

**APPENDIX C
NOTICE OF PREPARATION
AND COMMENT LETTERS**



ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
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www.sdcounty.ca.gov/dplu

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

September 9, 2010

NOTICE IS HEREBY GIVEN that the County of San Diego, Department of Planning and Land Use will be the Lead Agency and will prepare an Environmental Impact Report in accordance with the California Environmental Quality Act for the following projects. The Department is seeking public and agency input on the scope and content of the environmental information to be contained in the Environmental Impact Report. A Notice of Preparation document, which contains a description of the probable environmental effects of the project, can be reviewed on the World Wide Web at http://www.sdcounty.ca.gov/dplu/ceqa_public_review.html, at the Department of Planning and Land Use (DPLU), Project Processing Counter, 5201 Ruffin Road, Suite B, San Diego, California 92123 and at the public libraries listed below. Comments on the Notice of Preparation document must be sent to the DPLU address listed above and should reference the project number and name.

POD 10-007, WIND ENERGY ORDINANCE. The project proposes amendments to the County of San Diego Zoning Ordinance for wind energy systems. The amendments consist of clarifications, deletions, and revisions to provide an updated set of definitions, procedures, and standards for review and permitting of wind energy systems. The proposed project includes the allowance of small wind energy systems that meet the definition of the Zoning Ordinance by right; and large turbines will be required to complete a separate environmental review process per the Major Use Permit procedures and requirements.

The project is located within the County of San Diego which is in Southern California bordered to the west by the Pacific Ocean, to the east by Imperial County, to the north by Orange and Riverside Counties, and to the south by Mexico. The project covers the unincorporated portions of the County of San Diego over which the County has land use jurisdiction. Comments on this Notice of Preparation document must be received no later than **October 11, 2010 at 4:00 p.m.** (a 30 day public review period). This Notice of Preparation can also be reviewed at the following libraries: 4S Ranch, Alpine, Bonita, Borrego Springs, Campo, Casa de Oro, Crest, Descanso, Jacumba, Julian, Lakeside, Pine Valley, Potrero, Ramona, Rancho San Diego, Rancho Santa Fe, Spring Valley and Valley Center. In addition, a public scoping meeting for this project will be held at 6:00 p.m. on September 21, 2010 in the DPLU Hearing Room at 5201 Ruffin Road, Suite B, San Diego, California 92123. For additional information, please contact Matt Schneider at (858) 694-3714 or by e-mail at matthew.schneider@sdcounty.ca.gov.



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NOTICE OF PREPARATION DOCUMENTATION

DATE: SEPTEMBER 9, 2010

PROJECT NAME: WIND ENERGY ORDINANCE

PROJECT NUMBER(S): POD 10-007

PROJECT APPLICANT: County of San Diego

ENV. REVIEW NUMBER: N/A

PROJECT DESCRIPTION:

The project proposes amendments to the County of San Diego Zoning Ordinance for wind energy systems. The amendments consist of clarifications, deletions, and revisions to provide an updated set of definitions, procedures, and standards for review and permitting of wind energy systems.

Background: The following is a brief history of amendments made to the County Zoning Ordinance related to wind energy systems:

On October 10, 1985, the County of San Diego adopted Ordinance 6857, which included an amendment to the Zoning Ordinance to add the definition for wind energy systems. The definition was later amended by Ordinance 9971, adopted February 25, 2009, in order to clearly separate the definitions of a Metrological Testing (MET) Facility and a wind energy system.

On April 23, 1986, the County of San Diego adopted Ordinance 7117, which amended the Zoning Ordinance to add definitions for Small, Medium, Large, and Non-operational wind energy systems. The ordinance also added procedures and standards for review and permitting of these systems.

On February 25, 2009, the Board of Supervisors held a meeting to discuss additional amendments to the Zoning Ordinance to revise the existing Small, Medium, and Large wind energy system definitions and regulations. A portion of these proposed amendments was to remove references to California Assembly Bill (AB) 1207, which was repealed in 2006. This portion was circulated for public review in March 2010 as a part of POD 09-006, the Solar and Wind Energy Ordinance. Another portion of these proposed amendments was to allow for additional small-sized wind energy systems with an Administrative Permit under the Medium wind energy system provisions with required findings and the existing size limitations in place. This portion was moved to a separate ordinance, POD 10-007, and was circulated for public review in June 2010. The remaining portion of the proposed amendments related to wind energy systems included more substantial changes to the regulations and required further environmental review. This portion, in addition to the removal of references to California Assembly Bill (AB) 1207 constitutes the proposed project. The summary below provides further details regarding the project.

Description: The project consists of the following amendments to the San Diego County Zoning Ordinance:

- Update of regulations for Small and Large Wind Energy Systems and removal of the former Medium Wind Energy System section.
- The creation of a new Renewable Energy section of the Zoning Ordinance consisting of wind energy systems.
- As previously required, large-scale wind power plants would continue to require a Major Use Permit in order to review such projects on a case-by-case basis and address project-specific impacts.

The amendments are intended to set forth reasonable standards and procedures for the installation and operation of wind energy systems to improve and enhance public welfare and safety, and to implement the San Diego County General Plan, specifically the Energy Element (adopted November 15, 1977).

Steps are being taken at both the state and federal levels to increase renewable energy production. At the state level, California's Renewable Portfolio Standard (RPS) program requires obligated load-serving entities (LSE), including San Diego Gas & Electric (SDG&E), to procure an additional minimum of 1 percent of retail sales per year from eligible renewable sources until 20 percent is reached, no later than 2010. Executive Order S-3-05 (June 2005) identified greenhouse gas (GHG) emission-reduction targets for the state, providing the impetus for a potential expansion of the RPS program to include a goal of 33 percent renewable energy by 2020. Additionally, the California Air Resources Board (ARB) issued the draft Climate Change Scoping Plan in June 2008, and a key

component of achieving the GHG targets is that California codify into statute and achieve a 33 percent RPS by 2020.

According to California's RPS compliance filings, SDG&E's actual renewable power procurement percentage is 10.2 (SDG&E 2010). The proposed project is an important element in developing additional renewable energy resources required to meet the current and future California RPS and federal Energy Policy Act goals for developing renewable energy. With the advent of new technology, wind energy has become a viable renewable resource. The State has also adopted legislation (AB 45, October 11, 2009) to encourage the use of small wind systems and limit obstacles to their use.

The affected sections of the Zoning Ordinance are as follows:

- Section 1110: would add definitions for wind energy system Height and wind energy system Tower Height; revise definitions of wind energy system small, wind energy system large, and wind energy system non-operational; and remove wind energy system medium.
- Section 6123: would clarify a MET Facility of less than the height of the zone is allowed without the requirement for an Administrative Permit.
- Section 6156.z: would move wind energy system small regulations to new Section 6950.
- Section 6158.b: would move wind energy system small regulations to new Section 6950.
- Section 6950 and 6951: would remove wind energy system medium regulations, insert new wind energy system small section, and revise wind energy system large section.

As outlined below, the proposed project includes the allowance of small wind energy systems that meet the definition of the Zoning Ordinance by right; and large turbines will be required to complete a separate environmental review process per the Major Use Permit procedures and requirements.

Environmental Review: The project includes both small wind energy systems and large wind energy systems, which are subject to different environmental review processes by the County. An overview of the different environmental processes for small vs. large wind energy systems is provided below:

Small Wind Energy System: A small wind energy system is defined as a wind turbine energy conversion system, with or without a tower, which has a rated capacity of not more than 50 kilowatts for each system and is consistent with the requirements of Zoning Ordinance Sections 6156 and 6951 and used primarily

for on-site energy use. These systems shall be permitted as an accessory use in all zones where the Civic, Commercial, Industrial or Extractive use types are allowed provided the system complies with the Renewable Energy Regulations commencing at Zoning Ordinance Section 6950. The Program Environmental Impact Report (PEIR) will include environmental review for small wind energy system projects, which meet the definition as stated previously.

Under the proposed project, a small wind energy system is allowed by right if the future proposed wind energy system meets the definition and all requirements listed in the Zoning Ordinance Section 6951. If a future small wind energy system meets the definition and all requirements listed in the Ordinance Section 6951, then the small wind energy system does not require any discretionary permits or public notice. In the event a future small wind energy system does not meet one or more of the requirements under Ordinance Section 6951, then a variance is required. In the event a variance is required, a future project is required to provide public notice and the local Community Planning Group where the project is being proposed will be provided the opportunity to review. The final decision on whether a variance will be granted will be based on a determination made by the Director of Planning and Land Use.

In the event a small wind energy system meets all the requirements in the Zoning Ordinance Section 6951 but includes more than three turbines, issuance of an Administrative Permit will be required. An Administrative Permit requires public notice, and the local Community Planning Group where the project is being proposed will be provided the opportunity to review. The final decision on whether an Administrative Permit will be granted will be based on a determination made by the Director of Planning and Land Use and may be appealed to the Planning Commission. In some cases, where a project is proposed in certain zoning designations such as a "B" designator or a Specific Plan area, a Site Plan will be required. This discretionary action will be subject to CEQA review.

Large Wind Energy System: A large wind energy system is defined as a wind turbine energy conversion system, with or without a tower, which has a rated capacity of more than 50 kilowatts for each system and is consistent with the requirements of Zoning Ordinance Section 6951 for off-site or on-site energy use. Large wind energy systems would continue to require a Major Use Permit and additional environmental review will be required for each project proposed. A project applicant that proposes to construct a large wind energy system will be required to complete the necessary forms and procedures for a Major Use Permit consistent with County processing requirements. As part of a Major Use Permit application, the project applicant will be required to complete an Application for an Environmental Initial Study (AEIS). The AEIS application submittal is utilized by the County to determine the appropriate California Environmental Quality Act (CEQA) document (i.e., Negative Declaration or EIR) that will be required in order to complete an environmental review. Since each future large wind energy

system application will be required to obtain a Major Use permit and complete a separate environmental review process, the County has determined that the PEIR being prepared for the proposed wind ordinance will not evaluate the potential environmental impacts associated with a large wind energy system. Large wind energy systems will be evaluated under CEQA during project processing of each Major Use Permit application.

PROJECT LOCATION:

The project is located within the County of San Diego which is in Southern California bordered to the west by the Pacific Ocean, to the east by Imperial County, to the north by Orange and Riverside Counties, and to the south by Mexico. The project covers the unincorporated portions of the County of San Diego over which the County has land use jurisdiction.

PROBABLE ENVIRONMENTAL EFFECTS:

The probable environmental effects associated with the project are detailed in the attached Environmental Initial Study. All questions answered "Potentially Significant Impact" will be analyzed further in the Environmental Impact Report. All questions answered "Less than Significant Impact" or "Not Applicable" will not be analyzed further in the Environmental Impact Report.

