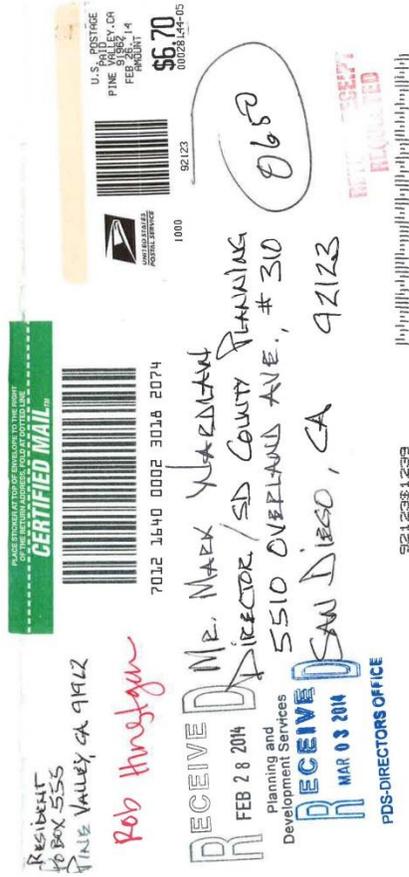


Response to Comment Letter I109

York Heimerdinger
March 3, 2014

Comment Letter I109





Attn: Mark Wardlaw, Ashley Gungle, Darren Gretler, & Robert Hingtgen
 County of San Diego/ Department of Planning and Development
 5510 Overland Ave., St 310
 San Diego, CA 92123

Re: Notice of Preparation for a Programmatic Environmental Impact Report for the Soitec Solar Projects

SOITEC SOLAR DEVELOPMENT PROGRAM ENVIRONMENTAL IMPACT REPORT, LOG NO. PDS2012-3910-120005 (ER); 3800-12-010 (GPA); TIERRA DEL SOL, 3300-12-010 (MUP); 3600-12-005 (REZ); 3921-77-046-01 (AP); RUGGED SOLAR, 3300-12-007 (MUP); SCH NO. 2012121018

The intent of our letter, is to provide comments on this proposed project to you, the EIR lead agency that help make environmentally sound decisions for the County of San Diego. This project has the ability to dramatically change the local area in many ways. Subjects of concern are included as topic areas reviewed from the EIR. As local land owners, our perspective (if we can be so bold) includes critical areas of concern that may not be found directly in the subjects to be evaluated. Therefore, the following is intended to give you, the lead agency at The County of San Diego, a true menu of concerns from local property owners' viewpoints.

Below are our comments on specific subjects listed to be analyzed on the EIR (specifically the areas of the proposed Rugged Solar project)...

Ground Water

Our largest concern is in regard to the water wells in the immediate area of the proposed Rugged Site. A true assessment of the wells in the immediate area has not been completed, most predominately of which the closest property APN #611-091-02-00 is located 439 feet south of the pumping wells. According to the EIR there are three off-site residential wells have been identified within 2,700 feet of pumping Wells 6a and 6b (Dudek, 2013; GLA 2010; GLA 2012), this study did not include the water well located on the #611-091-02-00 parcel. The closest property contains an active and certified residential use water well, making it the closest active residential groundwater well to the project; directly contradicting the EIR report of 1,742 feet as the closest residential ground water well. The project wells 6a & 6b pull water directly from the same water table

I109-1
 I109-2

I109-1 The County of San Diego (County) acknowledges this comment and addresses the specific comments on the Proposed Project below.

I109-2 Please refer to Draft Program Environmental Impact Report (DPEIR) Appendix 5.1.3-6, Chapter 2.7, p. 2-18, and Section 3.2.1.1, p. 3-22. Tables 2-8 and 3-11 list the well discussed by the commenter (Well No. 17532). In addition, Figure 10 of DPEIR Appendix 5.1.3-6 shows the subject well along with other wells in the vicinity. The well is located in the geometric center of the parcel on Figure 10 because County well records are associated with parcel numbers rather than exact locations. However, based on site well log location sketches, County Staff estimates that the subject well is located 1,000 feet from the proposed pumping well on the Rugged site and about 250 feet from the closest proposed tracker mast. County records indicate the subject parcel (APN 611-090-02-00) is undeveloped and thus Well No. 17532 was not considered an active residential well for the purpose of the Groundwater Resources Investigation of the Rugged Solar Farm. The County has added the commenter to the list of well owners that are eligible to have their wells fitted with a pressure transducer to record water levels. The County or its consultant will contact the commenter when the well monitoring network is being set-up.

