

**DATE:** 5-25-13

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

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

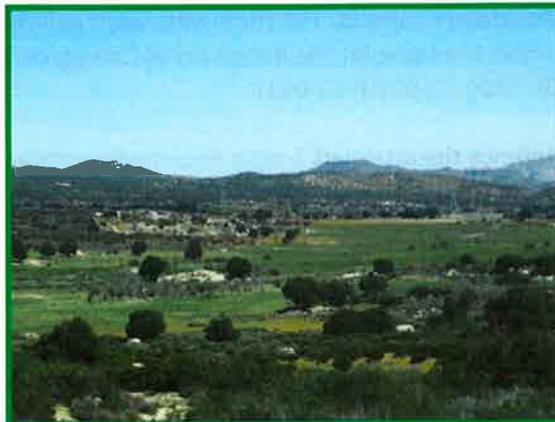
**RE: ROUGH ACRES RANCH ROAD MAJOR GRADING PERMIT APPLICATION: PDS2011-2700-15622: 3 REQUESTS: 1) 2-WEEK COMMENT EXTENSION; 2) FULL HARD COPY OF PERMIT APPLICATION; 3) FULL APPLICATION IN DIGITAL FORMAT**

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

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

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

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



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

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

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

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

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

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

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

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

<sup>1</sup> Soitec Solar's Rugged Solar MUP Plot Plan Sheet Map C-101

<sup>2</sup> Soitec Solar's Rugged Solar MUP Plot Plan Fuel Treatment Exhibit

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

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

**Preliminary Questions:**

1. How much soil will be moved for Rough Acres Ranch Road project?
  2. How many Oaks, wetland areas, or other sensitive resources will be destroyed or degraded?
  3. How much water will be used for this project, what is the source, and is it fully authorized?
  4. What mitigation measures are proposed for adverse impacts to visual, biological, environmental, groundwater and surface water resources and flow patterns, air quality, and other critical resources?
  5. What dust suppression and erosion mitigation is required?
  6. Are there any work hours, traffic, or equipment restrictions proposed to protect non-participating property owners and other sensitive receptors (including pets, livestock and wildlife) from noise, dust, and/or other polluting emissions generated by the construction and related daily traffic for this road project and connected major cumulative impact projects that may move forward simultaneously?
  7. What independent off-site well monitoring is required to prevent well interruption or interference at non-participating properties that may be within the zone of influence?
  8. Will groundwater springs and seeps in the area that wildlife relies on, be monitored as well?
  9. What repairs, upgrades, and other ongoing mitigation is proposed to address the existing inadequate engineering and road bed condition of Ribbonwood Road that was never designed for heavy traffic or heavy equipment?
  10. In the event of wildfire, flooding, or other emergency, what traffic monitoring will be required by the commercial operations using Rough Acres Ranch Road to ensure that residents living on sole-access Ribbonwood Road are not blocked by project related traffic?
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<sup>3</sup> Press Release from Laura E. Duffy, US Attorney for Southern District, dated April 18, 2013

<sup>4</sup> <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M064/K723/64723607.PDF>

