concurs: “the admission by Health Minister Aglukkaq that there are substantial gaps in our knowledge reveals the absence of evidence-based guidelines. There is thus the need for a moratorium on further IWT development until the requisite evidence of safe placement of wind turbines is available.”

Sherri adds: “several families and physicians have reported wind turbine associated heart attacks, and even suicides. When a family has lost home enjoyment and restful sleep, with no chance of recovering them, we have a recipe for despair. We cannot afford to wait another two years and a thousand more turbines till the study is done. The devastation of lives must stop immediately.”

We can't look to Europe for a solution to the health problem, says Mark Duchamp of EPAW. “Denmark recently conducted a study on the matter, but it was done by a consultant whose main client is the wind industry. As a result, it wasn't truthful, and monstrous 3 MW turbines continue to be installed too close to homes and workplaces at great risk to public health. Tricks were used in the measurements of low-frequency noise and infrasound, as denounced by Professor Henrik Moeller, a renowned acoustician from the University of Aalborg (1). In the circumstances, the world is looking at Ontario for, at last, an unbiased study. That must be the work of CIHR.”

The federations demand the participation of the following specialists in the study:

Dr. Robert Y. McMurtry, M.D., F.R.C.S. (C), F.A.C.S., Canada; Carmen Krogh, BSc Pharm, Researcher Wind Turbines - Adverse Health and Social Justice, Canada; Stephen Ambrose, Acoustician, USA; Dr. Jeffery Aramini, Epidemiologist, Canada; Dr Arline Bronzaft, Noise and Health Specialist, USA; Dr Steven Cooper, ENG Fellow Australian Acoustical Society and Member of Institute of Noise Control, USA; Professor Phillip Dickinson, Acoustician, New Zealand; Barbara J. Frey BA, MA and Peter J. Haddon, BSc, FRICS, Scotland; Dr Christopher Hanning, BSc, MB, BS, MRCS, LRCS, LRCP, FRCA, MD, Sleep Disturbance and Wind Turbines, UK; Professor Colin Hansen, Acoustician, Australia; Dr Magda Havas, Biological and Health Effects of Electromagnetic and Chemical Pollution, Canada; Richard James, INCE Acoustician, USA; Dr Mauri Johansson, Specialist in Community Health

and Occupational Medicine, Denmark; Dr. Sarah Laurie, CEO Waubra Foundation, Australia; Professor Henrik Moeller, Acoustic Specialist, Denmark; Dr. Michael Nissenbaum, Radiologist, USA; Dr. Carl Phillips, Epidemiologist, USA; Dr. Nina Pierpont, Author of Wind Turbine Syndrome, USA; Robert Rand, Acoustician, USA; Dr. Daniel Shepherd, Noise and Health Specialist, New Zealand; Dr Malcolm Swinbanks, Acoustician, UK; Dr. Robert Thorne, Health Sciences and Acoustics, Australia.

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References

(1) – Tricks used in Denmark: <http://epaw.org/media.php?lang=en&article=pr11>

BOULEVARD PLANNING GROUP

PO BOX 1272, BOULEVARD, CA 91905

DATE: 7-13-12

TO: SAN DIEGO COUNTY PLANNING COMMISSIONERS via: Cheryl.jones@sdcounty.ca.gov & MATTHEW SCHNEIDER, PROJECT MANAGER via matthew.schneider@sdcounty.ca.gov

FROM: Donna Tisdale, Chair: 619-766-4170, tisdale.donna@gmail.com

RE: Wind Energy Ordinance & Plan Amendments; POD10-007

At our regular meeting held on July 12, the Group voted unanimously (2 absent) to authorize additional comments. These comments are supplemental to previous comments submitted throughout this Wind Energy Ordinance & Plan Amendment process by our elected community planning group. Previous comments filed on POD 10-007 and the related Tule Wind MUP are hereby incorporated by reference. The project manager has stated that the April 13, 2012 staff report and recommendations are being used for the July 20th hearing. Our requested actions are based on those April 13 documents.

It would be a travesty to amend our Boulevard Community Plan to allow for commercial industrial energy generation and transmission zones, *with incredibly dense concentrations of wind, solar and transmission projects*, after over of a decade of successful hard work and consensus building to keep the rural areas rural due to lack of infrastructure, high fire risk, and need to protect sensitive resources and community character.

It is our hope and desire that you will follow through on your previous statements and expressed sentiments¹ regarding a new direction for the County's renewable energy policies and a lack of desire to exploit our rural communities by changing our hard won Boulevard Community Plan and putting our residents and resources at unnecessary risk—or creating liability related to potential wind turbine related harm and damages.

We also want to remind you that other federal agencies and tribal nations are generally required to reference and address San Diego County wind energy and noise ordinances when planning for wind turbine projects abutting land under County jurisdiction. Lack of adequate

¹ County Planners deal blow to wind industry: <http://eastcountymagazine.org/node/9651> (5-13-12) ; Wind Ordinance hits turbulence: <http://eastcountymagazine.org/node/9354> (4-15-12)

County protections for our community would potentially support similar inadequate protections.

REQUESTED ACTIONS NEEDED TO PROTECT PUBLIC HEALTH AND SAFETY IN DISPROPORTIONATELY IMPACTED RURAL COMMUNITIES, UTILITY AND FIRE INSURANCE RATE-PAYERS, UNIQUE COMMUNITY CHARACTER, WILDLIFE, VISUAL AND NATURAL RESOURCES, PROPERTY VALUES, AND MORE:

1. Reject any approval or adoption of Form of Ordinance (Attachment A) (4-12-12)
2. Reject any adoption of resolution approving General Plan Amendment (GPA) 12-001 (Attachment C) (4-13-12)
3. Deny the changed Major Use Permit Findings as proposed in the Wind Energy Ordinance that remove protections provided by required Findings for other types of projects. Eliminate the double standard. Our impacted rural low-income communities deserve the same protections from these monster projects as other communities are granted, from much less damaging projects.
4. Address the very real direct, indirect and cumulative adverse impacts, including socio-economic impacts to the most targeted rural communities that includes Boulevard and Jacumba—as required by CEQA and Environmental Justice requirements as defined in California Government Code Section 65040.12 as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.”²
5. Reject large-scale rural wind energy projects as unnecessary, too expensive, too destructive, too inefficient, and for their reliance on new expensive and destructive infrastructure and/or upgrades to existing transmission network.
6. Reject the inadequate, unsupported, and obviously industry influenced July 10 San Diego County Health and Human Services Public Health Statement on Human Health Effects from Wind Turbines that there are no direct pathological effects from wind turbines and any potential impacts on humans can be minimized by following existing planning guidelines. The HHS statement is contradicted by the June 6th Manzanita tribe’s letter alerting the Planning Commission to their current wind turbine related health crises and current Health Impact Assessment, and a June 11, 2012 letter from the Falmouth Board of Health³ to the Massachusetts Department of Public Health seeking an immediate health assessments of wind turbine impacts compelled by two years of consistent and persistent complaints, other compelling evidence.
7. Provide staff direction to pursue alternatives to industrial wind turbine projects with a preference for less invasive smaller scale distributed point of use projects that do not

² <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65040-65040.12>

³ June 11, 2012 Falmouth Board of Health letter is attached.

require extensive and expensive new transmission lines and/or or major transmission system upgrades. Those alternatives should include but not be limited to increased energy efficiency (net zero buildings) and conservation efforts, point of use solar, smaller vertical axis wind turbines, fuel cells, combined heat and power that uses waste heat to generate energy.

8. Start the process to change the current inappropriate designation of commercial industrial wind turbine projects from Major Impact Service and Utility--to more appropriate commercial heavy industrial designation.
9. At a minimum, initiate a moratorium on large-scale industrial wind turbine projects unless and until the current independent Health Impact Assessment is completed for the Manzanita Band of Kumeyaay Nation⁴, and /or other independent and scientifically valid multidisciplinary peer-reviewed research is completed to determine the real world adverse impacts of allowing industrial wind turbines and related energy infrastructure too close to people and other sensitive resources.

