

Hingtgen, Robert J

From: Donna Tisdale <tisdale.donna@gmail.com>
Sent: Tuesday, January 21, 2014 12:23 PM
To: Hingtgen, Robert J; Fogg, Mindy; Gungle, Ashley
Cc: Wardlaw, Mark
Subject: For Soitec Solar DPEIR record
Attachments: Soitec Solar PEIR Blvd BAD presentation 1-16-14.pdf; Soitec PEIR summary of concerns 1-16-14.pdf

Hello Robert,

Please include the attached two documents into the record for the Soitec Solar Development Draft PEIR: LOG NO. PDS2012-3910-120005 (ER); 3800-12-010 (GPA); TIERRA DEL SOL, 3300-12-010 (MUP); 3600-12-005 (REZ); 3921-77-046-01 (AP); RUGGED SOLAR, 3300-12-007 (MUP); SCH NO. 2012121018:

1. Soitec Solar PEIR Boulevard (PowerPoint) BAD presentation, from the January 16th Boulevard Community meeting co-hosted by Backcountry Against Dumps (BAD) and The Protect Our Communities Foundation (POC)
2. Soitec PEIR summary of concerns 1-16-14

Thank you,

Donna Tisdale,
BAD President
POC Secretary
619-766-4170

Soitec Solar Draft Programmatic EIR: 4 Boulevard projects/ 168 MW planned for about 1,500 acres

Boulevard Community Information Meeting

January 16, 2014

Co-hosted by volunteer non-profit groups Backcountry Against Dumps (BAD)
and The Protect Our Communities Foundation (POC)

Presented by Donna Tisdale, BAD President, POC Secretary

Any errors or omissions are unintentional

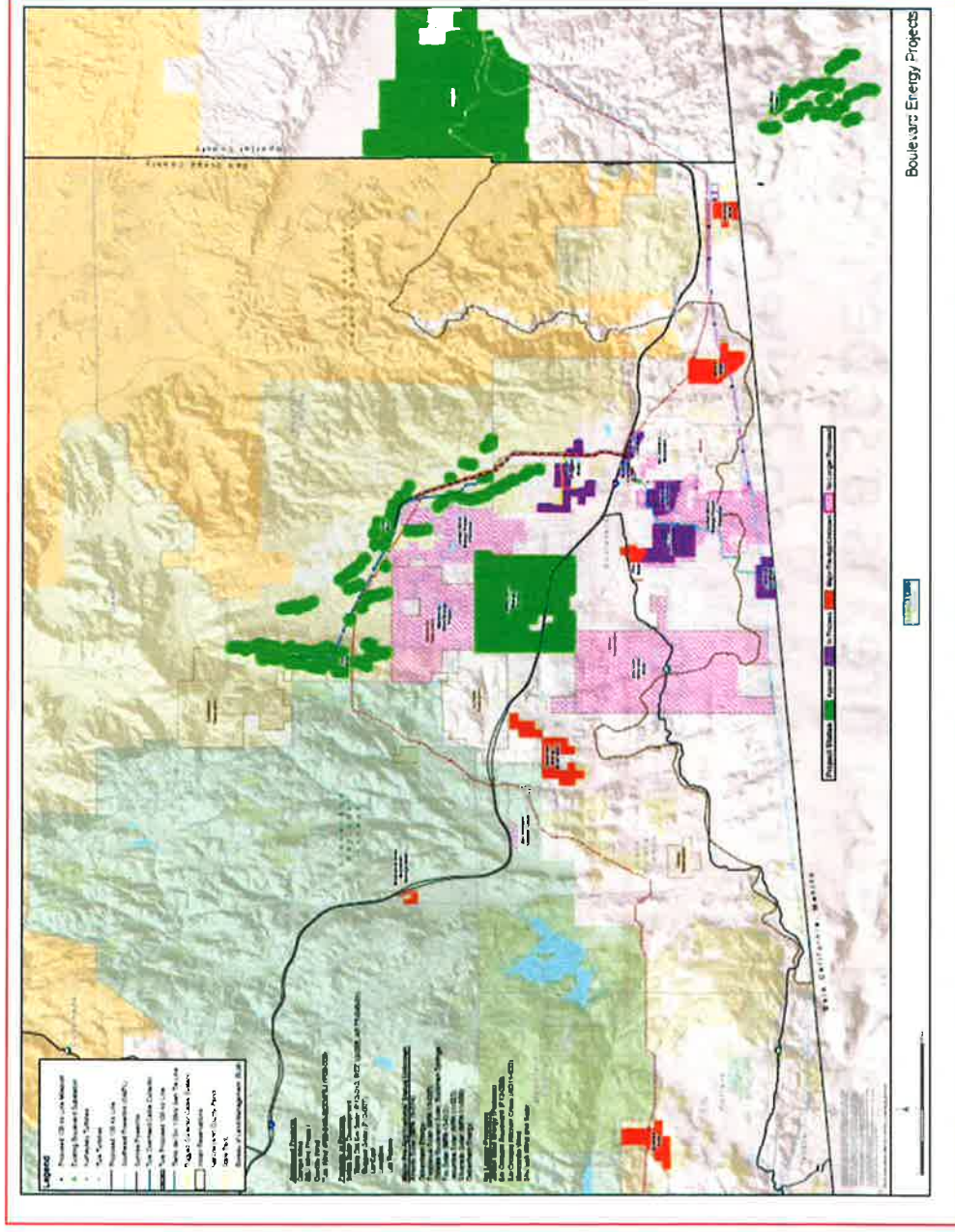
Tonight's speakers...

- Donna Tisdale: introductions; power point with visuals
- Donna Meyers: neighbor of Ramona solar project
- Mark Ostrander: retired Cal Fire Battalion Chief & CEQA coordinator
- Wayne Skains: Boulevard resident and former neighbor of large Imperial Valley solar project
- Chris Noland: Boulevard resident and geologist
- Kelly Fuller: Golden eagles and other bird impacts & importance of filing your comments by 4PM Feb 17

The Kumeyaay wind turbine fire on Dec 16, 2013, that sparked a small brush fire, is a sobering reminder of the increased fire risk with so-called green energy projects



Boulevard energy projects—note the removal of 3 wind projects. 6 smaller solar projects have also gone away. Community pushback worked!



Public comments on the Draft Programmatic

EIR are due by 4PM Feb 17.

**Your comments can help establish a record for
potential lawsuits**

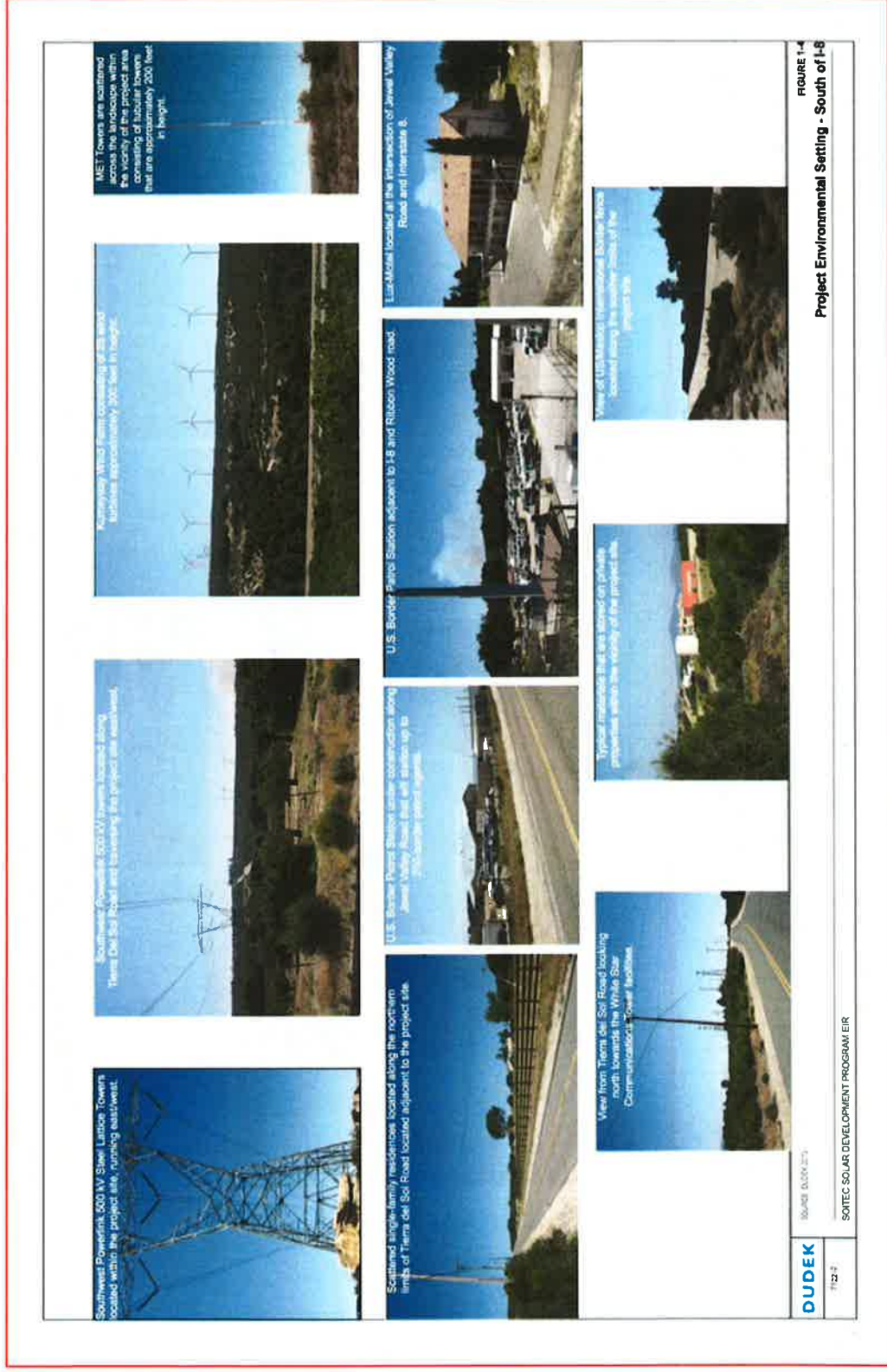
- **The Draft PEIR states the significant impacts of the
Proposed Project are:**