February 20, 2014

used by the well located on parcel #611-091-02-00, negatively subjecting the residential/agricultural well to the usage of the project wells.

We would like to express our alarm for the water wells in the immediate area and any compromised integrity during and after the construction phase of the project. The ground vibration created from construction, drilling, pounding and installation methods for the CPV masts can have a detrimental effect on the integrity of the adjacent water wells.

Another concern is the leaching of ground water on and around the CPV 28”diameter metal poles into our water table and affecting the water quality in the existing well. What are the specifications of the metal masts that are inserted into the ground? Are the poles galvanized or coated to prevent oxidation over time into the soil and water table?

Zoning

The parcel #611-091-02-00 is the closest property to the Rugged Solar Project. According to the EIR the parcel (APN# 611-091-02-00) is non-residential, and undeveloped which is clearly not accurate. This property is zoned S92, it has been approved by the Health Department for residential development (3 bedroom home, and 330 leech line.) The land has been in development consisting of agricultural/residential improvements since 2010. The project will directly border this residential property. Why would the EIR provide false information in the report regarding this property?

We residents in the area are still feeling the impact of the County 2020 Plan. Allowing this rezoning requested within the Rugged project appears to go directly against the 2020 Plan. A zoning change to property once zoned S92 for this application should not be allowed it is now directly adjacent the proposed enormous power project’s boundaries. In our opinion this project is “industrial” by nature and most other definitions and should be well separated from an owner’s residential property.

Referring specifically to APN #611-091-02-00, this residential/agriculture zoned parcel will be severely impacted by the proposals of the Rugged project.

I109-2
Cont.

I109-3

Furthermore, the commenter’s concerns are addressed through implementation of the Groundwater Monitoring and Mitigation Plan (GMMP) for the Rugged Solar Farm Project, which will be implemented in accordance with M-BI-PP-14. (Note: in the Final Environmental Impact Report (FEIR), M-BI-PP-14 is renumbered to M-BI-PP-15). The Groundwater Mitigation and Monitoring Plans (GMMPs) for each proposed groundwater source can be found in the County’s administrative record. According to the GMMP:

“A new monitoring well (MW-SPB, i.e., Southern Property Boundary Monitoring Well) will be installed approximately 350 feet south of Well 6a, to serve as the Well 6a and 6b monitoring point for compliance with the groundwater drawdown guidelines established by the County. MW-SPB will be installed to a depth of approximately 480 feet below ground surface (bgs). Once installed, MW-SPB will be fitted with a pressure transducer to record water levels. Multiple manual water level measurements will be recorded with a sounder to confirm the accuracy of the transducer.”

If the monitoring well shows evidence that the project-related pumping may result in exceedance of County thresholds for well interference (or groundwater-dependent habitat), the applicants will be required to

	<p>cease or curtail pumping until such time that water levels recover to within acceptable limits. The monitoring well will be solely used for the purposes of monitoring groundwater levels and will not be equipped with a pump to supply the project with water.</p> <p>The County does not agree that there is the potential for ground-borne vibrations to damage Well No. 17532 during installation of tracker masts. At a distance of 250 feet and with the protection of well casing, vibrations from pile driving activities would be sufficiently attenuated to avoid damage to Well No. 17532. As a rule of thumb, a safe distance from which pile driving activities can be conducted without causing damage to water wells is 50 feet or more.</p> <p>With regard to the effects of tracker masts on groundwater quality, please refer to DPEIR Section 3.1.5.3.3, which provides a broader analysis of impacts to surface water and groundwater quality. Tracker masts are designed and maintained to be rust-free. Regardless, tracker masts—even if rusty—would not contribute to water quality problems, either in surface water or groundwater. As discussed in Chapter 1.0, all materials on site would be dismantled, removed, and disposed of at an authorized facility upon site decommissioning.</p> <p>I109-3 The California Environmental Quality Act (CEQA) requires that an environmental impact report (EIR)</p>
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include a description of the physical environmental conditions in the vicinity of the proposed project as they exist at the time the notice of preparation is published (14 CCR 15125(a)). This environmental setting normally constitutes the baseline physical conditions by which the County determines whether an impact is significant (14 CCR 15125(a)). The DPEIR identified all existing land uses occurring in the area of each Proposed Project site, including sensitive land uses within 1,000 feet, such as residences (DPEIR, p. 2.5-1, Fig. 2.5-1, Fig. 2.5-5). In addition, the DPEIR land use analysis considered within its description of existing land use conditions three projects that have been approved by the County and are anticipated to be fully constructed before any portion of the Proposed Project commences operation (DPEIR, p. 2.5-3). Regarding Assessor's Parcel Number (APN) 611-091-02-00, according to County records there are no improvements or residential structures on this parcel; the only records for this parcel include an expired well permit and a Boundary Adjustment completed in 2001. Existing conditions in the vicinity of the Proposed Project have been accurately described in the DPEIR in accordance with CEQA. It would be inaccurate and improper under CEQA for the County to analyze parcels with a zoning designation allowing for residential development as if they were already developed and inhabited. Therefore, the DPEIR has not provided false information regarding APN 611-091-02-00.