Additional information and issues of concern are being provided in support of our requests. Please advise if you need hard copies of referenced and linked documents:

1. July 11, 2012: Health Canada announced they are conducting a Health Impact Study into the relationship between wind turbine noise and health effects reported by nearby residents.⁵
2. June 11 2012: Falmouth Board of Health letter to Massachusetts Dept of Public Health⁶ requesting a wind turbine health impact assessment compelled by two years of consistent and persistent complaints, stating "We realize that this is an antypical health impact assessment study. The suspect agent of harm is not a food borne, waterborne, or airborne contaminant. Yet, the Wind Turbine Health Impact Study recently completed by the State suggests certain elements of wind turbine operation propagate health impacts potentially as harmful as those caused by organic agents."
3. March 2012: Health Assessment Suggested Guidelines from the Waubra Foundation's Dr. Sarah Laurie, based on real world adverse impacts from existing wind turbine projects.⁷
4. Buddhist monks are selling their spiritual retreat in the forest of Ae because they can't live near a windfarm. "Concerned monks submitted evidence to a Scottish parliamentary

⁴ Manzanita Band Tule Wind MUP comment letter to Planning Commission dated June 6, 2012 (attached)

⁵ Health Canada wind turbine impact study announced:
<http://www.am980.ca/channels/news/local/story.aspx?ID=1736684>

⁶ Falmouth Board of Health letter (attached)

⁷ Health Assessment Guidelines March 2012:
<http://quixoteslaststand.files.wordpress.com/2012/04/healthassessmentsuggestedguidelinesmarch2012.pdf>

inquiry into the government's renewable energy plans, claiming they suffered serious side effects when they were praying within 4 miles of a windfarm. They say these included: pain in the head and chest, heart palpitations, dizziness, dry retching, anger, heightened emotions and crying"

5. 6-7-12: Wind Farm Too Noisy: (Australia) Environmental Court ruling that Te Rere Hau Wind farm owner breached its resource consent , vindicating neighbors that had complained it was too noisy⁸:
6. 7-7-12: Michigan: Wind Noise Dispute Pits Scientists Against State Officials⁹: Regulators disregard scientists work to revise wind energy guidelines.
7. 6-4-12 : 13 minute video¹⁰: Please watch news report from a television station in Adelaide, capital of the State of South Australia, interviews wind turbine victims. The new 3 MW wind turbines installed near the village of Waterloo (now called a ghost town) emit more low-frequency sound than smaller models, and some residents have become ill as far as 10 kilometres away from these machines. One farmer complains of sleep deprivation, yet he lives 2.5 km away from two wind turbines which bring him a revenue of 14,000 Australian dollars a year (about same in US\$). The video also shows a local farmer breaking yolkless eggs in a bowl, stating that his chickens laid normal eggs prior to the turbines moving in. He believes the yolkless eggs are related to stress.
8. Consider renting the Windfall documentary from Netflix¹¹. Award-winning director, Laura Israel, follows one rural New York town's encounter with the reality of industrial wind energy, with interviews of wind turbine neighbors. The same scenario plays out in virtually every targeted community. See movie trailer and film reviews at www.windfallthemovie.com
9. May 17, 2012: Renewable energy developers offering California more than three times the capacity needed to meet the state's renewable energy goal in 2020 are filling up the California ISO's interconnection queue¹².
10. You must address the current CAL ISO documented grid congestion¹³ and limits on transmission capacity/ infrastructure to accommodate additional large-scale energy projects without adding additional \$2 billion plus invasive high voltage 500 kV lines like the Sunrise and Southwest Powerlinks as documented in our previous comments and resolution dated

⁸ <http://www.stuff.co.nz/dominion-post/news/7233887/Wind-farm-too-noisy>

⁹ <http://www.michigancapitolconfidential.com/17194>

¹⁰ <http://www.epaw.org/documents.php?lang=en&article=ns34>

¹¹ <http://dvd.netflix.com/Movie/Windfall/70155482>

¹² <http://www.snl.com/InteractiveX/ArticleAbstract.aspx?id=14917334>

¹³ CALISO technical reports: http://www.caiso.com/Documents/TechnicalReport_cluster1_2DeliverabilityRe-Assessment.pdf & http://www.caiso.com/Documents/RevisedTechnicalBulletin-DeliverabilityRequirements-QueueClusters1-4_Determination-NetQualifyingCapacity.pdf

11. Additional public and private lands and eminent domain would be needed for expanded utility corridors through our fire-prone backcountry and at-risk human and natural communities.
12. Identifying our rural area as a Wind Resource Area and changing our community plan would require all property owners and realtors to disclose the planned conversion of this ruggedly scenic area into an industrial energy / transmission zone.
13. The US fish and Wildlife is caving in under administrative and industry pressure to issue 30-year Eagle kill permits for industrial wind turbine projects¹⁴. SDG&E and Sempra's former lobbyist, David Hayes, is not the Deputy Secretary of Interior with major influence over USFWS eagle guidelines and BLM land use decisions for projects like Tule Wind and other major local projects.
14. US Fish and Wildlife have recommended that "Due to the potential for eagle take, we recommend that the Iberdrola apply for a programmatic eagle take permit for the Tule Wind Project" allowing them to kill Golden Eagles in East County¹⁵
15. Shu'luuk Wind developers will also need to need to apply for Eagle Take Permits for their new project (aka Campo Wind) proposed for over 4,000 acres of Campo 11,000 plus acres of tribal lands in Boulevard, as stated at a July 11 presentation in San Diego.
16. Cumulative impacts must be fully recognized, disclosed, analyzed, and addressed.
17. Take permits are also required for Pattern Energy's Ocotillo Wind now under construction just east of Tule Wind. The same may be true for the proposed Jewel Valley Wind, Manzanita Wind, Shu'luuk Wind, Energia Sierra Juarez Wind, and pending wind energy applications in the Cleveland National Forest in the Kitchen Creek and Fred Canyon areas, in addition to the four proposed Soitec solar, Enel Jewel Valley Solar, the 5 SolFocus solar projects proposed in the Boulevard /Crestwood area, and the Amonix and BP solar projects proposed near Jacumba.
18. July 2, 2012: Science Daily: German Wind Farms can kill bats from near and far, research suggests¹⁶:
19. Overall cumulative impacts form projects documented in the multi-agency Renewable Energy Action Team (REAT) map must also be considered¹⁷.
20. Oxymoronic Wind Power:¹⁸ (excerpt) "Widespread misunderstanding about the difference between energy and power has given cover to the charlatan-like wind lobby which pretends their wares provide something they do not. We are all familiar with blackwhite PR jargon that characterizes wind projects as mills, farms, and parks, despite

¹⁴ <http://www.utsandiego.com/news/2012/jul/09/eagle-kill-permits-stoke-constrroversy/>

¹⁵ USFWS Eagle Act memo to Iberdrola dated 10-14-11

¹⁶ German Wind Farms kill bats: <http://www.sciencedaily.com/releases/2012/07/120702133529.htm>

¹⁷ http://www.energy.ca.gov/33by2020/documents/renewable_projects/REAT_Generation_Tracking_Projects_Map.pdf

¹⁸ <http://www.masterresource.org/2011/01/wind-howlers-part-i/> &

<http://www.masterresource.org/2011/01/windspeak-part-ii/>

the looming industrial presence of 450-foot tall turbines propelling rotors at tip speeds of nearly 200-mph for many miles along terrain or seabed."