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Land Use
- Noise.

Conflicts of Interest:

- Planner Patrick Brown changed masters mid-game
 - Brown was Soitec project manager for County Planning & Development Services
 - Brown left the County and went straight to work for Soitec
- Dudek is not unbiased or neutral—can't honestly or ethically serve two masters at once
 - Consultant for the County's Wind Energy Ordinance & Boulevard Plan Amendment
 - Consultant for Soitec Solar and Tule Wind that both benefitted from Wind Ordinance, Plan Amendments, overriding considerations, and related waivers for required undergrounding new utility lines
 - Soitec Solar benefitted from the Wind Ordinance & Boulevard Plan Amendment
 - Dudek blog bragged about securing AB900 certification with streamlining and judicial fast-tracking for Soitec's Rugged Solar and Tierra Del Sol Solar

Dudek's report portrays Boulevard as an industrial zone—the way they see it



Dudek describes these shots as “North of I-8”: 4 show historic locations built before zoning and permits wer required (*south of 8*); SDG&E’s Powerlink had eminent domain rights and was granted a controversial BLM Plan amendment and ROW; the turbines are on tribal land.

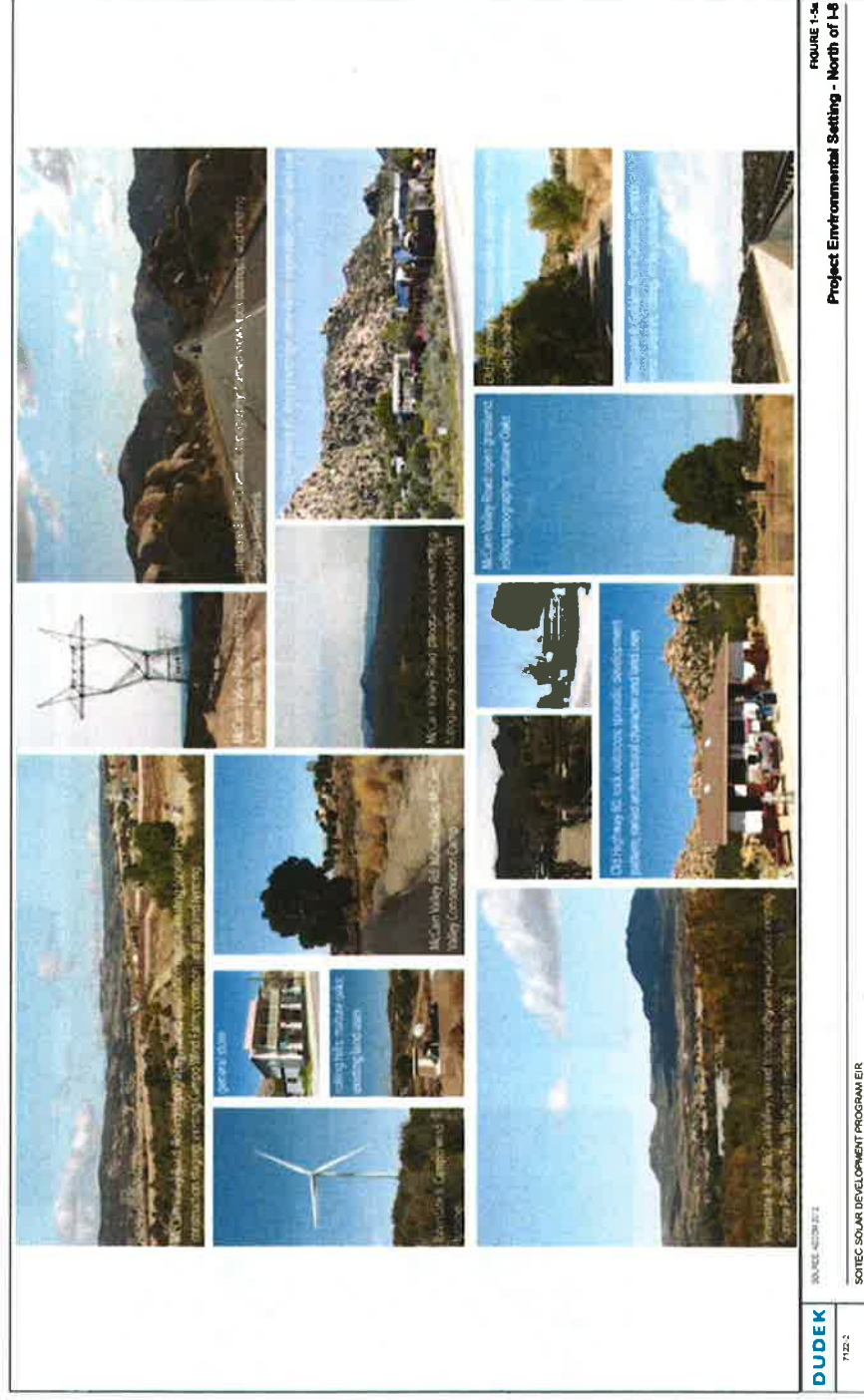
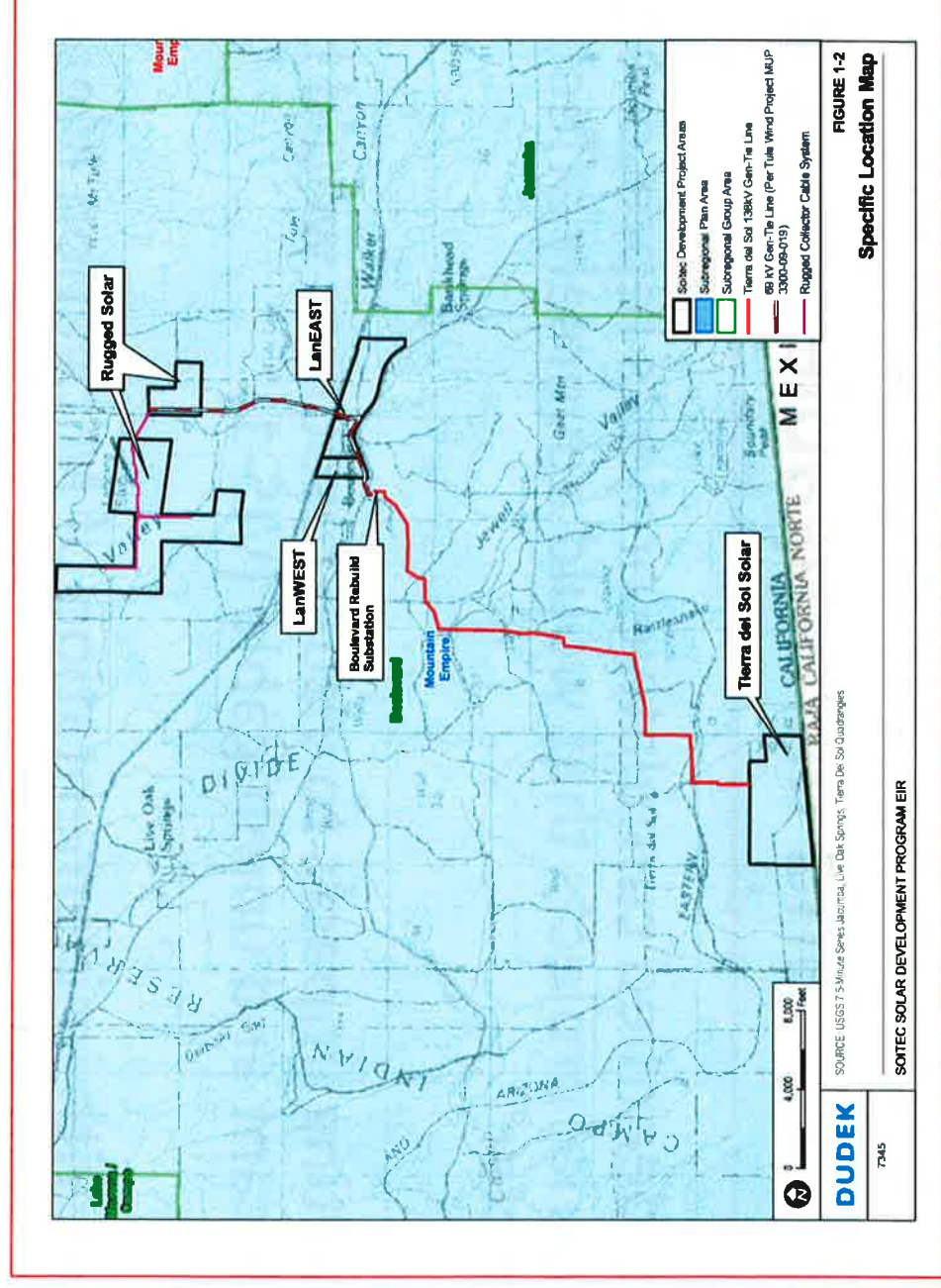


