

COUNTY OF SAN DIEGO
BOULEVARD PLANNING GROUP
MINUTES/SUMMARY FOR APRIL 3, 2014

MEETING CALLED TO ORDER: 7:00 PM, Thursday, April 3, 2014 at Boulevard Community Center located east of the Boulevard Fire Station

A. ROLL CALL (Determination of quorum):

- Members present: **1) Robert Maupin 3) Chris Noland; 4) Donna Tisdale; 5) Michele Strand; 6) Paula Byrd 7) Jeffrey McKernan**
- Vacant Seat 2) Earl Goodnight appointment pending April 15th Board of Supervisors' action.

B. PLEDGE OF ALLEGIANCE:

C. APPROVE MINUTES FOR FEBRUARY 6TH MEETING:

- Jeff McKernan's name was misspelled on page 7, item 2, page 8, and item 5.
- **M/S:McKernan/Maupin: Approve the February 6th, 2014 minutes with corrections: Passed 6-0-0**

D. PUBLIC COMMUNICATION/COMMENTS:

- Danielle Cook provided information on Jacumba Hot Springs' celebration of their 100th-year "Centennial" with several festivals: 1) Blues Fest on May 3rd; 2) Healing Waters and Arts Festival on May 24th; 3) Western Centennial on October 4th; 4) Feliz Navidad on December 6th.
- Danielle Cook also provided information about the Recycling program: Miller Towing set up recycling bins at the community center in Jacumba Hot Springs on Old Hwy 80. Items are accepted Wednesdays and Sundays. No trash. Computers, refrigerators, plastic. All proceeds benefit the Jacumba/Boulevard Revitalization to continue programs for the community.
- Jacumba ball field activities are held on Thursdays at 5:00: sports teams play soccer, basketball, baseball, and watch movies in the winter. Danny Leon is in charge and they are teaching anti-bullying. Next year they will have uniforms. Serving kids up to 15 years in age.

E. ACTION ITEMS:

1. THE NOTICE OF PREPARATION FOR THE INITIAL STUDY FOR THE ENVIRONMENTAL IMPACT REPORT FOR ROUGH ACRES RANCH CAMPGROUND:

- New plot plans were received by Chair.
- Item postponed to the May meeting at the request of the Planning and Development Services Project Manager, Jim Bennett, if meeting can be moved to May 8th.
- **ACTION: M/S: Strand/Maupin: Motion to move the regularly scheduled BPG meeting from May 1st to May 8th to accommodate Jim Bennett's schedule: Passed 6-0-0**

2. 45' FAUX WATER TOWER WIRELESS COMMUNICATIONS FACILITY WEST OF THE GOLDEN ACORN CASINO AND SOUTH OF OLD HIGHWAY 80: MAJOR USE PERMIT APPLICATION #PDS2014-MUP-14-005 (MUP14-005); PROPOSED BY SITEMASTER, INC FOR 6549 OLD HWY 80:

- This application was previously postponed from the March 6th meeting at applicant's request
- The Chair asked why they needed a 45' tower to meet their "line-of-site" needs, when the targeted White Star cell facilities are within clear line-of-sight from the ground level. Concerns were also raised with proximity to adjacent Trauble residence.

- The applicant requested another delay to future meeting to gather more information.

3. PUBLIC REQUEST TO RAISE AWARENESS OF POTENTIAL ACTIONS RELATED TO FCC PLANS TO REMOVE OUR LANDLINE TELEPHONE SERVICE:

- Kevin Keane stated he had moved to Boulevard 6 months ago and works in the IT and Telecommunications (mostly IT) field.
- He ran across the news that AT&T and the FCC are working to phase out landline telephone service and wanted to inform the community.
- AT&T wants to move toward internet based phone service.
- The current landline service we have was invented 150 years ago.
- By 2020 they want to have replaced all of the landline service.
- Cell coverage in our rural area is not reliable and we have no DSL service
- We need to start working together now to ensure our community is ready when this change happens.
- Broadband.com has a survey about internet service suggestions.
- Keane suggested writing to our congressman to inform them of concerns regarding roaming near the border, no coverage, and interference from Mexico.
- The Chair pointed to a notice in the Agenda package explaining this issue in detail, however, the original comment deadline had passed and she was waiting for an FCC response to other comment deadline, and raised health concerns and impacts on wildlife from microwave radiation from cell facilities.
- Michele Strand agreed to prepare a draft letter with the assistance of Kevin Keane for the Chair's approval and issuance.
- Howard Cook announced that Jacumba Hot Springs is getting a new 85' cell tower at the Shell Station that will improve service in the I-8 and De Anza Springs areas.
- Bob Maupin reported a Verizon engineer recorded jamming signals, at his property, coming from Mexico near the prison. The engineer said he would like to offer to a cell tower for Maupin's property but explained that Mexico and USA have a treaty that prevents US cell towers from being built within a certain distance from Mexico; therefore a cell tower on his borderline property would violate those treaties. Bob said he has to use a satellite phone for reliable service, other than his land line.
- The Chair offered to circulate the FCC notice with Kevin Keane's recommendations as well as an alert from others that are concerned about the effects of wireless radiation.
- One community member said that her neighbor, who works at SDG&E, warned her to beware of the stuff (radiation) coming out of the equipment; Chair reported that a family member had suffered some hair loss while working around a lot of electronic equipment at a local TV station. When they left that job, it grew back; someone else suggested hair loss could also be related to high stress job.
- **ACTION: M/S:Noland/Byrd: Authorize a letter to the FCC, Michele Strand and Kevin Keane to get draft to Chair for submission by April 10th: Passed 6-0-0**

