

**COUNTY OF SAN DIEGO  
BOULEVARD PLANNING GROUP  
\*\*\*FINAL MINUTES/SUMMARY FOR MAY 2, 2013\*\*\***

**MEETING CALLED TO ORDER AT 7:05PM @ the Boulevard Fire Training Room/ Community Center**

**A. MEMBERS PRESENT:** 1) Robert Maupin; 2) Melody Ponchot; 4) Donna Tisdale; 7) Jeffrey McKernan:

**MEMBERS ABSENT: 3)** Chris Noland: Excused: The Chair announced that seats 5 and 6 are vacant and open for application to registered voters living within the Boulevard Planning Area

**B. PLEDGE OF ALLEGIANCE:**

**C. MINUTES FOR THE MEETING HELD ON APRIL 4<sup>TH</sup> AND SPECIAL MEETING ON APRIL 11<sup>TH</sup>:**

- No minutes were available for action.

**D. PUBLIC COMMUNICATION:**

- At end of meeting, Bob Maupin stated that Fisker Automotive, recipient of DOE loan guarantees, had delivered electric vehicles to Marvin K. Brown dealership but the computers had to be reprogrammed to get them to start.

**E. ACTION ITEMS:**

1. **MAY 8<sup>TH</sup> BOARD OF SUPERVISORS HEARING: FINAL EIR RELEASED FOR WIND ENERGY ORDINANCE & (BOULEVARD) PLAN AMENDMENT TO SIGNIFICANTLY REDUCE TURBINE SETBACKS AND ALLOW INDUSTRIAL WIND AND SOLAR PROJECTS WHERE NOT CURRENTLY ALLOWED; PROPOSED NOISE WAIVER FOR TURBINES, INCLUDING IBERDROLA'S APPROVED TULE WIND TURBINES:**
  - Copies of the Chair's very rough draft comments were distributed and reviewed.
  - There were no objections to draft comments or to Chair's request to present extensive comments in non-resolution format.
  - The importance of public comments and participation at the May 8<sup>th</sup> Board hearing was reiterated
  - There was brief discussion of a potential press conference to be held prior to May 8<sup>th</sup>.
  - *M/S: McKernan/Maupin: Authorize the Chair to reformat draft comments and to add new / additional information: Passed: 4-0-0*
2. **FORMAL REQUEST TO SUPERVISOR JACOB AND PLANNING & DEVELOPMENT SERVICES RELATED TO THE LONG-TERM PROTECTION AND MONITORING OF SOLE-SOURCE GROUNDWATER RESOURCES:**
  - Discussion on concerns over cumulative adverse impacts to groundwater resources, potential well interference, degradation, and interruption related to groundwater extraction and bulk water sales for water-intensive construction, operation, and maintenance of large-scale energy, transmission, sand mining, rock crushing, and other development.
  - The Chair recommended sending letter to Supervisor Jacob and PDS Director Wardlaw with copy of Dr. Ponce's new report on water use from large-scale cumulative impact projects:
  - A copy of the Ponce report was on hand and link provided for review: <http://boulevardenergy.sdsu.edu/>.
  - The Chair also recommended the Group request funding of County's regular groundwater monitoring in place of applicant funded, directed, and potentially manipulated or botched monitoring.
  - Consultant, Jim Whalen, said raising awareness was not needed as enough controls were in place.
  - Bob Maupin reported that when he asked the County groundwater geologist, he was informed that 7/24 testing of project wells and adjacent was not necessary.
  - Nazar Najor, Live Oak Springs Water Company, reported that he knows about water and each company can set a water schedule for their projects.
  - Najor said a Source Capacity Study is needed for each area where water is being withdrawn. Big projects want 125,000 to 175,000 gallons per day (gpd)
  - One tribal member reported hearing that local reservations and individual tribal well owners are being asked to supply construction water for these big projects, even in North County.

- Najor said SDG&E wants 120,000 gpd for ECO Substation /Boulevard Substation construction and can use water from Live Oak Springs, Jacumba Community Services District, and local Indian Reservations, spreading out over time: 40,000 gpd Jacumba; 24,000 Indian Reservation wells; rest (56,000 gpd) from Live Oak Springs Water Company.
- It was agreed to defer action and table this issue for now.