FIGURE 1-4
Project Environmental Setting - North of I-8

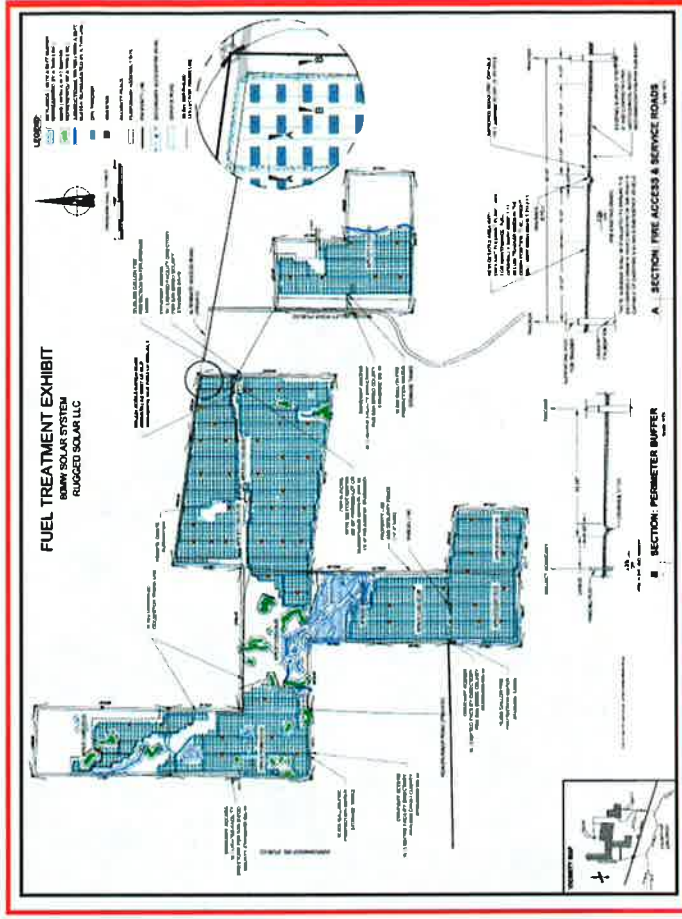
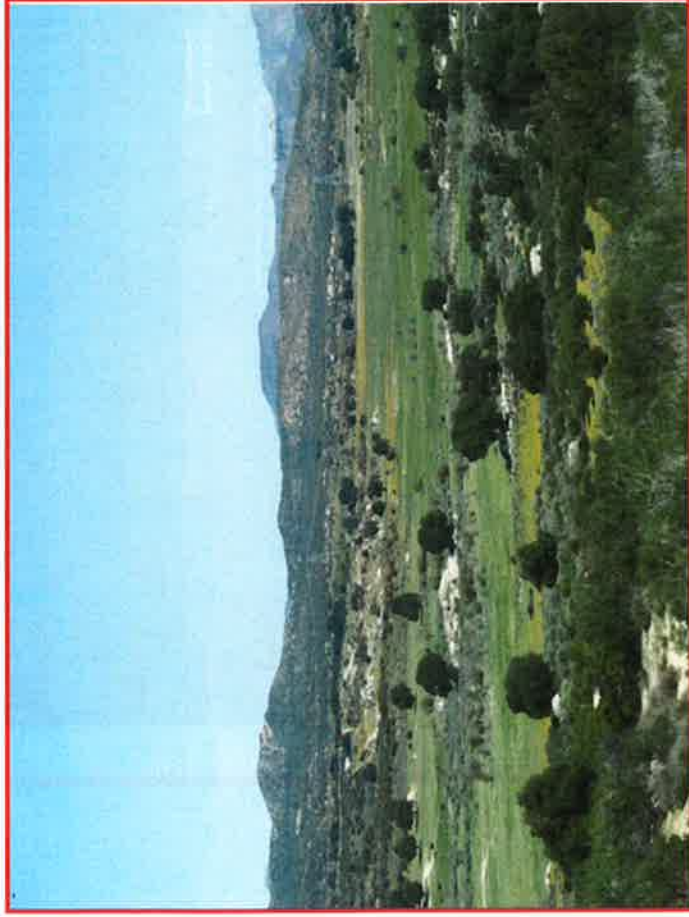
“Large-scale industrial projects” = significant and unmitigable visual impacts

- “The identified cumulative projects represent large-scale industrial projects that would adversely affect visual character”
- “Resulting impacts to visual resources would be significant and unmitigable (VIS-1)”
- “Even with implementation of Mitigation Measure M-VIS-1, impacts associated with project-generated glare received at adjacent properties... would also remain significant and unmitigable (VIS-2)”