	<p>Related to the comments on the County General Plan and any rezoning within the Boulevard area that took place with the General Plan Update, please refer to the response to comment I82-3. The Proposed Project parcel adjacent to APN 611-091-02-00 is zoned S92, as is APN 611-091-02-00. No zoning change has been requested for the Rugged solar farm and the County has determined that the proposed Rugged solar farm is consistent with current zoning. The County acknowledges the commenter’s opinions on the “industrial nature” of the Proposed Project and the Rugged solar farm’s location adjacent to the commenter’s property. The information in this comment will be in the Final Program Environmental Impact Report (FPEIR) for review and consideration by the decision makers.</p> <p>The commenter states that APN 611-091-02-00 will be severely impacted by the Rugged solar farm. The DPEIR did not identified any significant impacts on the identified property.</p> <p>With regard to the easement referenced in the comment, please refer to the response to comment I29-1.</p> <p>I109-4 Please refer to DPEIR Section 3.1.5.3.1 (p. 3.1.5-31 in particular). The drainage system for the Proposed Project will be designed to carry a 100-year storm event. As discussed in Section 3.1.5.3.1, hydrologic studies have</p>
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February 20, 2014

Easement

How will the proposed rugged project address the easement that is access from Ribbonwood Rd, to the residential parcel #611-091-02-00?

Storm Water Management (Run-off)

What measures will be taken to control water runoff from thunderstorm, rain, and snow melt? Will the soil stabilizer be able to maintain the massive run-off of graded land in flash flood conditions?

Wildfire Hazard

As stated in the EIR the Rugged Solar project falls within the Very High Fire Hazard Severity Zone. Has there been studies conducted to determine the heat around the solar panels, and the risk of combustion of the surrounding vegetative materials? Will the stored water be enough to combat a fire if one was to occur?

Due to the high probability of fire in the area of the proposed project, what are the predetermined plans for repair of the damage incurred by the fire?

If a fire was to be started by the project (construction, or future use alike) who will be held responsible for the damages inflicted, and the costs accrued to fight the fire?

Aesthetics (Visual Resources)

We are concerned with the proposed project's potential effects on visual resources in the Boulevard community; because the proposed project area is highly visible from the Interstate 8 freeway in east bound and west bound directions. Any passerby or resident will look down on a metaphorical "sea" panels that blanket the ground. The existing wind turbines that are the Kumeyaay Windfarm (and the newly proposed Tule Wind Project) already obstruct the views, and damage the aesthetics. The adverse environmental affects that the Rugged Solar Project will have to visual resources include visual character; how a viewer observes the visual environment as a whole; visual quality, the environment's brilliance, distinction, and/or excellence seen by the observer; viewers response from the highway the composite view is from the right-of-way;

Page 3 of 6



I109-5

identified the increase in runoff that the Proposed Project would generate (due to impervious surfaces), and the stormwater pollution prevention plan and minor stormwater management plan will require use of hydraulic stabilization (such as hydroseeding and bonded fiber matrix); silt fences, fiber rolls, and gravel bags; stabilizing site egress and ingress; LID road design; and energy dissipaters, as necessary, to control stormwater flows on site and to capture sediment before stormwater runoff flows off site.