The following is a list of the subject areas to be analyzed in the EIR and the particular issues of concern:

- Aesthetics
- Agricultural Resources
- Biological Resources
- Cultural Resources
- Hazards
- Noise

PUBLIC SCOPING MEETING: Consistent with Section 21083.9 of the CEQA Statutes, a public scoping meeting will be held to solicit comments on the PEIR. This meeting will be held on Tuesday, September 21, 2010 in the County of San Diego Department of Planning and Land Use Hearing Room at 5201 Ruffin Road, Suite B, San Diego, California 92123 at 6:00 p.m.

Attachments:

- Environmental Initial Study

**LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES
THAT COMMENTED ON THE NOTICE OF PREPARATION OF
AN ENVIRONMENTAL IMPACT REPORT
FOR THE WIND ENERGY ORDINANCE AMENDMENT
POD 10-007**

Public Review Period: September 9, 2010 through October 11, 2010

The following is a listing of the names and addresses of persons, organizations, and public agencies that commented during this public review period.

	NAME	DATE	ADDRESS
STATE AGENCIES			
1	<u>State of California, Department of Fish and Game</u>	13-Oct-10	Edmund Pert South Coast Region 4949 Viewridge Avenue San Diego, CA 92123
2	<u>State of California, Department of Forestry and Fire Protection</u>	30-Sep-10	Mark Ostrander CAL FIRE San Diego Unit P.O. Box 1560 Boulevard, CA 91950
3	<u>State of California, Governor's Office of Planning and Research</u>	15-Sep-10	Scott Morgan P.O. Box 3044 Sacramento, CA 95813
4	<u>State of California, Native American Heritage Commission</u>	16-Sep-10	915 Capital Mall, Room 364 Sacramento, CA 95814
COUNTY, CITY AND OTHER LOCAL AGENCIES			
5	<u>San Diego County Archaeological Society, Inc.</u>	20-Sep-10	James W. Royle, Jr. Environmental Review Committee P.O. Box 81106 San Diego, CA 92138-1106
PLANNING GROUPS			
6	<u>Backcountry Against Dumps</u>	11-Oct-10	Donna Tisdale Backcountry Against Dumps P.O. Box 1275 Boulevard, CA 91905 donnatisdale@hughes.net
7	<u>Boulevard Community Planning Group</u>	11-Oct-10	Donna Tisdale Boulevard Planning Group P.O. Box 1272 Boulevard, CA 91905 donnatisdale@hughes.net

LOCAL ORGANIZATIONS			
8	<u>Endangered Habitats League</u>	29-Sep-10	Dan Silver Endangered Habitats League 8424 Santa Monica Blvd, Suite A 592 Los Angeles, CA 90069-4267 dsilver@me.com
9	<u>Stephan C. Volker, Law Offices on behalf of Backcountry Against Dumps, the Protect Our Communities Foundation and East County Community Action Coalition</u>	11-Oct-10	Stephen C. Volker 436 14th Street, Suite 1300 Oakland, CA 94612
10	<u>Stephan C. Volker, Law Offices on behalf of Backcountry Against Dumps, the Protect Our Communities Foundation and East County Community Action Coalition</u>	24-Nov-10	Stephen C. Volker 436 14th Street, Suite 1300 Oakland, CA 94612
INDIVIDUALS			
11	<u>Padoma Wind Power, LLC, a subsidiary of Enel North America, Inc</u>	15-Oct-10	Jennifer Purczynski 7777 Fay Avenue, Suite 200 La Jolla, CA 92037
12	<u>Prodigeo Corp.</u>	8-Nov-10	Address not provided.



South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201
<http://www.dfg.ca.gov>

October 13, 2010

Matthew Schneider
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road
San Diego Ca 92123
(858) 694-3714
email: matthew.Schneider@sdcounty.ca.gov

**Subject: Solar Wind Energy Zoning Ordinance Amendment (POD 09-006,
LOG NO. 09-00-003), San Diego County (SCH#2010091030).**

Dear Mr. Schneider:

The Department of Fish and Game (Department) has reviewed the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR), dated September 9, 2010. The public comment period closes October 12, 2010. The purpose of the proposed amendment to the Zoning Ordinance for Wind Energy Systems is to provide new and revised definitions to wind regulations. The proposed Amendment would allow small wind energy systems that meet the definition of the Zoning Ordinance. Large wind systems would be required to complete additional environmental review and obtain a Major Use Permit. The specific sections of the Zoning Ordinance that would be amended include, Sections 1110, 6123, 6156.z, 6158.b, 6950, 6951 and 6952. The proposed Zoning Ordinance would apply to the unincorporated portions of the County of San Diego.

Previous Department Comments: The Department provided comments to the County on March 26, 2010 to Solar Wind Energy Zoning Ordinance Amendment (POD 09-006, LOG NO. 09-00-003) (SCH#2010021070). The following comments are revisions to our previous comments based on changes made to the proposed Ordinance.

Department Jurisdiction: The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Guidelines Section 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code Section 2050 et seq.) and Fish and Game Code Section 1600 et seq. The Department also administers the Natural Community Conservation Planning Program (NCCP). The County of San Diego (County) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan. The County is also working towards an approved North County MSCP and Implementing Agreement under the NCCP Program and has conducted preliminary habitat evaluation for the draft East County MSCP Plan.

The Department offers the following comments and recommendations to assist the County in avoiding or minimizing potential project impacts on biological resources

- 1) **Fully Protected Species:** The Department has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. "Take" of any fully protected species is prohibited, and the Department cannot authorize their "take." Five fully protected bird species which are particularly susceptible to impacts from wind turbines, the American peregrine falcon (*Falco peregrinus anatum*), brown pelican (*Pelecanus occidentalis*), California least tern (*Sterna albifrons browni*), golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*) are known to occur with the County. The fully protected mammal species that could be impacted are bighorn sheep (*Ovis canadensis*) and ring-tailed cat (*Bassariscus astutus*). The CEQA analysis for projects should evaluate and address potential impacts to these species and incorporate appropriate species-specific avoidance and minimization measures during subsequent project implementation.
- 2) **Other Rare Species:** The potential exists for projects to reduce the number or restrict the range of the following endangered, rare, or threatened species (as defined in Section 15380 of CEQA), which are present within the region: the State threatened Swainson's hawk (*Buteo swainsoni*) and the State Species of Special Concern (SSC) burrowing owl (*Athene cunicularia*), tricolored blackbird (*Agelaius tricolor*), northern harrier (*Circus cyaneus*), loggerhead shrike (*Lanius ludovicianus*), California horned lark (*Eremophila alpestris actia*), Le Conte's thrasher (*Toxostoma lecontei*), pallid bat (*Antrozous pallidus*), western red bat (*Lasiurus blossevillii*), western mastiff bat (*Eumops perotis californicus*), American badger (*Taxidea taxus*) and flat-tailed horned lizard (*Phrynosoma mcallii*). Additional endangered, rare, or threatened species may also be present
- 3) **Bird Protection:** The Department has jurisdiction over actions that may result in the disturbance or destruction of active nest sites, or the unauthorized take of birds. The pertinent sections of the Fish and Game Code that protect birds, their eggs, and nests include 3503 (regarding unlawful "take," possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the "take," possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory nongame birds). The Department is unable to permit project-related "take" of species covered by these code sections, which include all raptors and migratory species.
- 4) **Administrative Permit:** The County proposes most small wind projects be permitted administratively. Small wind projects that do not meet the standards of the Ordinance could be subject to a variance process. The NOP provided a brief overview of the procedural steps that would be required in process of an administrative permit. Additional CEQA documentation should be required for any project regardless of zoning that has the potential to significantly impact biological resources. The DEIR should clearly define under the administrative permit process thresholds to biological resources whereas the County could require biological studies in situation where impacts to sensitive biological resources may occur. The Department believes that the uncertainties of risk to birds and the long term nature of the impacts to birds and bats require thorough biological studies and corresponding biological resource report with all forthcoming projects. One poorly placed small wind farm has the potential to kill a significant-number of birds and bats, including fully protected and sensitive birds for as long as the turbines are in operation (Kerlinger et al.2008, Longcore et al.2008). Therefore, administrative permits for even

small wind projects without further biological evaluations are not appropriate (and should be subject to environmental review under the CEQA).

- 5) **Design Criteria for Wind Energy Developments:** Impacts to birds and bats due to wind turbine strikes of any size, is well established (Kuvlesky et al. 2007). Even for small wind projects, the amendments to Section 6951 of the ordinance should established standards for setbacks, height restrictions to minimize impacts to avian and bat species in locations in proximity to sensitive habitat lands including wildlife concentration points. The Department recommends standards be included in the ordinance that prohibit tower placement in or near waterways and wetland resources (e.g., vernal pools, stock ponds, or other seasonal pools) which may support listed species. The DEIR should identify appropriate setbacks (or buffer zones) to nest or roost site of a State or Federal threatened or endangered species or Department designated bird or bat SSC, along with considering the potential for collision and noise related impacts to affected species. The referral provided in the NOP for adherence to the "California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development" should be adopted in the ordinance language (being applicable to Small/Large Wind Turbine Systems).

The DEIR should consider alternative designs for all wind systems. The Department recommends, the ordinance describe options for less environmentally damaging alternatives in regards to the type of wind turbine (e.g., selection of vertical axis turbines, then horizontal axis turbines) or whether a preference for the building-mounted systems versus free-standing towers was considered. Supplemental guidance/standards should include requiring towers that are monopole design and self-supporting without the use of guy wires or other similar features. Requiring monopole designs whenever feasible would eliminate the increase of potential nesting and perching sites for opportunistic birds (e.g., common raven, crow, scrub-jay), thus minimizing the likelihood for increased predation of listed and sensitive wildlife species. Depending on the type of tower design selected, standards should be adopted that include using deterrents as perching and nesting prevention devices (selecting treatments that do not harm birds). Furthermore, protection measures should include reducing artificial habitat for prey at turbine base area and minimizing power line impacts by undergrounding lines.