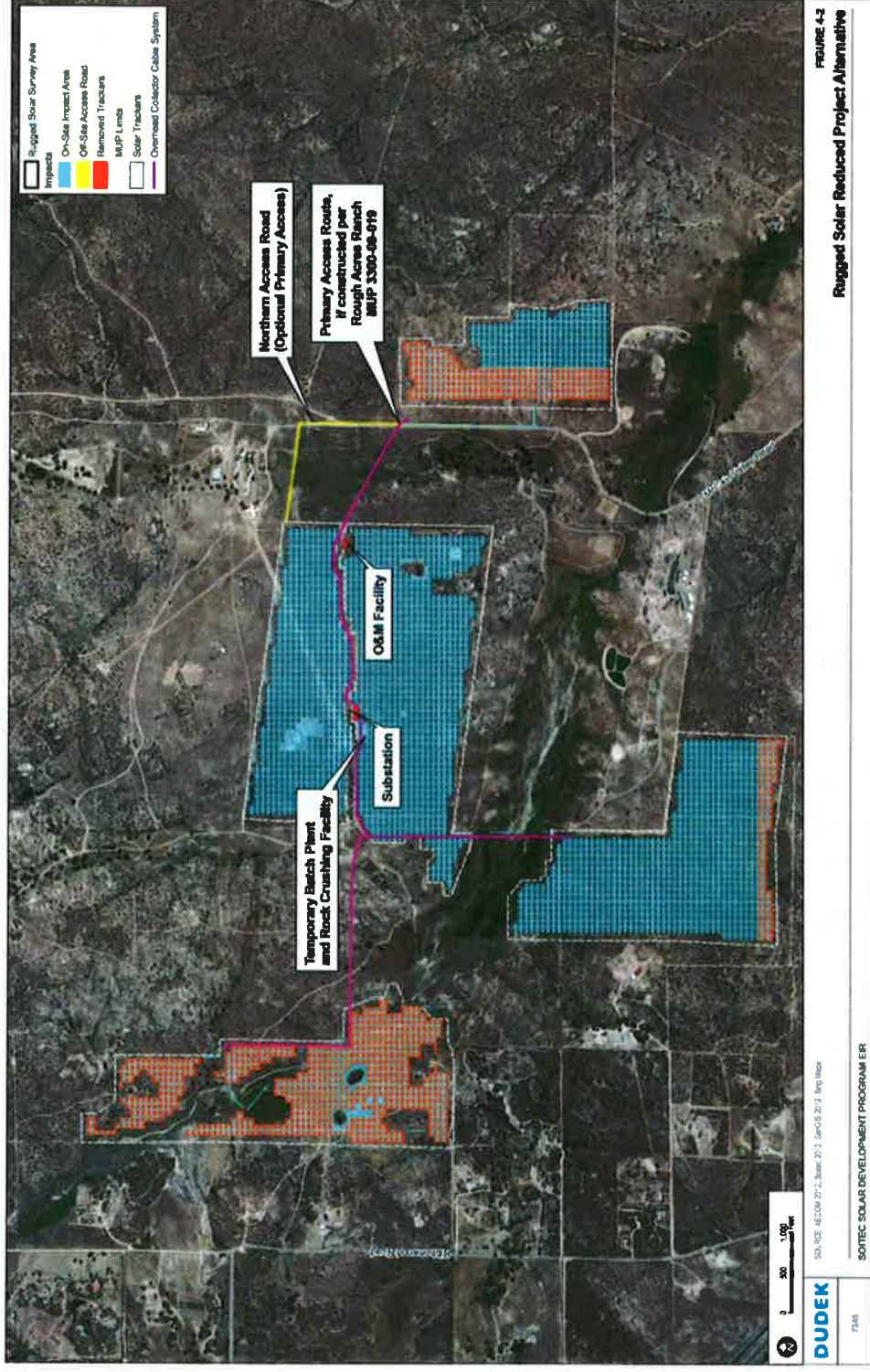
Soitec's "Proposed Project" includes: 80 MW Rugged Solar; 60 MW Tierra Del Sol Solar; 22MW LanEast Solar; 6.5MW LanWest Solar



80 MW Rugged Solar site impacts adjacent homes; Tule Creek floodplain/wildlife corridor; access to McCain Valley Recreation Area; and substandard sole access roads: Ribbonwood Road and McCain Valley Road



Reduced Rugged Solar alternative still has unmitigable impacts



Rugged Solar property owners

- Non-profit Waterstone Support Foundation, Inc:
 - 434 CPV trackers
 - **John Gibson:** 619-440-7424 ; 2925 Professional Place #200, Colorado Springs, CO
- Frankie (Smith) Thibodeau:
 - 864 CPV trackers
 - 619-766-9105; 39990 Ribbonwood Road, Boulevard
- Vista Oaks Business Park:
 - 807 CPV trackers
 - **John Gibson** 619-440-7424; 1000 Pioneer, El Cajon
- Harmony Grove Partners:
 - 1,483 CPV trackers
 - **John Gibson** 619-440-7424; 1000 Pioneer, El Cajon

Waterstone Support Foundation: appears to be exempt from federal income tax

<http://waterstone.org/about-us/> ; <http://waterstone.org/assets/Christian-Community-Foundation-990-Public-Disclosure.pdf>

- **Vision/Mission/Statement of Faith**

- **Vision Statement**

- WaterStone exists to glorify Jesus Christ by inspiring and enabling personal commitment of time, talent and treasure to the expansion of the Kingdom of God.

- **Mission**

- The mission of WaterStone is to educate and encourage donors to achieve Christ-centered giving objectives by providing excellence in innovative, personalized charitable giving solutions and educational resources

- **Stewarding our Resources**

- We thank you for being part of the WaterStone family, for your prayers, and support. **We take seriously our responsibility to act as good stewards of the resources the Lord sends to us through givers and our partnerships with advisors and charities. Our commitment to be good and faithful servants of the Lord. We look forward to making further strides in 2014 toward making a **\$1 Billion Impact** for God's glory**

Waterstone & Affiliates

- \$ 196 million in Net Assets per March 2013 year end statement @page 24
<http://waterstone.org/assets/Audit-WaterStone.pdf>

Giant oaks and spring-fed oasis—at risk--
next to Rugged Solar--but not included in

Draft PEIR



60 MW Tierra Del Sol Project impacts homes on all sides and along new 5-6 mile utility line. Soitec is requesting waiver to 150' border setback

TDS project next to homes, livestock, oak groves & border

SDSU's Dr Ponce with Soitec neighbor studying impacts to water and oaks



SDSU's Dr. VM Ponce's Soitec report conclusion (excerpt)

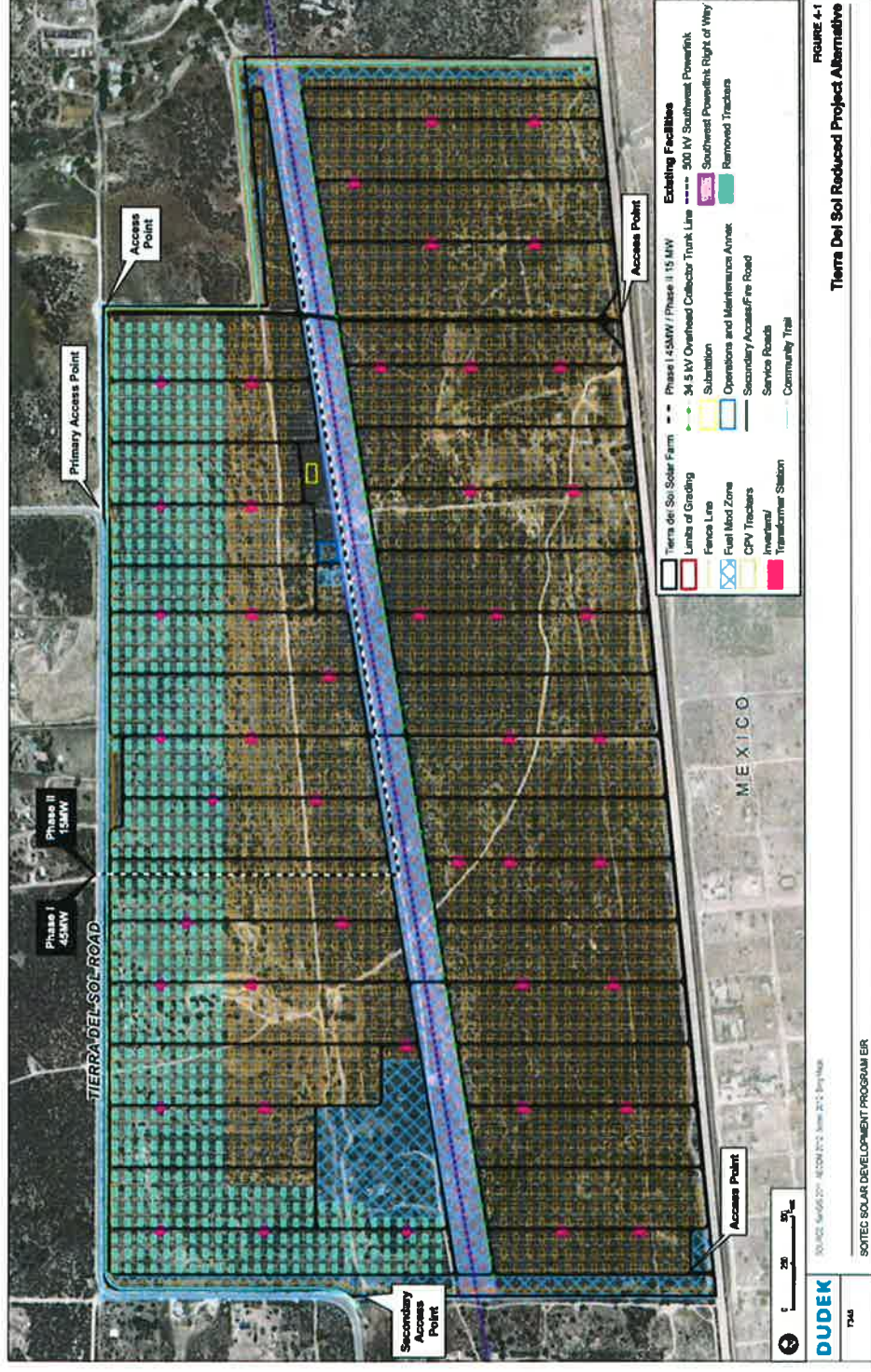
- To remain comprehensive, sustainable (water) yield must include hydrological, ecohydrological, and socioeconomic considerations...
- No development, no matter how lofty its aim, should place at risk existing natural ecosystems.
- Other considerations notwithstanding, the Boulevard Soitec projects must resort to imported water to satisfy their needs.