3. **PROGRAMMATIC EIR FOR 4 SOITEC SOLAR PROJECTS: 168.5 MW OF CONCENTRATING PV SOLAR (7,290 tracking CPV modules @1,200 sq ft each) TOTALING 1,473 ACRES: REVISED DOCUMENTS:**

- The Chair reported receipt of Soitec Solar project replacement maps and documents, dated April 2013, that included the December 2012 Will Serve / Water Availability letter from Live Oak Springs Water Company (LOSWC)—despite the CPUC Division of Water Audit’s March suspension of unauthorized bulk water sales and the Administrative Law Judge’s pending LOSWC receivership and ownership decision.
- Chair reported that revised project maps show Tierra Del Sol Solar gen-tie ROW easements through one property owner’s parcel who reported never signing any ROW agreements. County staff was notified by the Chair and the property owner. Property owner also contacted applicant.
- Ribbonwood Road resident, Linda Shannon, repeated concerns with impacts to her well and others and asked Whalen why Rugged Solar project does not have to comply with the Groundwater Ordinance.
- Whalen responded that Rough Acres has its own non-community; non-transient water district and they have already conducted tests showing lots of water in Rough Acres wells with no drawdown in wells 30 feet away after 72 hour pumping tests.
- Whalen could not explain the crossed out Assessor Parcel Numbers in the revised documents for Soitec’s Rugged Solar, other than he knew that some parcel changes were being made.

4. **ROUGH ACRES RANCH CAMPGROUND/CONFERENCE CENTER/ROCKCRUSHING: MUP #11-002; 3300-12-020(P12-020),3300-12-021(P-12-021); REVISED DOCUMENTS RECEIVED:**

- Consultant Jim Whalen stated the draft MUP is with the County now
- In response to water questions, Whalen repeated that there is lots of water in their wells but he did not have an answer to how much water was required to support the 20,000 chickens noted in their project description.

5. **LIVE OAK SPRINGS BULK WATER SALES; SOURCE CAPACITY ASSESSMENT; CPUC INVESTIGATION PROCEEDING # I.12-08-004 &; PROPOSED RATE INCREASE:**

- The LOSWC Will Serve / Water Availability letter for Soitec and Tule Wind projects was noted again along with the CPUC suspension of unauthorized bulk water sales and ALJ’s pending Live Oak Springs Water Company receivership and ownership decision.
- The Water Availability letter erroneously states the Soitec projects are “IN THE DISTRICT”.
- Nazar Najor, LOSWC, was present and provided handouts that he read from.
- He also reported winning a court case challenging the \$10,000 fine previously issued by the ‘self-serving’ County and reported having filed a federal suit against 12-15 County representatives.
- Najor objected to comments on the CPUC’s suspension of bulk water sales and remarked that the County and CPUC were in political conspiracy against him and LOSWC, and alleged that Donna Tisdale and Supervisor Jacob had abandoned customers and blocked previous rate increases.
- Najor stated the need to sell bulk water to avoid a 47% rate increase to LOSWC customers.
- Najor said he wants to apply for one of the vacant seats on the Planning Group and that he would go to these companies to ensure they do projects correctly. He said Boulevard needs a community center, a YMCA or some combination.
- Remarks were made reminding Najor it would be a conflict-of-interest to vote on projects that he had financial dealings, or other agreements, with.

- Najor stated that LOSWC is paying for a \$22,000 Source Capacity Study (SCS) and the Draft SCS confirms that his previous bulk sales up to 150,000 gpd do not pose any problems. He denied that bulk sale customers were paying for the SCS, but did admit that SDG&E had paid for a previous study in 1993.
- The Chair noted that any 1993 study would show high levels due to the multi-wet-year El Nino events in that era and pointed to numerous in-hand documents that she had secured from the County and CPUC DWA, some through Public Records Act Requests, that used strong language regarding Mr. Najor's behavior and contradicted most of Mr. Najor's claims including well records, gallons per minute, pump tests, and adverse impacts to adjacent private and tribal wells.
- Najor said Planning Group decisions should wait until after his court hearing in May, and asked for the rate increase to be placed on next month's agenda.
- Numerous Live Oak Springs residents were in attendance and challenged Najor's claims and statements.
- One resident strongly objected to Najor's claims saying basic services and necessary maintenance should be done before any so-called YMCA's or community centers were pursued by Najor.
- The resident reported ongoing problems and neglect, stating that a large 3-foot deep hole had been in front of his home for an extended period and that it was not cordoned off and was unsafe for his kids and the public in general. He further complained of "blight" and repeated "patch jobs" in place of real maintenance and expressed concern with impacts on property values.
- Chair reported confirming with CPUC, earlier in the day, that the ALJ is expected to be issuing a proposed decision and/or recommendation for fines in May.

**F. GROUP BUSINESS: Announcements; correspondence; discussion items; project updates**

**6. Border Patrol:**

- BP Agent Jason Bush gave an update on local issues and approvals for new I-8 Checkpoint construction, noting that the Old Hwy 80 Checkpoint upgrade is on hold due to a lack of funding.
- Apprehensions are going back up.
- He expressed his willing to work with property owners, including walking their properties with them.
- Agent Bush deferred to Agent Marzec on old question of Live Oak Springs Water Company bulk sales for construction of new Boulevard Border Patrol station.
- Agent Marzec stated the water purchases were vetted by Customs and Border Protection legal division.
- Chair commented that the Inspector General had dismissed water concerns as a dispute between the County and LOSWC, noting that the CPUC Division of Water Audits suspension of bulk sales confirmed those 2011 water sales were indeed unauthorized.
- Agent Marzec also reported that the owner of the land where the old BP station was located had successfully negotiated to keep all the old stuff there, but some had already been auctioned off.