- 6) **Ordinance Language:** The Department recommends appropriate design features be considered for insertion into the ordinance language. If not included in the ordinance language itself then the County should develop a separate guidance document for staff to defer to in implementing the ordinance.
- 7) **Avoid Guy Wires when Feasible:** Guy wires supporting communications and meteorological towers can kill birds at high rates, including birds protected by the Fish and Game Code (Kerlinger et al. 2008, Longcore et al. 2008). Both the CEC-Department Guidelines and the USFWS (2000) recommend using free-standing tower designs due to the known avian mortality impacts from guy wires. The region is known to support many species that are susceptible to guy wire collisions, including golden eagles, tricolored blackbirds, burrowing owls, northern harrier, and Swainson's hawk. Project sites that may permit this type of installation may also support the fully protected species; golden eagle, and white-tailed kite, which are known to collide with electrical distribution wires. Several of these species are known to be susceptible to mortality from striking guy wires on communications and meteorological towers, or could be adversely affected by construction activities. If guy wires cannot be avoided the Ordinance should include specific procedures and standards to minimize bird strikes/collisions:

- a) Data (Kerlinger et al. 2008, Longcore et al. 2008) demonstrates that there is substantial uncertainty as to the potential for guy wire collisions with protected/special status bird species.
 - b) To reduce the potential for significant injury or mortality of special status birds, including raptors and migratory species, a condition of approval should be added to state substantially similar to the following: "The applicant shall install yellow bird flight diverters every 15 ft on each guy wire installed. Diverters shall be by Preformed Line Products, Bird Flight™ Diverters, or equal as approved by the Department, and shall be high-impact PVC material with UV protection."
- 8) **Turbine Location:** Each turbine locations should be studied to confirm that the tower sites are not within bird migratory corridors. Wind turbines should not be allowed in significant bird migration corridors.
- 9) **Avian Protection Plan:** In areas where impacts to birds and bats are likely, the Department recommends Avian Protection Plans be prepared which include post construction, and annual reporting to the County and the Department. Based on the analysis and guidance provided in the NOP, if a fatality to a protected species occurs, there is no assurance the information will be recorded or reported. A condition of approval should be added to state substantially similar to the following: "The applicant shall perform a weekly carcass survey of each site and report the findings at least quarterly to the County and to the Department. Any fatality of a protected species, including all raptors and listed species, shall immediately be reported to the agency with jurisdiction by law."
- 10) **Bat Surveys for Wind Energy Developments:** Installing meteorological (met) towers in advance of wind energy development provides an opportunity to begin gathering baseline bat use data. This bat use data is used to assess potential impacts to bats from wind turbine operation as recommended in the CEC-Department. To provide defensible baseline data for bat impacts, the Department recommends installing two (2) acoustic detectors on each tower: one at 1.5 meters from ground level, and one as high as possible, within the potential rotor-swept zone. Bat use should be monitored nightly for one (1) year prior to CEQA analysis. Additional methods may be warranted for a project site; the Department is available to provide guidance to applicant's to develop site-specific bat survey methods for any future wind energy proposals. If a subsequent bat (or avian) monitoring program is required under post approval then the permit approval conditions should require that documentation be provided to the Department.
- 11) **Acoustical Monitoring:** If the towers are for assessing wind energy development potential, then the Department recommends deploying acoustic monitoring equipment on the met towers for at least one year to determine bat use levels and potential impacts to bats from wind turbines. Additional methods for assessing avian and bat mortality impacts would be warranted for wind energy development at this site. We encourage the County and the applicant to coordinate with the Department on study methods as soon as possible to avoid future project delays. Please refer to the joint California Energy Commission and Department guidelines (CEC-Department Guidelines) for guidance on how to adequately assess potential bird and bat mortality from wind energy development (CEC and Department 2007).

- 12) **Use Red, Flashing Tower Lights:** Night-migrating birds are the most common fatalities at wind energy facilities. To minimize night-migrating bird collisions on associated structures, continuous lighting and light colors other than red should be avoided. If aviation or other lighting is required on the meteorological towers, then the Department recommends red flashing lights with a long dark interval and short flash-on time.
- 13) **Consistency with Existing and Draft Regional Conservation Plans:** The DEIR should evaluate the proposed ordinance's consistency with our regulations and the County's MSCP. Specifically, Section IV, Biological Resources, of the CEQA initial study, items a), b), c), d) and e) require additional information. This information is needed by the Wildlife Agencies to make clear the types of projects which would be approved, and in particular identify potential conflicts with essential species and regional conservation planning objectives associated within the existing South County MSCP and forthcoming North County and East County MSCPs. If the Department cannot adequately evaluate these issues and quantify the potential impacts, we may be unable to issue permits for the North County and East County MSCPs and/or concur that the proposed amendment is consistent with the approved South County MSCP.
- 14) **Cumulative Impacts:** A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats. The DIER should include a detailed cumulative analysis of the impacts to biological resources as a result of small and large wind systems.

We appreciate the opportunity to comment on the NOP for the ordinance revision and to assist the County in further minimizing and mitigating project impacts to biological resources. If you have any questions or comments regarding this letter, please contact Erinn Wilson, Staff Environmental Scientist of the Department at (714) 968-0953.

Sincerely,



Edmund Pert
Regional Manager
South Coast Region

cc: State Clearinghouse, Sacramento
Scott Flint, Habitat Conservation Planning Branch
Doreen Stadlander, U.S. Fish and Wildlife Service, Carlsbad

ec: Stephen M. Juarez, DFG, San Diego
David Mayer, DFG, San Diego
Randy Rodriguez, DFG, San Diego
Paul Schlitt, DFG, San Diego
Erinn Wilson, DFG, San Diego

Literature Cited

California Energy Commission and Department of Fish and Game (2007) California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development. Commission Final Report. California Energy Commission, Renewables Committee, and Energy Siting Division, and California Department of Fish and Game, Resources Management and Policy Division. CEC-700-2007-008-CMF.

Kerlinger, P., R. Curry, L. Culp, and A. Hasch (2008) Pre-construction meteorological tower fatality study Shiloh II wind power project, Solana County, California. Prepared by Curry and Kerlinger, LLC for Enxco.

Kuvlesky Jr. WP, Brennan LA, Morrison ML, Boydston KK, Ballard BM, et al. (2007) Wind Energy Development and Wildlife Conservation: Challenges and Opportunities. Journal of Wildlife Management: Vol. 71, No. 8 pp. 2487–2498

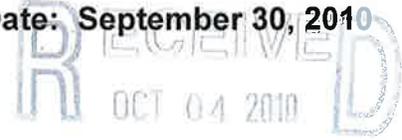
Longcore, T., C. Rich, S.A. Gathreaux Jr. (2008) Height, guy wires, and steady-burning lights increase hazard of communication towers to nocturnal migrants: a review and meta-analysis. The Auk 125:485-492.

U.S. Fish and Wildlife Service (2000) Service guidance on the siting, construction, operation and decommissioning of communication towers. U.S. Fish and Wildlife service, Washington, D.C.

Memorandum

To: County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
Attn: Matthew Schneider

Date: September 30, 2010



DPLU-PPCC
Website: www.fire.ca.gov

Re: County of San Diego Wind Energy Ordinance
SCH2010091030
Notice of Preparation (Environmental Impact Report)

After review of the above referenced document, the project complies with Public Resource Codes (PRC), California Fire Code (CFC) and Consolidated Fire Code for San Diego County applicable to Wildland fire for non habitable structures. As a Note The Memorandum of Understanding (MOU) dated February 26, 1997 states Structures intended for occupancy by humans or animals be located no less than 100 feet from the nearest biological open space or boundary and all other structures no less than 30 feet from biological open space or boundary. The MOU was based upon the US Fish and Wildlife Biological Opinion of 1997.

A handwritten signature in blue ink, appearing to read "Mark Ostrander".

Mark Ostrander
CAL FIRE
San Diego Unit
Environmental Coordinator
P.O. Box 1560
Boulevard, CA 91905

Mandated Due Date:	10/12/10
Date Document Received in Mail:	09/23/10
Comment Letter Date:	09/30/10
Date Mailed:	10/01/10



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA

~~Governor's Office of Planning and Research~~

State Clearinghouse and Planning Unit



Cathleen Cox
Acting Director

Notice of Preparation

September 15, 2010

To: Reviewing Agencies

Re: County of San Diego Wind Energy Ordinance
SCH# 2010091030

Attached for your review and comment is the Notice of Preparation (NOP) for the County of San Diego Wind Energy Ordinance draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Matthew Schneider
San Diego County
5201 Ruffin Road, Suite B
San Diego, CA 92123

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments.
cc: Lead Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2010091030

Project Title County of San Diego Wind Energy Ordinance

Lead Agency San Diego County

Type NOP Notice of Preparation

Description The project proposes amendments to the County of San Diego Zoning Ordinance for wind energy systems. The amendments consist of clarifications, deletions, and revisions to provide an updated set of definitions, procedures, and standards for review and permitting of wind energy systems. The proposed project includes the allowance of small wind energy systems that meet the definition of the Zoning Ordinance by right; and large turbines will be required to complete a separate environmental review process per the Major Use Permit procedures and requirements.

Lead Agency Contact

Name Matthew Schneider

Agency San Diego County

Phone 858-694-3714

Fax

email

Address 5201 Ruffin Road, Suite B

City San Diego

State CA Zip 92123

Project Location

County San Diego

City

Region

Cross Streets Countywide

Lat / Long

Parcel No.

Township

Range

Section

Base

Proximity to:

Highways Hwy 67, 76, 78, 79, 94, & 125

Airports Countywide

Railways Countywide

Waterways Countywide

Schools Countywide

Land Use Various- applies Countywide

Project Issues Aesthetic/Visual; Agricultural Land; Archaeologic-Historic; Biological Resources; Forest Land/Fire Hazard; Noise; Wildlife; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 5; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 11; State Water Resources Control Board, Division of Water Quality; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 09/13/2010

Start of Review 09/13/2010

End of Review 10/12/2010

NOP Distribution List

Resources Agency

- Resources Agency
Nadell Gayou
- Dept. of Boating & Waterways
Mike Sotelo
- California Coastal Commission
Elizabeth A. Fuchs
- Colorado River Board
Gerald R. Zimmerman
- Dept. of Conservation
Rebecca Salazar
- California Energy Commission
Eric Knight
- Cal Fire
Allen Robertson
- Central Valley Flood Protection Board
James Herota
- Office of Historic Preservation
Ron Parsons
- Dept of Parks & Recreation
Environmental Stewardship Section
- California Department of Resources, Recycling & Recovery
Sue O'Leary
- S.F. Bay Conservation & Dev't. Comm.
Steve McAdam
- Dept. of Water Resources
Resources Agency
Nadell Gayou

Fish and Game

- Dept. of Fish & Game
Scott Flint
Environmental Services Division
- Fish & Game Region 1
Donald Koch

- Fish & Game Region 1E
Laurie Hamsberger
- Fish & Game Region 2
Jeff Drongesen
- Fish & Game Region 3
Charles Armor
- Fish & Game Region 4
Julie Vance
- Fish & Game Region 5
Don Chadwick
Habitat Conservation Program
- Fish & Game Region 6
Gabrina Gatchel
Habitat Conservation Program
- Fish & Game Region 6 I/M
Brad Henderson
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Game M
George Isaac
Marine Region