Studies were conducted during preparation of the Proposed Project's Fire Protection Plan (FPP) that evaluated the tracker materials, function, and actual operation. A working tracker was visited during the height of the day to determine what changes in air temperature were realized in the vicinity of the tracker. There were no discernible air temperature changes. Temperatures were higher directly beneath the tracker, but the temperature decreased rapidly as the distance from the back of the panel increased. This panel includes dry mulch beneath it and at ground level, temperatures were lower than surrounding open areas exposed directly to the sun. Based on that study and information provided by manufacturer's engineers, there is not expected to be a temperature increase that would threaten to ignite vegetation. However, the Proposed Project site will be subject to fuel modification throughout, including under trackers and on the perimeter of the Proposed Project

	<p>site, with a minimum of 50 feet separating trackers from the nearest off-site fuels, so vegetation growing up into the trackers will not occur and maintenance consistent with the FPP will be enforced.</p> <p>There are no water standards for this type of development in the County. However, in the absence of requirements, the Proposed Project proposes available water tanks in strategic locations throughout the facilities based on fire agency input. The available water is calculated to be enough to support firefighting operations for on-site fires.</p> <p>Under state law, California can seek cost recovery for wildfires that were started by a private entity, including any private landowner, under certain conditions and if certain findings are made. Further, post-wildfire recovery planning is managed by County, state, and federal agencies and would be enacted for any large wildfire, whether caused by an ignition off of Interstate 8, an ignition from a landowner's maintenance practices, or construction or operation of a facility.</p> <p>I109-6 The commenter's opposition to the Proposed Project and concern regarding the visual impacts of the Rugged solar farm will be included in the administrative record for review and consideration by the decision makers. The visual impacts of the Rugged solar farm are considered and addressed in Chapter</p>
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<p style="text-align: right;">February 20, 2014</p> <p>the viewing distance is vast and extensive, the number of viewers will be high due to the extensive use of Interstate 8. The Sunrise Powerlink attempted to blend into their environment by coloring the towers. Will the poles of the CPV panels used in the Rugged project be painted, or colored, to fit in with the surroundings?</p> <p><u>Air Quality (Dust Control)</u></p> <p>In the Boulevard area, blowing winds are continuing occurrences; gusts frequently blow up to 70 miles per hour or more. Concerns arise not only during construction of the Rugged Acres Solar project, but also for the life of the project. Barren lands will include but not limited to, of area underneath the CPV panels, new and existing roadways, fire barriers, and access roads. These large exposed areas in combination with the unfailing wind, and dry conditions (annual precipitation of 15.84"), create a continuous particulate in the air affecting the surrounding area. The high impact of air quality will not be limited to the construction phase of the project.</p> <p><u>Biological Resources</u></p> <p>The proposed project area contains natural habitats with the potential for use by sensitive and/or protected species. This project creates the potential for substantial adverse effects through habitat modifications, including the invasive species. In the proposed area, any disrupted land is quickly taken and the native flora is pushed out; additionally any moisture in the soil is monopolized due to the adaptation of invasive species.</p> <p><u>Boundaries</u></p> <p>We feel there is dire necessity for the County to increase the proposed required set back distances from Rugged project fences and CPV panels/masts near adjacent neighbors water wells and property boundaries. This distance should be lengthened substantially when adjacent to a residential/agricultural (S92) zoned parcel. Without additional space from project fencing to an adjacent residential property boundary the tall masts and CPV panels will appear to "loom" intrusively over our boundaries. The Rugged project, the Kumeyaay Windfarm, Tule Wind projects, and the Sunrise Powerlink all encroach onto populated areas, our homes and Ranches. These projects have left us in the area</p> <p style="text-align: center;">Page 4 of 6</p>	<p style="text-align: center;">I109-6 Cont.</p> <p style="text-align: center;">I109-7</p> <p style="text-align: center;">I109-8</p> <p style="text-align: center;">I109-9</p> <p>I109-7 2.1, Aesthetics, of the DPEIR. The DPEIR includes an analysis of impacts to scenic views and visual character from public viewpoints like Interstate 8 and other roads, as well as evaluation of glare impacts to motorists and residents. The County acknowledges that the Proposed Project would have certain significant and unavoidable impacts related to aesthetics. The masts (i.e., poles) of the trackers used in the Rugged solar farm would not be painted or colored. As compared to the Sunrise Powerlink lattice towers, the tracker masts do not have the same stature; therefore, coloring them would have little effect on visual impact reduction.</p> <p>Issues raised in this comment are considered and addressed in the DPEIR. Fugitive dust impacts are analyzed in Section 2.2.3.2 of the DPEIR. Particulate matter (PM₁₀ and PM_{2.5}) emissions were estimated for the Proposed Project and project design features have been identified to reduce impacts related to fugitive dust emissions. See also the response to comment I27-2 regarding fugitive dust issues and mitigation, including those associated with operation of the Proposed Project.</p> <p>Please also refer to the response to comment I25-2 for information concerning high wind days.</p> <p>I109-8 Potential impacts to sensitive and/or protected species from the alteration of natural habitat are considered and addressed in Section 2.3, Biological Resources, of the DPEIR. This section also considers potential impacts</p>
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related to the introduction of invasive species. The Proposed Project may have a potentially significant effect on biological resource, which would be reduced to a level below significant with mitigation. The analysis accounts for risks associated with the introduction of invasive species after ground disturbance.

