

**COUNTY OF SAN DIEGO  
BOULEVARD PLANNING GROUP  
\*\*\*MINUTES/SUMMARY FOR MAY 5, 2016\*\*\***

**MEETING CALLED TO ORDER: 7:00 PM, Thursday, May 5, 2016**

**A. ROLL CALL:** **Members present:** 1) Robert Maupin; 3) Kevin Keane; 4) Donna Tisdale; 5) Michele Strand; 6) Paula Byrd; 7) Ron Hynum. **Members absent:** 2) Earl Goodnight - excused

**B. PLEDGE OF ALLEGIANCE:**

**C. MINUTES FOR MARCH 3RD MEETING (NO MEETING HELD IN APRIL)**

- *M/S: MAUPIN/STRAND: To approve March 3rd minutes as written. Passed 6-0-0*

**D. PUBLIC COMMUNICATION:**

- Chair announced that Jim Bennett cancelled his appearance tonight due to internal County priority. He apologized for the last minute cancellation. No new presentation date set. To be determined later.
- Resident Linda Shannon reported that the most recent measurement (4 days ago) showed a 1 foot drop in her well. She also reported a lot of vehicle activity and what appears to be well drilling equipment at Rough Acres, right next door to her home.
- The Chair surmised that they could be drilling a monitoring well as required, but follow up was needed.
- Board member Paula Byrd reported taking pictures of the equipment and forwarding them to Jim Bennett for an explanation. Jim said he would get back to her.
- Cherry Diefenbach

**E. ACTION ITEMS:**

**1. 20MW JACUMBA SOLAR LLC MUP PDS2014 MUP-14-041; SHOULD THE GROUP SUBMIT COMMENTS ON THE FINAL EIR RELEASED IN APRIL:**

- The Planning Commission hearing is currently set for May 20<sup>th</sup>.
- Jacumba Solar LLC is a wholly owned subsidiary of NextEra Energy based in Juno Beach, Florida.
- Project includes 10MW of battery storage in 10 cargo containers on proposed 108 acres of 304 acre site located south of Old Highway 80 and west of SDG&E's ECO Substation.
- County staff is processing the applicant's Major Use Permit and the final EIR has been released.
- The Chair included the first few pages of the "Project Description" in the agenda packet.
- Also included in the packet, some paperwork showing that Point of Use Solar is capable of meeting the needs of the people and Utility Scale projects are not necessary.
- SDG&E's 600MW Net Energy Metering (NEM) behind the meter cap has almost been met without utility solar, showing that rooftop and other point of use renewable energy is feasible!
- There is still no Power Purchase Agreement for this project.
- Information was also provided showing SDG&E has restricted Request For Offers for new projects to locations west of Suncrest Substation. That location restriction is due to congestion on both Sunrise and Southwest Powerlink lines between Imperial Valley Substation and Suncrest Substation, and need for infrastructure and voltage upgrades.
- Several upgrade projects are currently in process that could relieve that congestion, including Suncrest Substation, Imperial Valley Substation and the soon to be approved upgrade to the TL 6931 from Boulevard Substation, through other communities, Cleveland National Forest, and further west.

- The Chair noted the Group's continuous opposition to this project and others that would industrialize our rural area and asked for authorization to submit opposition comments on the FEIR and to represent the Group at the May 20<sup>th</sup> Planning Commission if she can make it down to that meeting.
- ***M/S: HYNUM/MAUPIN: To authorize Chair to submit opposition comments on the Final EIR for Jacumba Solar LLC and to represent the group at the May 20<sup>th</sup> Planning Commission meeting.***  
***Approved 6-0-0***

**2. 45-DAY CEQA NOTICE FOR DRAFT EIR (sch:2015061047; PDS2015-ER-15-00-001) FOR THE AGRICULTURE PROMOTION ORDINANCE INCLUDING A GENERAL PLAN AMENDMENT:**