Other Departments

- Food & Agriculture
Steve Shaffer
Dept. of Food and Agriculture
- Depart. of General Services
Public School Construction
- Dept. of General Services
Anna Garbeff
Environmental Services Section
- Dept. of Public Health
Bridgette Blinning
Dept. of Health/Drinking Water

Independent Commissions, Boards

- Delta Protection Commission
Linda Flack
- Cal EMA (Emergency Management Agency)
Dennis Castrillo
- Governor's Office of Planning & Research
State Clearinghouse

County: San Diego

- Native American Heritage Comm.
Debbie Treadway
- Public Utilities Commission
Leo Wong
- Santa Monica Bay Restoration
Guangyu Wang
- State Lands Commission
Marina Brand
- Tahoe Regional Planning Agency (TRPA)
Chery Jacques

Business, Trans & Housing

- Caltrans - Division of Aeronautics
Sandy Hesnard
- Caltrans - Planning
Terri Pencovic
- California Highway Patrol
Scott Loetscher
Office of Special Projects
- Housing & Community Development
CEQA Coordinator
Housing Policy Division

Dept. of Transportation

- Caltrans, District 1
Rex Jackman
- Caltrans, District 2
Marcelino Gonzalez
- Caltrans, District 3
Bruce de Terra
- Caltrans, District 4
Lisa Carboni
- Caltrans, District 5
David Murray
- Caltrans, District 6
Michael Navarro
- Caltrans, District 7
Elmer Alvarez

- Caltrans, District 8
Dan Kopulsky
- Caltrans, District 9
Gayle Rosander
- Caltrans, District 10
Tom Dumas
- Caltrans, District 11
Jacob Armstrong
- Caltrans, District 12
Chris Here

Cal EPA

Air Resources Board

- Airport Projects
Jim Lerner
- Transportation Projects
Douglas Ito
- Industrial Projects
Mike Tollstrup

- State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance

- State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

- State Water Resources Control Board
Steven Herrera
Division of Water Rights

- Dept. of Toxic Substances Control
CEQA Tracking Center

- Department of Pesticide Regulation
CEQA Coordinator

SCH# 2010011030

Regional Water Quality Control Board (RWQCB)

- RWQCB 1
Cathleen Hudson
North Coast Region (1)
- RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)
- RWQCB 3
Central Coast Region (3)
- RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- RWQCB 5S
Central Valley Region (5)
- RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- RWQCB 6
Lahontan Region (6)
- RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- RWQCB 7
Colorado River Basin Region (7)
- RWQCB 8
Santa Ana Region (8)
- RWQCB 9
San Diego Region (9)

Other _____

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net



September 16, 2010

Mr. Matthew Schneider, Land Use/Environmental Planner

County of San Diego Department of Planning & Land Use

5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: SCH#2010091030 CEQA Notice of Preparation (NOP): draft Environmental Impact Report for the County of San Diego Wind Energy Ordinance Project located County-Wide; San Diego County, California.

Dear Mr. Schneider:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3rd 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were identified within the County of San Diego; there are over 19,000 recorded Native American cultural sites recorded from San Diego County. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for archaeological data. (916) 653-7278.

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f] *et seq.*), 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes*. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of 'historic properties of religious and cultural significance' may also be protected under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

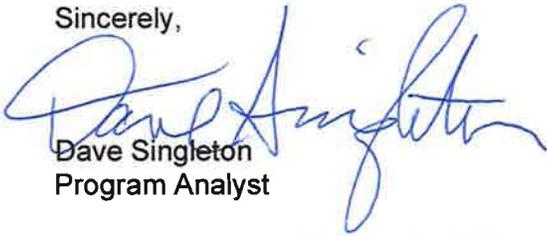
CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Singleton".

Dave Singleton
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

Native American Contacts
San Diego County
September 16, 2010

Barona Group of the Capitan Grande
Edwin Romero, Chairperson
1095 Barona Road Diegueno
Lakeside , CA 92040
sue@barona-nsn.gov
(619) 443-6612
619-443-0681

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
PO Box 365 Diegueno
Valley Center, CA 92082
allenl@sanpasqualband.com
(760) 749-3200
(760) 749-3876 Fax

Ewiiapaayp Tribal Office
Robert Pinto, Chairperson
4054 Willows Road Diegueno/Kumeyaay
Alpine , CA 91901
wmicklin@leaningrock.net
(619) 445-6315 - voice
(619) 445-9126 - fax

Santa Ysabel Band of Diegueno Indians-Iipai
Johnny Hernandez, Spokesman
PO Box 130 Diegueno
Santa Ysabel, CA 92070
brandietaylor@yahoo.com
(760) 765-0845
(760) 765-0320 Fax

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
PO Box 1120 Diegueno/Kumeyaay
Boulevard , CA 91905
gparada@lapostacasino.
(619) 478-2113
619-478-2125

Sycuan Band of the Kumeyaay Nation
Danny Tucker, Chairperson
5459 Sycuan Road Diegueno/Kumeyaay
El Cajon , CA 92021
ssilva@sycuan-nsn.gov
619 445-2613
619 445-1927 Fax

Manzanita Band of Kumeyaay Nation
Leroy J. Elliott, Chairperson
PO Box 1302 Kumeyaay
Boulevard , CA 91905
ljbirdsinger@aol.com
(619) 766-4930
(619) 766-4957 Fax

Viejas Band of Mission Indians
Bobby L. Barrett, Chairperson
PO Box 908 Diegueno/Kumeyaay
Alpine , CA 91903
jrothauff@viejas-nsn.gov
(619) 445-3810
(619) 445-5337 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2010091030; CEQA Notice of Preparation; NOP; draft Environmental Impact Report (DEIR) for the County of San Diego Wind Energy Ordinance; Definitions, procedures and standards conforming to San Diego County zoning and other ordinances; San Diego County, California.

Native American Contacts
San Diego County
September 16, 2010

Kumeyaay Cultural Heritage Preservation
Paul Cuero
36190 Church Road, Suite 5 Diegueno/ Kumeyaay
Campo , CA 91906
chairman@campo-nsn.gov
(619) 478-9046
(619) 478-9505
(619) 478-5818 Fax

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775 Diegueno -
Pine Valley , CA 91962
(619) 709-4207

Inaja Band of Mission Indians
Rebecca Osuna, Spokesperson
2005 S. Escondido Blvd. Diegueno
Escondido , CA 92025
(760) 737-7628
(760) 747-8568 Fax

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road Diegueno/Kumeyaay
Lakeside , CA 92040
(619) 742-5587
(619) 443-0681 FAX

San Luis Rey Band of Mission Indians
Henry Contreras, Most Likely Descendant
1763 Chapulin Lane Luiseno
Fallbrook , CA 92028
(760) 728-6722 - Home
(760) 908-7625 - Cell

San Luis Rey Band of Mission Indians
Russell Romo
12064 Old Pomerado Road Luiseno
Poway , CA 92064
(858) 748-1586

Pauma Valley Band of Luiseño Indians
Bennae Calac, Tribal Council Member
P.O. Box 369 Luiseno
Pauma Valley CA 92061
bennaecalac@aol.com
(760) 617-2872
(760) 742-3422 - FAX

Rincon Band of Mission Indians
Bo Mazzetti, Chairperson
P.O. Box 68 Luiseno
Valley Center, CA 92082
council@rincontribe.org
(760) 749-1051
(760) 749-8901 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2010091030; CEQA Notice of Preparation; NOP; draft Environmental Impact Report (DEIR) for the County of San Diego Wind Energy Ordinance; Definitions, procedures and standards conforming to San Diego County zoning and other ordinances; San Diego County, California.

Native American Contacts
San Diego County
September 16, 2010

Kumeyaay Diegueno Land Conservancy
M. Louis Guassac, Executive Director
P.O. Box 1992 Diegueno/Kumeyaay
Alpine, CA 91903
guassacl@onebox.com
(619) 952-8430

Frank Brown
Viejas Kumeyaay Indian Reservation
240 Brown Road Diegueno/Kumeyaay
Alpine, CA 91901
FIREFIGHTER69TFF@AOL.
(619) 884-6437

Campo Kumeyaay Nation
Michael L. Connolly, Consultant
1600 Buckman Springs Rd Diegueno/Kumeyaay
Campo, CA 91906
(610) 478-2177

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2010091030; CEQA Notice of Preparation; NOP; draft Environmental Impact Report (DEIR) for the County of San Diego Wind Energy Ordinance; Definitions, procedures and standards conforming to San Diego County zoning and other ordinances; San Diego County, California.



San Diego County Archaeological Society, Inc.
Environmental Review Committee

20 September 2010



To: Mr. Matt Schneider
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

Subject: Notice of Preparation of a Draft Environmental Impact Report
Wind Energy ordinance
POD 10-007

Dear Mr. Schneider:

Thank you for the Notice of Preparation for the subject project, received by this Society earlier this month.

We are pleased to note the inclusion of cultural resources in the list of subject areas to be addressed in the DEIR, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in the distribution of the DEIR, and also provide us with a copy of the cultural resources technical report(s).

SDCAS appreciates being included in the County's environmental review process for this project.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

BACKCOUNTRY AGAINST DUMPS

P. O. BOX 1275, BOULEVARD, CA 91905

October 11, 2010

Matt Schneider,
Project Manager
County of San Diego
Dept of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Sent via e-mail: Matthew.Schneider@sdcounty.ca.gov

RE: WIND ENERGY ORDINANCE; POD 10-007; NOTICE OF PREPARATION OF EIR

Dear Mr. Schneider,

These comments are being submitted in addition to those submitted by the Law Offices of Stephan C. Volker on our behalf.

I am incorporating, by reference, the comments I drafted and submitted today on behalf of the Boulevard Planning Group and Mr. Volker's previous comments submitted on the proposed Wind Energy Ordinance changes on March 26th and July 15th of 2010.

Regards,

/s/

Donna Tisdale
619-766-4170
donnatisdale@hughes.net

BOULEVARD PLANNING GROUP

P. O. BOX 1272, BOULEVARD, CA 91905

Matt Schneider, Project Manager
County of San Diego
Dept of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

October 11, 2010

Sent via e-mail: Matthew.Schneider@sdcounty.ca.gov

RE: WIND ENERGY ORDINANCE; POD 10-007; NOTICE OF PREPARATION OF EIR

"Instead of being politically correct, we need to be scientifically correct, and look for better solutions" John Droz, Jr. / Physicist

Dear Mr. Schneider,

At our regular meeting, held on October 7th, our group unanimously approved the following motion 6-0-0 (Lenz absent): *Send in updated comments, insisting that the Wind Energy Ordinance EIR include large scale wind turbines, as we previously requested. Reiterate the need for adequate standard turbine set-back of at least 1.5 to 2 miles from occupied buildings, recreation areas, public roads, protected habitat and wildlife, and more. Request a lower height limit of 65 feet for small turbines and refer to Oct 29-31 International Symposium on The Global Wind Industry and Adverse Health Effects. Submit these comments, incorporating our previous wind energy comments by reference, by the October 11 deadline.*

We want to note that POD 09-006 previously covered both wind and solar issues. The solar ordinance moved forward under POD 09-006. Part of POD 10-007 (previously a part of POD 09-006) of Comprehensive Revisions to Wind Energy Regulations, which was on public review earlier this year, is now part of this EIR process.