21. Political Capitalism: Risky Business¹⁹: (excerpt) *"Three points can be made in conclusion. One, the free market is a democratic process that is run by the "other 99 percent" (think current anti-Wall Street protesters). "It is precisely the fact that the market does not respect vested interests that makes the people concerned ask for government interference," noted economist Ludwig von Mises in his 1949 classic, Human Action. [6]Two, the societal goal of elevating consumer-driven markets over politically engineered ones needs business reform, not only political reform. As Milton Friedman reminds us: "With some notable exceptions, businessmen favor free enterprise in general but are opposed to it when it comes to themselves."Three, bypassing the democracy of the free market to prop up bad business is risky business all around. For the business, there are the higher costs of lobbying and public relations and very real prospect of ultimate failure at other people's expense. For the politician, there is voter backlash at business favoritism gone bad. And for taxpayers and voters, it is democracy in deficit."*
22. IRS loses much-watched Scottish Power (Iberdrola Renewables) tax case²⁰: The IRS challenged \$932 million in interest deductions taken by the power utility on \$4 billion in intercompany notes issued between company units. The IRS argued that the transactions should be treated as equity, which would nullify the deductions taken by the Spanish-owned company. Under corporate tax law, interest paid on debt is tax deductible, a feature of the U.S. tax code that is often abused and that critics say unwisely favors debt over equity. In this case, Scottish Power's deductions cut its taxable U.S. income. The IRS has been scrutinizing corporate debt issuance to foreign units for years; at times arguing deals are structured to skirt billions of dollars in tax. The Scottish Power ruling is the Tax Court's first major decision in this area since the late 1990s
23. Please review the EMF and RF Emission Products Devices and Their Intensities document to better understand the nature and source of these polluting emissions that we are so concerned with.²¹

Thank you for your consideration of our comments and valid concerns. Please move forward with extreme precaution and care. Your decisions and actions will have far reaching impacts on our rural residents and at-risk resources. There are better, cheaper, less invasive alternatives.

###

¹⁹ <http://www.instituteforenergyresearch.org/2011/10/21/political-capitalism-risky-business/>

²⁰ http://www.msnbc.msn.com/id/47880162/ns/world_news-europe/t/irs-loses-scottish-power-tax-deductions-case/;
<http://www.snl.com/InteractiveX/ArticleAbstract.aspx?id=14917334>

²¹ EMF and RF Emission_Products_Devices and Their Intensities:
[http://www.eaglecliffs.com/HTMLobj-280/EMF and RF Emission.pdf](http://www.eaglecliffs.com/HTMLobj-280/EMF_and_RF_Emission.pdf)



Falmouth Health Department

FALMOUTH TOWN HALL • 59 TOWN HALL SQUARE • FALMOUTH, MASSACHUSETTS 02540
(508) 495-7485 • FAX (508) 548-4290

POD 10-007, Item 1

June 11, 2012

Ms. Suzanne Condon
Associate Commissioner
Massachusetts Department of Public Health
250 Washington Street, 7th Floor
Boston, MA 02108

Dear Ms. Condon,

The Falmouth Board of Health requests that **Mass DPH immediately initiate a health assessment of the impacts of the operation of wind turbines in Falmouth.** This appeal is compelled by two years of consistent and persistent complaints of health impacts during turbine operation.

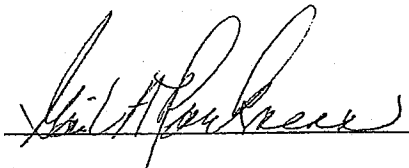
We realize that this is an atypical health assessment study. The suspected agent of harm is not a food borne, waterborne, or airborne contaminant. Yet, the Wind Turbine Health Impact Study recently completed by the State suggests certain elements of wind turbine operation propagate to health impacts potentially as harmful as those caused by organic agents.

To assist Mass DPH in the identification of health effects and potential study subjects, the Falmouth Board of Health held a hearing on May 24th, 2012, at which we accepted further testimony from those individuals in our community who believe they are experiencing negative health impacts from the operation of three turbines in Falmouth. We have attached a summary, received testimony, and a map of respondents. We are appealing to the Mass DPH to conduct this study due to its ability to collect and analyze confidential health information.

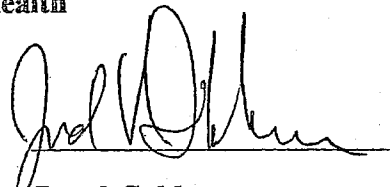
Due to the increasing intensity of the reported health impacts, the Board is considering emergency actions. To determine the appropriateness of such actions, the Board requests immediate guidance on interim measures to protect the health of affected individuals while the complete health assessment is being conducted.

We look to your Department, as that which holds the highest duty to protect the health of the citizens of the Commonwealth, to assist us in this matter. Accordingly, we request a meeting at the earliest possible time with you or your staff. We are certain that once you have read the attached testimony that we received, you will appreciate the urgency and need for such a meeting. That meeting can be coordinated through our Health Agent, David Carignan.