- Stated goal is to streamline regulations and update definitions, procedures, and standards to provide more opportunities for agriculture operations including agritourism.
- Comment deadline is June 13<sup>th</sup> at 4:00.
- Chair included 2-page County notice with link to documents in the agenda packet.
- Audience member asked how this might affect his future plans for growing grapes commercially for wine and it was suggested he contact other backcountry winery operations for advice, to contact Planning & Development Services for any restrictions, and to look up the County Wine Ordinance online.
- ***M/S:STRAND/HYNUM: Submit statement that we support agriculture and agritourism in general:***  
***Approved 6-0-0***

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

**1. GROUNDWATER MONITORING PROGRAM PRESENTATION BY JIM BENNETT, COUNTY GROUNDWATER GEOLOGIST:**

- Jim Bennett notified the Chair that he had to cancel due to County priorities and will reschedule later.

**2. ANNOUNCEMENTS AND CORRESPONDENCE:**

- A Notice of Determination was received for the Highway 94 Improvement Project funded by the Jamul Indian Village for their casino project, along with a DVD of the documents which are available for review.
- The Ocotillo Wells Solar MUP has been renewed at the April 22<sup>nd</sup> Planning Commission hearing. Jim Whalen said the project still needs a 404 permit and confirmed they have no Power Purchase Agreement.
- The Jacumba Yard Sale is this Saturday from 9-2, booths available for \$10. There will be UFO rides, Castle Tours, and both restaurants will be offering specials.

**3. SAN DIEGO COUNTY'S PUBLIC OUTREACH PLAN FOR THEIR CLIMATE ACTION PLAN (CAP):**

- CAP Project Manager is Bulmaro Canseco 858-694-2216. [Bulmaro.Canseco@sdcounty.ca.gov](mailto:Bulmaro.Canseco@sdcounty.ca.gov)
- The Chair included some CAP paperwork in the agenda packet.
- Jim Whalen said the County is still working on guidance language to address the Supreme Court's Newhall Ranch (20,000 residential units) decision related to how Green House Gas emissions are analyzed under CEQA.
- Chair sent a request to project manager to make sure we are added as a stakeholder for notification.

**4. REVITALIZATION REPORT by Tammy Daubach:**

- The Campo/Lake Morena Round-up is on May 7th.
- The Jacumba Community Yard Sale is also on May 7th from 9AM-2PM.
- May 14th is the Jacumba Blues Fest from 1-8PM at the Jacumba Spa.
- May 25th is the Backcountry Revitalization Matrix Meeting with Dianne Jacob at 2:30 PM in Campo.

- The Boulevard Community Center will not be receiving a CDBG grant this year due to the project not being ready to proceed. Tammy would like to know what the community's interests are in this location again. The building has to be insured by a 501(c) 3 before any advancement can be made. Mt. Health is still interested in a satellite clinic at this location.
- Next Revitalization meeting is June 6<sup>th</sup> at 6:30 at the Boulevard Training Center. They are short on volunteers.
- The Chair suggested a fund raiser be held to raise the funds (about \$1200) to cover the insurance costs for the first years, then a 501c3 can apply for the CDBG Grant for next year.

5. **FIRE SAFE COUNCIL REPORT by Tammy Daubach:**

- SDG&E Mitigation Grants for the Sunrise Powerlink have increased the applicant boundaries due to not using up their money last year. There is a set amount of money per year to spend for the next 48 years. This year, there were more applicants than available funds. It is not first come, first serve. There is a selection committee and matrix that decides the applicants to award. It is a grant, not a guarantee. There is no appeal or complaint.
- SRA fire fees went to Cuyamaca, Palomar, Ramona, and Lake Morena.
- The FSC has a tree expert from GSDFSC come to look at the trees in the Boulevard and Jacumba area. They are dying due to drought or GSOB that has been aggravated by the drought.
- Tammy provided copies with a list of native and non native trees that are good for the area and drought tolerant.