This piecemealed and segregated review process has been very confusing for the public, especially the fact that the current EIR does not cover large scale turbines that represent the most significant negative and cumulative impacts and harm to a broad spectrum of resources as well as public health and safety, and economic and social justice issues.

Boulevard Planning Group's previous comments submitted to the County on wind energy issues that are incorporated by reference:

- **March 11, 2010:** Solar Wind Energy Zoning Ordinance Amendment (POD 09-006); 20 page comment letter with links and attachments.

- **June 16, 2010:** Solar Energy Zoning Ordinance Amendment (POD 09-006).Comment letter.
- **July 5, 2010:** POD 10-007: Minor Changes to existing Wind Turbine Regulations in Zoning Ordinance. Comment letter
- **September 9, 2010:** CASE# 3000-10-023: Pack MET tower application. Comment letter and request for public hearing.
- **September 21, 2020:** POD 10-007 EIR scoping hearing. Planning Group members, Donna Tisdale and Chris Noland, attended the hearing. Both requested that the EIR include large scale industrial wind turbines stating the need for an adequate standard set-back and other important requirements. Both staff and members of the public seemed confused by current and previous wind energy ordinance actions.

The aerial photo below shows the existing 50 MW Kumeyaay Wind facility located on the Campo Kumeyaay Nation that lies within the boundaries of the Boulevard Planning Area. Multiple large scale wind energy projects proposed on private, public and tribal lands will further negatively impact currently large areas of intact habitat and wildlife corridors, that may be avoided in future due to noisy and disturbing industrial scale development.



The following photos are just two examples of concerns with the proliferation of industrial wind turbines into our rural high-fire danger areas, with limited fire stations, staffing, and equipment. The first photo shows a turbine that was struck by lightning. East County is subject to intense electrical storms. The presence of turbines can increase the number of lightning strikes. Kumeyaay Wind has already suffered one catastrophic failure.



**The following is updated information from our previous comments
submitted on POD 09-006 March 11, 2010:**

They're Not Green: A short video clip from a Nettie Pena documentary on industrial wind energy problems: <http://www.epaw.org/multimedia.php?lang=en&article=news6> : The documentary includes a list of communities, world-wide, that are dealing with impacts from industrial wind energy projects. Boulevard, is at the end of the list.

Getting Serious About Setbacks: An editorial on small wind turbines placed in appropriate areas with inadequate setbacks: <http://www.windaction.org/faqs/29334>

Proposed Case Definition: Adverse Health Effects And Industrial Wind Turbines living within 2.0 km of an industrial wind turbine facility. This is terrain dependant and those living in hilly or mountainous terrain may be affected within 5.0 km. Off shore industrial wind turbines may affect people within 5km. <http://windvigilance.com/page99.aspx>

The First International Symposium on the adverse health effects of industrial wind turbines will be held October 29-31, 2010 in Picton, Prince Edward County, Ontario, Canada.

This two day event, hosted by The Society for Wind Vigilance, will feature prominent expert speakers from the United Kingdom, the United States and Canada who will provide important information relating to health issues reported by people living too close to industrial wind developments.

The Society for Wind Vigilance is an international federation of physicians, engineers and other professionals promoting the development of authoritative wind turbine guidelines to protect the health and safety of communities. The mission of The Society for Wind Vigilance is to mitigate the risk of both physiological and psychological adverse health effects through the advancement of independent third party research and its application to the siting of industrial wind turbines.

Currently there are no authoritative guidelines for the siting of industrial wind turbines. Globally industrial wind turbine facilities are being erected at a record pace and are increasingly being sited close to human populations. Noise and setback requirements vary widely by jurisdiction. As a result there are victims who are reporting adverse health effects from exposure to industrial turbine facilities. In many cases families have had to abandon their homes to protect health.

The Society for Wind Vigilance is a volunteer-based federation which leads in education on the adverse health effects of human exposure to wind turbines.

Board of Directors

Robert Y. McMurtry, M.D., F.R.C.S.(C), F.A.C.S.
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Arline L. Bronzaft, B.A., M.A., Ph.D
Noel Kerin, MD, MSc, FCBOM, CIME
Carl V. Phillips, PhD
Alec N. Salt, Ph.D. Cochlear Physiology, M.Sc., B.Sc. Biology
Daniel Shepherd, BA, MSc(1st Class Hons), PhD
Robert Thorne, PhD

The following information has been excerpted from the linked Society For Wind Vigilance website: <http://windvigilance.com/page002.aspx>.

Go to the website to find the full documents and linked reference documents.

A Primer on Adverse Health Effects: http://windvigilance.com/primer_ahe.aspx

Wind Turbine Noise Sleep and Health by Dr Hanning

Dr. Christopher Hanning concludes in *Sleep disturbance and wind turbine noise*

“...there is compelling evidence that wind turbine noise can and does disturb sleep and impair the health of those living too close and that current guidance is inadequate protection.”

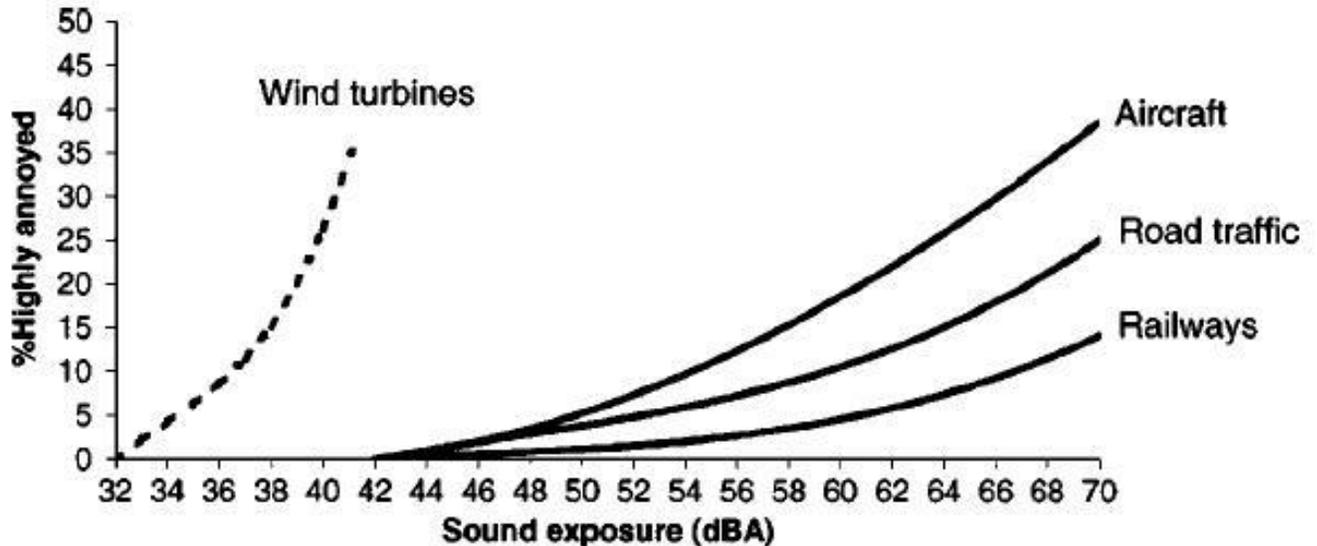
“In my expert opinion, from my knowledge of sleep physiology and a review of the available research, I have no doubt that wind turbine noise emissions have been clearly associated with sleep disturbances.”

Dr. Hanning has nearly 30 years experience in sleep and its disorders. His expertise in this field has been accepted by the civil, criminal and family courts. Further details about his credentials are cited in the article. http://windvigilance.com/noise_sleep_health.aspx

Adverse Health Effects & Wind Turbines: http://www.windvigilance.com/about_ahe.aspx

Annoyance and Wind Turbines: http://www.windvigilance.com/annoyance_ahe.aspx

Peer reviewed scientific articles based on studies of European wind turbine facilities have concluded that wind turbine noise is more annoying than equally loud noise sources such as airport and traffic noise. i[iii], ii[iii], iii[iv], iv[v] Annoyance is predominately attributed to the unique sound characteristics of wind turbine noise.



Sound exposure is for wind turbines calculated A-weighted L_{eq} for a hypothetical time period and for transportation DNL.

(Source: Pedersen, E. and K. Persson Waye. 2004. Perception and annoyance due to wind turbine noise: A dose-response relationship, *Journal of the Acoustical Society of America* 116: 3460-3470.)

- “The sound level associated with wind turbines at common residential setbacks ...may lead to annoyance and sleep disturbance.” v[vi] and evidence demonstrates “Annoyance and sleep disruption are common when sound levels are 30 to 45 dBA.” vi[vii]

Stress and Wind Turbines: http://www.windvigilance.com/stress_ahe.aspx

- “Even seemingly clean sources of energy can have implications on human health. Wind energy will undoubtedly create noise, which increases stress, which in turn increases the risk of cardiovascular disease and cancer.” vii[1]

Sleep Disturbance and Wind Turbines :

http://www.windvigilance.com/sleep_disturbance_ahe.aspx

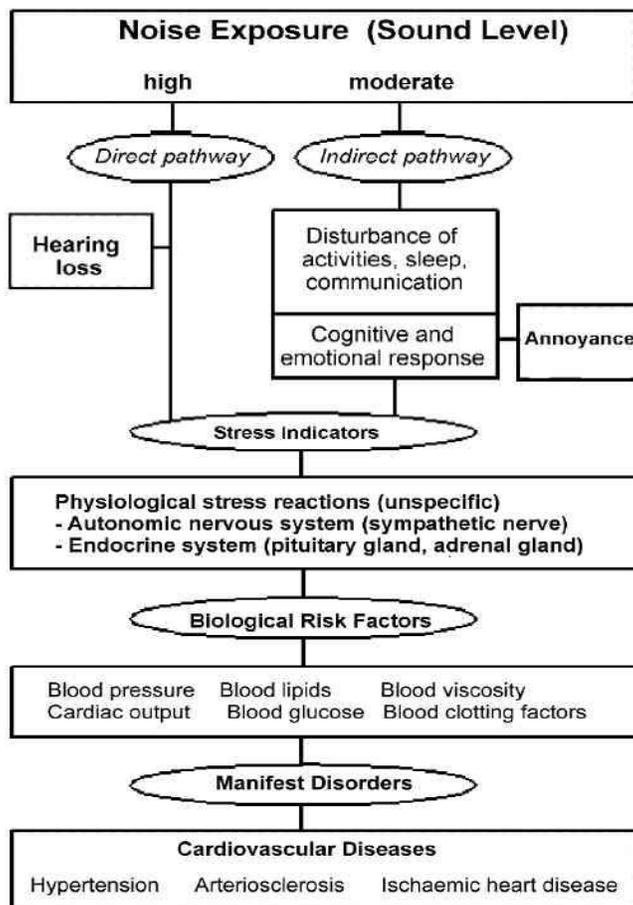
Based on the best available science the following conclusions can be made:

- Wind turbine noise, including low frequency noise, may cause annoyance, stress and sleep disturbance.
- Wind turbine induced sleep disturbance occurs at common residential setbacks and when sound levels are higher than 30 dBA. [?]
- The consequences of sleep disturbance can be serious. Acknowledged symptoms include poor performance at work, fatigue, memory difficulties, concentration problems, motor vehicle accidents, mood disorders (depression, anxiety), alcohol and other substance abuse, cardiovascular, respiratory, renal, gastrointestinal, musculoskeletal disorders, obesity, impaired immune system function and a reported increased risk of mortality. [?]

