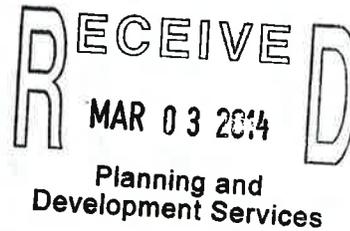


# BOULEVARD PLANNING GROUP

PO Box 1272, BOULEVARD, CA 91905

March 2, 2014

Robert Hingtgen,  
County of San Diego  
Planning & Development Services  
5510 Overland Avenue, Ste 110  
San Diego, CA 92123  
VIA: [Robert.hingtgen@sdcounty.ca.gov](mailto:Robert.hingtgen@sdcounty.ca.gov)



**RE: Comments on Soitec Solar Development Draft Program Environmental Impact Report (DPEIR): 3800 12-010; Tierra Del Sol, 3300 12-010 (MUP), 3600 12-005 (REZ), 3921 77-046-01 (AP); Rugged Solar, 3300 12-007 (MUP); Environmental LOG NO.: 3910 120005(ER) & Request of re-circulation of a revised DEIR**

Dear Mr. Hingtgen,

Thank you for participating at our February 6<sup>th</sup> Boulevard Planning Group meeting, with County staff and representatives from Soitec and Dudek, and for taking time to meet with impacted residents adjacent to the Soitec Solar Project sites and Los Robles alternative sites, along with Ashley Gungle, Mindy Fogg and Donna Beddow.

**At our February 6<sup>th</sup> meeting, where you were present, the Group voted to:**

- re-endorse our previous actions to oppose 80 MW Rugged Solar (6-14-12), 60 MW Tierra Del Sol Solar (8-2-12), and 6.5 MW LanWest Solar (5-3-12)
- oppose the Soitec Solar Draft Programmatic EIR, the 22MW LanEast project, and newly proposed Los Robles alternative site(s)
- authorize the Chair to submit formal detailed comments for the Group that include issues and concerns raised and any new information that becomes available.

Therefore, our Group wants to go on record that the scale and scope of Soitec's four projects (Rugged Solar, Tierra Del Sol Solar, LanWest and LanEast), with panel space square footage equal to approximately 48 Walmart Supercenters, proposed for 1,500 acres of our fire-prone, groundwater dependent, and predominantly low-income community, the new 1,490 alternative Los Robles site, the related Draft PEIR, supporting documents, and growing Administrative Record, are incredibly complex, confusing, repetitive, overwhelming, and filled with inaccuracies, inconsistencies, errors, and omissions.

The County's primary obligation, to carefully protect the health, safety and economic interests of the citizens in their jurisdiction, cannot be met through these projects, or by approving the flawed and inadequate DPEIR. Nor can the **Mission Statement be met:** "To enhance the safety and livability of communities through the efficient application of land use programs that balance growth and conservation."

Soitec's experimental behemoths don't belong in wildfire corridors, residential areas, 100' feet from front doors, or intruding into 100 year floodplains, wetlands, wildlife habitat and movement corridors.

The two photographs below were taken by Donna Tisdale on December 8, 2013 at Soitec's Newberry Solar 1 project in Newberry Springs, east of Barstow.



Soitec's Boulevard projects ignore the intent of the General Plan Update and the Boulevard Community Plan to reduce unnecessary backcountry development due to lack of water and infrastructure, the presence of sensitive resources, and to reduce the risk of wildfire that additional development represents. These projects will increase public health and safety risks through well interference, glint and glare, increased wildfire risk from malfunctioning electrical equipment and increased lightning strikes, increased electrical fields and related pollution and electromagnetic interference with natural and manmade electrical and communication systems, significant adverse impacts to visual, cultural, historic, biological, and recreation, and hydrological, resources, quality of life, property values, tourism draw, and more.

The draft EIR is so fundamentally flawed, inadequate, and conclusory in nature that meaningful public review, comment, and informed decision making are precluded. Making an informed decision, as required by CEQA, is simply impossible based on what has been presented and misrepresented to the public and decision makers by Soitec, Dudek, their representatives, and others.

The extended CEQA comment period, and available Administrative Record documents, provide evidence that even County staff has not had enough time to properly review and critique the entire DPEIR and supporting documents—as required to protect the public interest and to ensure the PEIR is adequate and defensible. The County must use its independent authority to re-circulate a revised and corrected Draft EIR, or two separate EIRs, one for Rugged Solar and one Tierra Del Sol Solar only. LanWest, LanEast, and Los Robles should be eliminated for lack of information, lack of MUP applications, and lack of progress on these projects by the applicant, and sensitive locations too close to existing homes and other sensitive receptors.

There are no evident benefits from these projects for the community of Boulevard and our disproportionately impacted residents and resources. Any alleged mitigation, mitigation funds / offers would come at great expense and irreparable harm overall. John Gibson, representing Hamann Companies, Rough Acres Water Company, Rough Acres Foundation, Waterstone Support Foundation, Vista Oaks Business Park and Harmony Grove Partners, stated publicly that any and all donations from Rugged Solar will go to El Cajon.

**We incorporate by reference all of our previous comments filed on these projects, our Planning Group minutes/ summaries, which are posted on the County's website, and request the following:**

1. **Support for the Boulevard Planning Group’s moratorium recommendation on December 5<sup>th</sup>, 2013: Recommendation for a moratorium for large-scale, industrial, and/or renewable energy projects until new Boulevard Fire Station is re-designated as a staffed (career) station; is fully operational; and fully staffed with specially trained staff and equipment for electrical fires and driver/operators: M/S: McKernan/Noland: Passed: 4-0-0<sup>1</sup>.**
  
2. **Mandatory Performance Bonds for any projects and related approvals** in light of the fact that Soitec Solar projects are proposed by various Limited Liability Companies, created for these specific individual projects, that protect the parent companies; their parent company stock is performing poorly (see below) and numerous independent contractors will be involved, which may raise disputes as to who is ultimately liable for project failures, malfunctions, damages, groundwater impacts, other off-site impacts, and more.
  
3. **A re-circulated Draft EIR, not a Programmatic EIR, as Soitec successfully requested, is warranted for reasons that include but are not limited to the following:**
  - a) **Significant new information:**
    - a. **The Programmatic EIR (CEQA15385.Tiering) is inappropriate for Soitec’s fast-tracked Solar Development Program. The DPEIR violates CEQA** in many ways including the fact that LanWest, LanEast, and Los Robles do not have related Major Use Permits or adequate analyses; inaccurate and invalid project descriptions; incorrect and missing information; inaccurate and inconsistent maps; incorrect base information which underestimates project GHG generation by using 30 year life instead of 25 year Power Purchase Agreement contract, and underestimates water use by significant amounts of at least 30%, and other significant errors and omissions, as documented in these comments and the attached extensive, yet incomplete, list of errors and omissions.
    - b. **Dudek has failed to comply with their primary responsibility in their MUP agreement with the County to “...ensure that the TECHNICAL STUDY/ EIR are adequate...”<sup>2</sup>** as documented in these and other comments.
    - c. **Soitec’s formal withdrawal of the LanWest MUP application 11-017** and direction to County staff to close the case and to provide any monetary refund (5-30-13)<sup>3</sup> warrants removal of LanWest from the DPEIR. It should be considered a dead project.
    - d. **Soitec’s failure to even apply for a MUP for their 22MW LanEast project and lack of critical information warrants removal from the DPEIR;** lack of valid information; surveys; and analysis, in addition to the sensitive site location with wetlands, groundwater dependent habitat, impacts to intermittent Walker Creek, proximity to the Walker Canyon Ecological Preserve , where surface and groundwater water flow from the LanWest and LanEast sites through Walker Creek/Canyon area into the SW corner of Anza Borrego Desert State Park and Carrizo Creek, where wildlife, including protected Bighorn Sheep (Critical Habitat) and Golden Eagles forage and reproduce

<sup>1</sup> BPG minutes for 12-5-13: <http://www.sdcounty.ca.gov/pds/docs/PG/BO131205MI.pdf>

<sup>2</sup> Dudek/ County MOU: <http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2012-05-11-Memorandums-of-Understanding-re-Tierra-Del-Sol-Solar-LLC-Project-.pdf>

<sup>3</sup> <http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2013-03-30-Clark-Crawford-Letter-to-Ms-Gungle-re-Withdrawal-of-Major-Use-Permit-11-017.pdf>

(known to inhabit the area), and adjacent to I-8 and Historic Route 80 that are both designated scenic by the County. This project must be removed.