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

1. **REVITALIZATION REPORT:** Tammy Daubach was not present to report due to other obligations
2. **FIRE SAFE COUNCIL REPORT:** Tammy Daubach was not present to report

3. SOITEC SOLAR PROJECTS (PDS2012-3910-120005): DRAFT PROGRAMMATIC ENVIRONMENTAL IMPACT (DPEIR) REPORT FOR FOUR BOULEVARD PROJECTS WITH 7,409-8,415 CPV SOLAR TRACKERS @ 1,200 SQ FT EACH:

- Jim Whalen, Soitec consultant, said there was nothing new to report. Dudek and their experts are still going through and responding to comments.
- Whalen confirmed that Soitec's Desert Green project in Borrego was sold to Invenergy with construction expected to start soon.
- Whelan clarified that Soitec does not build. They get projects approved to install their equipment, and then they sell projects to a solar and energy company. That's what they did at Desert Green.
- The Chair commented that was not the case in Newberry Springs where Soitec built and runs the project.
- Whelan said that sometimes they do build themselves
- McKernan asked Whelan if the February meeting had any effect on the Soitec representatives.
- Chair responded that they would probably not admit it, but that it appeared that the County was educated on some issues.
- Chair reminded everyone that comments can be emailed to all members of the Board of Supervisors as well so that they know there is a controversy out here.
- Howard Cook suggested that the Soitec project letter Volker Law letter, as posted on the administrative record section of the EIR, was very well done and he did not see how those concerns can be ignored.
- Chair added that there were good comments from the Nature Conservancy, the Anza Borrego Park Foundation, the US Fish and Wildlife and that Soitec appears to have some hurdles to overcome.
- Chair asked Whelan about Soitec moving the Boulevard projects to Imperial County.
- Whelan replied nothing more on that other than SDG&E's Advice Letter (to amend the Power Purchase Agreement) was approved by the CPUC.
- Howard Cook asked Whelan if he thought that Soitec would meet their schedule.
- Chair responded that 2016 is the goal, to beat the end of the tax credits phase out, but there are tax extenders in front of some of the congressional and senate committees.
- If the taxes get extended, it will give time for Soitec to get it together. Chair added a side comment that if Tule Wind doesn't go forward, Rugged Solar may have some issues to deal with, related to co-locations.
- Whelan responded that they will need to do their own grid intertie, but that's it.
- Howard Cook added that the Rough Acres Ranch MUP project is tied in with the Soitec project.
- Chair responded that both projects have overlapping cumulative impacts.

4. ROUGH ACRES RANCH ROAD MAJOR GRADING PERMIT: PDS2011-2700-15622: APPLICANT GREGG HAMANN:

- Chair reported she has not heard back from Ken Brazell, the Project Manager for the Major Grading Permit.
- Whelan, Rough Acres consultant, said that he had tried to contact Brazell asking him to contact Chair, he had not heard back, but Brazell is very busy and may respond later.
- Jeff McKernan stated that Brazell has an obligation to reply, since he is a county official and, as taxpayers, pay his salary.
- Chair mentioned the road extension from the new Rough Acres Ranch Road through the McCain Valley Conservation Camp and asked Whelan why was it needed and if it had been approved?
- Whelan responded that they have a ground lease for easement on that State property.
- Chair said she thought Whelan had said they were unsure if they would use it. Have they decided to use it?
- Whelan replied it's the west end of the road with the curve that's the question.

- Chair replied, “So it’s the eastern end that’s for sure?” Whelan confirmed positively and that he hasn’t heard anything otherwise.