Physiological Health and Wind Turbines:

http://www.windvigilance.com/physiological_ahe.aspx

- Wind turbine physiological adverse effects documented by clinicians and researchers are consistent with symptoms commonly associated with annoyance viii[14], stress ix[15],x[16] and sleep disturbance. xi[17]



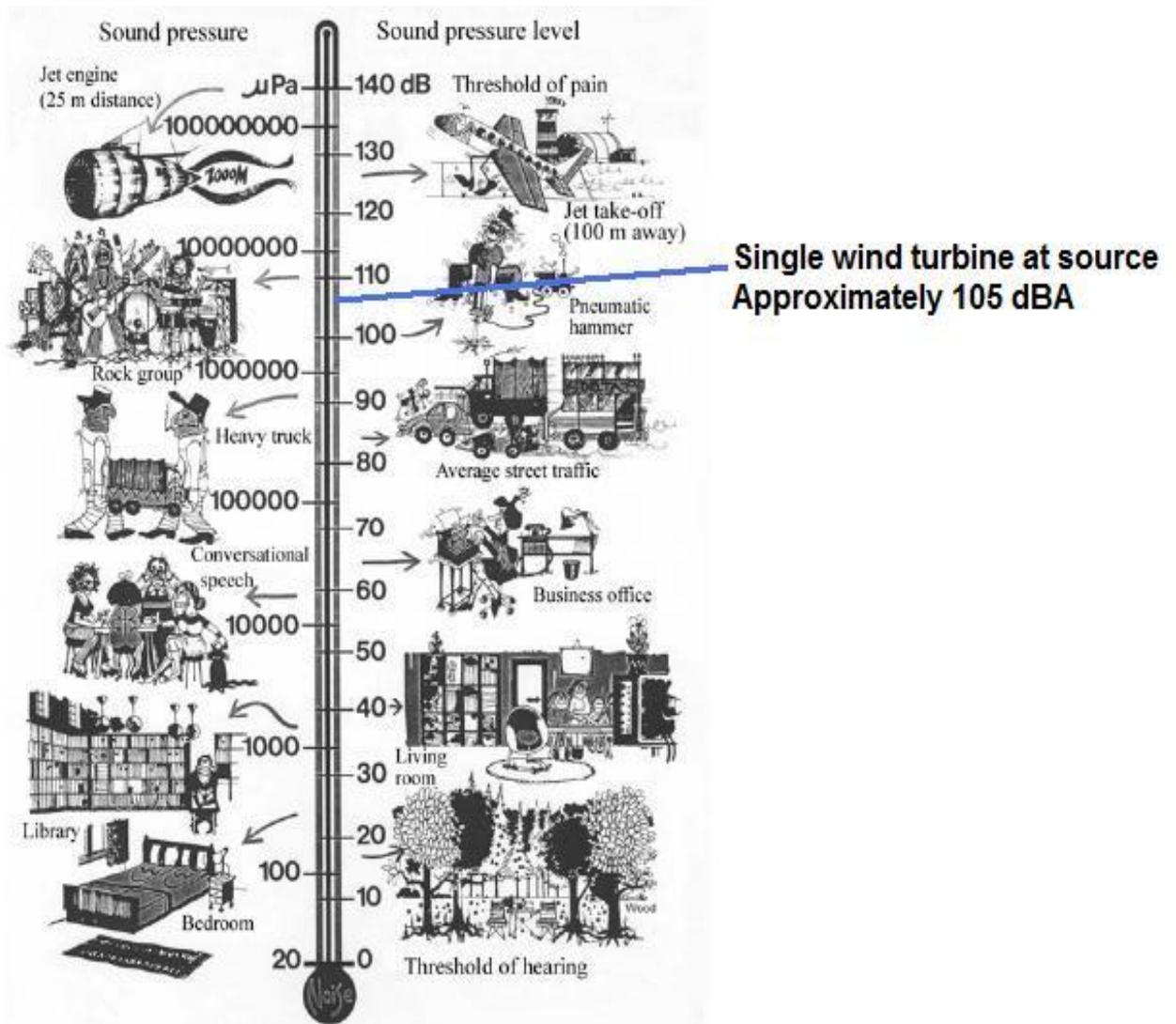
- Currently there is no authoritative international guideline for wind turbine noise designed to protect human health

Mental Health and Wind Turbines: http://www.windvigilance.com/mental_health_ahe.aspx

- Clinicians and other researchers have documented both physiological and psychological symptoms reported by victims experiencing adverse health effects from wind turbines. [2],[3],[4],[5] Many families have abandoned their homes to protect their health. This cannot be denied.
- The reported psychological symptoms include decreased quality of life, stress, anxiety, depression, cognitive dysfunction, anger, grief, and a sense of injustice.
- World Health Organization acknowledges individuals suffering adverse psychological symptoms are often victimized from a lack of understanding.[6] Often the stigma, discrimination and human rights violations that affected individuals and families endure are intense and pervasive.[7]

Noise and Wind Turbines: http://www.windvigilance.com/noise_ahe.aspx

- *"Just like air pollution and toxic chemicals, noise is an environmental hazard to health."* - World Health Organization
- The Canadian Wind Energy Association claims that modern wind turbines are not noisy.xii[2] They also assure the public that "it's possible to carry on a normal conversation at the base" of a wind turbine and at 300 meters the sound is like a "whispering voice."xiii[3]
- In light of this information one may ask why are people reporting suffering from adverse health effects and why have families abandoned their homes?
- The answer is wind turbines are noisy. A single modern wind turbine emits approximately 105 dBA of industrial noise pollution.xiv[4] To put 105 dBA in perspective, this is between the sound power level of a pneumatic hammer drill and a rock band.xv[5] Additional wind turbines in the neighbourhood combine to increase the noise level.



Sound Pressure Level (SPL) Examples (Bruel and Kjaer Instruments)

Wind turbine noise propagation is complex. A person standing under a wind turbine may experience much less noise than someone else living in a home hundreds of meters away from the base of the wind turbine.

Low Frequency Noise, Infrasound and Wind Turbines:

http://www.windvigilance.com/low_freq_noise_ahe.aspx

- Wind turbines generate a broad spectrum of noise including low frequency noise and infrasound which may be audible or inaudible. [1], [2], [3], [4]
- It is widely affirmed that exposure to audible low frequency noise can cause adverse health effects in humans. [5], [6], [7], [8]

- Low frequency noise can cause “...immense suffering to those who are unfortunate to be sensitive to low frequency noise and who plead for recognition of their circumstances.” [9]
- “Wind turbines are generally located in areas devoid of trees and other large vegetation. Instead, ground cover usually consists of grass, sagebrush, plants, and low shrubs, which are minor impediments to noise propagation except at very high frequencies. At frequencies below about 1000 Hz, the ground attenuation is essentially zero.” [10]
- The farther away from the wind turbine the greater is the low frequency content due to a relatively larger atmospheric absorption of high frequencies. Considering the A-weighted sound level outdoors in relevant distances to neighbors, the lower frequencies constitute a substantial part of the noise. [11]
- There is no doubt that as wind turbines get larger and more densely sited the lower frequency part of the noise spectrum is of importance to the neighbours' perception of noise from large wind turbines. Noise from wind turbines is under certain atmospheric conditions more annoying and - especially the low frequency part - spread much farther than generally accepted. Wind turbines may cause low frequency noise induced annoyance both inside and outside a building. [12]
- Annoyance is an acknowledged adverse health effect. [13], [14]

Visual Health Effects and Wind Turbines: http://www.windvigilance.com/visual_ahe.aspx

Based on the best available science the following conclusions can be drawn: http://www.windvigilance.com/about_ahe.aspx:

- Wind turbines produce noise and visual burdens.
- Scientific research confirms visual impacts can adversely affect human health.
- Wind turbine shadow flicker has the potential to induce photosensitive epilepsy seizures however the risk is low with large modern models and if proper planning is adhered to.
- Wind turbine shadow flicker induced adverse human health effects include annoyance and/or stress.
- No generalized dose-response curves have yet been modeled for wind turbine shadow flicker primarily due to the lack of results of published field studies.
- Protection from wind turbine shadow flicker exposure must be engineered into the design of the wind turbine facility during the planning stage. [2]

The following information was taken from the referenced sources:

Wind energy is intermittent and can result in the need for more gas-fired power plants.

U.S. DOE Report “20% Wind Energy by 2030” Presents Implausible Scenario: *The DOE Report ignores back-up generation, real growth rate, and capacity factors;* <http://www.windaction.org/releases/16239> ;

Renewables need helping hand from gas:

<http://www.signonsandiego.com/news/2010/may/23/renewables-need-helping-hand-from-gas/>

"...Gas will continue to be an important part of the mix even as the share of electricity generated with solar panels, wind turbines, underground heat or methane from landfills and sewage plants increases.

“Natural gas ought to be viewed as complementary, and not competing with renewables,” said Jim Marston, director of energy programs for the Environmental Defense Fund.

Electricity can’t be stored at the scale that utilities distribute it. It has to be used the moment it is produced.

So in a way, additional solar and power generation can actually increase the need for backup gas plants to help deal with the whims of the weather..."

E.ON warns over backup for renewables: <http://www.windaction.org/news/16197>; <http://www.guardian.co.uk/environment/2008/jun/04/...>

June 4, 2008 by Mark Milner in The Guardian

One of Britain's leading energy providers warned yesterday that Britain will need substantial fossil fuel generation to back up the renewable energy it needs to meet European Union targets. The UK has to meet a target of 15% of energy from renewables by 2020.