- e. **The late addition and disclosure of Soitec's Los Robles site**, and DPEIR selection as the environmentally superior Alternative 7, despite the lack of a MUP application and adequate project details, should have been disclosed to the Boulevard Planning Group, impacted property owners, and the community in general, back when Soitec requested a PEIR for 250MW<sup>4</sup> (8-31-12), when PDS responded to Soitec on 9-27-12<sup>5</sup>, or even during the PEIR scoping process in December 2012--not belatedly in the Draft PEIR— with no real information, analyses, or supporting evidence. Los Robles site must be removed.
- f. **Lack of Need & feasible alternative: The CPUC's Resolution E-4637<sup>6</sup> (1-16-14) approved SDG&E's 3<sup>rd</sup> amendment to their Soitec Solar Power Purchase Agreement** to relocate the projects and grid interconnection of Soitec's Boulevard projects to already approved and permitted sites on converted farmland in Imperial County, that have survived litigation. The new sites have a gen-tie already constructed; they will reduce impacts, and increase the viability of the project—according to SDG&E's Advice Letter 2552-E<sup>7</sup> that was approved by CPUC Resolution E-4637.
- g. **Lack of Need: The CPUC approved SDG&E AL 2476-E (Resolution E-4600)<sup>8</sup> authorizing bundled energy sales**, starting 1-1-14, from Soitec's non-existent Boulevard projects to Exelon Generation Company, showing a lack of need for the projects and related energy for SDG&E's service area and ratepayers. The potential sale of non-existing energy from these yet-to-be-built projects seems to warrant an investigation.
- h. **Soitec's Boulevard CPV projects are "out of the money" and "out of the market" according to the Independent Evaluator for SDG&E's amended Power Purchase Agreement<sup>9</sup>**. These projects are too expensive for ratepayers, tax payers and for Boulevard's impacted human and natural resources. They cannot compete without special privileges and treatment.
- i. **The cost estimate for the six miles of new 138kV Tierra Del Sol Solar Gen-tie at \$3.35 million for overhead and \$12 million for underground<sup>10</sup>** is another reason to reject this project. However, if the project is built the gen-tie should be placed underground to reduce EMF impacts, related fire risk and catastrophic losses, impediment to fire fighting, avian impacts, and more.
- j. **Soitec's promise of jobs has been discredited with their poor showing of only 52 jobs of the 513 estimated in their Sales And Use Tax Exclusion (STE) application**

<sup>4</sup> <http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2012-08-31-Clark-Crawford-Email-Soitec-Request-for-PEIR.pdf>

<sup>5</sup> <http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2012-09-27-David-Sibbet-Letter-re-Soitec-PEIR-Request-Letter.pdf>

<sup>6</sup> CPUC Approved Resolution E-4637 Amending SDG&E's Soitec PPA:

<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M085/K484/85484966.PDF>

<sup>7</sup> AL 2552-E: <http://regarchive.sdge.com/tm2/pdf/2552-E.pdf>

<sup>8</sup> Approved AL2476- Resolution E-4600: <http://regarchive.sdge.com/tm2/pdf/2476-E.pdf>

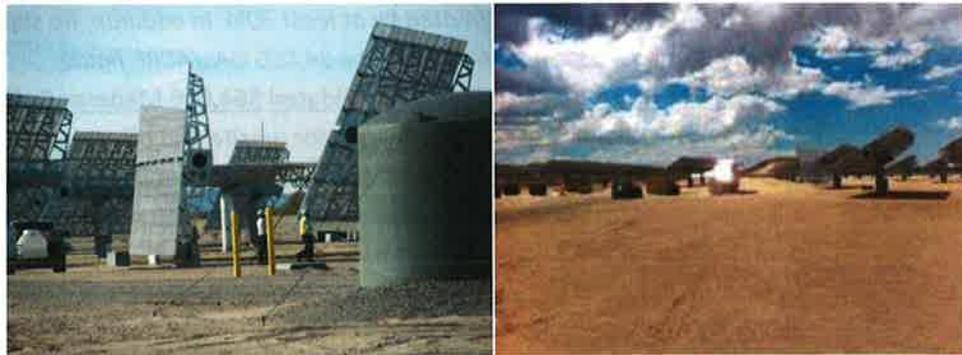
<sup>9</sup> SDG&E's amended PPA @ page 7-2, 7-6, 7-10: <http://regarchive.sdge.com/tm2/pdf/2552-E.pdf>

<sup>10</sup> 6 x \$559,000 / mile for overhead; 6 x \$2 million/mile for underground:

<http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2013-07-29-Paul-H-Vigansky-Letter-to-Brison-Ellinghaus-re-Transmission-Line-Cost-Estimates-for-Soitec-Facility-at-Tierra-Del-Sol.pdf>

documented in their STE application for their CPV manufacturing facility in Rancho Bernardo, and in the latest California Alternative Energy And Transportation Financing Authority (CAEATFA STE report dated 2-1-14)<sup>11</sup> They have already used \$10.44 million of their estimated \$9.38 million STE while generating only 10% or so of the jobs.

- k. **Soitec’s promise of local jobs has also been discredited with their performance at their Newberry Solar 1 project where Blattner Energy was hired** and imported their own labor force, according to Soitec’s Newberry ID Card<sup>12</sup>, Blattner’s website<sup>13</sup> and adjacent Newberry Springs residents who witnessed the construction, and the high number of post construction non-operating (stowed or restrained) CPV trackers, and crews from out of the area that are on-site daily—when the site is supposed to be unmanned. Soitec’s vertical and inoperable tracker, in Newberry Solar 1 photo below (Tisdale 12-27-13), is restrained in place with a cable to the ground, others are horizontal, and panels are washed manually. Noise from the washer generator was obvious in the otherwise quiet desert neighborhood. Glare photo on n right was sent by a Newberry local.



- i. **According to Bloomberg Businessweek, Soitec’s reported 52 week stock high of \$3.96 (converted from pounds) and low of \$1.84 (S.o.i.t.e.c. (SOI:Euronext Paris))<sup>14</sup>**. This raises concerns with their financial viability and ability to see these expensive and experimental CPV projects through and/or to avoid potential bankruptcy or default, leaving others to cleanup and pay for any unfinished mess or site restoration.
- m. **Soitec secures EUR 21.3 million for funding CPV research due to market failure<sup>15</sup>**: The Dec 29, 13 article reported that —“In the absence of state aid, the company’s R&D efforts would have been considerably reduced: it would for example have abandoned development of high-efficiency cells, considered to be an excessive risk. This would undoubtedly have affected the development of the CPV sector
- n. **SDG&E is adding gas-fired power-plants**, including the 300MW Pio Pico Energy Center (2011-AFC-1) approved in 2014; 558MW NRG Carlsbad (2007-AFC-6) approved in 2012; and they are negotiating for additional peaker plants<sup>16</sup>. There is no supporting evidence that any gas-fired plants or related GHGs are being replaced through the Soitec Solar

<sup>11</sup> CAEATFA Sales & Use Tax Exclusion (STE) report dated 2-1-14: see #31 & 32 @ page 2

<http://www.treasurer.ca.gov/caeatfa/ste/applicants/considered.pdf>

<sup>12</sup> [http://www.soitec.com/pdf/sites/Soitec Newberry ID card.pdf](http://www.soitec.com/pdf/sites/Soitec%20Newberry%20ID%20card.pdf)

<sup>13</sup> Blattner Newberry Solar <http://blattnerenergy.com/projects/newberry-solar-project/>

<sup>14</sup> Soitec stock average: <http://investing.businessweek.com/research/stocks/snapshot/snapshot.asp?ticker=SOI:FP>

<sup>15</sup> <http://www.compoundsemiconductor.net/csc/detail-news/id/19737131/name/-Soitec-secures-EUR-21.3-million-funding-for-Guepard-R&D-projec.html>

<sup>16</sup> CEC project siting case list :[http://www.energy.ca.gov/sitingcases/all\\_projects.html](http://www.energy.ca.gov/sitingcases/all_projects.html)

Project, as claimed in the DPEIR. SDG&E's applications actually state that the intermittent and unreliable nature of renewable energy projects requires additional peaker plants.

- o. **Governor Brown's Official Drought Proclamation and request for 20% reduction of water use.** The Boulevard and surrounding water source areas are also suffering from a significant drought period with well levels dropping, stressed oak trees dying, withering riparian and foraging habitat, and more. Extended droughts reduce groundwater recharge rates and must be analyzed and addressed.
- p. **AECOM's Construction Water Demand Estimation Sheets for Rugged Solar and Tierra Del Sol Solar,** and estimation of 24,000 GAL/ACRE are based on a 42.1 acre site staff identified as the new \$29 million Boulevard Border Patrol station on Ribbonwood Road<sup>17</sup>. However, that Border Patrol property is only 31 acres as documented in the linked media from the Army Corps of Engineers<sup>18</sup>, who oversaw construction of the \$29 million project, and the County's 2009 comment letter on the project's PEA. *This means the GAL/ACRE was underestimated by at least 30%. In addition, no supporting documentation was found to support the 24,000 GAL/ACRE figure.*
- q. **Dudek's alarming, inept, and now, invalidated \$64,000 Maderas Golf Club groundwater analysis, for City of Poway,** for on-site and off-site groundwater impacts, and their incorrect denial of aquifer interconnections between Golf Club irrigation wells, adjacent private wells, and groundwater dependent habitat, resulted in curtailment of pumping from 4 wells within just 60 days of the City's reauthorization of pumping due to significant and unsafe drop in water levels<sup>19</sup>. Dudek's bias towards developers seems obvious and raises significant concerns with the validity of their work for Soitec.
- r. **The significant increase in amount of water required for ECO Substation construction** from estimated 30 million gallons, to the real world need for 90-100 million gallons<sup>20</sup>, raises alarms that similar significant underestimations are being put forward for Soitec's projects, with insufficient and conflicting information to support the claims that impacts will be insignificant. We strongly disagree and object to that unsupported conclusion.
- s. **Formation of the new Rough Acres Water Company, Inc (C3477807 filed with the Secretary of State)**<sup>21</sup>, **is a connected action for Soitec Solar and should be treated as such.** The new private for-profit company raises concerns with cumulative groundwater impacts, growth inducement, and other questions regarding unpermitted uses and potential clandestine water use and sales are also of concern. With water tanker trucks currently being stored on-site at Rough Acres Ranch property, stashed tightly behind a concrete barn (documented over several months with photos), and the unethical and disrespectful behavior by John Gibson, concerns are justified.