5. COMPLAINT FILED WITH CPUC AGAINST SDG&E’S WATER SUPPLY FOR ECO SUBSTATION, BOULEVARD SUBSTATION & TRANSMISSION LINE CONSTRUCTION UPDATES:

- The Chair reported that the complaint requested the CPUC hold local hearings in Jacumba, as they have done previously for the ECO Substation project.
- No hearings or schedule has yet been determined
- The CPUC requested that SDG&E respond to the complaint in early May
- CPUC project manager: Eric Chiang; eric.chiang@cpuc.ca.gov ; 415-703-1956
- Project map: http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ProjectLocationMap_Updated.pdf
- Mitigation, monitoring, and modification reports are posted here: <http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/MMCRP.htm>

6. MARCH 25 COURT RULING DENYING LEGAL CHALLENGE TO BLM’S APPROVAL OF IBERDROLA’S 200 MW TULE WIND:

- Federal judge Altamirano ruled to support the BLM’s approval of the Tule Wind 2012 Record of Decision, rejecting the legal challenges brought by non-profit groups.
- The County approved the Major Use Permit in May 2012. Tule Wind Map: <http://tulewindccmp.com/Figure2-ProjectLocation.pdf>.

7. TULE WIND PHASE II:

- Chair reported that two non-profit groups have raised concerns with the legality of the December 16th approval of the Record of Decision, by the Assistant Secretary of the Interior, for the for Tule Wind Phase II for up to 20 industrial wind turbines on Ewiiapaayp tribal lands.
- The press release states that the applicant (Iberdrola) will apply for an eagle take permit for Golden Eagles: <http://www.bia.gov/cs/groups/public/documents/text/idc1-024577.pdf>

8. WIND ENERGY ORDINANCE & PLAN AMENDMENT WERE APPROVED IN MAY 2012 AND A CEQA SUIT WAS FILED IN JUNE:

- The Wind Energy Ordinance hearing is scheduled for April 25, 2014 in San Diego Superior Court
- The Chair encouraged the public to attend the April 25th Superior Court hearing with Judge Timothy Taylor at 1:30 in Department C-72 in San Diego Superior Court at 220 West Broadway San Diego.
- McKernan asked if anyone knew anything about Judge Taylor.
- Chair responded that Taylor had rejected the County’s Climate Action Plan (CAP) in a case brought by the Sierra Club. And that the challenged CAP was actually used in the Soitec Draft EIR.
- Chair made the point that an overturned report should not be used.
- Whelan responded that the CAP hadn’t been overturned yet.
- Chair said that, according to one of the attorneys working on it, it had been overturned.
- Whelan said the report will just be revised.
- McKernan commented that in L.A., when there was a police department that was being accused of wrongdoing, and the judge was found to be corrupt, that they went back through all of his rulings, from the time they found out, and they had to dismiss all of those convictions because of the mess.

- McKernan then asked how Dave Bittner's eagle reports for Tule Wind can be accepted, knowing that he was convicted?
- Whelan responded that Bittner's permit was only expired for the first nine months of 2010 and that time frame was not connected to the aforementioned report.

9. INFIGEN HAS TERMINATED THEIR PROPOSED 30 MW FOX ACRES SOLAR (PDS2013-MPA-12-012):

- The Chair read an excerpt from the March 12th e-mail message from David Savage, Infigen's Senior Business Manager, to the County Project Manager: *"Infigen Energy has decided to terminate Fox Solar and withdraw from the San Diego County MUP process. The project is too small to be profitable due to the slope analysis and the high interconnection costs."*
- The news was received with applause.
- County Project Manager: Ashley Gungle; 858-495-5375; ashley.gungle@sdcounty.ca.gov

10. CHAPMAN RANCH SOLAR PROJECT:

- The Chair reported contacting the developer for a status update.
- They confirmed they are still considering local solar projects.

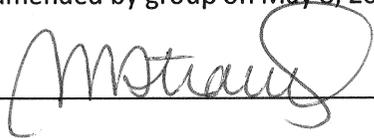
11. MARCH 27TH COURT RULING IN CASE CHALLENGING DOE'S APPROVAL OF SEMPRA'S CROSS-BORDER TRANSMISSION LINE THAT WILL CONNECT THEIR ENERGIA SIERRA JUAREZ WIND PROJECT WITH SDG&E'S ECO-SUBSTATION:

- The Judge Lorenz order was partially in favor of plaintiffs and partially in favor of DOE and Sempra
- The order sets a precedent by confirming that the Administrative Procedures Act applies to Presidential Permits
- The order allowed Plaintiffs to amend their complaint to provide the court with additional information

G. MEETING ADJOURNED AT APPROXIMATELY 8:15. NEXT REGULAR MEETING SET FOR MAY 8th, 2014 at Boulevard Fire Training Room:

Minutes approved as amended by group on May 8, 2014: M/S: Noland/Maupin: Passed 7-0-0

Michele Strand: _____



For More information contact Donna Tisdale, Chair at 619-766-4170 or tisdale.donna@gmail.com