E.ON said that it could take 50 gigawatts of renewable electricity generation to meet the EU target. But it would require up to 90% of this amount as backup from coal and gas plants to ensure supply when intermittent renewable supplies were not available. That would push Britain's installed power base from the existing 76 gigawatts to 120 gigawatts.

Paul Golby, E.ON UK's chief executive, declined to be drawn on how much the expansion would cost, beyond saying it would be "significant". Industry sources estimate the bill for additional generation could be well in excess of £50bn...

Wind farm accidents and increased insurance rates and other costs

The Dangers of Wind Power <http://www.windaction.org/news/11519>

After the industry's recent boom years, wind power providers and experts are now concerned. The facilities may not be as reliable and durable as producers claim. Indeed, with thousands of mishaps, breakdowns and accidents having been reported in recent years, the difficulties seem to be mounting. Gearboxes hiding inside the casings perched on top of the towering masts have short shelf lives, often crapping out before even five years is up. In some cases, fractures form along the rotors, or even in the foundation, after only limited operation. Short circuits or overheated propellers have been known to cause fires. All this despite manufacturers' promises that the turbines would last at least 20 years.

August 24, 2007 by Simone Kaiser and Michael Fröhlingsdorf in Business Week

As wind turbines multiply around the globe, the number of dangerous accidents is also climbing, causing critics to question overall safety

Durability of green energy products tested in windstorm. January 19, 2010:

http://disastersafety.typepad.com/disaster_safety_blog/2010/01/page/2/



"Looking ahead to the kinds of "green" risks insurers can expect to face as the nation moves toward a more environmentally conscious approach to energy and construction, **Robert Hartwig, Ph.D., who is president of Insurance Information Institute, points to "mini power plants" in communities and individual homes as one issue that deserves attention.** Dr. Hartwig made this point during the Institute for Business & Home Safety's annual conference *Going Green and Building Strong*, which was held in December. [See Dr. Hartwig's presentation.](#)"

"It's important to keep this in mind when considering a recent story that was published by the [San Diego Union-Tribune](#). The newspaper wrote about the performance of wind farms after a wind storm that packed gusts of more than

60 mph. Without doubt, as wind farms grow so will the opportunity to insure the risks that accompany these operations, so this real-world event may be of interest. It's really a question of durability, which is the underlying theme that relates to all aspects of the still-developing "green" construction and energy movements."

Catastrophic failure at Kumeyaay Wind December 2009:

The two articles, linked below, show photos of the leaking, damaged and headless turbines at Campo Kumeyaay Wind facility. They also discuss the removal of all 75 blades from the 25 turbines at Kumeyaay Wind due to damage suffered in a December 7, 2009 storm where winds topped 70 mph: <http://www.signonsandiego.com/news/2010/jan/13/damaging-blow>
<http://www.eastcountymagazine.org/node/2734>

At two of last week's Department of Energy three hearings on the draft EIS for Sempra's Energia Sierra Juarez wind energy project, several members of the public testified on how the Harris Fire, the Cedar Fire and the Witch Creek Fire storms have raised our fire insurance rates. Many people were cancelled altogether. The fire storms that were caused by SDG&E's equipment will also raise our utility rates, due to increased insurance costs for SDG&E

The 25 Kumeyaay turbines are 2 MW Gamesa. The project did not undergo an EIR or EIS. They got through on an EA. Our letter May 2010 letter to the Secretary of Interior, requesting an investigation into the catastrophic failure, and other accidents at the site, has never been answered.

Negative impacts on property values

Properties 'virtually unmarketable': <http://www.windaction.org/news/29241>

Taylor said in his report that rural property close to town is usually in good demand, and noted he's the agent for one parcel in the area. He has had over 50 inquiries on his listing in about two months, but 40 dropped interest after learning about the location. "In follow-up with the inquiries, the number one reason for not having genuine interest in this property is because of the proximity of the wind towers."

September 22, 2010 by Greg Fladager in Casper Journal

A survey by a local realtor may have confirmed the worst suspicions of Stan Mundy, whose home is closest to Chevron's wind farm northeast of Casper.

Glen Taylor, of Equity Brokers in Casper, did a real estate survey Sept. 10, 2010, and concluded properties directly adjacent to the Chevron Wind Towers are now "virtually unmarketable" at "any realistic price."

In his report, Taylor said no residential properties have sold in his three-road survey area since October 2009, and 10 are presently on the market (five that were listed in the past two years didn't sell).

Taylor wrote, "No reasonable buyer would choose a property close to the wind towers over a property that isn't close to wind towers unless the price is so low that the investment would be a no brainer."

U.S. wrestling with property values and setbacks for its wind turbines :

<http://www.windaction.org/news/29171>

Use effects include the loss of peaceful use and enjoyment of homesteads for many turbine neighbours, and there is evidence that livestock has been adversely impacted by the noise from turbines, ranging from death (goats in Taiwan) to reproductive disorders (in Wisconsin) and behavioral changes and irritability of horses and cattle. Those may also represent cost effects, in some cases, or other forms of financial impact.

September 17, 2010 by David Meyer in The Wellington Advertiser

While residents in Wellington County are struggling to stave off a number of wind farm projects in their communities, their counterparts in the United States are facing the same battles and arguing with the same tools.

The difference is that here the provincial government has taken away the rights of county and municipal governments to have a say in the process, whereas in the United States, counties still have authority and control over wind farms.

An example of that is Adams County in Illinois, which recently received a report from a real estate appraiser for Adams County. Michael McCann submitted an 82 page report of 21,098 words to county council outlining the difficulties setting setbacks, as well as the loss of property values and possibility of illness that have been associated with wind farms. His report was sworn under oath.

Agency to probe turbine impact : <http://www.windaction.org/news/29130>

"It's about the industrialization of the area," said Gail Kenney. "We're living in an industrial wind plant, with the noise and lighting -- all those issues and many more." If they win their appeal, it could eventually make it difficult for wind generation companies to find new locations to set up their projects.

September 15, 2010 by Paul Schliesmann in Kingston Whig Standard

A Wolfe Island couple's upcoming property assessment hearing could jeopardize the future of wind turbine projects across Ontario.

Gail and Ed Kenney have been granted a potentially precedent-setting date with the Ontario Assessment Review Board in November to argue that their property has been devalued by nearby wind turbines.

"It's about the industrialization of the area," said Gail Kenney. "We're living in an industrial wind plant, with the noise and lighting -- all those issues and many more."

If they win their appeal, it could eventually make it difficult for wind generation companies to find new locations to set up their projects.

At the very least, a victory could mean a loss of tax assessment for municipalities where wind farms are located.

"There are 86 wind turbines on Wolfe Island," said John Andrew, a commercial real estate specialist in the School of Urban and Regional Planning at Queen's University.

"Any turbine might potentially affect a dozen... *[continue via Web link]*
<http://www.thewhig.com/ArticleDisplay.aspx?e=27572...>

Fundraising drive on for wind farm health study:

<http://www.abc.net.au/news/stories/2010/10/08/3033097.htm>

A South Australian GP has launched a fundraising effort to sponsor western Victorian-based research into the health effects of wind farms.

Some residents near the Waubra wind farm, west of Ballarat, have complained that the noise from the turbines is affecting their health.

Dr Sarah Laurie says she started the Waubra Foundation because there has been no locally-based research.

"It has been identified in the UK, in France, in Scandinavia and also in North America and Canada. This is not just a Waubra situation; this is happening right across the world," she said.

Meanwhile, a ceremony will mark the start of construction of the Hepburn wind project, near Daylesford.

In the Australia-first project, two wind turbines will be erected at Leonards Hill, which will generate enough power for more than 2,000 homes.

The wind farm is expected to start operating in the middle of next year.

Impacts on sensitive wildlife

Golden Eagles and other sensitive species are present in Eastern San Diego County and northern Baja. Locals have witnessed their presence in Boulevard, McCain Valley and Jacumba. There will be significant and cumulative impacts to Golden Eagles that are supposed to be protected through the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. The excerpts of the posting below document Golden Eagles in this cross-border area that can range hundreds of miles.

Golden Eagle Helicopter Survey <http://blogs.sandiegozoo.org/blog/2009/03/23/golden-eagle-helicopter-survey/> Posted at 10:12 am March 23, 2009 by James Sheppard *a Postdoctoral Fellow for San Diego Zoo Conservation Research.* (excerpts)



During the second week of March, I participated in a helicopter survey of [golden eagles](#) and their nests along the rugged, remote, and spectacular ridges and canyons of the Sierra de Juárez Mountains in Baja California, Mexico. The survey was conducted under the auspices of Sempra Energy, which is obligated by the state government to provide a percentage of their power production through clean and renewable sources....



Sierra Juárez Mountains

Golden eagles can range hundreds of miles while foraging for their food resources, such as rodents and rabbits. Eagles often use mountain ridges to ride the thermal updrafts that sweep up from the valleys and deserts below so as to gain elevation without expending much flying effort. Unfortunately, their propensity to seek out strong winds can bring the birds into proximity with wind farms. Locating golden eagles that maintain large home ranges can be very challenging. Fortunately, golden eagles can be found during the mating season in late winter/early spring as they maintain territories and incubate eggs in clifftop eyries. The remoteness and ruggedness of their habitats often precludes field-based observations of eagles from being conducted by foot or motor vehicle, so many surveys are instead done via helicopter...



Golden eagle nest

The northern section of the survey covered habitat that was mostly barren, jagged rock, but we were able to locate four nests and spot several golden eagles in the less-desolate central and southern sections. We also observed red-tailed hawks and turkey vultures, as well as three distinct herds of bighorn sheep that were grazing among the giant barrel cacti on the steep slopes..."

US FWS Comments on Summit Ridge Wind project: Download File(s):
[2010 EFSC ASC Summit Ridge Final Cmts 09-20-10.pdf](#) (346.32 kB)

September 19, 2010 by Nancy Gilbert

Summary: This important report prepared by the U.S. Fish and Wildlife Service Bend Field Office was submitted to the Energy Facility Siting Officer of the Oregon Department of Energy in reference to the proposed Summit Ridge Wind project. The project to be located in Wasco County Oregon, will include up to 87 wind turbines for a total generating capacity of approximately 200 megawatts. It recommends a minimum 6-mile buffer between Golden Eagles and large wind turbines.

Henderson sets hearing on wind farm ban:

<http://www.watertowndailytimes.com/article/20101008/NEWS03/310089932>

MORATORIUM EXTENDED: Town to take public input Oct. 26 on law prohibiting such commercial projects

HENDERSON — The Town Council is one step closer to being the first municipality in the north country to ban commercial wind towers....