<sup>17</sup> <http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2014-02-18-DonnaTisdale-email-to-Jim-Bennett-Re-Soitec-Water-Question.pdf>

<sup>18</sup> USACE News ID 77388 dated 9-15-11: <http://www.dvidshub.net/news/printable/77388>

<sup>19</sup> <http://www.utsandiego.com/news/2014/jan/28/maderas-golf-water-wells/all/?print>

<sup>20</sup> ECO Substation Amended Water Supply Plan

<http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/Amended%20Construction%20Water%20Supply%20Plan.pdf>

<sup>21</sup> Rough Acres Water Company, Inc filed with the SOS on June 4, 2012: <http://kepler.sos.ca.gov/>

- t. **The LAFCO map of Rough Acres Water Company includes the entire Rugged Solar project footprint<sup>22</sup>**, while the Rough Acres Water Permit LSW5 385108, for the Hamann Companies, is described as a public water system designed to provide potable water to one lodge with kitchen ten bedrooms, forty-four apartments, two bunk houses, and two barns with one primary ground water source: 2well 2 (PS Code 3705068-002) and storage consists of one (1) 75,000 gallon concrete above ground storage tank and two (2) 250 gallon pressure tanks located next to the well heads.
- u. **The controversial proposed sale of Pine Valley groundwater, from their shareholder owned municipal water district**, whose articles of incorporation restrict sales to shareholders and entities of the state, to the for-profit and privately held Rough Acres Water Company, Inc. (owned by Hamann Companies) should be investigated for potential violations and/or misrepresentations by both entities.
- v. **The controversial proposed sale of an average of 80,000 gallons/day of Jacumba Hot Springs groundwater, from the Jacumba Community Services District, for these Soitec projects**, in addition to sales to Tule Wind and ECO Substation, raise alarms for community members, business owners, and surrounding well owners. Bulk water sales for non-domestic purposes may also violate their domestic water supply permit # 05-14-02P-015 which appears to limit sales for domestic purposes<sup>23</sup> within the city of Jacumba sphere of influence map that<sup>24</sup>.
- w. **Controversial bulk water sales from Campo Indian Reservation wells, in the Tierra Del Solar area, authorized up to 57 million gallons,<sup>25</sup> for SDG&E's ECO Substation project** and must be added to the cumulative impacts of Soitec project withdrawals.
- x. **The belated and unexplained addition of the Rock Crushing and cement batch plant to the Rugged Solar project MUP** from the former Rough Acres Rock Crushing and Cement MUP 3300-12-020(P12-020), 3300-12-021(P-12-021), was done quietly and not adequately analyzed for noise, water use, visual impacts, duration and potential use by other projects.
- y. **AB900: Failure by the County, Soitec, and the Office of Planning and Research to provide adequate public notice to the Boulevard Planning Group**, impacted property owners, and the public in general, that Soitec had filed an application for AB900 certification and fast-tracking<sup>26</sup>—thereby denying us equal protections under the law, our rights, and any limited opportunity to provide comments and corrections on that application. It seems the County was made aware prior to February 2013,<sup>27</sup> and staff confirmed they had not communicated with the Boulevard Planning Group.

<sup>22</sup> LAFCO's Rough Acres Water Company Map:

<http://www.sdlafco.org/images/MutualWaterCompanyMaps/Rough%20Acres%20Water%20Company.pdf>

<sup>23</sup> JCSD permit @ pages 25-32 of the ECO Substation Amended Water Supply Plan dated July 3, 2013

<sup>24</sup> See pages 25-30 of ECO Substation Amended Water Supply Plan; LAFCO JCSD District Background:

[http://www.sdlafco.org/images/Profiles/Profile\\_CSD\\_Jacumba.pdf](http://www.sdlafco.org/images/Profiles/Profile_CSD_Jacumba.pdf); and JCSD Sphere of Influence Map:

[http://www.sdlafco.org/images/11x17maps/CSD\\_Jacumba.pdf](http://www.sdlafco.org/images/11x17maps/CSD_Jacumba.pdf);

<sup>25</sup> See page 8 of ECO Substation Amended Water Supply Plan (see footnote 20 link)

<sup>26</sup> Soitec's AB900 application: <http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2012-12-21-Soitec-Solar-Energy-Project-Applicatin-for-CEQA-Streamlining-under-AB-900.pdf>

<sup>27</sup> <http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2013-02-05-Patrick-Brown-email-re-SD-County-AB-900-Acknowledgement.docx.pdf>

- z. **The DPEIR does not address or analyze the predicted climate change impacts and increased hazards in the semi-arid, fire-prone, and groundwater dependent Boulevard Planning Area** which include altered weather patterns, increased risk of wildfire and extended drought and/or extreme and damaging weather events. Nor did they address the cumulative impacts from proposed Soitec Solar Development, Tule Wind, Sunrise Powerlink, ECO Substation and more. These predicted changes to our environment and resources are the basis for local, state, and federal climate change actions and must be addressed and analyzed in an unbiased and scientifically valid manner.
- aa. **The DPEIR Section 3.1.3.3.1 discloses that the GHG analyses are based on a “30-year” life of the Rugged Solar and Tierra Del Sol Solar projects, when SDG&E’s approved Power Purchase Agreement only covers 25 years**<sup>28</sup>, This discrepancy throws off the annual GHG estimates by about 47 MTCO<sub>2</sub>E by using 5 additional years to spread impacts out. Tierra Del Sol Solar’s estimated GHG impact of 2,888 MTCO<sub>2</sub>E increases annually from 96 MTCO<sub>2</sub>E annually @ 30<sup>29</sup> years to 116 MTCO<sub>2</sub>E annually @ 25 years. Rugged Solar’s estimated GHG impact of 4,072 increases from annual estimate of 136 MTCO<sub>2</sub>E @ 30 years<sup>30</sup> to 163 MTCO<sub>2</sub>E. This should be corrected.
- bb. **In addition, the analyses are based on estimated energy generation from the Soitec CPV trackers**, however, the real world reliability and long-term production rates for Soitec’s experimental 5th generation CPV trackers are unknown and / or undisclosed and no substantial evidence is provided in the DPEIR to support the claims made.
- cc. **The “Project” is inconsistently described in the DPEIR as including all four Soitec projects (168MW) planned in Boulevard while Soitec’s AB900 Application**<sup>31</sup> describes the Soitec Solar Energy Project as limited to the 84 MW Rugged Solar and 60 MW Tierra Del Sol Solar (144 MW). SDG&E’s Power Purchase Agreement for Rugged Solar is for 60-80 MW, not 84 MW<sup>32</sup>.
- dd. **SDG&E’s Power Purchase Agreement for Tierra Del Sol Solar is only for 35-45MW not 60MW**<sup>33</sup>, which conflicts with the DPEIR and further reduces the estimated energy capacity and GHG reductions for this project.
- ee. **The yet-to-be built and separate Rough Acres Ranch Road (grading permit PDS2011-2700-15622) should be considered as a Connected Action project** due to Rugged Solar’s
- ff. **Construction of the new Boulevard Fire Station with the announced co-location and closure of CalFire’s White Star station on Tierra Del Sol Road** may actually result in the loss of one engine and crew and/or the loss of current overtime payments used to incentivize reserve firefighters to staff the Boulevard Fire Station that is designated by the County as a volunteer station.
- gg. **Cumulative projects: Three wind turbine and six -9 solar projects have been withdrawn**<sup>34</sup> from the Boulevard, Jacumba Hot Springs, and Campo Planning Areas and

<sup>28</sup> SDG&E Soitec PPA: Advice Letters 2270-E and 2270-E-A are effective November 10, 2011 per Resolution E-4439:

<sup>29</sup> DPEIR @ page 3.1.3-19

<sup>30</sup> DPEIR @ page 3.1.3-26

<sup>31</sup> <http://opr.ca.gov/docs/SSEP-NOC.pdf>

<sup>32</sup> Amended SDG&E PPA @ page 3: <http://regarchive.sdge.com/tm2/pdf/2552-E.pdf>

<sup>33</sup> Amended SDG&E PPA @ page 3:

<sup>34</sup> Shu’luuk Wind, Manzanita Wind, Jewel Valley Wind, Sol Orchard’ s Boulevard 1-4, Crestwood, and San Diego SLLC (Kitchen Creek) projects

from adjacent tribal lands within the last year or so which reverses some of the PEIR's biased statements that our community is in a transformative state.

- hh. **The attached list of errors and omissions is extensive yet incomplete** due to exorbitant number of documents, included in DPEIR and ever growing Administrative Record, and insufficient time for complete review.
- ii. **The County's referenced Climate Action Plan has been ruled invalid by Judge Timothy Taylor on April 24, 2013** in the Sierra Club vs County of San Diego Case No. 37-2012-00101054-CU-TT-CTL<sup>35</sup>. The that ruling, it states that, " *As the court held in CREED, a program EIR may serve as the EIR for a subsequently proposed project only to the extent it contemplates and adequately analyzes the potential environmental impacts of the project. CREED, supra, 134 Cal. App. 4th at 615*", (emphasis added). The Soitec Solar DPEIR fails to adequately analyze the potential environment impacts of the project and fails to provide substantial evidence in the record to support their claims of less than significant impacts and / or alleged mitigation benefits for reducing impacts.
- jj. **It has been alleged that the declared owners (Lansing entities) of the LanEast, and Los Robles solar sites have not been paying all of the property owners who the land was purchased from.** Supporting evidence has not been located in the DPEIR / AR that Soitec has permission from the underlying owners who may have the ability to foreclose on those properties and to take legal actions for failure to pay and/or any other contractual violations--thereby removing control of those properties from Lansing and/or Soitec entities. Soitec control should be verified by all owners.
- kk. **Microgrids, Soitec Plug and Sun modules, with 24/7 battery storage options further reduce the need for Soitec Solar's Boulevard projects:** Microgrid projects at Miramar Air Station<sup>36</sup>; Borrego Springs<sup>37</sup>, and UCSD's 42MW<sup>38</sup> serve as independent on-site energy generation that can island itself; or help support the grid during emergency events. 2 Soitec Solar CPV modules ( 5.5kW and 22kW) are installed at UCSD<sup>39</sup>, along with other solar and fuel cells demonstrating that Soitec can be used in a distributed point of use manner. UCSD reports that the microgrid saves them over \$800,000 per month in energy costs. Remote rural projects are subject to the short or long-term vulnerable long-distance transmission lines and more violent mountain wind, weather, and wildfire events,
- II. **The CPUC waiver of mitigation requirements to restore portions of the Sunrise Powerlink Rough Acres Construction Yard /Rugged Solar site, based solely on John Gibson's request, and confirmation of the MUP application,**<sup>40</sup> is alarming new information. Alternative mitigation approved, without public notification or comment, outside the impacted area, and apparent predetermination that the Rugged Solar site will be approved, are controversial, unacceptable, and should be overturned. The