Tierra Del Sol Solar property owners @ 796 Tierra Del Sol

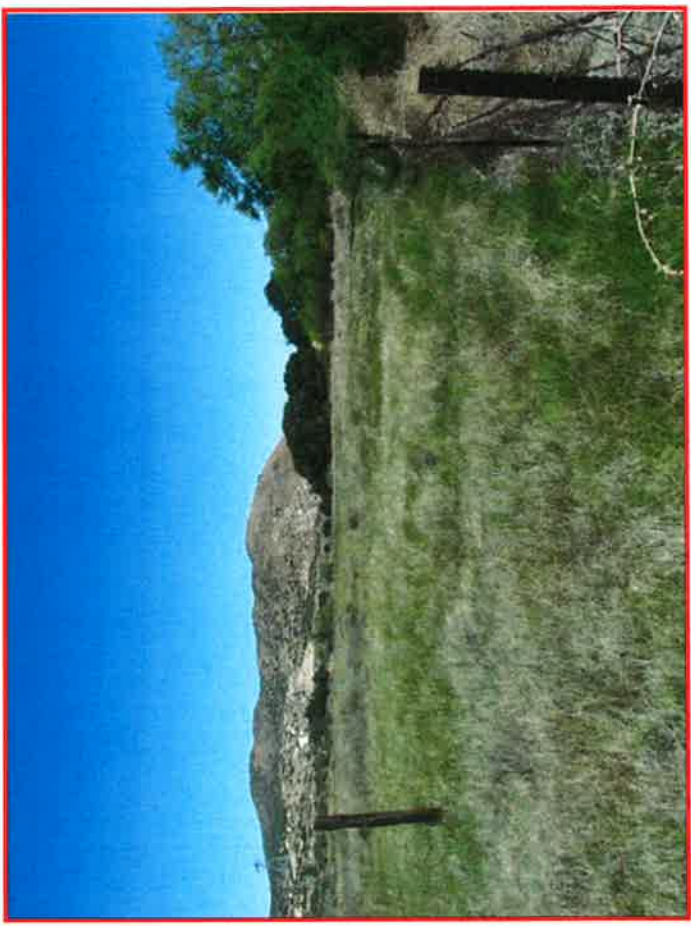
<http://www.sdcounty.ca.gov/pds/ceqa/Soitec-Documents/EIR-FILES/Tierra-Del-Sol-Grading-Plan.pdf>

- Brown Family Trust
- Brown and Reynolds Family Trust
- 1116 W. 7th Street PMB 158, Columbia, TN
- Contact: 619-440-7424 (Hamann Companies)

Proposed reduced Tierra Del Sol site



Soitec's 6.5 MW LanWest and 22MW LanEast sites
impact homes, Walker Creek floodplain, wetlands,
cultural, biological, and scenic resources



LanWest, LanEast & Los Robles property owner

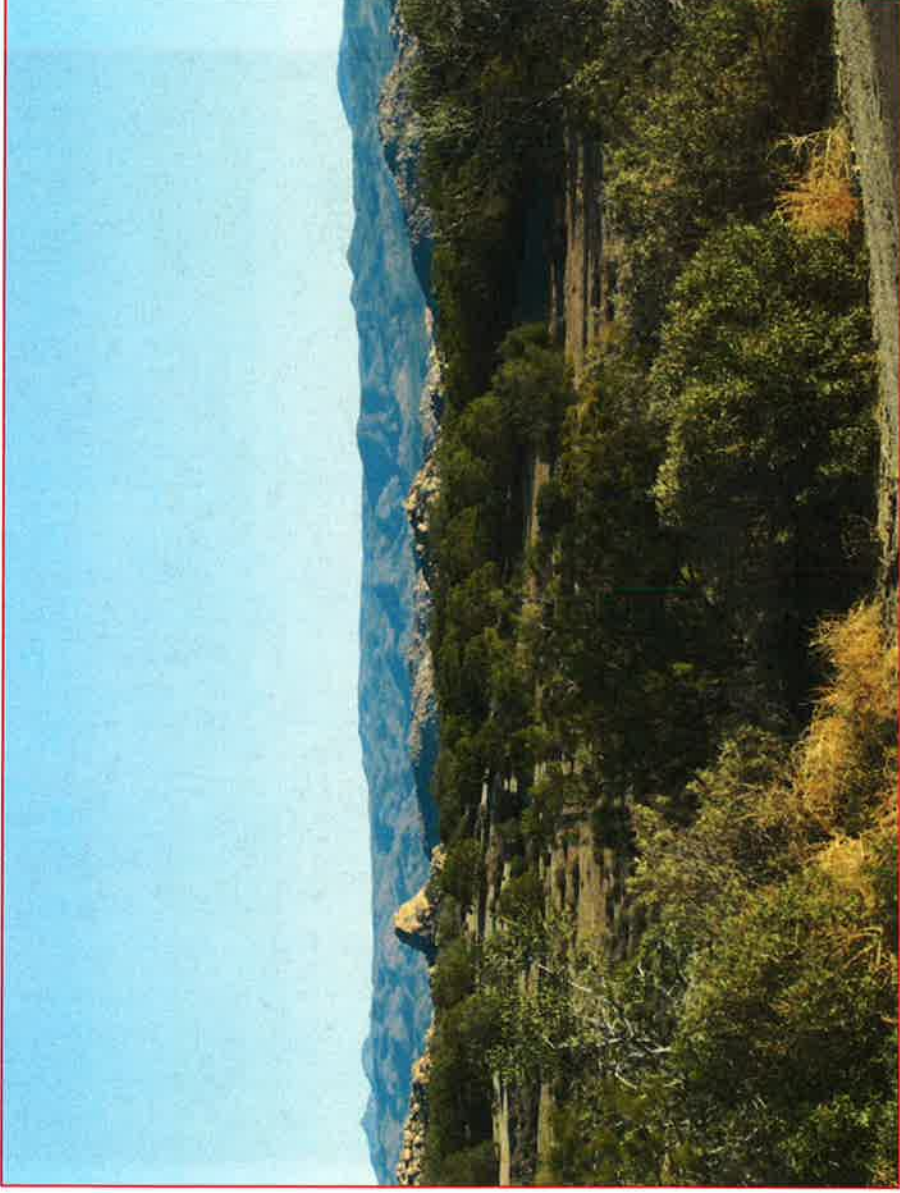
- Greg Lansing, Lansing Companies Inc, wealthy absentee developer

Draft PEIR Environmentally Preferred Alternative (#7) would move Tierra Del Sol, LanWest and LanEast projects to the new 1,490 acre Los Robles sites (in gold) in Jewel Valley between Tierra Del Sol Road and Tule Jim Road and keep Rugged Solar—
impacting more homes and sensitive resources



View from Jewel Valley Road over Soitec's Los Robles site to the SE towards the Sierra Juarez in Mexico. Homes and sensitive resources will be impacted...

photo taken by Donna Tisdale in December 2013



Taken from Tule Jim Road looking into Soitec Los Robles project site (Environmentally Sensitive Area) to the West

photo taken by Donna Tisdale December 29, 2013



Misleading photo in Draft PEIR & what Soitec's Newberry Springs neighbors look at every day

Soitec demo CPV module @ UCSD campus in La Jolla



Soitec's CPV modules across the street from homes on Mountain View Road in Newberry Springs



Soitec denies glare--but their own promotional photos document it

Soitec's PR photo posted on their website: www.soitec.com

Glare @ Soitec's USCD demo taken by Boulevard resident



Soitec CPV brochure's misleading statements

http://www.soitec.com/pdf/brochure_cpv_en.pdf

- “No water needed for operation or cooling”
- “Minimal impact on vegetation and wildlife”
- “Few site requirements (no grading or water required)”
- “Low environmental footprint”
- “No need for water during operation or for cooling”
- “Optimum use of land”
- “Soitec uses the most reliable tracking systems, enabling constant energy production even at high wind speeds and requiring only simple maintenance for gears and motors”

SDG&E is amending Power Purchase Agreement to move Boulevard projects to Imperial Valley

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

- Nov 27, 2013: SDG&E's pending AL 2552-E for third amendment to each of four PPA for Soitec's Tierra Del Sol Solar Farm LLC; LanWest Solar Farm LLC, LanEast Solar Farm LLC, and Rugged Solar LLC to relocate each project from Boulevard, CA to Imperial Valley and modifies the Guaranteed Commercial Operation Date
- Soitec appears to be having trouble...