6. **LIVE OAK SPRINGS (LOS) WATER RATE INCREASE AND BULK WATER SALES APPROVED BY CPUC ON APRIL 7TH:**

- Resolution W-5086 of the Division of Water and Audits was approved by the CPUC.
- It authorizes Live Oak Springs Water Company's request for a general rate increase and bulk water sales, based on certain conditions being met.
- Chair reported that she got her dates mixed up and was unable to submit comments. She regretted not being able to set the record straight to the CPUC on Dudek's inadequate and misleading Source Capacity Study, though it likely would not have changed their vote based on past experience with similar proposals.
- Certain conditions must be met before bulk water sales can occur, which may be expensive, including a monitoring well and an 11 gallons per minute minimum, etc.
- It is unknown if LOS has any current agreements with developers like Tule Wind for a back up water source who could foot the bill to meet the mandated conditions.

7. **ROUGH ACRES RANCH CAMPGROUND/CONFERENCE CENTER:PDS2012-3300-12-021 (MUP): DRAFT EIR PENDING:**

- Draft EIR still pending – staff informed Chair that Planning & Development Services is an average of 4 to 5 months behind schedule.
- Chair reported requesting a copy of the pending first iteration letter. No time estimate available.

8. **ROUGH ACRES RANCH ROAD – MAJOR GRADING PERMIT PENDING: PDS2011-2700-15622: APPLICANT GREGG HAMANN:**

- No response received from Mr. Brazell regarding current status of road project.
- Jim Whalen said it is tied to Tule Wind's construction schedule.

9. **SOITEC SOLAR:**

- All of Pine Valley Mutual Water Company's bulk water sales contract with Soitec have been cancelled.

- Documentation from PVMC website is included in agenda package.
- Cherry Diefenbach confirmed PVMWC has a new manager and there may be changes in the Board.
- In response to the question about Sempra looking at Rugged Solar project, Jim Whalen confirmed that there is some serious “tire kicking” going on and that several sales had already fallen through.
- It was also noted that PVMWC may have failed to comply with state mandated conservation restrictions.
- Questions were raised on how PVMWC rate payers can be required to conserve at the same time bulk water sales are authorized for commercial interests.
- The Chair noted that new groundwater sustainability requirements have resulted in the resignation or retirement of managers from several smaller water districts including Borrego, Jacumba and PVMWC, and that much of Jim Bennett’s time is reportedly focused on sustainability requirements.

**10. TULE WIND – SOUTHERN CALIFORNIA EDISON’S 15 YEAR POWER PURCHASE AGREEMENT (PPA) FOR 132MW APPROVED BY CPUC ON 4/21/16:**

- Tule is still working with County to meet all Major Use Permit conditions.
- An article in agenda package reports that a federal hearing officer found that Iberdrola and Shell had defrauded the state of California out of \$1.1 billion on a series of long-term electricity contracts that state officials signed at the height of the previous energy crisis.
- The Iberdrola contact was \$371 million more than it should have been, according to the federal ruling.
- Tule has an approved Power Purchase Agreement (PPA), but experience shows that having a PPA does not necessarily mean the project will actually be built.
- Other local projects with PPA’s have been cancelled, including Soitec Solar, Chapman Ranch Solar and several Sol Orchard projects.
- Tule Wind’s most recent construction schedule is the last page of the agenda package.

**11. CHAIR’S REPORT ON APRIL 6<sup>TH</sup> TULE WIND HEARING AT THE 9<sup>TH</sup> CIRCUIT COURT OF APPEALS FOR LEGAL CHALLENGES TO BLM APPROVALS:**