<sup>35</sup> [http://kpbs.media.clients.ellingtoncms.com/news/documents/2013/04/22/Final\\_Ruling.pdf](http://kpbs.media.clients.ellingtoncms.com/news/documents/2013/04/22/Final_Ruling.pdf)

<sup>36</sup> <http://www.marines.mil/News/tabid/3250/Article/157012/energy-assurance-only-a-microgrid-away.aspx>

<sup>37</sup> <http://www.sdge.com/newsroom/press-releases/2013-11-10/borrego-springs-microgrid-keeps-electricity-flowing-customers>

<sup>38</sup> UCSD microgrid: [http://blog.rmi.org/the\\_ucsd\\_microgrid\\_showing\\_the\\_future\\_of\\_electricity\\_today](http://blog.rmi.org/the_ucsd_microgrid_showing_the_future_of_electricity_today;) ;

<sup>39</sup> [http://www1.eere.energy.gov/solar/pdfs/hpsp\\_ucsd\\_microgrid.pdf](http://www1.eere.energy.gov/solar/pdfs/hpsp_ucsd_microgrid.pdf)

<sup>40</sup> <http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2013-06-18-Fritts-Golden-email-re-Mitigation-Restoration-in-lieu-of-using-Rough-A.pdf>

unrestored area of impact should be added to the Rugged Solar impacts with enforceable mitigation requirements.

### **Drought, groundwater resources, and real world sustainability:**

1. **The Governor's drought State of Emergency**<sup>41</sup> directed CAL FIRE to "hire additional seasonal firefighters to suppress wildfires and take other needed actions to protect public safety during this time of elevated fire risk." The increased staffing levels follow a series of actions from the administration to ensure that California is prepared for record dry conditions<sup>42</sup>
2. **CalFire's press release:** Governor's drought declaration In Southern California, aircraft and staffing at Hemet (Riverside County), Ramona (San Diego County) Hollister (San Benito County) and Paso Robles (San Luis Obispo County) air attack bases have been kept on allowing for eight air tankers, and four air tactical planes to be immediately available<sup>43</sup>.
3. **Local meteorological drought and related hydrologic drought** that is impacting wells and stressing mature oak trees and other native vegetation and wildlife
4. **Recent quote from Ann Chan, Deputy Secretary for climate and energy** with the California Natural Resources Agency, to NBC News: "*The long-term water woes in California are heightened by global climate change, which is expected to "increase the intensity and frequency of drought in drought prone areas,"*"<sup>44</sup>
5. **The USEPA Climate Change website includes this map that shows the Boulevard Planning Area with increased temperatures**<sup>45</sup> that can translate into increased drought, less recharge, and related adverse impacts to people and nature.

### **Areas of Controversy, in addition to those identified in the Draft PEIR:**

1. **Our Group strongly objects to** any waivers, overriding considerations, plan amendments, tax breaks, special or biased treatment, infrastructure financing districts, unequal protections under the law, or crony capitalism that would place Soitec's interests and well being over that of Boulevard's residents and other valuable resources.
2. **The DPEIR confirms that:** "*The identified cumulative projects represent large-scale industrial projects that would adversely affect visual character*". We support this statement that is in conflict with the outrageous amendments made, and proposed again by Soitec, to Boulevard's Community Plan
3. **Groundwater impacts are a major controversy** that must be better analyzed and addressed in a re-circulated and corrected Draft EIR, as evidenced by public comments, alarm, and outrage expressed at the Boulevard Planning Group meetings, with staff present, on January 2<sup>nd</sup> and February 6, 2014, and in written comments and news coverage.
4. **Dudek's and AECOM's inadequate analysis, descriptions of present environment, true unpredictable nature and interconnections of fractured rock aquifers,** and minimizing and

<sup>41</sup> <http://gov.ca.gov/news.php?id=18368>

<sup>42</sup> <http://www.saveourh20.org/blog-posts/governor-declares-official-drought>

<sup>43</sup> [http://calfire.ca.gov/communications/downloads/newsreleases/2014/2014\\_Drought\\_Staffing.pdf](http://calfire.ca.gov/communications/downloads/newsreleases/2014/2014_Drought_Staffing.pdf)

<sup>44</sup> <http://www.nbcnews.com/storyline/california-drought/parched-california-braces-drought-without-end-sight-n34861>

<sup>45</sup> USEPA climate change map: <http://www.epa.gov/region9/climatechange/images/adap-calif-1g.gif>

dismissal of those hydraulic interconnections is unsupported by substantial evidence in the record and are incredibly unprofessional and unethical in nature.

5. **Dudek's conflict of interest and or/ unethical dual role** as the preparer of the County's Wind Energy Ordinance & Plan Amendment EIR , that amended the Boulevard Plan to the benefit of Soitec and others ,at the expense of the community and resources; Dudek's preparation of Soitec's inadequate and misrepresentative Draft PEIR and water investigations in such a biased manner; Dudek's preparation of Soitec's GHG technical report that supports the Soitec DPEIR and the controversial AB900 certification<sup>46</sup>, based on a 30 year project life span, when the Power Purchase Agreement is for 25 years, which skews the numbers, and more...
6. **Conflict of Interest with Patrick Brown, former Soitec Solar PDS project manager, going straight to work for Soitec** on March 2, 2013 (per Brown's e-mail message on 3-1-13)
7. **Lack of Project Administrative Records**<sup>47</sup> for the time period when Concentrix/Soitec and their consultant, Jim Whalen, were already attending Boulevard Planning Group meetings, and the December 2012 scoping process, when Brown was still with the County, and working with the Boulevard Planning Group, but may have already been working from the inside, in some manner, to help his future employer. Those documents should be included in the Record.
8. **Soitec's problematic, controversial, and high maintenance 1.5 MW Newberry Solar 1 project**, located in Newberry Springs east of Barstow, is wholly relevant to what is proposed in Boulevard and should be taken into consideration by decision makers. The site also appears to be out of compliance with the San Bernardino County's Conditional Use Permit requirements.
9. **Violations of constitutional rights and equal protections under the law for impacted residents and valuable resources** which are subjected to reduced protections, overriding considerations, are generally undermined and made subservient to the profits of corporate, and so-called non-profit entities (associated with Rugged Solar), that are receiving biased protections, incentives, waivers, federal and state funds, fast tracking and more, without substantial evidence in the record to support their varied claims of increased benefits and insignificant adverse impacts.
10. **Non compliance with Governor's California's Climate Future Goals and Policy Report** to "*Invest in Climate Readiness and Adaptation to Safeguard California Even as the state is successfully reducing GHG emissions, some amount of climate change is inevitable. In fact, the state is experiencing effects of climate change today. Therefore, investments and policies must be in place to protect existing high value infrastructure and natural systems and to avoid making investments in high-risk areas. These actions can take many forms, but must include boosting resilience of natural systems to recover from climate impacts, protection of critical infrastructure, and being mindful of future climate change in decisions being made today.*"<sup>48</sup>
11. **Controversial Lack of adequate and readily available public notification** to the Boulevard Planning Group, impacted property owners, or the general public, by either Soitec or the County regarding application for AB900 certification. The County's lack of notification, regarding limited public comment period prior to AB900 certification, is verified in the 7-2-13 e-mail

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<sup>46</sup> <http://blog.dudek.com/proposed-solar-facility-certified-by-california-for-fast-track-environmental-review/#.UxLFPOaYaUk>

<sup>47</sup> [http://www.sdcounty.ca.gov/pds/ceqa/SOITEC\\_SOLAR\\_DEVELOPMENT\\_ADMINISTRATIVE\\_RECORDS.html](http://www.sdcounty.ca.gov/pds/ceqa/SOITEC_SOLAR_DEVELOPMENT_ADMINISTRATIVE_RECORDS.html)

<sup>48</sup> [http://opr.ca.gov/docs/EGPR\\_ReviewDraft.pdf](http://opr.ca.gov/docs/EGPR_ReviewDraft.pdf)

correspondence<sup>49</sup> included in the Administrative Record. The only notification was published for a limited time on an obscure website<sup>50</sup> as confirmed by Scott Morgan of the Governor's Office of Planning and Research in e-mail confirmation to Donna Tisdale on July 1, 2013. Morgan also stated that "noticing and review requirements by the lead agency under the California Environmental Quality Act is still required for all AB900 certified projects".

12. **Judicial Fast tracking of AB900 projects was overturned, as unconstitutional, in Planning and Conservation League and Bruce Reznik v. State of California and California State Controller,** case number RG12626904, in the Superior Court of the State of California, County of Alameda<sup>51</sup>
13. **There are over 100 apparently interrelated for profit companies and non-profits, and their representatives, that share the same address as Hamann Companies (1000 Pioneer Avenue, El Cajon, CA )**<sup>52</sup> including John Gibson, the Hamann Companies, Rough Acres Foundation, Rough Acres Water Company, Inc, and various members of the extended Hamann family that are listed in various documents for the Rugged Solar MUP , the Tule Wind MUP, the Rough Acres Campgroup and Conference Center MUP, and the Rough Acres Ranch Road Grading Permit, which raises questions and concerns regarding potential gaming of the system and tax laws which in turn can adversely impact the Boulevard Planning Area and impacted non-participating property owners.
14. **Why is Rough Acres Ranch and Hamann Companies, cramming water trucks behind their concrete barn?** They appear to be trying to hide them from someone. Different trucks come and go, so it is apparent they are not long-term storage. Who owns them and is this an authorized use?