Soitec CPV: Boulevard projects = 168 MW

Only 14 MW in operation globally.

<http://regarchive.sdge.com/tm2/pdf/2552-E.pdf> @ page 2

Another CPV project lost

<http://regarchive.sdge.com/tm2/pdf/2487-E-A.pdf>

- SDG&E's CPUC approved AL 2487-E (11-8-13) for amended and Restated Second Amendment Power Purchase Agreement with CSolar IV West in Imperial Valley
- To accommodate CSolar exercising its rights to change from 100% CPV (Soitec) to 100% PV panels

SDG&E has contract to sell energy from non-existing Soitec projects, starting Jan 2014

<http://regarchive.sdge.com/tm2/pdf/2483-E.pdf>

- In August, the CPUC approved SDG&E's AL 2483-E for bundled energy sales starting Jan 1, 2014 to Exelon Generation Company, Pilot Power Group, Inc and Noble America's Energy Solution LLC
- **Energy projects include Rugged Solar, Tierra Del Sol Solar, LanEast and LanWest (names are slightly different in AL 2483-E)**

AB900 Judicial fast-tracking ruled unconstitutional by Judge

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

- Soitec's judicial fast tracking under AB900 Environmental Leadership certification would force litigants straight to court of appeals
- Ruled unconstitutional—but moving forward
- No notice was provided to Boulevard by Soitec or the County about AB900 application
- The only notice was published on an obscure website.

Soitec's gains—at tax-payer expense

- \$25M Dept of Energy grant for San Diego factory
- San Diego Enterprise Zone Tax Credits
 - *Hiring Tax Credit*
 - *Sales and Use Tax Credit*
 - *Business Expense Deduction*
 - *Net Interest Deduction for Lenders*
 - *Net Operating Loss Carryover*

Only 52 out of 513 jobs promised for Sales and Use Tax Exclusion

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

- May 2012: Sales and Use Tax Exclusion (STE) approved for Soitec's CPV manufacturing plant in San Diego
- December 1, 2013 STE report to state:
 - Soitec already used \$7.35 M (86.27%) of STE and created only 44 of 399 promised jobs
 - Reflexite Soitec Optical already used \$2M (98%) of STE and created only 8 of 114 promised jobs
 - Sources say Soitec is planning to reduce production to 4 days a week / 10 hours a day

Soitec secures EUR 21.3 million for funding CPV research *due to market failure*

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

- **12-29-13 article (emphasis added)**

- “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.”

Fire...

Draft PEIR states that:

– San Diego County Fire Authority (SDCFA) estimates that nearly 17,000 residences (and other structures) may be at risk of loss during a wind driven wildfire within this southeastern San Diego County wildfire corridor (County of San Diego 2011).

Exposed cables & wiring on Soitec's CPV modules are flammable



Unsafe practices: Gas cans left in 100 + degrees next to electrical inverters – no sign of any fire extinguishers or emergency contact information at Soitec's Newberry site

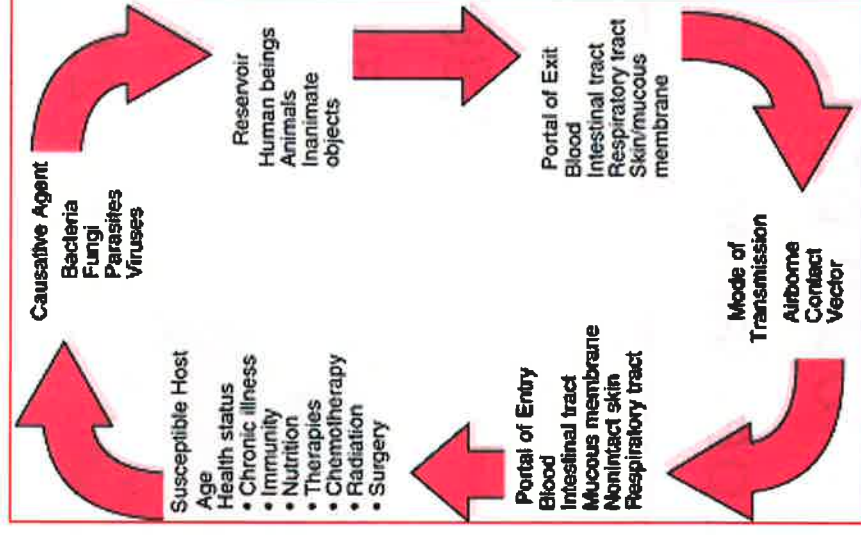


Groundbreaking for New Boulevard Fire Station—Soitec should be required to pay for 24/7 staffing, special equipment & training



- 7,866 SF new fire station
- Training room
- Apparatus bay for up to six emergency vehicles
- \$2.9 million construction cost
- Estimated completion January 2015

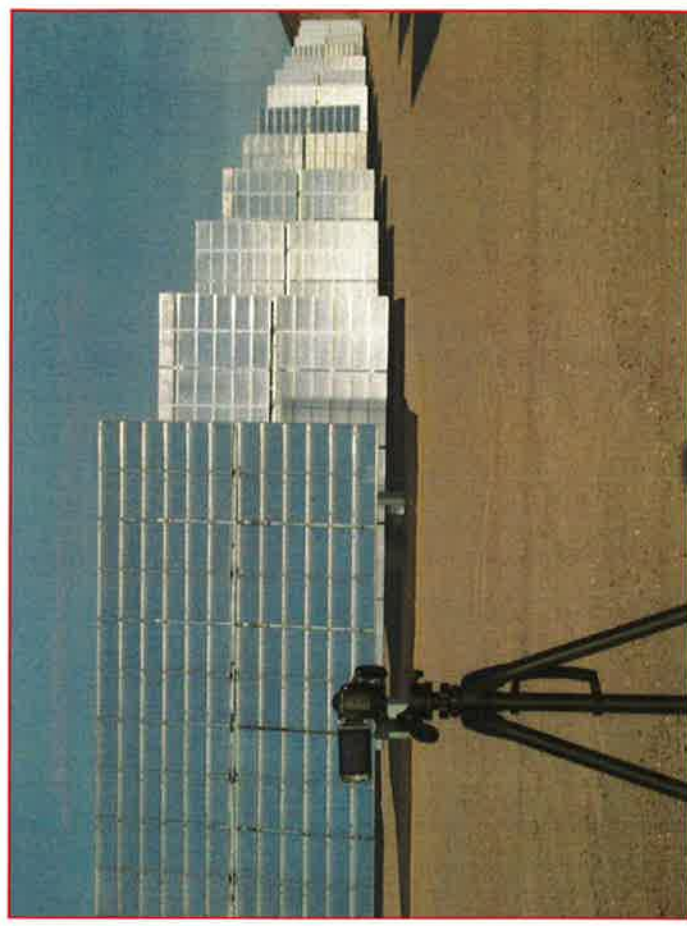
Increased dust & disease from disturbed soils-- including Valley Fever



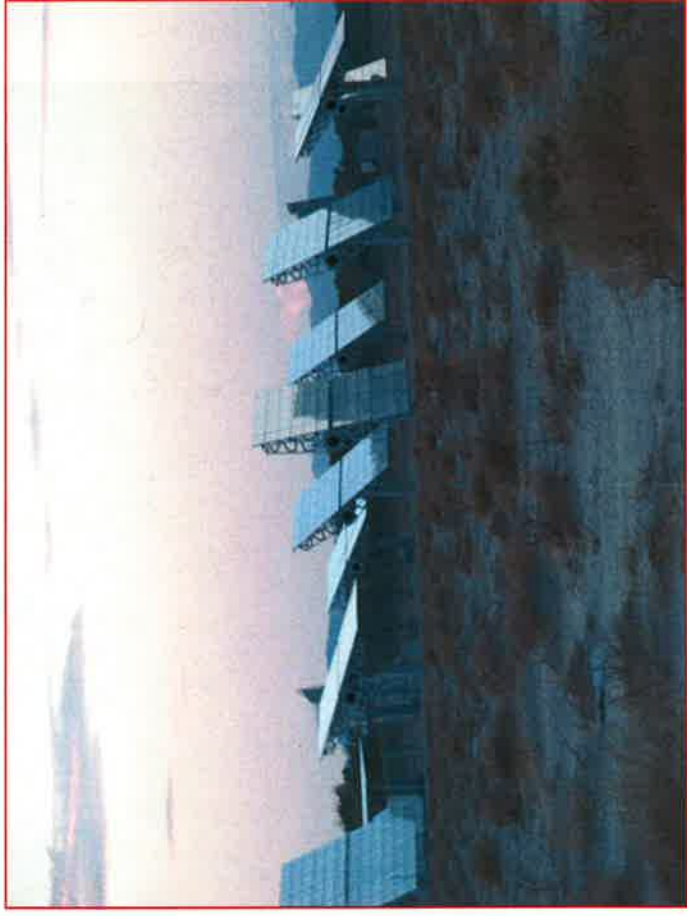
Soitec's 1.5MW Newberry Solar: view from I-40