I109-9

The County acknowledges the commenter's preference for greater setbacks of the Proposed Project from adjacent property zoned S92. The County also acknowledges the commenter's opinions related to the encroachment of the Proposed Project and other cumulative energy projects into the populated area. The information in this comment will be in the FPEIR for review and consideration by the decision makers.

The Proposed Project design meets the setback requirements per County zoning for the A70, A72, and S92 zones. The County has considered additional setbacks to reduce impacts related to fire and aesthetic impacts. These additional setbacks include a perimeter fuel modification zone consisting of 18 feet of cleared, drivable surface on the outside of the solar farm fencing and 20 feet of driveway/road inside the fence (see Section 3.1.4.3.3) and a 50-foot-wide landscaped area along public roadways to screen Proposed Project components from public viewpoints (see M-AE-PP-1 in Section 2.1.6.1). The County does not agree that additional setbacks are required for the Proposed Project.

<p style="text-align: right;">February 20, 2014</p> <p>feeling as though we are being "stepped on." Are we as local individuals, property owners, residents, and future residents obsolete and irrelevant?</p> <p><u>Dark Skies and Glare</u></p> <p>A concern arises with the reflective light from the CPV panel surfaces. Most of the proposed grids of high density panels on the Rugged project are situated in a highly visual valley. As these CPV panels follow the path of the sun, through the sky, the reflective light from the panels will be reflected on the southern and western horizons. Residential homes, ranches, yards, freeway traffic (potentially dangerous effects to travelers along HWY I-8 from the reflected light also could occur,) individuals, including children at local school bus stops, are all within view of these horizons, and will be negatively impacted from the reflected light of these CPV panels lenses.</p> <p>There are homes that will be directly impacted by glare every day during the sunset. Limited duration of glare is not a solution to the fact that the home owners, and guests are visually negatively impacted by the afternoon.</p> <p>The Laguna Observatory, as well as local star observers, have a clear direct view of the project area; will the reflected moon light impact the observatory adversely affecting their work?</p> <p><u>Land Mitigation</u></p> <p>Impacts to sensitive habitat should be mitigated through conservation of a habitat, as specified by the County. Any land used for mitigation should be protected for conservation, and a grant should be in place so that the mitigated land can be managed for all time.</p> <p><u>Traffic</u></p> <p>Can the existing and proposed roads (Ribbonwood Road and the proposed dirt road that will be used for ingress and regress) support the amount of traffic flow, construction traffic, and weight of the vehicles traveling these corridors? As residents in the area, we are especially concerned with condition of the existing asphalt of Ribbonwood Rd after the project is</p> <p style="text-align: center;">Page 5 of 6</p>	<p>I109-9 Cont.</p> <p>I109-10</p> <p>I109-11</p> <p>I109-12</p> <p>I109-10 The County acknowledges that the Proposed Project would have significant and unavoidable glare impacts to motorists and residents at certain locations. These issues are discussed in Chapter 2.1, Aesthetics, of the DPEIR. Roadways and residences that may receive glare during project operations are identified in Section 2.1.3.3, Light and Glare. Please see also Appendix 2.1-3, Boulevard Glare Study. In addition, Tables 2.1-6 through Table 2.1-14 of Chapter 2.1, Aesthetics, provide information regarding potentially affected residences and maximum anticipated glare by season for identified residences and motorists.</p> <p>Please refer to response to comment I91-10 for information regarding lunar glare.</p> <p>I109-11 Issues raised in this comment are considered and addressed in the DPEIR and the recommendations provided by the commenter are consistent with the mitigation provided in the DPEIR (see Section 2.3.6, Mitigation Measures, of Chapter 2.3, Biological Resources). Mitigation measure M-BI-PP-1 requires the preservation of habitat in permanent open space, as the commenter suggests.</p> <p>I109-12 Please refer to common response TRAF1, which addresses maintenance of County-maintained roads utilized during construction activities. In addition, impacts associated with traffic flow on project area roadways are considered and analyzed in the DPEIR; see Section 3.1.8. As stated in Section 1.2.1.1.,</p>