15. **An unbiased Cost /Benefit analysis is needed:** CEQA does require agencies to '*consider qualitative factors as well as economic and technical factors and long-term benefits and costs*' when evaluating projects [Pub. Res. Code § 21001(g)]. It also requires a general

<sup>49</sup> <http://www.sdcountry.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2013-07-02-Megan-Jones-email-re-Re-Soitecs-AB900-fast-tracking.pdf>

<sup>50</sup> [http://opr.ca.gov/s\\_californiajobs.php](http://opr.ca.gov/s_californiajobs.php)

<sup>51</sup> <http://www.courthousenews.com/2013/04/03/56350.htm>

<sup>52</sup> <http://www.bizapedia.com/addresses/1000-PIONEER-WAY-EL-CAJON-CA-92020.html>

description of the project's *'technical, economic, and environmental'* characteristics [Guidelines § 15124(c)]."

16. **Lack of final and/or adequate mitigation reports and enforceable requirements:** most of the mitigation requires reports to be produced *after close of public comment*, similar to the ECO Substation Construction Water Supply Plan that vastly underestimated water use by about 300% from 30 million gallons to 90 million gallons. Draft mitigation documents should be made available for public review and comment.
17. **Inadequate glare studies leave out numerous homes and ranches, and critical wildlife habitat, that are well within the impact zone** around Rugged Solar on Ribbonwood Road, McCain Valley Road, Tierra Heights, Jewel Valley Court, and other areas; around the Tierra Del Sol Solar project within several miles from both adjacent and more distant elevated surrounding properties; and from homes around LanWest, immediately to the west, and southwest; and from homes around LanEast on Old Hwy 80, and the Old Hwy 80 section, to the south, east in Bankhead Springs area and the adjacent ranch with livestock, to the west and southwest. Designated Bighorn Sheep habitat is adjacent to Rugged Solar and LanEast, how will the glare impact them?
18. **Failure to account for loss of terrestrial sequestration of carbon**<sup>53</sup>, above and below ground, with loss of chaparral and other native cover and habitat, and by disturbing soils.
19. **New research from the Max Planck Institute** *examines the role of cryptogamic covers in the global exchange of oxygen, carbon, and nitrogen. Covering approximately 30% of soil surface that includes the surfaces of plants, the scientists found that algae, mosses, and lichens take up approximately 14 billion tons of carbon dioxide and fix approximately 50 million tons of nitrogen per year*<sup>54</sup>.



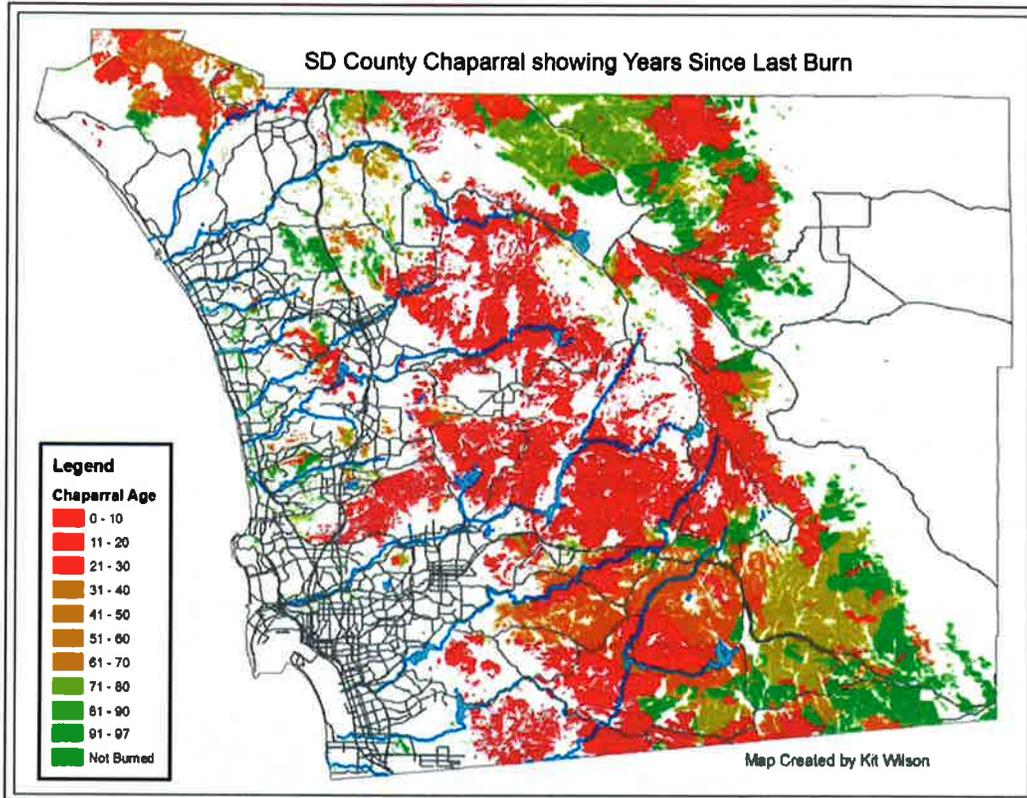
20. **A good portion of remaining unburned chaparral exists within and around the Boulevard Planning Area**<sup>55</sup>, where Soitec's projects are proposed, as evidenced in the map below.

<sup>53</sup> <http://teeic.anl.gov/er/carbon/apptech/terrapp/index.cfm>

<http://scitechdaily.com/cryptogamic-covers-take-up-huge-amounts-of-atmospheric-carbon-dioxide/><sup>54</sup>

<sup>55</sup> [http://www.californiachaparral.org/images/CHAP\\_28\\_Threats\\_to\\_the\\_Chaparral.pdf](http://www.californiachaparral.org/images/CHAP_28_Threats_to_the_Chaparral.pdf)

Chaparral sequesters carbon above and below ground, helps to hold soil in place and prevent dust storms and reduce air pollution, diffuses rain fall to help prevent erosion and to support critically important groundwater recharge, and supports abundant and diverse wildlife. Chaparral is a resource worth protecting.

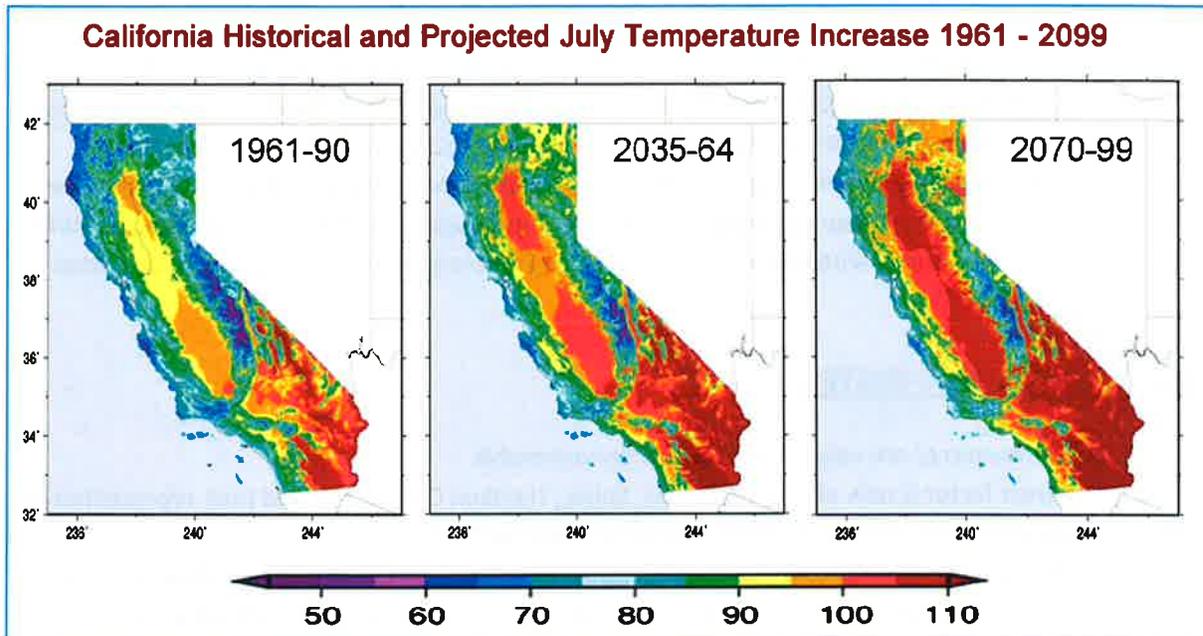


**Heat Island effects from converting growing native vegetation into industrial energy zone: Heat Island effects:**

1. Heat Islands, usually associated with urban areas will be created in rural areas through the introduction of thousands of acres of dense industrial / utility scale energy generation projects and related transmission infrastructure that requires the removal or disturbance of carbon sequestering native vegetation and disturbance of soils.
2. According to the USEPA, Heat islands can affect communities by increasing summertime peak energy demand, air conditioning costs, air pollution and greenhouse gas (GHG) emissions, heat-related illness and mortality, and water quality.<sup>56</sup>
3. USEPA recommended Mitigation for impacts from heat islands document that what Boulevard is about to lose, if Soitec’s projects are approved, is already the best mitigation for heat island effects:
  - “Trees, vegetation, and green roofs can reduce heating and cooling energy use and associated air pollution and greenhouse gas emissions, remove air pollutants, sequester and store carbon, help lower the risk of heat-related illnesses and deaths, improve

<sup>56</sup> <http://epa.gov/statelocalclimate/local/topics/heat-islands.html>

stormwater control and water quality, reduce noise levels, create habitats, improve aesthetic qualities, and increase property values”<sup>57</sup>.