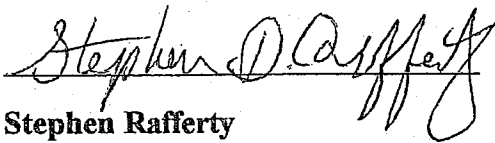
Falmouth Board of Health



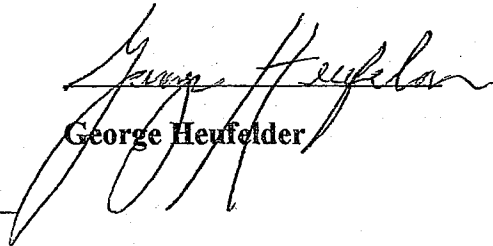
Gail Harkness, Chairman



Jared Goldstone



Stephen Rafferty



George Heufelder

John Waterbury

Cc: Falmouth Board of Selectmen

Mr. Julian Suso, Falmouth Town Manager

The Honorable Therese Murray, The State Senate, Boston, Massachusetts

The Honorable David Vieira, Massachusetts House of Representatives

The Honorable Timothy Madden, Massachusetts House of Representatives

Enclosures

RENEWABLE ENERGY ACTION TEAM - GENERATION TRACKING FOR RENEWABLE PROJECTS				
Revised 6/11/12				
PROJECT NAME	County	DEVELOPER	MW	Type
Solar PV				
1 Pristine Sun, LLC/Kara Haugen	Fresno	Pristine Sun, LLC/Kara Haugen	2.0	Solar PV
2 Tranquility	Fresno	Recurrent Energy	400.0	Solar PV
3 Silverado Power (1)	Fresno	Silverado Power, LLC	90.0	Solar PV
4 Silverado Power (3)	Fresno	Silverado Power, LLC	70.0	Solar PV
5 Silverado Power (2)	Fresno	Silverado Power, LLC	63.0	Solar PV
6 Five Points Solar Park	Fresno	Frontier Renewables, LLC	50.0	Solar PV
7 Silverado Power (4)	Fresno	Silverado Power, LLC	40.0	Solar PV
8 RE Adams East	Fresno	RE Adams East, LLC (Owned by Recurrent)	37.0	Solar PV
9 Gestamp Solar (2)	Fresno	Gestamp Solar	23.0	Solar PV
10 Gestamp Solar (c/o Francisco Sanchez)	Fresno	Gestamp Solar	20.0	Solar PV
11 Rose Solar	Fresno	Rose Solar, LLC	20.0	Solar PV
12 Placer Solar	Fresno	Placer Solar, LLC	20.0	Solar PV
13 Three Rocks Solar	Fresno	Three Rocks Solar, LLC	13.0	Solar PV
14 Gestamp Solar (c/o Marco Lara)	Fresno	Gestamp Solar	12.0	Solar PV
15 Gestamp Solar	Fresno	Gestamp Solar	9.0	Solar PV
16 Cenergy Power	Fresno	Cenergy Power (Part of BAP POWER Corp.	3.0	Solar PV
17 Schindler South Solar Center	Fresno	Schindler South Solar Center, LLC	54.0	Solar PV
18 Fowler Packing/Jeff Gatzka	Fresno	Don Pickett & Associates	8.5	Solar PV
19 Annedale Solar	Fresno	Annedale Solar, LLC	33.0	Solar PV
20 Gestamp Asetym Solar	Fresno	Gestamp Solar	22.0	Solar PV
21 Gestamp Solar Asetym (2)	Fresno	Gestamp Solar	22.0	Solar PV
22 Sunpower	Fresno		270.0	Solar PV
23 Brannon Solar	Fresno	Brannon Solar, LLC	22.0	Solar PV
24 Jayne East	Fresno	Recurrent Energy	20.0	Solar PV
25 Kamm	Fresno	Recurrent Energy	20.0	Solar PV
26 SR Solis Oro Loma	Fresno	SolarGen USA, LLC	19.0	Solar PV
27 SR Solis Oro Loma Teresina	Fresno	SolarGen USA, LLC	19.0	Solar PV
28 SR Solis Firebaugh	Fresno	SolarGen USA, LLC	7.0	Solar PV
29 CalRenew-1	Fresno	Cleantech America	5.0	Solar PV
30 SR Solis East Reedley	Fresno	SolarGen USA, LLC	7.0	Solar PV
31 SR Solis City of Huron	Fresno	SolarGen USA, LLC	5.0	Solar PV
32 GA Solar	Fresno	GA Solar	22.0	Solar PV
33 Gestamp Solar Enrio	Fresno	Gestamp Solar	26.0	Solar PV
34 Gestamp Solar Matson	Fresno	Gestamp Solar	26.0	Solar PV
35 Huron	Fresno	PG&E	20.0	Solar PV
36 San Joaquin	Fresno	PG&E	20.0	Solar PV
37 Schindler 1 and 2	Fresno	PG&E	30.0	Solar PV
38 Westlands Solar Farm	Fresno	Westlands Solar Farms, LLC	23.0	Solar PV
39 Whitney Point Solar	Fresno	Whitney Solar LLC	40.0	Solar PV
40 Vie Del Solar Project	Fresno	Vie-Die Company	1.0	Solar PV
41 North Star Solar 1	Fresno	North Ligh Power LLC	60.0	Solar PV
42 Thunderhill	Glenn	THSP LLC	38.0	Solar PV
43 AES Solar Imperial Valley PV*	Imperial	AES Solar (formerly Tessera Solar)	928.0	Solar PV
44 Dixieland Solar Farm	Imperial	Dixieland Solar Farm, LLC	20.0	Solar PV
45 Superstition Solar	Imperial	Superstition Solar	500.0	Solar PV
46 Centinela Solar	Imperial	LS Power	275.0	Solar PV
47 Ocotillo Sol	Imperial	SDG&E	15.0	Solar PV
48 Midway Solar Farm I	Imperial	8MinuteEnergy Renewables LLC	50.0	Solar PV
49 Salton Sea Solar Farm I	Imperial	8MinuteEnergy Renewables LLC	50.0	Solar PV
50 Salton Sea Solar Farm II	Imperial	8MinuteEnergy Renewables LLC	100.0	Solar PV
51 Calixico I	Imperial	8MinuteEnergy Renewables LLC	200.0	Solar PV
52 Midway Solar Farm III	Imperial	8MinuteEnergy Renewables LLC	200.0	Solar PV
53 Calipatria Solar Farm II	Imperial	8MinuteEnergy Renewables LLC	100.0	Solar PV
54 Calipatria Solar Farm I	Imperial	8MinuteEnergy Renewables LLC	50.0	Solar PV
55 Chocolate Mountains Solar Farm	Imperial	8MinuteEnergy Renewables LLC	50.0	Solar PV
56 Imperial Valley Solar Co. I	Imperial	Sunpeak	23.0	Solar PV
57 ALIVE Energy Farm	Imperial	ALIVE Industries, Inc.	20.0	Solar PV
58 Energy Source Solar I	Imperial	Energy Source Solar, LLC	80.0	Solar PV
59 Energy Source Solar II	Imperial	Energy Source Solar, LLC	80.0	Solar PV
60 Brawley	Imperial	Ormat	20.0	Solar PV

	PROJECT NAME	County	DEVELOPER	MW	Type
61	C Solar South	Imperial	Lightsource Renewables	200.0	Solar PV
62	Bannister	Imperial	Franconia Investments LLC	250.0	Solar PV
63	Calixico II	Imperial	8 Minute Energy	200.0	Solar PV
64	Mount Signal Solar Farm III	Imperial	8 Minute Energy	200.0	Solar PV
65	Midway Solar Farm II	Imperial	8 Minute Energy	155.0	Solar PV
66	C Solar West	Imperial	Lightsource Renewables	250.0	Solar PV
67	Heber	Imperial	Ormat	10.0	Solar PV
68	Kingbird Solar	Kern	First Solar	40.0	Solar PV
69	Fremont Valley Preservation Water Bank & Solar Project	Kern		900.0	Solar PV
70	Wasco-Charca	Kern	Solar Land Partners	8.0	Solar PV
71	Chaparral Solar	Kern	Iberdrola	30.0	Solar PV
72	Meadows Field Solar Project	Kern		0.8	Solar PV
73	Maricopa Sun Solar	Kern	Granville Homes	700.0	Solar PV
74	Oro Verde Solar (Edwards AFB)	Kern	Fotowatio Renewable Ventures	450.0	Solar PV
75	Gateway Solar Project	Kern	East Kern Properties, LLC	350.0	Solar PV
76	Willow Springs Solar Array	Kern	First Solar	160.0	Solar PV
77	Rosamond Solar Project	Kern	Sempre	120.0	Solar PV
78	Cygnus Solar	Kern	Fotowatio Renewable Ventures	80.0	Solar PV
79	Weldon Solar Project	Kern	Renewable Resources	60.0	Solar PV
80	Orion Solar	Kern	Fotowatio Renewable Ventures	20.0	Solar PV
81	Ridge Rider Solar Park	Kern	Global Real Estate Investment Partners, LLC	38.0	Solar PV
82	Mojave Solar 1	Kern	Fotowatio Renewable Ventures	20.0	Solar PV
83	Rosamond I	Kern	Recurrent Energy	20.0	Solar PV
84	Columbia II	Kern	Recurrent Energy	20.0	Solar PV
85	Old River II	Kern	Recurrent Energy	17.0	Solar PV
86	Old River I	Kern	Recurrent Energy	16.0	Solar PV
87	Goose Lake Solar	Kern	EnXco	15.0	Solar PV
88	Columbia III	Kern	Recurrent Energy	10.0	Solar PV
89	Elk Hills Solar	Kern	EnXco	7.0	Solar PV
90	San Bernard Solar	Kern	EnXco	6.0	Solar PV
91	Great Lakes	Kern	Recurrent Energy	5.0	Solar PV
92	Rio Grande	Kern	Recurrent Energy	5.0	Solar PV
93	Avenida Del Sol Solar Project	Kern	Avenida del Sol Solar	5.0	Solar PV
94	Smyrna Solar	Kern	EnXco	20.0	Solar PV
95	Rosamond II	Kern	Recurrent Energy	20.0	Solar PV
96	Porter and Associates	Kern	Porter and Associates	20.0	Solar PV
97	Monte Vista	Kern	First Solar	126.0	Solar PV
98	Cal City Solar	Kern	EnXco	96.0	Solar PV
99	SR Solis City of McFarland	Kern	SolarGen USA, LLC	20.0	Solar PV
100	Barren Ridge I	Kern	Recurrent Energy	74.0	Solar PV
101	Barren Ridge Solar	Kern	enXco	100.0	Solar PV
102	Columbia I	Kern	Recurrent Energy	20.0	Solar PV
103	McFarland Solar Energy Project	Kern	Integrated Resourced Development, LLC	18.0	Solar PV
104	Mojave Solar	Kern	Horizon Wind	10.0	Solar PV
105	Rosamond Solar Array	Kern	First Solar	155.0	Solar PV
106	San Bernard	Kern	PG&E	20.0	Solar PV
107	SinarPower	Kern	SinarPower, Inc.	4.0	Solar PV
108	Sirius Solar	Kern	Boulevard Associates, LLC	20.0	Solar PV
109	SunGen 1	Kern	Complete Energy/La Paloma Generating Co. LLC	29.0	Solar PV
110	Champagne Solar	Kern	Iberdrola	40.0	Solar PV
111	CSU Bakersfield Photovoltaic Project	Kern	CSU Bakersfield	1.2	Solar PV
112	Rigel	Kern	Fotowatio Renewable Ventures	20.0	Solar PV
113	Tehachapi Solar II	Kern	Recurrent Energy	20.0	Solar PV
114	High Desert Solar	Kern	Element Power	20.0	Solar PV
115	South Kern Solar	Kern	Ridgeline Energy LLC	20.0	Solar PV
116	Twisselman Solar	Kern	Ridgeline Energy LLC	10.0	Solar PV
117	Calwest Energy	Kern	Jonathan Bender	5.0	Solar PV
118	Cenergy Power	Kern	Cenergy	1.5	Solar PV
119	Lost Hills	Kern	Nextlight	33.0	Solar PV
120	Tehachapi Solar I (1 of 10 RE projects same EIR)	Kern	Recurrent Energy	20.0	Solar PV
121	Power Partners Southwest	Kern	Power Partners Southwest LLC	25.0	Solar PV
122	Bakersfield Fuel and Oil Solar Project	Kern	Bakersfield Fuel and Oil	20.0	Solar PV
123	Lerdo Detention Facility	Kern	Lerdo Detention Center	2.0	Solar PV