**7. Revitalization:**

- Tammy Daubach reported that Cherry Diefenbach is working on a book about local history and is looking for information.

**8. Fire Safe Council:**

- New Boulevard Fire Department / joint Sheriff Department station now has a 2014 start date
- Fire Safe raffle (\$550 value) tickets are on sale to help fund Fire Safe Council
- HazMat collection event May 4<sup>th</sup> at Pine Valley Park
- Fire Safe Booth at May 18<sup>th</sup> Roundup event in Campo
- Next meeting May 18<sup>th</sup> at Campo Fire Dept on Sheridan Road

**9. SOL ORCHARD BOULEVARD SOLAR MAJOR USE PERMIT APPLICATION (P12-025) FOR 108 ACRES SOUTH OF OLD 80 AND EAST OF TULE JIM ROAD:**

- No new information available

**10. INVENERGY'S 160-250MW SHU'LUUK WIND & SOLAR DEIS:**

- A copy of the USEPA's Draft EIS comments was provided in agenda package.

- Chair noted the USEPA recommendation to use C-Wt to address turbine generated low-frequency noise impacts, similar to County staff recommendations.

**11. SDG&E's APPLICATION PERMIT TO CONSTRUCT TRANSMISSION LINE 6931: FIRE HARDENING /SHU'LUUK WIND INTERCONNECTION PROJECT: CPUC APPLICATION NO. 12-12-007:**

- May 14<sup>th</sup> CPUC Pre-hearing conference in San Francisco with Administrative Law Judge, SDG&E and intervening parties to go over issues.

**12. IBERDROLA'S 200 MW TULE WIND RECORD OF DECISION AMENDED:**

- Chair reported that Dave Bittner, Golden Eagle expert for Tule pled guilty to federal charges of unlawful take of Golden Eagle, working on expired permit, failure to file data reports since 2006.
- Consultant Jim Whalen stated this did not represent any problems for Tule Wind project despite Bittner's involvement.
- The Chair made comments regarding Whalen's close connections and easy access with influential old college buddy David Hayes who is now Deputy Secretary of the Interior and working with industry and big enviro groups to gut Golden Eagle and other avian protections from industrial wind turbines.
- Tule Wind has no Power Purchase Agreement, no Record of Decision from Bureau of Indian Affairs, and no approvals from State Lands Commission to allow turbines on tribal and state properties.

**13. PROPOSED BOULEVARD /JACUMBA HISTORIC DISTRICT:**

- Mark Ostrander reported that the formation of new 501 c 3 is in the works.

**14. ENEL'S 158 MW JEWEL VALLEY WIND & 10 MW SOLAR:**

- The Chair reported no communications with Enel despite repeated e-mails and phone calls.
- Enel's main US office has never responded to Group requests for an apology and removal of Jennifer Purczynski over false allegations made against the Planning Group.

**15. SDG&E's NEW 85-ACRE ECO SUBSTATION, 13 MILES OF NEW TRANSMISSION LINE, AND NEW LARGER BOULEVARD SUBSTATION:**

- Construction currently on hold—water issues and bird nesting season.
- Chair pointed again to CPUC's March 21 Notice of Violation: Live Oak Springs Water Company fined \$67,000 for unauthorized bulk water sales "*DWA has evidence that Live Oak Springs Water Company has been selling trucked water to Beta Engineering for use at San Diego Gas & Electric Company's East County Substation Project. Such activity would put Live Oak Springs in violation of a current Suspension imposed by DWA on Live Oak Springs' Advice Letter (AL) 28-W. AL 28-W is a request to allow truck water sales and set fees in Live Oak Springs' tariff schedule. Res. W-4799 allows 30 days for Live Oak Springs to respond to this Notice. All trucked water sales are subject to fines described in Res. W-4799 as long as that activity continues without permission of the CPUC*".

**16. SEMPRA'S CROSS-BORDER TRANSMISSION LINE WILL CONNECT THEIR ENERGIA SIERRA JUAREZ WIND PROJECT WITH SDG&E'S ECO-SUBSTATION:**

- BP has pulled out of their Energia Sierra Juarez partnership with Semptra.

**G. MEETING ADJOURNED AT 8:45: NEXT MEETING SET FOR JUNE 6, 2013:**

**Approved by Group as amended on June 6, 2013: M/S: McKernan/Maupin: 5-0-0**

**Submitted by Donna Tisdale, Chair:** 

For more information contact: Donna Tisdale, Chair at 619-766-4170 or [tisdale.donna@gmail.com](mailto:tisdale.donna@gmail.com)

Boulevard Planning Group Minutes & Agendas are posted on the County's website:

<http://www.sdcounty.ca.gov/pds/Groups/Boulevard.html>