

**COUNTY OF SAN DIEGO
BOULEVARD PLANNING GROUP
FINAL MEETING AGENDA**

DATE & TIME: 7:00 PM, Thursday, September 4, 2014

MEETING LOCATION: Boulevard Fire Training Room, 39919 Ribbonwood Rd, Boulevard CA 91905 (modular behind station on the right)

A. ROLL CALL (Determination of quorum): **1)** Robert Maupin; **2)** Earl Goodnight **3)** Chris Noland; **4)** Donna Tisdale; **5)** Michele Strand; **6)** Paula Byrd; **7)** Jeffrey McKernan

B. PLEDGE OF ALLEGIANCE: (please silence cell phones)

C. APPROVE MINUTES FOR AUGUST 7TH MEETING:

D. PUBLIC COMMUNICATION: Opportunity for public comment on any subject matter within the Group's jurisdiction that is not on the posted agenda. No action can be taken on non-agenda items.

E. ACTION ITEMS:

- 1. DISCLOSURE OF COMPLAINT FILED FOR DAMAGES, INJUNCTIVE RELIEF, DECLARATORY RELIEF AND WRIT OF MANDATE NAMING DONNA TISDALE AS 'PRESIDENT' OF THE BOULEVARD PLANNING GROUP ALONG WITH THE COUNTY, THE BOARD OF SUPERVISORS, DIANNE JACOB, BACKCOUNTRY AGAINST THE DUMP, INC, THE PROTECT OUR COMMUNITIES FOUNDATION INC, MICHAEL BECK & ENDANGERED HABITATS LEAGUE; CHAIR IS SEEKING GROUP SUPPORT FOR INDEMNIFICATION AND REPRESENTATION REQUEST TO THE COUNTY AS ALLOWED UNDER POLICY I-1 FOR PLANNING GROUP MEMBERS:** Case # 37-2014-00025797-CU-MC-CTL was filed on August 1st in San Diego Superior Court Central Division by Plaintiffs 569 East County Boulevard LLC, Boulevard Empire LLC, Lansing Industries PSP LLC and 390 Jacumba LLC, seeking \$100 million in damages related to the General Plan Update 2020, Soitec Solar, and other projects proposed in the Boulevard area. Allegations include violations of the California Constitution and California Planning and Zoning Law; unconstitutional denial of equal protection and due process of law; arbitrary, unreasonable and discriminatory planning and zoning; fraud; intentional and negligent misrepresentation; unlawful interference with prospective business advantage; violation of Government Code Sections 87100, et seq., and inverse condemnation; with requests for injunctive and declaratory relief, and attorney fees. The case was assigned to Judge John S. Meyer, Dept C-61.

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

- 1. REVITALIZATION REPORT:**
- 2. FIRE SAFE COUNCIL REPORT:**
- 3. 2014 GENERAL ELECTION FOR BOULEVARD PLANNING GROUP SEATS 2, 4 & 6:** Only 3 incumbent candidates filed for 3 open seats. New terms for Paula Byrd, Earl Goodnight, and Donna Tisdale will start in January 2015.
- 4. ECO SUBSTATION: PRE-HEARING CONFERENCE SET WITH ADMINISTRATIVE LAW JUDGE (ALJ) MCDONALD FOR COMPLAINT FILED ON SDG&E'S WATER SUPPLY PLAN IS SCHEDULED FOR SEPTEMBER 12 @ 10:30 AM AT THE STATE OFFICE BUILDING 1350 FRONT STREET, SAN DIEGO, ROOM B-107:** The complaint, filed by a non-profit group, alleges that SDG&E violated their Permit to Construct mitigation measure HYD-3 ("MM HYD-3") by failing to identify "one or more confirmed reliable water sources that when combined meet the project's full water supply construction needs". As of July 31, SDG&E reported using 80,977,832 gallons of construction water. On June 12, the CPUC approved an amended water plan for 16.5 million gallons from the City of San Diego. CPUC project manager: Eric Chiang: 415-703-1956 eric.chiang@cpuc.ca.gov; Complaint documents are posted here: http://delaps1.cpuc.ca.gov/CPUCProceedingLookup/?p=401:56:5664275778111::NO:RP_57,RIR:P5_PROCEEDING_SELECT:C1403010. Project map is here: http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ProjectLocationMap_Updated.pdf. Mitigation, monitoring, and other reports are here: <http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/MMCRP.htm>.
- 5. TULE WIND'S LEASE APPLICATION HEARING WITH STATE LANDS COMMISSION:** Potential for Commission hearing on Tule Wind's lease at the Commission's October 14th meeting. That meeting has been moved from San Diego to Los Angeles. However, no formal hearing date has yet been determined.