Glare study @ Newberry Springs
the video camera seems focused too
far to the left



Newberry CPV frame glare at sunset
& going into night time stow position (8-20-13)



Deliveries of replacement for bad CPV panels and glare @ Newberry Springs



Glare @ Soitec's Newberry Solar @ sunset (left) (8-20-13) @ mid-day (right) (12-8-13)



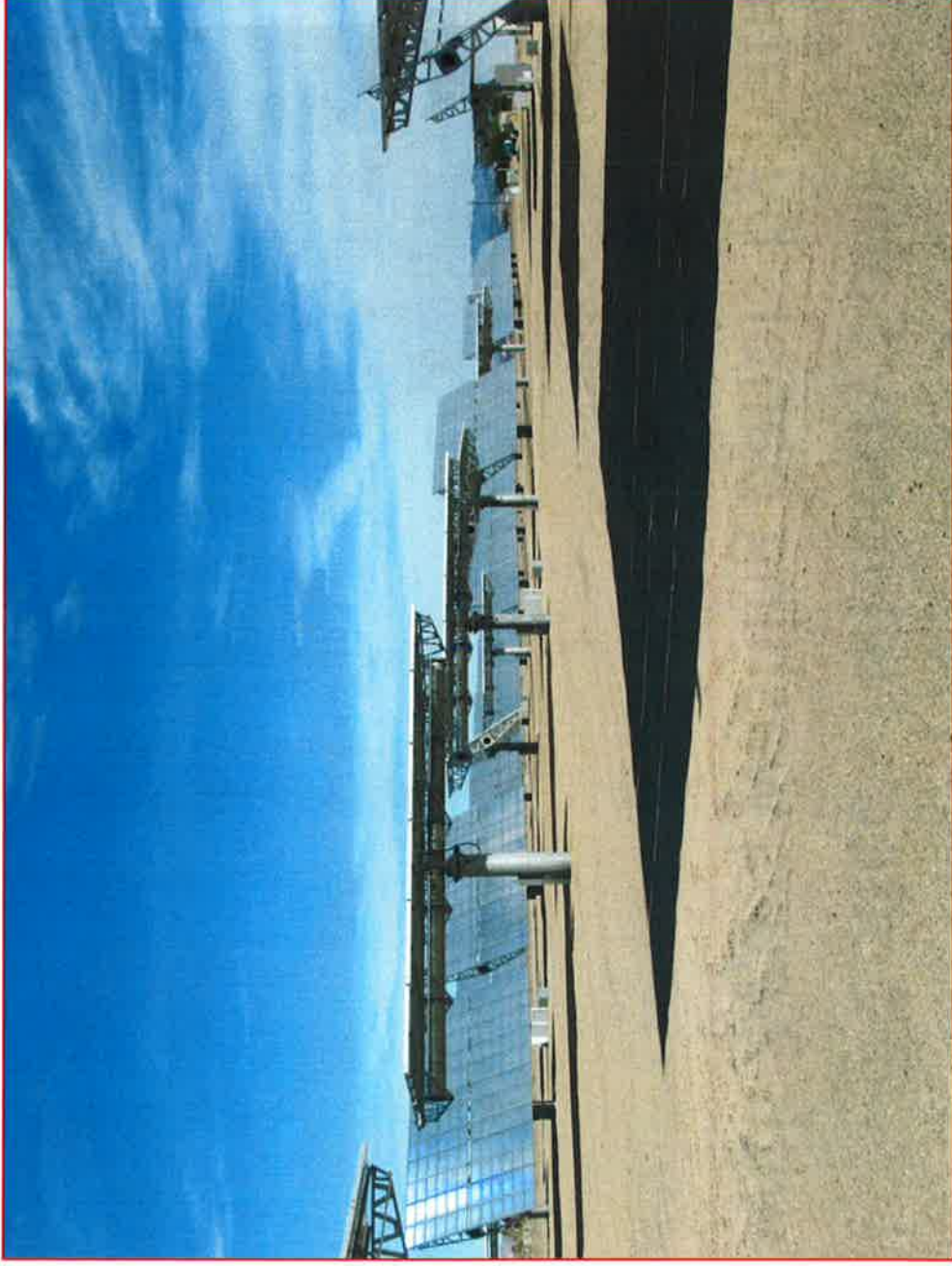
Newberry Glare photo sent by local— CPV out of alignment



Dysfunctional CPV tracker restrained by cable
@ Soitec's Newberry Solar 1
with 2 guys washing panels by hand



This photo shows 11 of the almost 2 dozen
Soitec CPV modules out of commission on
Sunday Dec 8, 2013



Glare & crews working on non-op CPV modules



Soitec's Newberry Springs neighbors complain about increased blowing sand since the site was stripped of vegetation — 1 foot or more of sand buildup along fence (covering straw wattle) in just a few months



GES trucks on-site 12-27-13 @ Newberry Solar 1
Global Energy Services is headquartered in
Beijing China <http://www.global-energy-services.com/>



Glare @ Soitec's 1.5 MW Newberry Solar 1

About 20 or more CPV modules were in the stow/inoperable position and workers were on-site on a Sunday

photos taken by Donna Tisdale on Sunday, Dec 8, 2013

Inoperable & out of alignment



Different view of same module



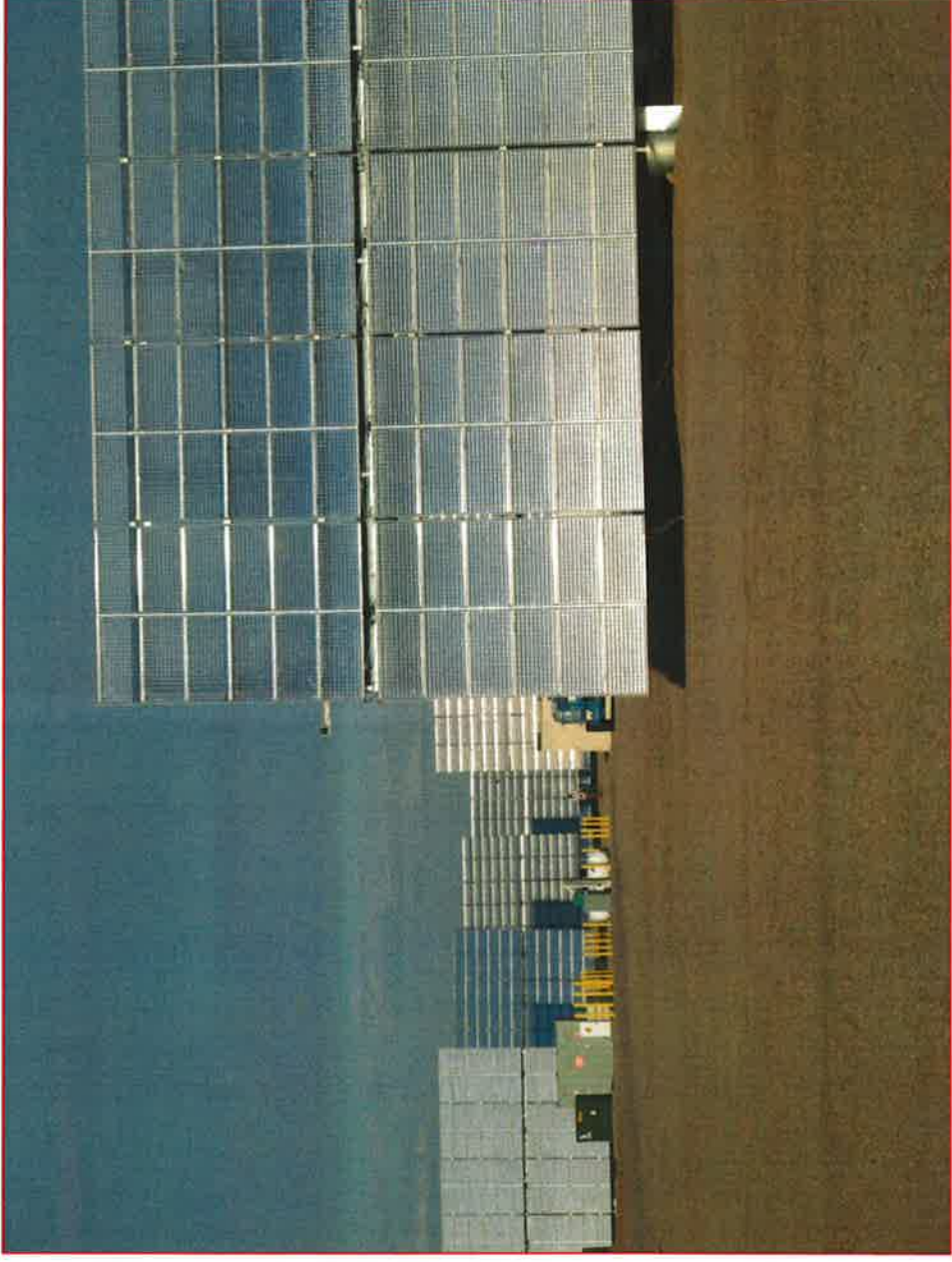
Soitec claims their CPV CX-M500 modules
are coated with anti-reflective coating