	PROJECT NAME	County	DEVELOPER	MW	Type
124	Antelope Valley Solar	Kern / Los Angeles	SunPower/Renewable Resources Group	650.0	Solar PV
125	Mustang	Kings	Recurrent Energy	200.0	Solar PV
126	Sand Drag (Sun City 2)	Kings	NRG Solar	19.0	Solar PV
127	SR Solis Avenal	Kings	SolarGen USA, LLC	18.0	Solar PV
128	Avenal Park	Kings	Eurus Energy	9.0	Solar PV
129	Solar Generation Facilities Project	Kings	Corcoran Irrigation District	40.0	Solar PV
130	Sunpower Henrietta	Kings	River West Investments	136.0	Solar PV
131	Jacobs Corner	Kings	Jacob Canal Solar Farm, LLC;	60.0	Solar PV
132	Grangeville	Kings	Recurrent Energy	20.0	Solar PV
133	Stratford Land	Kings	Eurus Energy	20.0	Solar PV
134	RE Kansas	Kings	Recurrent Energy	20.0	Solar PV
135	RE Lincoln	Kings	Recurrent Energy	15.0	Solar PV
136	US Topco Energy (CUP 12-02)	Los Angeles	US Topco Energy LLC	7.5	Solar PV
137	Horn PV	Los Angeles	Sunlight Partners	1.5	Solar PV
138	Silverado Power (CUP 12-08)	Los Angeles	Silverado Power	20.0	Solar PV
139	Silverado Power (CUP 12-09)	Los Angeles	Silverado Power	40.0	Solar PV
140	TA High Desert	Los Angeles	Tuusso Energy	20.0	Solar PV
141	Del Sur Solar	Los Angeles	First Solar	50.0	Solar PV
142	Gray Butte Solar PV	Los Angeles	First Solar and AES Solar	150.0	Solar PV
143	Rio Vista Water Treatment Plant	Los Angeles	Castaic Lake Water Authority	1.0	Solar PV
144	UC/CDWR Joint Solar Project	Los Angeles	CDWR/UC	20.0	Solar PV
145	Beautiful Earth	Los Angeles	Beautiful Earth Group	39.0	Solar PV
146	Alpine Solar Project	Los Angeles	NRG	92.0	Solar PV
147	Antelope Solar 2	Los Angeles	Recurrent Energy	10.0	Solar PV
148	Ruby Solar Project	Los Angeles	Ruby Solar LLC	20.0	Solar PV
149	Antelope Solar Project	Los Angeles	Tuusso Energy	20.0	Solar PV
150	AV Solar Ranch One	Los Angeles	First Solar	230.0	Solar PV
151	LA Solar 20	Los Angeles	LA Solar 2	20.0	Solar PV
152	Antelope Solar 1	Los Angeles	Recurrent Energy	10.0	Solar PV
153	Antelope Solar Farm (Mojave Solar 4)	Los Angeles	Fotowatio Renewable Ventures	20.0	Solar PV
154	American Lake	Los Angeles	Greenworks/Silverado Power	20.0	Solar PV
155	Russell	Los Angeles	Sunlight Partners	2.5	Solar PV
156	Vandiver	Los Angeles	Sunlight Partners	3.0	Solar PV
157	Beazel	Los Angeles	Sunlight Partners	1.5	Solar PV
158	Reuschel	Los Angeles	Sunlight Partners	2.0	Solar PV
159	East Lancaster Ranch	Los Angeles	Silverado Power	4.0	Solar PV
160	Sierra Solar	Los Angeles	Greenworks/Silverado Power	20.0	Solar PV
161	Desert Vista	Los Angeles	Greenworks/Silverado Power	25.0	Solar PV
162	Lancaster	Los Angeles	WAD/Silverado Power	5.0	Solar PV
163	American Solar	Los Angeles	Greenworks/Silverado Power	35.0	Solar PV
164	Owen	Los Angeles	Sunlight Partners	1.5	Solar PV
165	Theme	Los Angeles	Sunlight Partners	2.0	Solar PV
166	Antelope Solar	Los Angeles	Greenworks/Silverado Power	52.0	Solar PV
167	Antelope Valley	Los Angeles	Greenworks/Silverado Power	5.0	Solar PV
168	North Lancaster Ranch	Los Angeles	Silverado Power	20.0	Solar PV
169	Silver Sun	Los Angeles	Greenworks/Silverado Power	20.0	Solar PV
170	Western Antelope	Los Angeles	Blue Sky Ranch/Silverado Power	40.0	Solar PV
171	Hall	Los Angeles	Sunlight Partners	3.5	Solar PV
172	Sunlight Partners	Los Angeles	Sunlight Partners	1.5	Solar PV
173	Absolutely Solar	Los Angeles	Absolutley Solar	3.4	Solar PV
174	Silverado Power	Los Angeles	Silverado Power	10.0	Solar PV
175	Silverado Power	Los Angeles	Silverado Power	20.0	Solar PV
176	Silverado Power	Los Angeles	Silverado Power	20.0	Solar PV
177	Silverado Power	Los Angeles	Silverado Power	20.0	Solar PV
178	Horizon Energy	Los Angeles	Horizon Energy	1.5	Solar PV
179	Sunlight Partners	Los Angeles	Sunlight Partners	4.0	Solar PV
180	Sunlight Partners	Los Angeles	Sunlight Partners	1.5	Solar PV
181	Sunlight Partners	Los Angeles	Sunlight Partners	1.5	Solar PV
182	Absolutley Solar	Los Angeles	Absolutley Solar	3.0	Solar PV
183	Solar Electric Solutions LLC	Los Angeles	Solar Electric Solutions LLC	2.0	Solar PV
184	Blue Diamond Solar Energy	Los Angeles	Blue Diamond Solar Energy	20.0	Solar PV
185	Littlerock Solar Power Generation Station 1 LLC	Los Angeles	Littlerock Solar Power Generation Station 1 LLC	5.2	Solar PV
186	Silverado Power	Los Angeles	Silverado Power	34.0	Solar PV