6. **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:**
Public comment closed on March 3rd for the Soitec Solar Development DPEIR that includes two projects (80MW Rugged Solar and 60MW Tierra Del Sol Solar) which have been evaluated at the project level and two projects (22MW LanEast and 6.5MW LanWest) that have been evaluated at a program level due to lack of sufficient information. CEQA allows comments to be accepted up until the date of actual decision hearings. County project manager: Ashley Gungle: 858-495-5375; Ashley.gungle@sdcounty.ca.gov; Soitec Draft PEIR documents, maps, and public comments are posted at this link: <http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Solar-EIR.html>
7. **NOTICE OF PREPARATION, INITIAL STUDY & REQUEST FOR ENVIRONMENTAL IMPACT REPORT (EIR) FOR ROUGH ACRES RANCH CAMPGROUND/CONFERENCE CENTER MUP: PDS2012-3300-12-021 (MUP): Public comment closed on May 19th:** 2750 MCCAIN VALLEY ROAD: 753 ACRES ZONED RL80/A72: The DEIR scoping Comment period closed on May 19th Owner: Rough Acres Foundation / Jeff Hamann: Multiple large projects utilizing local groundwater sources, groundwater dependent habitat, fire, noise, biological, cultural resources, and other "Potentially Significant Impacts" or Potentially Significant Unless Mitigation Incorporated". Project manager contact: Jim Bennett; jim.bennett@sdcounty.ca.gov; (858) 694-8846.
8. **ROUGH ACRES RANCH ROAD MAJOR GRADING PERMIT: PDS2011-2700-15622: APPLICANT GREGG HAMANN:** New private connector road proposed between Ribbonwood Road and McCain Valley Road to serve as access for Iberdrola's Tule Wind, proposed Rough Acres Campground & Conference Center, and Rugged Solar. County Project Manager: Kenneth.Brazell@sdcounty.ca.gov; 858-694-2728 ph; 858-694-8928 fax.
9. **NOTICE OF APPEAL FILED FOR MARCH 25 COURT RULING SUPPORTING BLM'S APPROVAL OF IBERDROLA'S 200 MW TULE WIND:** A federal judge ruled to uphold the BLM's approval of the Tule Wind 2012 Record of Decision, rejecting the legal challenges brought by non-profit groups. That ruling is being appealed. The County approved the Major Use Permit in May 2012. To date, Tule Wind has no Power Purchase Agreement. An Eagle Take Permit is being reviewed by USFWS. Tule Wind Map: <http://tulewindccmp.com/Figure2-ProjectLocation.pdf>.
10. **TULE WIND PHASE II:** On December 16, 2013 the Assistant Secretary of the Interior for Indian Affairs approved the Record of Decision for Tule Wind Phase II for up to 20 industrial wind turbines on Ewiiapaayp tribal lands. Iberdrola has applied for an Eagle Take Permit for Phase II but not for Phase I located on BLM and private land
11. **NOTICE OF APPEAL FILED FOR WIND ENERGY ORDINANCE AND PLAN AMENDMENT:** A Notice of Appeal has been filed for April 25th Superior Court ruling upholding the County's ordinance and Boulevard Plan Amendment.
12. **SEMPRA'S CROSS-BORDER HIGH VOLTAGE TRANSMISSION LINE, WITH IMPORT CAPACITY OF 1,250 MW, WILL CONNECT THEIR \$300 MILLION ENERGIA SIERRA JUAREZ WIND (ESJ) IN BAJA CALIFORNIA WITH SDG&E'S NEW \$435 MILLION ECO SUBSTATION:** Construction has started in Mexico. Litigation is unresolved. Sempra has purchased 47 Vestas 3.3MW turbines and applied to DOE for a permit to export up to 6MW of energy to Mexico to construct and support the ESJ wind turbine project. On April 21st Sempra announcement of sale of 50% of project. In June, Sempra announced \$270 million in project funding and a value added tax credit facility for up to MX\$45 million. The Dept of Justice recently filed and withdrew a premature appeal of the tentative court ruling that partially favors the plaintiffs. DOE's ESJ cross-border transmission line project: <http://esjprojecteis.org/>.

G. ADJOURNMENT/NEXT REGULAR MEETING SET FOR SEPT 4, 2014 AT THE BOULEVARD FIRE TRAINING ROOM:

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

***Disclaimer Language included as directed by San Diego County PDS:**

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