### **California’s Proposed First Update to the Climate Change Scoping Plan (February 2014)<sup>58</sup> (Excerpts)**

- *“Moving forward, as energy-related emissions continue to decline in California and the developed world, the role of the natural environment in managing GHG emissions will only increase. Still, whatever its fraction of total GHG emissions, the importance of incorporating the natural environment into climate policy and planning outstrips its contribution to the State’s GHG inventory. In addition to preserving California’s lifestyle and economy, natural capital provided by our environment is crucial for providing safe and reliable water supplies, clean air, ecological habitat, and protection against climate change impacts”.*
- *‘Strong and healthy coastlines, forests, waterways, marshlands, agricultural lands, and rangelands are crucial not only to support our agricultural and tourism-based economies, but also to reinforce and buffer our state from the increasing impacts of climate change, including drought, flood, and forest fires. Strengthening our natural environment makes it, and consequently our economy, more resilient to the impacts of climate change and protects our built environment”.*
- *“Adequately accounting for the natural environment in our climate framework requires an integrated approach that values natural resources, not just as emission sources or sinks, but also for the other values they provide. It requires coordinating plans to reduce emission*

<sup>57</sup> USEPA Heat Island Mitigation: <http://www.epa.gov/hiri/mitigation/index.htm>

<sup>58</sup> [http://www.arb.ca.gov/cc/scopingplan/2013\\_update/draft\\_proposed\\_first\\_update.pdf](http://www.arb.ca.gov/cc/scopingplan/2013_update/draft_proposed_first_update.pdf)

*impacts from the natural environment with plans to strengthen it and prepare for climate change impacts. This is the approach California will take as we continue to build our climate policy framework. The approach will not only contribute emission reductions and build emission sinks necessary to manage climate change, but also strengthen the natural environment that drives our economy...California must also develop policies that thoroughly and accurately reflect the economic, social, and environmental value of water, to ensure the effectiveness of future water management practices, and to evaluate competing water use demands and trade-offs. For example, in the California Water Action Plan, the State proposed a comprehensive groundwater policy to reduce overdraft and energy-intensive pumping from deep underground. This policy will require collaboration between the SWRCB, Department of Water Resources (DWR), Department of Food and Agriculture, and other agencies”*

### **WATER—WATER—WATER...**

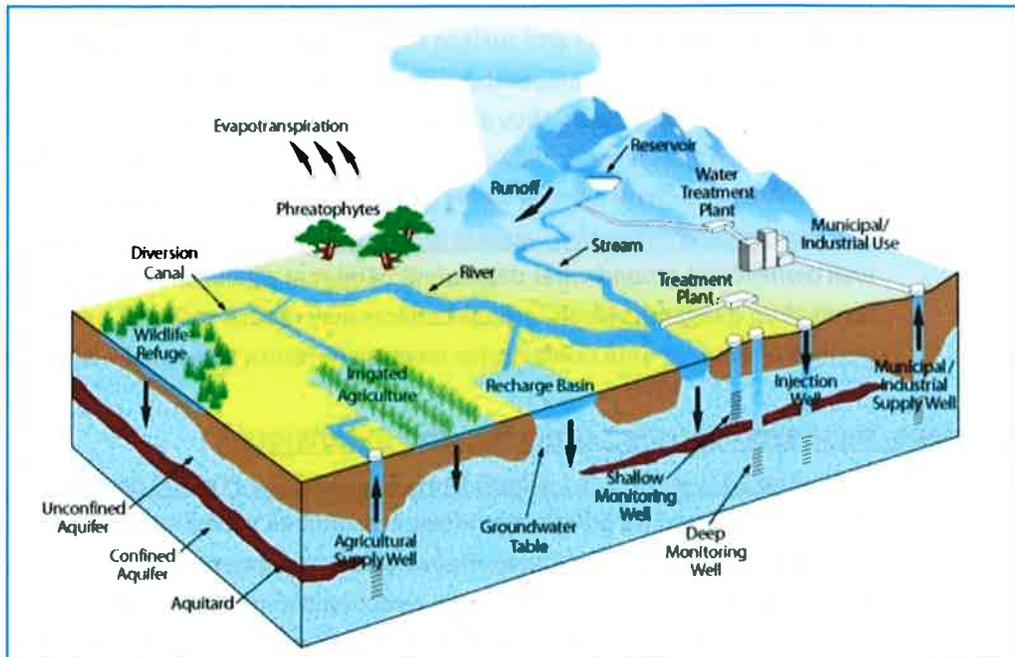
1. Water resources are valuable and incredibly vulnerable
2. The trust factor is now absent for Dudek, Soitec, Hamann Companies, and their representatives who have raised alarms with their actions and behaviors.
3. That leaves the County, and that trust factor is not what it should be after our experience with Tule Wind, the General Plan Update, the Wind Energy Ordinance and Plan Amendment.
4. We hereby endorse and incorporate by reference, in its entirety, Dr. Victor Miquel Ponce’s report entitled **“IMPACTS OF SOITEC SOLAR PROJECTS ON BOULEVARD AND SURROUNDING COMMUNITIES”**<sup>59</sup>.
5. **Dr. Ponce** has taught hydrology at San Diego State University since 1980. He has more than forty (40) years of experience in the water resources field. His extensive record of research and practice may be browsed at [ponce.sdsu.edu](http://ponce.sdsu.edu)
6. In addition, ***Dr. Ponce’s 2007 Groundwater Sustainable Yield report*** is also incorporated in full by reference<sup>60</sup>. In his report, Ponce included the following conclusions:
  - It is clear that sustainable yield can no longer be taken as equal to natural recharge. A suitable compromise may be to consider sustainable yield as a fraction of natural recharge, provided a thorough evaluation is made of the tradeoffs, including the hydrological and ecological impacts of groundwater development. Baseflow, more properly baseflow conservation, is emerging as the standard against which groundwater pumping will be increasingly measured in the future.
  - In the absence of detailed holistic studies, a reference value of sustainable yield may be taken as all, or a suitable fraction of, the global average for deep percolation, estimated as 2% of precipitation. Detailed local and regional studies will determine whether this value may be increased on a case-by-case basis to reflect one or more of the following:
    - a. An improved understanding of the components of the water balance;

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<sup>59</sup> <http://www.ponce.sdsu.edu/boulevardsoitec.html>

<sup>60</sup> [http://ponce.sdsu.edu/groundwater\\_sustainable\\_yield.html](http://ponce.sdsu.edu/groundwater_sustainable_yield.html)

- b. A workable compromise between conflicting socioeconomic interests; or
  - c. The choice of a less conservative approach to resource management.
- Sustainability goes hand-in-hand with conservation; the more conservative the proposed or adopted policy, the more sustainable it will be. Sustainable yield is seen to be a moving target, subject to adaptive management. (Ponce 1997: Figure 1 Surface and groundwater relations)



7. **At this point, there are grave concerns with Dudek's flawed and biased water investigations and estimates,** their flawed Maderas Golf Club groundwater impact studies, and their apparent general pro-development stance without adequate evidence to support that stance.
8. **According to the USGS: Water-well problems**
  - a. **Declining ground-water levels have three main effects on water wells.**
  - b. **First, as the depth to water increases, the water must be lifted higher to reach the land surface.** As the lift distance increases, so does the energy required to drive the pump. Thus, power costs increase as ground-water levels decline.
  - c. Depending on the use of the water and the energy costs, it may no longer be economically feasible to use water for a given purpose.
  - d. **Second, ground-water levels may decline below the bottom of existing pumps,** necessitating the expense of lowering the pump, deepening the well, or drilling a deeper replacement well. Third, the yield of the well may decline below usable rates<sup>61</sup>.
9. **From the USEPA National Water Program 2012 Strategy in Response to Climate Change**
  - a. **B. Watersheds and Wetlands<sup>62</sup>** VISION: Watersheds are protected, maintained and restored to provide climate resilience and to preserve the ecological, social and

<sup>61</sup> <http://pubs.usgs.gov/fs/fs-103-03/>

economic benefits they provide; and the nation's wetlands are maintained and improved using integrated approaches that recognize their inherent value as well as their role in reducing the impacts of climate change.

- b. Healthy watersheds and wetlands will be critical to climate adaptation and mitigation. This section addresses how EPA intends to protect healthy watersheds, restore impaired watersheds to enhance climate resiliency, and preserve the important functions and ecosystem services provided by the nation's wetlands, especially in the face of climate change.
- c. Healthy watersheds and wetlands provide a host of ecological services, including water purification, ground water and surface flow regulation, wildlife habitat, flood and surge impact reduction, water temperature moderation, erosion control, and stream bank stabilization. In many cases, they also store carbon and sequester other greenhouse gases. These ecosystems already are threatened with a number of stressors, and climate change will exacerbate existing water quality and ecosystem management issues
- d. The groundwater mitigations appear to be vastly inadequate and will leave adjacent well owners and groundwater dependent habitat at significant risk. By the time water levels drop dangerous levels, drought effects may reduce recharge rates for extended periods of time, or until rainfall rates increase or return to normal—whatever that is.