	PROJECT NAME	County	DEVELOPER	MW	Type
187	Aurora Solar LLC	Los Angeles	Aurora Solar LLC	20.0	Solar PV
188	Sunlight Partners	Los Angeles	Sunlight Partners	2.0	Solar PV
189	Sunlight Partners	Los Angeles	Sunlight Partners	4.0	Solar PV
190	Adera Solar	Madera	Pacific Valley, LLC	20.0	Solar PV
191	CUP #2010-015	Madera	Cal SP V, LLC	20.0	Solar PV
192	Cal SP V	Madera	Cal S.P. V, LLC	20.0	Solar PV
193	Quinto/Los Banos	Merced	Sunpower/River West	110.0	Solar PV
194	SR Solis City of Gustine	Merced	SolarGen USA, LLC	20.0	Solar PV
195	Ingomar CUP	Merced	Ingomar Packing Co.	1.0	Solar PV
196	Leo Solar	Merced	Fotowatio	150.0	Solar PV
197	Blythe Mesa Solar	Riverside	Renewable Resources Group	485.0	Solar PV
198	Garnet Solar Power Generation Station, 1	Riverside	Amonix	2.0	Solar PV
199	Quartzite	Riverside	First Solar	600.0	Solar PV
200	Southwestern Solar Power II	Riverside	Southwestern Solar	13.0	Solar PV
201	Southwestern Solar Power I	Riverside	Southwestern Solar	5.0	Solar PV
202	Avalon Riverside	Riverside	Avalon Solar, LLC	2.0	Solar PV
203	Temescal Canyon RV, LLC	Riverside	Temescal Canyon RV, LLC	2.0	Solar PV
204	McCoy	Riverside	NextEra	250.0	Solar PV
205	Colorado River	Riverside	Sun Power/Renewable Resources	485.0	Solar PV
206	Mountain View PV Project	Riverside	AES Seawest	13.0	Solar PV
207	Desert Hot Springs	Riverside	Solar Electric Solutions	20.0	Solar PV
208	Mule Mountain Soleil	Riverside	EnXco	200.0	Solar PV
209	Maria Vista	Riverside	Bullfrog Green Energy/Wellhead Electric, Inc	500.0	Solar PV
210	McCoy EnXco	Riverside	EnXco	250.0	Solar PV
211	Eagle Mountain	Riverside	EnXco	150.0	Solar PV
212	Gypsum Solar	Riverside	Ridgeline Energy LLC	100.0	Solar PV
213	Indio Solar Project	Riverside	Ridgeline Energy LLC	30.0	Solar PV
214	Desert Center II	Riverside	Ridgeline Energy	20.0	Solar PV
215	Chuckwalla Solar	Riverside	Chuckwalla Solar LLC	200.0	Solar PV
216	Desert Sunlight	Riverside	First Solar	550.0	Solar PV
217	Blythe	Riverside	EC&R Development LLC	250.0	Solar PV
218	Mule Mountain	Riverside	Bullfrog Green Energy, LLC	500.0	Solar PV
219	Belectric (SMUD FIT)	Sacramento	Belectric	21.9	Solar PV
220	RE McKenzie (SMUD FIT)	Sacramento	Recurrent Energy	30.0	Solar PV
221	RE Bruceville (SMUD FIT)	Sacramento	Recurrent Energy	15.0	Solar PV
222	RE Kammerer (SMUD FIT)	Sacramento	Recurrent Energy	15.0	Solar PV
223	RE Dillard (SMUD FIT)	Sacramento	Recurrent Energy	9.4	Solar PV
224	GlobAll Connect (SMUD FIT)	Sacramento	Belectric	4.0	Solar PV
225	Solar Star (SMUD FIT)	Sacramento	Belectric	1.5	Solar PV
226	San Benito Smart Energy Park LLC	San Benito	Smart Park LLC	1.5	Solar PV
227	Panoche Valley	San Benito	PV2 Energy LLC Previously Solargen	399.0	Solar PV
228	Avalon Solar Development	San Bernardino	Amonix INC	1.7	Solar PV
229	Lucerne Valley Desert View Ranch, LLC	San Bernardino	Lucerne Valley Desert View Ranch, LLC	20.0	Solar PV
230	Indigo Solar Project	San Bernardino	Indigo 2010, LLC	20.0	Solar PV
231	Joshua Tree	San Bernardino	Axio Power Holdings	20.0	Solar PV
232	Siberia	San Bernardino	Solar Partners V	60.0	Solar PV
233	Caithness Soda Mountain, LLC	San Bernardino	Caithness Soda Mountain, LLC	350.0	Solar PV
234	El Mirage	San Bernardino	Axio Power Holdings	20.0	Solar PV
235	Lucerne Valley Solar	San Bernardino	Chevron, Fotowatio Renewable Ventures	45.0	Solar PV
236	Lightsource Renewables, LLC	San Bernardino	Lightsource Renewables, LLC	40.0	Solar PV
237	Victor Phelan Solar One	San Bernardino	Recurrent Energy	20.0	Solar PV
238	LSR Kramer South	San Bernardino	Lightsource Renewables	20.0	Solar PV
239	North Edwards Solar	San Bernardino	North Edwards Solar	20.0	Solar PV
240	Strawberry Peak	San Bernardino	First Solar	15.0	Solar PV
241	SEPV2 -Twenty-nine Palms Solar	San Bernardino	Solar Electric Solutions	12.0	Solar PV
242	Lucerne Solar	San Bernardino	NextEra	60.0	Solar PV
243	Suncal Waterman Junction (Barstow)	San Bernardino	Suncal	250.0	Solar PV
244	29 Palms PV Project	San Bernardino	Sustainable Energy Capital Partners	20.0	Solar PV
245	Apple Valley	San Bernardino	Sunlight Partners	1.0	Solar PV
246	Lucerne Valley	San Bernardino	First Solar	15.0	Solar PV
247	Newberry Springs, Soltech Solar Inc.	San Bernardino	Soltech Solar Inc.	1.5	Solar PV
248	Riverbluff	San Bernardino	TerraGen	230.0	Solar PV
249	SolFocus- Deep Creek Road	San Bernardino	SolFocus Solar	1.5	Solar PV