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<p style="text-align: right;">February 20, 2014</p> <p>concluded, and the how the land will be affected, during and after, the use of the proposed dirt Rugged project access road.</p> <p><u>Wildlife Movement</u></p> <p>There is an abundance of life in the proposed Rugged project area, with an array of animal species living in or using the area for movement. Concerns arise with the seven foot high, barbed wire fences that will incase the entire area, limiting the valley's use as a wildlife habitat and a wildlife corridor.</p> <p><u>Project Alternatives</u></p> <p>Please consider the complete removal of the proposed Rugged section from the project.</p> <p>Thank you for the opportunity to comment on the EIR for the proposed project.</p> <p style="text-align: center;">Page 6 of 6</p>	<div style="text-align: center;"> </div> <p>Common Project Components and Activities, there are three different types of roads for the Proposed Project that would be improved to different standards: primary access roads, fire access roads, and service roads. Primary access roads and fire access road would consist of an all-weather surface capable of supporting 50,000 pounds as required by the County Fire Code. Please refer to Section 1.2.1.1 of the DPEIR for additional design details associated with internal and external access roads. Internal and external access roads would be maintained during operations (as part of regular O&M activities) to ensure continued access and safe driving conditions.</p> <p>I109-13 Issues raised in this comment are considered and addressed in the DPEIR (see Section 2.3.3.4). The Rugged solar farm is composed of four separate subareas that would be individually fenced. This section states:</p> <p>The Rugged solar farm is designed to allow for movement through the majority of Tule Creek, which may serve as a local wildlife movement corridor, within the project area by maintaining a minimum 675-foot wide corridor that is suitable for the common types of wildlife using this area (coyote, mule deer, bobcat, skunk, etc.) (see Figure 2.3-15). After the project is developed, wildlife will still be able to move through the vicinity and region within similar habitats,</p>
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slope, and directions as are currently present. The project maintains connectivity across and through low sloping hills and the valley. Connections across the project area will not be compromised as wildlife will still be able to maintain east/west and north/south connections. The gaps between the various fenced project components are large, with the minimum 675-foot gap occurring between the eastern and southern fenced project blocks for an approximate 500-foot long segment. The remaining gaps are over 1,000 feet wide. Therefore, based on the surrounding land use, including rural residential homes, the Rugged solar farm does not interfere with blocks of habitat or create an artificial wildlife corridor (DPEIR, p. 2.3-145).

This section further states:

The majority of Tule Creek will not be impacted or fenced and will remain the most logical movement route due to the removal of cattle from this area and resulting increase in vegetation cover. The width of Tule Creek will remain the same, and wildlife can continue using this open area to move through the region. Therefore, the Rugged solar farm is not expected to reduce an existing wildlife corridor or linkage (DPEIR, p. 2.3-148).

The comment regarding the height of the fence is incorrect. The fencing will be 6 feet tall, not 7 feet tall.

	<p>I109-14 The County does not agree that the DPEIR is required to consider the complete removal of the Rugged solar farm as an alternative to the Proposed Project. The County has analyzed a reasonable range of alternatives to the Proposed Project in accordance with CEQA Guidelines Section 15126.6. The County analyzed four reduced project alternatives, four alternatives at a separate location, and a No Project Alternative, for a total of nine alternatives. Under CEQA, the DPEIR “need not consider every conceivable alternative to the project” (14 CCR 15126.6(a)). The County describes the rationale for selecting the alternatives in Section 4.1 of the DPEIR.</p> <p>References</p> <p>14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.</p>
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