### **Expansions, increased carrying capacity, and extensions?**

- **DPEIR Figures 3.1.1-4 and 3.1.1-6 both show Rugged Solar Phase II parcels that were never disclosed previously:** Five additional parcels are outlined in Red on both maps.
- **DPEIR Project Description:** Equipment Repair and Replacement at page 1.0-16, states that: "An existing transmission structure may be removed and replaced with a larger/stronger structure at the same location or a nearby location due to damage or changes in conductor size."
- Changes in conductor size do allow an increase in carrying capacity of the lines.
- Will additional public notice and comment be required for such expansion?
- SDG&E has notoriously increased carrying capacity disguised as fire-hardening, as they are doing now in their Master Special Use Permit for the Cleveland National Forest and parts of Boulevard Planning Area

### **Grid security:**

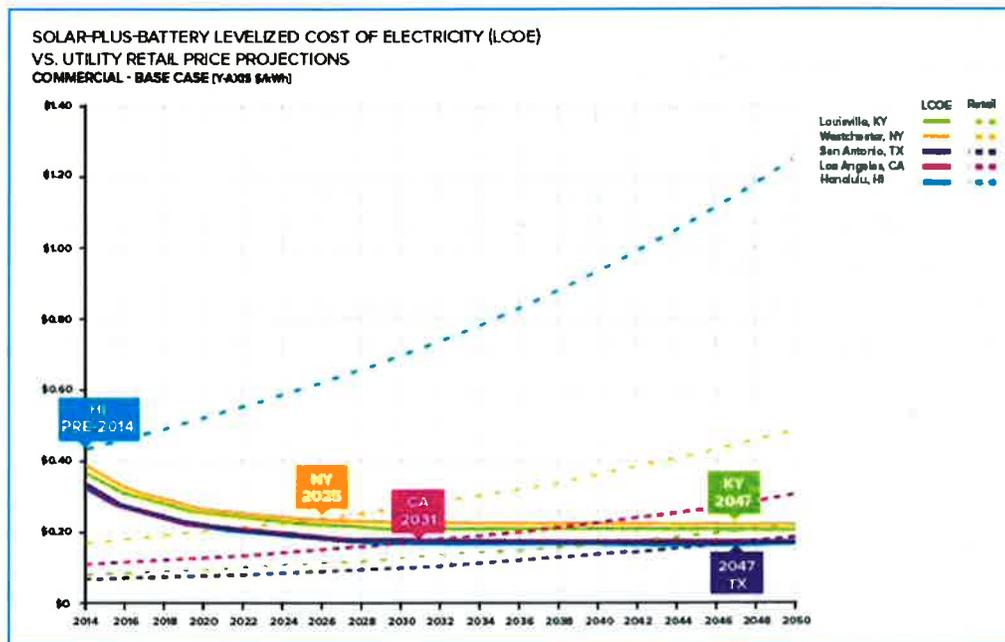
1. LA Times 2-6-14 Attack on electric grid raises alarm. Damage to power station in shooting last year prompts worries over terrorism<sup>63</sup>. Sniper attack on PG&E substation took out 17 transformers that then leaked oil
2. Concentrating so many high voltage power plants and electrical infrastructure in our underserved rural communities, along the volatile US/Mexico border is almost asking for trouble from those who might wish to compromise the grid and related economics.

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<sup>62</sup> [http://water.epa.gov/scitech/climatechange/upload/epa\\_2012\\_climate\\_water\\_strategy\\_sectionIV\\_watersheds\\_and\\_wetlands\\_final.pdf](http://water.epa.gov/scitech/climatechange/upload/epa_2012_climate_water_strategy_sectionIV_watersheds_and_wetlands_final.pdf)

<sup>63</sup> <http://www.latimes.com/business/la-fi-grid-terror-20140207,0,5892405.story#ixzz2shxcC8Bb>

3. Distributed point of use generation with some form of backup storage is now affordable and more secure than large rural projects that rely on extensive and vulnerable transmission through fire-prone and earthquake prone areas.
4. The Rocky Mountain Institute's new report *The Economics of Grid Defection*<sup>64</sup> reports on the eroding utility business model, and large rural projects, based on the combination of falling solar prices combined with new solar storage inverters: the report states that: "This "utility in a box" represents a fundamentally different challenge for utilities. Whereas other technologies, including solar PV and other distributed resources without storage, net metering, and energy efficiency still require some degree of grid dependence, solar-plus-batteries enable customers to cut the cord to their utility entirely" (the graphic below is from the RMI report)



## Fire:

1. The DPEIR does not address the cumulative impacts and risk assessment for Climate Change, such as increased fire risks, and converting 1,500 acres of native vegetation into an industrial energy zone with new fire ignition source, including invasive weeds that burn more quickly. Soitec's panel space will equal the same as 48 Walmart Supercenters (avg 185,000 sq ft)<sup>65</sup>.
2. The Cal Adapt site states the following: "…With expanding development into the urban/wildland interface, threats to human safety and property are even greater. The spread of invasive species that are more fire-prone, coupled with more frequent and prolonged periods of drought, all increase the risk of fires, and reduce the capacity of native species to recover. Wildfires are also bad news for the region in terms of air quality, human health, soil erosion and stress on watersheds".

<sup>64</sup> RMI report: [http://www.rmi.org/electricity\\_grid\\_defection](http://www.rmi.org/electricity_grid_defection)

<sup>65</sup> California Climate Change risk assessment: <http://cal-adapt.org/blog/2011/apr/12/wild-fire/>

3. 10-26-13 Tisdale e-mail to Gungle<sup>66</sup> asked how Fire Service letters documenting that service will not adequate for 5 years plays out in the EIR process, and raises issue with the many dark days at Boulevard Fire and ECO Substation mitigation funds going out of the project impacted area—  
No response included.
4. Rugged Solar Facility Availability Form states that services will not be available for 5 years
5. Tierra Del Sol Solar's Facility Availability Form<sup>67</sup> included in the Administrative Record is unsigned and incomplete. It is stamped received by DPLU on 6-15-12 and states that "facility availability to be completed by district"
6. LanWest Facility Availability Form, dated 1-26-12, states that services will not be available for 5years<sup>68</sup>
7. The DPEIR incorrectly states that Boulevard Fire has 27 volunteers when CalFire Battalion Chief Francois confirms there are no volunteers; there are only as-available reserves that are currently being funded by Supervisor Jacob, after community members disclosed that the Boulevard.
8. When the temporary funding is gone, so are the reserves
9. Campo Volunteer Fire has repeatedly stated that they do not have the 22 volunteers claimed by County Fire Authority.
10. Boulevard Fire needs to be designated as a paid/career station.
11. Soitec needs to pay for full time fire fighters, and special training and equipment for electrical fires, for the life of their projects.
12. Boulevard needs more boots on the ground and driver/operators than more equipment that sits idle due to lack of adequate staffing --- or no staffing at all as occurred for several months during 2013.

### **Roads:**

- Boulevard's paved roads are poorly engineered and substandard.
- They are being overburdened by these large-scale for-profit projects
- Many of our intersections have poor line of sight and blind curves that are dangerous without all the heavy truck traffic, water trucks, and oversized and overweight loads.
- Tierra Del Sol @ Hwy94 is one such blind intersection that needs to be fixed.
- Require a bond to ensure road upgrades and maintenance is completed as contracted in the event Soitec Solar, related entities, or future developers/owners do not or cannot comply, or they file for bankruptcy, insolvency

### **Public health and safety:**

1. Increased setbacks must be required between project components, property lines, and sensitive resources: There should be at least a bare minimum 100 foot setback which is still far too close for safety and well being.

<sup>66</sup> <http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2013-10-26-Donna-Tisdale-email-re-Soitecs-fire-service-letters.pdf>

<sup>67</sup> <http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/ApplicationForms/TierraDelSol/2012-06-11-Zoning-Project-Facility-Availability-Form-fire.pdf>

<sup>68</sup> <http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/ApplicationForms/LanWest/2012-01-25-County-of-San-Diego-Zoning-Project-Availability-Form-Fire-Major-Use-Permit.pdf>

2. **There is no clear disclosure of just how much wireless communication equipment and emissions these SCADA systems entail**
3. **People in our community, and their pets, are already suffering cancer and other health impacts** they believe is related to exposure to SDG&E's Southwest Powerlink and other infrastructure. How can we help and protect them from ongoing and increased exposure?
4. Exclusion of any analysis for increasing the electric-magnetic fields, ground currents, and wireless communications<sup>69</sup> that may be applicable to these projects, is unethical and immoral.
5. **Sam Milham, MD, MPH**, author of *Dirty Electricity*, has submitted comments on Soitec Solar stating that he took measurements at their Newberry Solar 1 site and "***It makes a lot of dirty electricity with high harmonic distortion and a high K factor (a measure of harmonic distortion)***".
6. **The 2012 Bioinitiative Report A Rationale for Biologically-based Public Exposure Standards for Electromagnetic Fields (ELF and RF)**<sup>70</sup> is relevant to these projects and their components.
7. **Dr Henry Lai's Research Summaries**<sup>71</sup> of the most important studies are included in the Bioinitiative Report and should be taken into consideration by decision makers
8. **Karen Nold, Means For Change, reports that qualified, pertinent data on these issues includes:**
  - 2013 *Radiofrequency Toolkit for Environmental Health Practitioners*,<sup>72</sup> finding "decreased sperm motility associated with increased use of mobile phones", and recommends caution – "keeping mobile phones away from [male] genital area and limiting mobile phone use."
  - 2009 *Reducing Environmental Cancer Risk, What We Can Do Now*<sup>73</sup> finding (pA-47) EMR/EMF may also have deleterious effects on human health with prolonged exposure; (vii) eliminating/minimizing exposures must be acted upon to protect especially children, at special risk due to smaller body mass and rapid physical development, both magnifying their vulnerability to known or suspected carcinogens, including radiation; (xi) a precautionary approach should replace current reactionary ones; (p59) reduce exposure to RF with fewer, shorter calls, texting, using cell phones only when landline unavailable, keep phone away from head, keep active phone off belt and out of pocket.
  - Also worth mentioning – in a document obtained from an OSPI Freedom of Information Act request, the state is seen in an earlier draft attempting to downplay the risks of wireless. It correctly cites the Health England document and ICNIRP, (incorrectly referenced in draft - see par. 2 above), then makes a note underlined below, to downplay the dangers:
  - "One report (Health England) actually measured the exposure to RF in school settings, and concluded that as long as manufacturer's recommendations were being followed, the safety thresholds used in the ICNIRP were not exceeded. [*re-word so does not imply danger if recommendations are not followed*"]". Emphasis added.
  - The earlier draft, implied biological effects of wireless radiation, but this sentence was omitted from the final draft:

<sup>69</sup> <http://www.bioinitiative.org/>

<sup>70</sup> <http://www.bioinitiative.org/research-summaries/>

<sup>71</sup>

<sup>72</sup> [http://www.bccdc.ca/NR/rdonlyres/9AE4404B-67FF-411E-81B1-4DB75846BF2F/0/RadiofrequencyToolkit\\_v4\\_06132013.pdf](http://www.bccdc.ca/NR/rdonlyres/9AE4404B-67FF-411E-81B1-4DB75846BF2F/0/RadiofrequencyToolkit_v4_06132013.pdf)

<sup>73</sup> [http://deainfo.nci.nih.gov/advisory/pcp/annualReports/pcp08-09rpt/PCP\\_Report\\_08-09\\_508.pdf](http://deainfo.nci.nih.gov/advisory/pcp/annualReports/pcp08-09rpt/PCP_Report_08-09_508.pdf)

- “ICNIRP standards focus on thermal effects as only likely danger...”
- In fact thermal effects are not the only likely danger. The state concludes there is little uncertainty regarding non-thermal health effects; and Wi-Fi is unlikely to pose a health risk. This is not equivalent to the standards of safety we expect for our children in your care. We expect zero tolerance in our schools for guns, drugs, alcohol, bullying, and possible carcinogens like lead and DDT... and wireless radiation.
- Numerous experts disagree with the state’s conclusions, such as the American Academy of Environmental Medicine<sup>74</sup>, American Academy of Pediatrics<sup>75</sup>, International Doctors’ Appeal<sup>76</sup>, etc. As long ago as 1988, the U.S Air Force produced “Radiofrequency/Microwave Radiation Biological Effects and Safety Standards: A Review”<sup>77</sup> and concluded: “RF/MW radiation is known to have a biological effect on living organisms” and research over the past 30 years has shown that low intensity radiation can profoundly affect biological processes.
- The state should not require conclusive, causal evidence of a potential health risk to children, just the evidence of risk documented above and elsewhere. The question is – when is the evidence sufficient to take action? Studies of the harmful effects of wireless radiation were silenced by the DOH/OSPI narrow review criteria, and qualified data with evidence of harm was excluded from the draft report. The school stands “in loco parentis” for our children and as such has a responsibility to provide a safe learning environment. There is no conclusive evidence that wireless is safe and the state has an obligation to immediately remove Wi-Fi and cordless phones until proven safe.

## Cumulative Impact Projects

9. Cumulative Impact project list in Draft PEIR is inaccurate and includes projects that are not in the project impact zones in the Boulevard Planning Area , Jacumba Hot Springs Planning Area, or the Mountain Empire Subregional Planning Area—this skews the real local impacts
10. The Bureau of Indian Affairs published a Notice of Cancellation in the Federal Register on Thursday, February 20, 2014 (Vol 79, No 34) , stopping all work for the Shu’luuk Wind EIS<sup>78</sup>
11. CAISO Generator Interconnection Queue<sup>79</sup> (1-21-14) includes the following projects as still active that should be included:
  - #32: 201MW Wind –Boulevard East Substation 138kV
  - #103: 27 MW ST- Border Substation (?)
  - #106A: 160 MW Wind – Boulevard East Substation 138kV
  - # 159A: 400MW Baja Wind – ECO Substation 230kV
  - #183: 300MW Baja Wind – ECO Substation 230kV
  - #644A: 20MW Solar PV – ECO Substation 138kV
  - #583: 57MW Wind – Boulevard East Substation 138 kV

<sup>74</sup> <http://aaemonline.org/images/WiFiUSA.pdf>

<sup>75</sup> <http://apps.fcc.gov/ecfs/document/view?id=7520941318>

<sup>76</sup> [http://freiburger-appell-2012.info/media/International\\_Doctors\\_Appeal\\_2012\\_Nov.pdf](http://freiburger-appell-2012.info/media/International_Doctors_Appeal_2012_Nov.pdf)

<sup>77</sup> <http://www.stopthecrime.net/docs/RF-Microwave-Radiation-Biological-Effects%20Rome%20Labs.pdf>

<sup>78</sup> <http://www.gpo.gov/fdsys/pkg/FR-2014-02-20/pdf/2014-03615.pdf>

<sup>79</sup> <http://www.caiso.com/Documents/ISOGeneratorInterconnectionQueue.pdf>

- #789: 80 MW Solar PV – Boulevard East Substation 69kV
- #794: 45MW Solar PV – Boulevard East Substation 138kV
- #895: 15MW Solar PV – Boulevard East Substation 138kV
- #959: 30 MW Solar PV – Crestwood / Boulevard 69kV

**Connected actions:**

- Soitec Solar CPV module manufacturing process should be included as a connected action:
- Their factory is included in alleged economic benefits so the environmental impacts should be included as well
- Rough Acres Ranch Road should be included as a connected action
- Rough Acres Water Company Inc should be included as a connected action since they will be selling their well water to Soitec and /or buying water from the Pine Valley Mutual Water District and then sell it to Soitec

**Questions:**

1. How has Soitec managed to convince so many decision makers that up is down and black is white, and that their CPV modules don't create glare, and their projects are low impact?
2. Just how much tax revenue is estimated to be generated for San Diego County by these projects?
3. How many other incentives, sales and use tax exclusions, and other financial benefits will Soitec and /or other owners receive at the expense of local, state, and federal tax payers?
4. Why was the ownership changed for Rugged Solar APN 611-110-61 from Charities Support Foundation/ Harmony Grove Partners , as shown in the CPUC map for the Sunrise Powerlink Rough Acres Construction Yard , and crossed out and changed to Waterstone Support Foundation, Inc as shown in the Evidence of Legal Parcel documents filed the County on 5-15-12 at page 6.<sup>80</sup>
5. Are they gaming the system? Are they violating their non-profit status and mission statement?
6. **Does Soitec have a reclamation program for their CPV modules** and other project components per DTSC draft regulations?<sup>81</sup>
7. **Does Connor McGee, formerly with J Whalen & Associates, who reportedly went to work for the County, now work on this project? If so, why isn't considered a conflict?**

**The Soitec Project cannot meet the required Major Use Permit Findings:**

1. Harmony in scale, bulk, coverage and density—**NO**
2. Availability of public facilities, services, and utilities--**NO**
3. The harmful effect upon desirable neighborhood character—**CUMULATIVELY HARMFUL EFFECT**
4. The generation of traffic and physical character of surrounding streets—**SUBSTANDARD SOLE ACCESS AND DEAD END ROADS WILL BE OVERBURDENED**

<sup>80</sup> <http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/ApplicationForms/Rugged/2012-05-15-Rugged-Solar-LLC-Signed-County-of-San-Diego-Zoning-Evidence-of-Legal-Parcel-Waterstone-Support.pdf>

<sup>81</sup> <http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/Record-Documents/2013-10-15-Patrick-Brown-email-re-Fwd-FW-Management-of-Solar-Panels-as-Universa.pdf>

5. The suitability of the site for the type and intensity of use or development which is proposed—**NO—WILDFIRE CORRIDOR, GROUNDWATER DEPENDENT, HIGH WINDS, 7.8 EARTHQUAKE**
6. Compliance with San Diego County General Plan—**NO**
7. Requirements of the California Environmental Quality Act (CEQA) **NO!!**

**Failure to meet San Diego County’s stated Mission, Vision, Values/Guiding principles for their 2014-2019 Strategic Plan:**

1. The Soitec Solar development project does not meet the Vision statement for “ A County that is safe, healthy and thriving” due to increased risks to safety, health and well being related to addition of new fire ignition sources, impediments to fire fighting well interference, and more.

**Viable alternatives:**

- **CEQA Guidelines Section 15021(a) (2):** “[a] public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.”
- **Here, SDG&E already has a CPUC approved amendment to their Power Purchase Agreement with Soitec to relocate their Boulevard projects** (Rugged, Tierra Del Sol, LanWest and LanEast) to already approved sites in Imperial County, where the gen-tie is already built. The amended application states that the move will result in reduced impacts and costs to ratepayers.
- **Distributed solar and other renewable generation in the already built environment is a superior alternative that should have been retained in the DPEIR**
- **Soitec has announced a new Plug and Sun CPV module with backup 24/7 batteries**<sup>82</sup> that could support this trend.
- **In February 2014, The Solar Foundation reported** that the State’s solar jobs forecast looks bright. The coverage in the San Diego Union Tribune included a graphic that showed more solar jobs were reported in the more urbanized Congressional Districts, with the most reported in Darrell Issa’s mostly coastal 49<sup>th</sup> District<sup>83</sup>--not in the backcountry.
- **Power efficiency** is the next step in reducing energy demand, beyond energy efficiency, through improved software instead of increased infrastructure to reduce the need for more energy sources through better power management and storage. A new Power Efficiency White Paper from Green Charge Network (Feb 2014)<sup>84</sup> can help businesses

Please accept my apologies for not having time to better organize and edit these comments. Even with the extended comment period, there is just too much complex, confusing, and missing information. Please do the right thing and help protect our community’s rights and resources over Soitec’s profiteering at our expense. Please call with any questions: 619-766-4170

Sincerely,

  
Donna Tisdale, Chair

<sup>82</sup> [http://www.soitec.com/pdf/plugin-and-sun\\_en.pdf](http://www.soitec.com/pdf/plugin-and-sun_en.pdf)

<sup>83</sup> <http://www.utsandiego.com/news/2014/feb/12/tp-ca-solar-jobs-to-exceed-50000-in-2014-states/>

<sup>84</sup> White Paper: <http://www.greenchargenet.com/power-efficiency-products/white-paper>