	PROJECT NAME	County	DEVELOPER	MW	Type
250	Wonder Valley	San Bernardino	Wonder Valley 1 LLC	100.0	Solar PV
251	Rabbit Springs Solar Array	San Bernardino	Rabbit Springs Solar LLC	104.0	Solar PV
252	Stateline	San Bernardino	First Solar	300.0	Solar PV
253	Cascade Solar	San Bernardino	Axio Power	18.5	Solar PV
254	Kramer Junction Solar Energy Center	San Bernardino	NextEra	50.0	Solar PV
255	SEPV8, LLC	San Bernardino	Solar Electric Solutions	12.0	Solar PV
256	SEPV9, LLC	San Bernardino	Solar Electric Solutions	9.0	Solar PV
257	Fink Road Solar Farm (Watts)	San Bernardino	Sunlight Partners	2.5	Solar PV
258	Victor Solar 1 El Mirage*	San Bernardino	First Solar	16.0	Solar PV
259	Cal SP VII, LLC	San Bernardino	Cal SP VII, LLC (Solar Pack)	3.0	Solar PV
260	Del Oro Solar	San Bernardino	ReCurrent Energy	20.0	Solar PV
261	Lucerne Valley	San Bernardino	Amonix	1.5	Solar PV
262	Lucerne Valley Solar 1	San Bernardino	California Solar Energy	100.0	Solar PV
263	Silver Valley	San Bernardino	Silver Valley16, LLC	20.0	Solar PV
264	Barstow Housing Solar Farm	San Bernardino	C.F. Properties Inc.	19.0	Solar PV
265	BP Solar (jacumba)	San Diego	BP Alternative Energy	20.0	Solar PV
266	US Solar Borrego One	San Diego	NRG Borrego Solar One, LLC	46.0	Solar PV
267	Borrego Solar Farm	San Diego	Eurus Energy	45.0	Solar PV
268	Split Mountain Solar Farm	San Diego	EnXco	26.0	Solar PV
269	Digorio	San Diego	Avalon Solar, LLC	2.0	Solar PV
270	BP Solar	San Diego	BP Alternative Energy	20.0	Solar PV
271	GWF Tracy Amendment	San Joaquin	GWF Tracy	30.0	Solar PV
272	Topaz Solar Farm	San Luis Obispo	First Solar	550.0	Solar PV
273	California Valley Solar Ranch	San Luis Obispo	Sun Power	250.0	Solar PV
274	Cuyama Solar Energy Project Phase 1&2	Santa Barbara	First Solar	40.0	Solar PV
275	Gestamp Solar	Solano	Gestamp Solar	28.0	Solar PV
276	McHenry Solar Farm	Stanislaus	Sunpower	30.0	Solar PV
277	Scatech Westside Solar	Stanislaus	Scatech Solar	50.0	Solar PV
278	Fink Road Solar Farm	Stanislaus	JKB Development	100.0	Solar PV
279	CSU Stanislaus PV Project	Stanislaus	CSU Stanislaus	0.8	Solar PV
280	Great Valley	Tulare	Element Power	150.0	Solar PV
281	Alpaugh Solar	Tulare	Solar Project Solutions	50.0	Solar PV
282	DTE Energy I	Tulare	DTE Energy	20.0	Solar PV
283	DTE Energy II	Tulare	DTE Energy	20.0	Solar PV
284	Element Power I	Tulare	Element Power	20.0	Solar PV
285	SR Solis Vestral Almond	Tulare	SolarGen USA, LLC	18.0	Solar PV
286	SR Solis Terra Bella	Tulare	SolarGen USA, LLC	20.0	Solar PV
287	Cal S.P. IV, LLC	Tulare	Cal S.P. IV, LLC	20.0	Solar PV
288	White River	Tulare	Solar Project Solutions	20.0	Solar PV
289	Alpaugh North	Tulare	Solar Project Solutions	20.0	Solar PV
290	SR Solis Rector	Tulare	SolarGen USA, LLC	10.0	Solar PV
291	SR Solis Vestal Herder	Tulare	SolarGen USA, LLC	18.0	Solar PV
292	SR Solis Vestal Fireman	Tulare	SolarGen USA, LLC	19.0	Solar PV
293	SR Solis Crown	Tulare	SolarGen USA, LLC	15.0	Solar PV
294	Alpaugh Atwell Island West	Tulare	Element Power	20.0	Solar PV
295	White River West	Tulare	Solar Project Solutions	20.0	Solar PV
296	OPDE Solar Farm	Yolo	OPDE	24.0	Solar PV
			Total Solar PV MW:	21,448.9	
	Solar Thermal				
297	Ogilby Solar	Imperial	Pacific Solar Investments (Iberdrola)	450.0	Solar Thermal
298	Mule Mountain Bullfrog/Wellhead (Mule Mountain III)	Riverside	Solar Reserve	250.0	Solar Thermal
299	Rabbit Dry Lake Solar	San Bernardino	Southwest Solar	40.0	Solar Thermal
			Total Solar Thermal MW:	740.0	
	Wind				
300	Patterson Pass Repowering Project	Alameda	enXco	20.0	Wind
301	Golden Hills (Altamont Repower II)	Alameda	NextEra	150.0	Wind
302	Tres Vaqueros	Contra Costa	Pattern Energy	42.0	Wind
303	Vasco Wind	Contra Costa	NextEra	78.0	Wind
304	Bear River Ridge	Humboldt	Shell Wind Energy	70.0	Wind
305	Ocotillo Express	Imperial	Pattern Energy Group LP	465.0	Wind
306	Black Mountain	Imperial	Imperial Wind RES	65.0	Wind
307	Avalon Solar	Kern	Enxco	175.0	Wind
308	Avalon I	Kern	EnXco	255.0	Wind

	PROJECT NAME	County	DEVELOPER	MW	Type
309	Alta East	Kern	TerraGen	300.0	Wind
310	Manzana Wind Project	Kern	Iberdola	300.0	Wind
311	Clear Vista Ranch Wind	Kern	Pannon	20.0	Wind
312	Coram ZC 60	Kern	Coram Development	6.0	Wind
313	Soledad Mountain Wind	Kern	Oak Creek Energy	250.0	Wind
314	Windswept	Kern	Western Wind Energy Corp.	72.0	Wind
315	Rising Tree	Kern	Rising Tree Wind, LLC	234.0	Wind
316	Pacific Wind	Kern	EnXco	151.0	Wind
317	Sand Canyon of Tehachapi	Kern	Sand Canyon of Tehachapi	40.0	Wind
318	Lower West Wind Energy Project	Kern	AERO Energy LLC	14.0	Wind
319	Morgan Hills	Kern	TerraGen	230.0	Wind
320	Pine Canyon	Kern	LADWP	150.0	Wind
321	Windstar I	Kern	Aero Energy, LLC - Western Wind Energy	120.0	Wind
322	Sand Canyon	Kern	Eagle Energy/Helo Energy	24.0	Wind
323	Alta Addendum II	Kern	TerraGen	330.0	Wind
324	Alta	Kern	Alta	50.0	Wind
325	Alta East Infill	Kern	TerraGen	132.0	Wind
326	North Sky River Energy, LLC (NSRE)	Kern	NextEra	339.0	Wind
327	Walker Ridge	Lake and Colusa	Alta Gas REP	70.0	Wind
328	Blue Sky	Los Angeles	NextEra	225.0	Wind
329	Lake Hughes Wind	Los Angeles	Vermont Company Wind Farm	60.0	Wind
330	Soledad Wastewater Treatment Plant	Monterey	City of Soledad	3.0	Wind
331	King City Wind Project	Monterey	King City Wind Project	5.0	Wind
332	Whitewater Hill	Riverside	Shell Cabazon	105.0	Wind
333	Wind Power Partners 1993 (California)	Riverside	Wind Power Partners 1993, LLC (Nextera)	40.2	Wind
334	AES Daggett Ridge	San Bernardino	AES Wind Generation, INC	82.5	Wind
335	Granite Wind, LLC	San Bernardino	RES North America	74.0	Wind
336	Sand Ridge	San Bernardino	AES Wind Generation, Inc	61.0	Wind
337	Camp Rock	San Bernardino	Horizon Wind	150.0	Wind
338	West Fry Wind, LLC	San Bernardino	NextEra	34.0	Wind
339	Dagget	San Bernardino	Horizon Wind Energy	25.0	Wind
340	Horizon Wind Energy	San Bernardino	Horizon Wind Energy	25.0	Wind
341	Granite Mountain Wind	San Bernardino	Sierra Renewables	64.4	Wind
342	Cleghorn Ridge Wind	San Bernardino	Pattern Energy Group LP	120.0	Wind
343	Tule Wind	San Diego	Iberdola Renewables	200.0	Wind
344	Jewel Valley	San Diego	Padoma Wind Power LLC/ Enel North America	184.0	Wind
345	Campo Wind	San Diego	Invenergy	160.0	Wind
346	Lompoc Wind Energy Project	Santa Barbara	Pacific Renewable Energy Generation LLC	55.5	Wind
347	Montezuma Wind II	Solano	NextEra	78.0	Wind
348	Shiloh III	Solano	EnXco	118.0	Wind
349	Shiloh IV	Solano	EnXco	100.0	Wind
350	Catalina Renewable Energy	Kern	EnXco	350.0	Wind/Solar PV
351	Wildflower Green Energy Farm	Los Angeles	Farm/Element Power	300.0	Wind/Solar PV
			Total Wind MW:	6,774.6	
	Geothermal				
352	Hudson Ranch II	Imperial	Hudson Ranch	49.0	Geothermal
353	South Brawley	Imperial	Nevada Geothermal Inc	49.0	Geothermal
354	Truckhaven I	Imperial	Nevada Geothermal Inc	49.0	Geothermal
355	Wister - Ormat	Imperial	Ormat	49.0	Geothermal
356	Black Rock 5, 6	Imperial	CalEnergy Obsidian Energy, LLC	235.0	Geothermal
357	Black Rock 7, 8, 9	Imperial	CalEnergy Obsidian Energy, LLC	159.0	Geothermal
358	West Chocolate Geothermal 3	Imperial	Ormat	50.0	Geothermal
359	East Brawley - Ormat	Imperial	Ormat	49.0	Geothermal
360	East Brawley	Imperial	Nevada Geothermal Inc	49.0	Geothermal
361	Casa Diablo Geothermal IV	Mono	Casa Diablo Geothermal	40.0	Geothermal
			Total Geothermal MW:	778.0	
	Other Technologies				
362	Buena Vista Biomass Power	Amador	Otoka Energy	18.0	Biomass
363	Mesquite Lake Cattle Manure Burner	Imperial	Greenhunter	27.0	Biomass
364	Sierra Pacific Industries Cogeneration Power Project	Shasta	Sierra Pacific Industries	31.0	Biomass
365	El Dorado Irrigation District	El Dorado	El Dorado Irrigation District	21.0	Small Hydro
			Total Other MW:	97.0	
			Total All Technologies MW:	29,835.4	