- Agenda package included an article titled, “The Tenacity of Tule Wind that reports they will be using G.E. turbines, something they never previously divulged.
- Another Iberdrola wind project is reportedly using 60 trucks of concrete for each individual turbine foundation. A new article reports on a new process to reduce concrete use by 75%.
- Chair attended the 9<sup>th</sup> Circuit Court of Appeal hearing in Pasadena on April 6, 2016. No vote yet.
- Daniel Brunton (Latham & Watkins) represented Tule Wind and DOJ attorneys represented BLM.
- The Chair’s 501c3, “Backcountry Against Dumps”, lawsuit was heard along with Protect Our Communities Foundation’s (POC) lawsuit. The two attorneys had to split the 20 minute time slot.
- Chair reported she had resigned from the POC Board two years ago.
- A 40 minute video of the hearing is posted online. The link is included in the agenda item.
- Chair was surprised and encouraged by the judges’ comments during the hearing, including their apparent agreement that wind turbines are huge industrial structures that do kill eagles, and that Tule Wind will be taking a huge risk if they do not apply for an eagle take permit for Phase I turbines.
- The judges agreed this was an important case with important issues.

**12. PUBLIC HEARING IS CURRENTLY SET FOR JUNE 28<sup>TH</sup> IN SACRAMENTO FOR TULE WIND’S LEASE APPLICATION FOR PHASE II WIND TURBINES, ROADS, & INFRASTRUCTURE PROPOSED FOR STATE LANDS COMMISSION LAND ABUTTING MANZANITA RESERVATION AND CLEVELAND NATIONAL FOREST:**

- Chair encouraged public comments be sent to the State Lands Commission before the hearing.

- Residents in the Ribbonwood Road, McCain Valley and tribal residential areas north of I-8 will be the most impacted by all Tule Wind turbines.
- With existing Kumeyaay Wind turbines, residents will basically have turbines on 3 sides.

**13. TULE WIND PHASE II:**

- In March, the US District Court dismissed the Protect Our Communities lawsuit against BIA approvals of 20 turbines to be located on Ewiiapaayp tribal lands.
- Fish and Wildlife is still working on Tule's Eagle Take permit application for Phase II.

**14. COMPREHENSIVE RENEWABLE ENERGY PLAN (CREP) POD 13-007:**

- Chair filed a request under the Public Records Act, and then a week later the information was finally made available through the updated CREP website.
- Draft report is now online.
- Next CREP TAC meeting should be set by end of May.
- Chair expressed concern that our rural area will continue to be targeted as a sacrifice zone for renewable energy and related infrastructure, including renewable energy overlay zones and infrastructure finance districts (IFD).
- A 2-page summary of IFDs was included in the agenda package.
- In response to questions, Jim Whalen said he was unaware of any IFDs currently planned locally.

**15. LANSING PRIVATE ROAD GRADING PDS2012-2700-15676, LOG NO PDS2015-ER-15-21-002: NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION:**

- Project on hold due to the mitigation land no longer being available.
- Project Manager informed Chair that Lansing needs to start over on biological but has not submitted any new mitigation plan.
- There was speculation that the previous mitigation land may have already been used for ECO Substation project.

**16. SAN DIEGO GAS & ELECTRIC'S MASTER SPECIAL USE PERMIT / PERMIT TO CONSTRUCT APPLICATION A1210009. THE FOREST SERVICE HAS ALREADY APPROVED AND THE CPUC WILL VOTE ON MAY 26<sup>TH</sup> TO APPROVE THE FINALEIR/EIS:**

- Chair expects construction on line upgrade to commence right after May 26<sup>th</sup> vote. Non-profits intervened and sought local undergrounding of line through residential areas, to no avail.
- One construction yards may already be underway in Alpine on Old Hwy 80 east of Albertsons.
- 5 to 10 million gallons of water per day during 5 years of construction = devastating.

\*Additional information in agenda package on Legislative Counsel's Digest on AB2395 allowing AT&T to eliminate land lines; current drought map showing we are still in a severe drought; and info showing Boulevard zip code area is ranked as one of the most "distressed communities" in new report.

**G. MEETING ADJOURNED AT 8:10 PM NEXT REGULAR MEETING SET FOR THURSDAY, JUNE 2, 2016:**

Minutes approved by Group on: 6-2-16

Donna Tisdale, Chair: 

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