<http://www.renewableenergyfocus.com/view/34572/soitec-solar-energy-module-efficiency-highest-of-any-commercial-module/>



Glare study day @ Newberry

Note man near yellow posts for size comparison



Soitec CPV in Newberry: Glare and visual intrusion from several miles away

View from I-40 West (2 units visible in stow position)

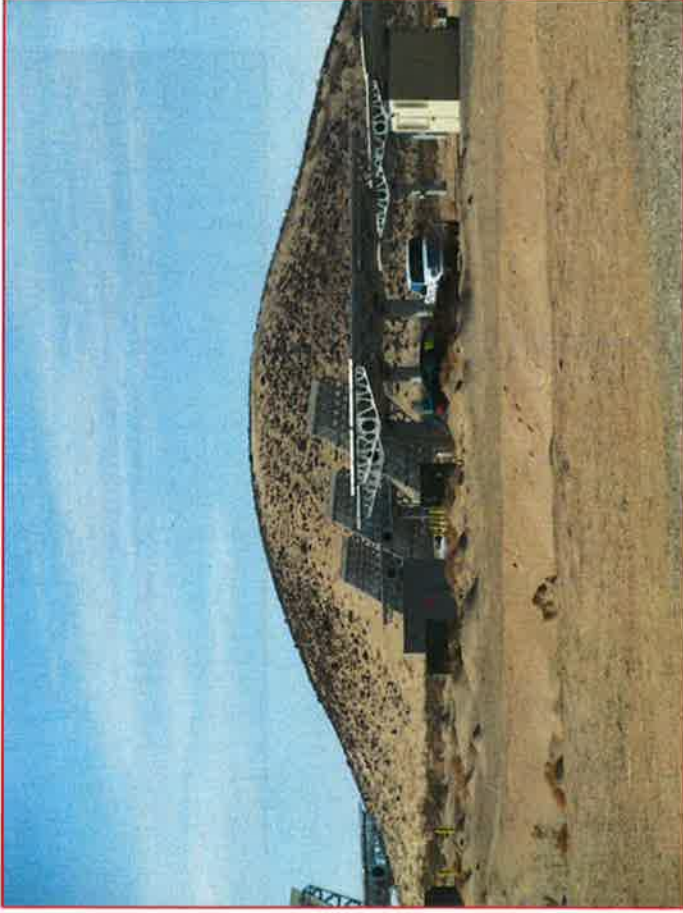


View from Newberry Road (10-11 units visible in stow position)



Soitec's CPV modules not working as documented

Two workers were on-site Aug 21-
8 CPV were in stow in this photo



11 CPV modules in stow position
on Dec 8, 2013, in this photo



7 vehicles were on-site @ Newberry on Dec 27, 2013, trying to fix a dozen or more CPV trackers—the 1.5MW site reportedly was constructed by May, went commercial the first week of December, and is supposed to be unmanned



Issues to be resolved by Board of Supervisors

- **Adopt detailed findings on the feasibility of mitigation measures to substantially lessen or avoid the significant effects on the environment.**
- **Decide whether to adopt feasible mitigation measures.**
- **Because this Program EIR has identified adverse environmental effects that are unavoidable, the BOS must also determine if the adverse environmental effects are considered acceptable with consideration of economic, social, technological, and other relevant benefits of the Proposed Project.**
- **Prepare a statement of overriding considerations as described in CEQA Section 15093 to reflect the ultimate balancing of competing public objectives if the BOS decides to approve the Proposed Project, Proposed Project alternatives, or components of either, which have the potential to cause one or more significant effects on the environment**

Take Action to defend what you love and have invested in...

- Public comments due by 4 PM Feb 17th
- Copies of public comment forms are provided
- Don't be shy
- Ask for help if you need it
- Stand up for your rights
- Don't be bullied into staying silent
- We can do this....
- Contact me at 619 766 4170 or tisdale.donna@gmail.com
- Thank you!

**SOITEC SOLAR'S DRAFT PROGRAMMATIC EIR (DPEIR) FOR 4 BOULEVARD TRACKING CPV PROJECTS:
DRAFT LIST OF ISSUES AND CONCERNS RAISED BY THE BOULEVARD PLANNING GROUP AND OTHERS:**

- ✓ \$469 Million for 2 of 4 projects (Rugged Solar & TDS Solar) = unnecessary increased utility rates & transfer of wealth
- ✓ Experimental nature and unprecedented scale and density of 7,409 Soitec's tracking CPV modules (48'x25' each).
- ✓ Proposed Project CPV modular density = 8,890,800 sq ft = 48.05 Wal-Mart Supercenters (avg. 185,000 sq ft).
- ✓ 168-192 MW (mega watts) proposed in Boulevard with *only 14 MW of Soitec's CVP now operating globally*.
- ✓ Industrial conversion of about 2.3 square miles or rural low-income community to serve distant cities.
- ✓ SDG&E is trying to amend Power Purchase Agreement for Soitec's 4 Boulevard projects to move them to Imperial County & SDG&E has a contract to sell non-existing energy from yet-to-be-approved projects to other entities.
- ✓ Projects are far too-close to existing residences and other sensitive receptors and resources.
- ✓ Boulevard Community Plan Amendments to allow commercial industrial projects where they don't belong.
- ✓ Increased dust storms, air quality impacts, and water flow changes from removal of established / native vegetation.
- ✓ Significant and unmitigable visual impacts, glint and glare, altered views and landscapes.
- ✓ Loss of visual, cultural, biological, historic resources, community character, property values & quality of life.
- ✓ Increased risk of wildfire ignition from electrical and flammable components and impediment to fire fighting.
- ✓ NEED FOR SOITEC SOLAR TO FULLY FUND 3-4 CAREER BOULEVARD FIRE FIGHTERS / DRIVER OPERATORS 24/7, WITH SPECIALIZED ONGOING TRAINING, SPECIAL EQUIPMENT FOR ELECTRICAL FIRES, AND MORE—FOR THE LIFE OF THEIR POTENTIALLY WILDFIRE-SPARKING PROJECTS THAT INCREASE RISK AND ALTER FIRE FIGHTING TACTICS.
- ✓ Need for moratorium on all energy /infrastructure projects until Boulevard Fire is formally re-designated from a volunteer fire station to a PAID/STAFFED station that is specially trained and equipped for electrical fires.
- ✓ Loss of fragrant chaparral habitat and related carbon sequestration above and below ground.
- ✓ Over 50 million gallons of irreplaceable groundwater resources for construction.
- ✓ Potential well interference and /or overdraft related to project construction and operation.
- ✓ Adverse impacts and overburdening of substandard dead end project access roads that were never designed for 12-18 months of daily heavy construction traffic: Ribbonwood Road, Tierra Del Sol Road, Jewel Valley Road and McCain Valley Road. SOITEC SHOULD BE REQUIRED TO BRING SUBSTANDARD PROJECT ACCESS ROADS UP TO CURRENT STANDARDS AND KEEP THEM MAINTAINED FOR LIFE OF PROJECTS (25-40 OR MORE YEARS).
- ✓ Potentially harmful and disruptive levels of increased noise, low-frequency noise, and vibrations.
- ✓ Potentially health threatening levels of electrical pollution through ground currents, air, and /or utility lines.
- ✓ Disproportionate adverse impacts to low-income rural community from numerous projects
- ✓ Point-of-use alternative renewable energy and energy efficiency projects and initiatives are the preferred alternative to meet current laws—not the unnecessary disruption and conversion of rural neighborhoods, family investments/nest eggs, quality of life, public health and safety, and valued resources.