Conclusion

The Boulevard Planning Area is the most heavily targeted /impacted by existing and proposed industrial wind energy projects and their related infrastructure. In addition to the existing 50 MW Kumeyaay Wind, the proposed 200 MW Tule Wind, the proposed 160-300 MW Kumeyaay Wind II and III, the 57 MW Manzanita Wind, the Sunrise Powerlink, the ECO Substation, and numerous MET towers, we have just learned that thousands of acres of highly visible private ranch land in the Jewel Valley and Ribbonwood Road neighborhoods are reportedly in escrow for purchase by ENEL, part of a large multinational energy company.

We need a full Wind Energy Ordinance EIR that covers all aspects of wind energy production both large and small. By relying on individual MUP s for large scale projects, you are subjecting our community, and eventually others, to a repeated project-by-project struggle to ensure that our residents, visitors and resources are protected with adequate noise and setback requirements, using scientific data--not the current self-serving swill that is being produced and promoted by those who profit off of wind energy in one way or another. We are facing well-funded proponents and blindly supportive government mindsets. Our own County government and public health and safety departments should be working for us--not for these well-heeled opportunistic carpet baggers.

San Diego County should a consider a moratorium on industrial wind energy projects until the science based public health and safety studies, being called for by communities world-wide, are completed.

Sincerely,

/s/

Donna Tisdale, Chair

619-766-4170

donnatisdale@hughes.net

EXHIBIT 1

AUDIOLOGY TODAY

The magazine of, by, and for audiologists

wind-turbine noise

what audiologists should know

Geometry of Patient Motivation
Affordable Genetic Testing
Students and Safe iPod Volumes

A woman with blonde hair, wearing a brown cardigan and a large woven basket, is covering the eyes of a man in a light blue button-down shirt. They are both smiling and laughing in a sunny outdoor setting, possibly a park or a city square. In the background, there are buildings, a street lamp, and other people walking and riding a bicycle. A blue speech bubble with a pink vertical bar on the left contains the text 'Introducing Oticon Agil'.

Introducing Oticon Agil

Featuring 3 breakthrough audiological concepts:

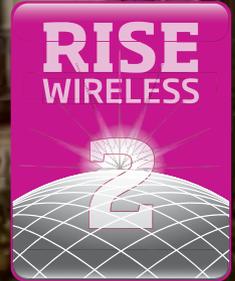
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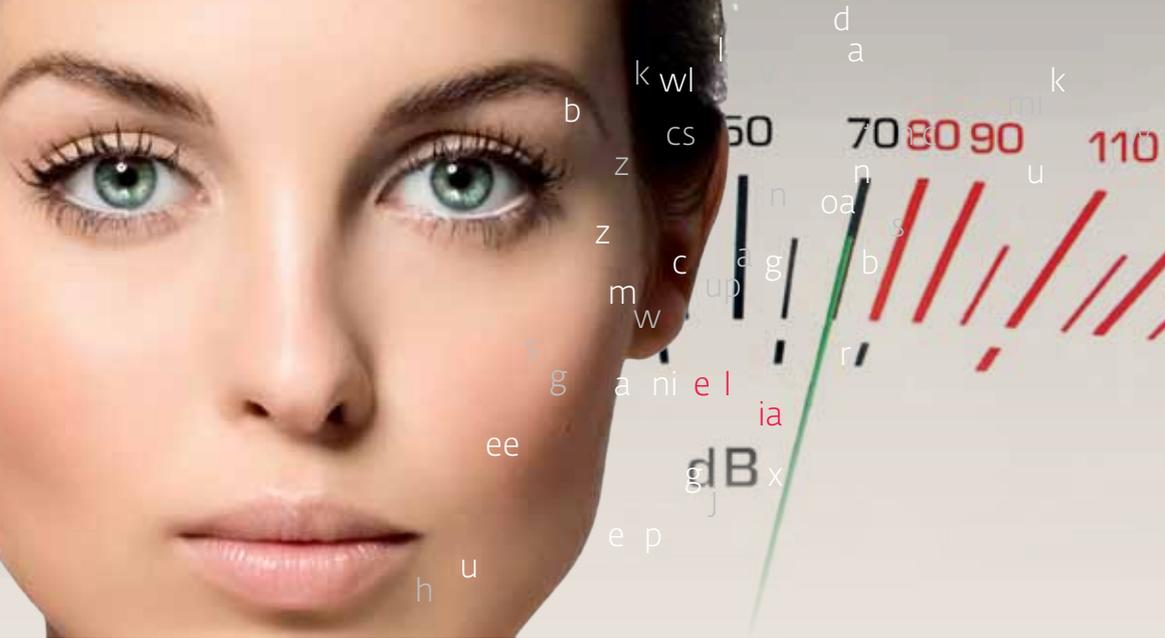


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JulAug2010
Volume 22 No.4

- 20 **Wind-Turbine Noise: What Audiologists Should Know** Noise from modern wind turbines is not known to cause hearing loss, but the low-frequency noise and vibration emitted by wind turbines may have adverse health effects on humans and may become an important community noise concern.
By Jerry Punch, Richard James, and Dan Pabst
- 32 **The Geometry of Patient Motivation: Circles, Lines, and Boxes** By using a set of simple tools, represented by three geometric symbols, audiologists may effectively help patients build their own internal motivation for hearing help.
By John Greer Clark
- 42 **Affordable Genetic Testing: Interview with Gail Lim, AuD** It's not uncommon for audiologists to refer parents of newborns with hearing loss for genetic counseling, but all too often, our recommendations are not followed. AT sat down to talk with Dr. Lim about genetic testing options.
By Teri Hamill
- 52 **Middle School Students and Safe Volume Levels for iPod Use** A middle school student researches the habits of her peers when selecting the volume level on personal listening devices. The study concludes that most middle schoolers select unsafe volume levels, and their monaural listening behavior results in further risk to their hearing health.
By Caroline K. Snowden and David A. Zapala
- 60 **ARC 2010—In Review (Part 1 of 2)** The following summary articles are from the Academy Research Conference (ARC) 2010, which focused on aging and hearing health. Part 2 of 2 will be published in the Sept/Oct issue of AT.
By Larry Humes, Karen J. Cruickshanks, Rick Schmiedt, Pamela Souza, and Kathryn Arehart



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The American Academy of Audiology publishes *Audiology Today* (AT) as a means of communicating information among its members about all aspects of audiology and related topics.

AT provides comprehensive reporting on topics relevant to audiology, including clinical activities and hearing research, current events, news items, professional issues, individual-institutional-organizational announcements, and other areas within the scope of practice of audiology.

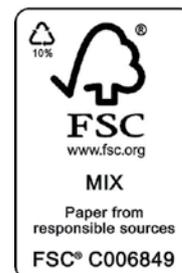
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AUDIOL^{OGY} TODAY

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Audiology Today (ISSN 1535-2609) is published bi-monthly by the American Academy of Audiology, 11730 Plaza America Drive, Suite 300, Reston, VA 20190; Phone: 703-790-8466. Periodicals postage paid at Herndon, VA, and additional mailing offices.

Postmaster: Please send postal address changes to *Audiology Today*, c/o Membership Department, American Academy of Audiology, 11730 Plaza America Drive, Suite 300, Reston, VA 20190.

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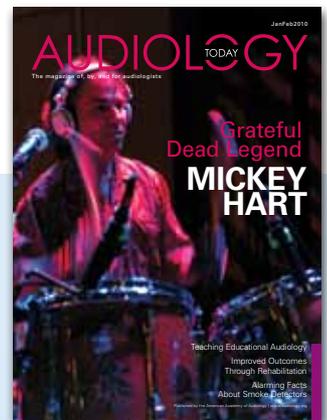
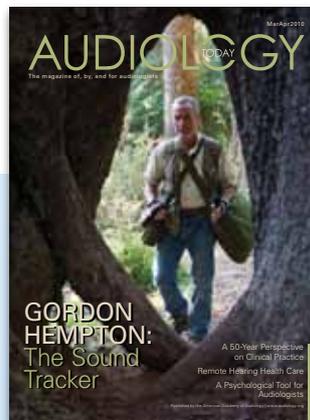
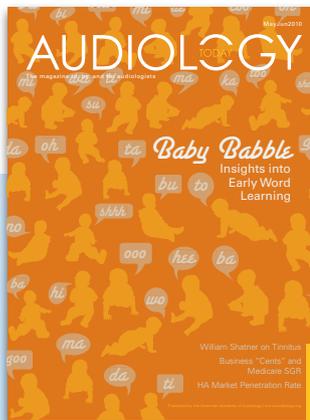
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A 2020 Strategic-Thinking Board

I am honored to serve as your president

this year. Cheryl Kreider Carey, CAE, the Academy's executive director, and I recently attended a leadership training conference in San Francisco, and one of the many things we heard was that strategic thinking by boards of directors is three dimensional: *oversight*, *insight*, and *foresight*.

Oversight for the Academy will involve, among other things, continually working with our board and Finance Committee to ensure that the Academy remains a viable organization. Be sure to read Cheryl's article in this issue of AT for more information.

Insight has already begun via Project Audiology: 2020 Vision, which involved over 300 members who participated in think tanks throughout the United States, including Puerto Rico. The purpose of the think tanks was to seek guidance from members from a number of geographic areas, practice settings, and years in the profession. The Project Audiology: 2020 Vision Task Force analyzed the think tank data, and specific issues identified by participants will be included in the annual membership survey. The think tank data, as well as the membership survey, will inform board leadership as it begins updating the Academy's strategic plan for the future.

Foresight by the board will help ensure a bright future for the

Academy and the profession. The Academy has ordered an external scan to be conducted this summer and will inform us of current trends and future issues prior to our strategic planning.

Successful fiduciary responsibility depends significantly on our ability to adapt to a rapidly changing external environment. For the board to have a broad and deep understanding of the current environment as well as what lies ahead, the environmental scan procedure will identify external strengths, weaknesses, opportunities, and threats that potentially may affect our short- and long-term goals.

A comprehensive environmental scan will help forecast industry trends, describe the current workforce, project workforce supply and demand in the future, and identify current and future competencies that will be important for audiologists. Samples of the analysis that may be included in our external scan are sociodemographics, technology, economics, environment, and politics (STEEP). We will keep you posted. So stay tuned!

On another note, the Academy is experiencing some of the same financial challenges that other organizations and citizens are enduring. Stay positive and realize that there will undoubtedly be some short-term



sacrifices in the programs that the Academy will be able to provide in the interim. An ancient saying is appropriate at this time: "This too shall pass." 

A handwritten signature in black ink that reads "Patti Kricos". The signature is written in a cursive, flowing style.

Patti Kricos, PhD
President
American Academy of Audiology