BOULEVARD PLANNING GROUP

PO Box 1272, BOULEVARD, CA 91905

October 5, 2012

San Diego County Planning Commission
Matthew Schneider, Project Manager
San Diego County Planning & Development Services

Via: Matthew.Schneider@sdcounty.ca.gov, cheryl.jones@sdcounty.ca.gov

RE: POD10-007 WIND ENERGY ZONING ORDINANCE AMENDMENTS; TULE WIND

Dear Chairman Pallenger, Commissioners, and Mr. Schneider,

It is our understanding that Tule Wind has requested a continuance for today's noticed Planning Commission hearing on the Tule Wind changes approved by the Board of Supervisors on August 8th.

Regardless, we still want to go on record with last night's unanimous 5-0-0 vote (seat 1 absent and seat 6 vacant) to fully endorse the comment letter submitted by Donna Tisdale on behalf of Backcountry Against Dumps and The Protect Our Communities Foundation, dated October 3, 2012.

We also concur with the request to further continue the Commission hearing on Tule Wind's expected request for exemption from future Wind Energy Zoning Ordinance & Plan Amendment requirements / regulation, until after we have an opportunity to publicly review those comments at our next meeting on November 7th.

Please contact me with any questions at 619-766-4170 or tisdale.donna@gmail.com

Sincerely,

/s/

Donna Tisdale, Chair

Cc: Supervisor Jacob
Planning Group members

**REVISED RESOLUTION IN OPPOSITIN TO THE SAN DIEGO COUNTY
WIND ENERGY ORDINANCE & PLAN AMENDMENT DEIR POD10-007;
TULE WIND MUP 3300-09-019 & GP AMENDMENT 3800-11-001, LOG NO.09-0210002:
AS APPROVED BY THE BOULEVARD PLANNING GROUP ON DECEMBER 1, 2012:**

Submitted by Donna Tisdale, Chair: 619-766-4170 ; tisdale.donna@gmail.com

Item 5 E: County Revised Wind Energy Ordinance and Plan Amendment Draft EIR:

M/S Lawrence/McKernan: Approve draft resolution content (in opposition) with recommended changes; Allow Chair to add additional amendments, supplements, and member comments; incorporate by reference the comment letter submitted by Backcountry Against Dumps and The Protect Our Communities Foundation (on Wind Energy Ordinance & Plan Amend): Approved 6-0-0

Item 5C: Tule Wind Major Use Permit 3300 09-019, General Plan Amendment 3800 11-001, Log NO. 09-021-002:

M/S Hall/ Lawrence – Approve Chair to revise previous comments opposing Tule Wind MUP and GPA and to include additional comments, concerns, and items discussed. Oppose all revisions to our community plan. Go on record that turbines are not a civic use, they are commercial industrial energy projects. Specify definition small vs. large turbines. Passes 6-0-0

WHEREAS absentee landowners, commercial energy developers, San Diego Gas & Electric, and others have targeted the Boulevard / Jacumba area of East County for conversion from low-density rural / open space to an INDUSTRIAL ENERGY RURAL SACRIFICE / EXPORT ZONE AND EXPANDING TRANSMISSION CORRIDOR; and

WHEREAS industrial wind energy supporters appear to have enthusiastically adopted the same strategy of denial of adverse impacts that was used successfully for decades by the tobacco and other controversial industries: Deny; Deny; Deny; Discredit the Messenger;

WHEREAS the San Diego County Department of Planning and Land Use issued the November 2011 Wind Energy Ordinance & Plan Amendment DEIR¹ (PROPOSED PROJECT) that will serve to exacerbate the current feeding frenzy for energy project entitlements and unsustainable incentives; and

WHEREAS The Draft EIR for San Diego County's Wind Energy Ordinance & Plan Amendment POD 10-007 proposes to significantly reduce current setback requirements (and related protections) between industrial wind turbines , non-participating properties, and at-risk resources (including but not limited to homes, occupied structures, property, wildlife, recreation areas, and conserved lands), in order to facilitate and streamline the permitting process for unnecessary commercial industrial wind turbine projects that produce an expensive, intermittent, and unreliable² and potentially dangerous energy commodity, where no commercial or industrial zoning currently or lawfully exists; and

¹ Wind Energy Ord & Plan Amendment DEIR/POD10007: <http://www.sdcounty.ca.gov/dplu/ceqa/POD10007.html>

²

WHEREAS *in addition to* other identified wind resource areas and proposed projects on BLM, Cleveland National Forest, State Lands Commission, and tribal lands located in San Diego County, the Proposed Project will effect approximately 807,984 acres (1,262 sq miles) of known wind resource areas³ under County jurisdiction⁴.

WHEREAS the Proposed Project is located in the fire-prone⁵ wind resource areas (with sensitive resources and recreation areas) in and around the rural communities of Boulevard, Jacumba, Pine Valley, Descanso, Campo, Potrero, Alpine, Ramona, Julian, Santa Ysabel, Warner Springs, Borrego Springs, and Ocotillo Wells⁶,

WHEREAS the identified Environmentally Superior Alternative Reduced Turbine Alternative still effects approximately 402,884 acres (630 sq miles) of fire-prone biologically and environmentally sensitive rural areas⁷ *WITH DISPROPORTIONATE IMPACTS IN THE BOULEVARD AREA*⁸, and many of the same impacts would remain significant and unavoidable⁹; and

WHEREAS the *Boulevard community / Planning Area is by far the most adversely and disproportionately impacted by the Proposed and reduce project alternatives, followed by Jacumba,*

WHEREAS "Environmental justice" is defined in California Government Code Section 65040.12 as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."¹⁰

WHEREAS "*The California Environmental Protection Agency (Cal/EPA) and our Boards, Departments, and Office (BDOs) shall accord the highest respect and value to every individual and community, by developing and conducting our public health and environmental protection programs, policies, and activities in a manner that promotes equity and affords fair treatment, accessibility, and protection for all Californians, regardless of race, age, culture, income, or geographic location*".¹¹

WHEREAS *Boulevard , Jacumba and related tribal communities do qualify under both CEQA and NEPA as Environmental Justice communities DESPITE denials, outright dismissal of such qualifications, and manipulation of data and area of impact, by project developers and promoters (including state and federal agencies); and*

WHEREAS the Boulevard Planning Group has direct knowledge that residents and property owners, within the Boulevard Planning Area , and adjacent tribal communities, are already adversely impacted

³ POD 1007: Figure 1-4

⁴ POD 1007: Page S.1-6

⁵ Fire Hazard Severity Zone maps: http://frap.cdf.ca.gov/webdata/maps/san_diego/fhsz_map.37.pdf

⁶ POD 10007: Page 1-33: Figure 1-4 Large Wind Project Area

⁷ POD 10007: Page S.1-7

⁸ See attached cumulative renewable energy projects map

⁹ POD 1007: Page S.1-7

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¹¹ CalEPA Environmental Justice Home: <http://www.calepa.ca.gov/envjustice/>