

MINUTES/ SUMMARY FOR BOULEVARD PLANNING GROUP MEETING HELD ON 4-3-12

(Note : this meeting was moved from usual 1st Thursday schedule)

1. MEETING CALLED TO ORDER: 7:03 pm

2. MEMBERS PRESENT: Rett Lawrence ; Manuel Rivera ; Chris Noland ; Donna Tisdale ; Tammy Daubach and Jeffrey McKernan . **Absent:** Audra Burgio . Chair reminded everyone that odd seats are up for election in November and those interested in running need to file with the Registrar of Voters by June.

3. MINUTES /SUMMARY FOR MARCH 1, 2012 : M/S: Lawrence/Noland: Approve : Passed: 6-0-0

4. CORRESPONDENCE:

- County Counsel provided a "NO" response to Chair's question on the Group taking action on proposed legislation (AB2551 renewable energy infrastructure zones) that could impact the Boulevard Planning Area.
- Announcement received for April 5th Jamul Casino workshop: 4-8 PM
- County notice that SDG& E was approved to work on Sundays in La Posta, I-8 East of McCain Valley Road
- Dept of Interior DRECP notice of plan amendments . Chair reminded Group that previous approval had been granted to submit comments on the DRECP.

5. NEW BUSINESS/ACTION ITEMS :

Border Patrol Agent Marzec gave an update:

- He had tried to contact SDAA, through their website and phone calls, regarding dark sky impacts from border lights.
- No one has returned his calls or e-mails. Issue must be outdated.
- New Boulevard station will have dim red lights on poles with some aviation lights radio controlled by pilots
- Checkpoint bust of 117 # of cocaine found in false compartment. Regular drug busts every day.
- Agents will move into new station in 2013 First Quarter
- Old station will be decommissioned, started today.
- Property will be restored to previous condition.

A. PILOT COMMUNITY DEVELOPMENT / MITIGATION NON-PROFIT PROPOSAL:

- Jim Whalen stated they want to create a vehicle to accept mitigation funding, over the long-term, from developers of local impact projects.
- No limit on funding, but there are limits on use of funding.
- Non-profit can be used with tools to give community control.
- Whalen introduced Rich Geisler , an attorney / expert previously with redevelopment agency Southeastern Economic Development Corporation (SEDC).
- Geisler said the proposed Public Benefit Corporation is meant to be a vehicle to mitigate impacts and benefit the community by accepting monies, grants, fundraising. Donations would be tax deductible.
- They are working in partnership with developers and there is some interest from renewable energy developers to participate. Community should put together a wish list.
- Whalen said the County is not requiring cumulative impacts mitigation.
- Miguel Rivera asked how we can assure that developers will not control the proposed non-profit.
- Bylaws were mentioned as an option.

- The Chair raised concerns with Hamann Company related charities and other outside interests dominating and controlling money and agenda that could benefit them more than the community
- The Chair also pointed out that the same thing can be done with existing community based 501(c) 3 non-profits like Boulevard Jacumba United Alliance for Public Safety, Inc (11 members from 3 communities) and Community Assessment District options that don't eliminate the 2/3 vote requirement like the proposed AB2551 does.
- Tammy Daubach also made reference to Boulevard/Jacumba Revitalization Committee 501(c)3.
- Whalen said non-profit bylaws can require only "locals" but that raised concerns over absentee property owners / developers claiming *they are "locals"*.
- The Chair noted the need for the Planning Group's compliance with Policy I 1, the Brown Act and full disclosure, while non-profits do not have to hold public meetings or make such disclosures of funding and conflicts.
- Whalen responded to questions on Hamann charities / land ownership by saying the money generated by project components on those particular parcels will go to those charities . We can look them up on Guidestar.com.
- Whalen also stated that he gets conservation grants for his clients but they need matching funds.
- Chris Noland reported on his meeting with Dianne Jacob, Jim Whalen, John Gibson (Hamann Companies), Adam Wilson, and Deputy County Counsel on Whalen's project mitigation non-profit.
- Dianne Jacob told them the Planning Group has to separate the decisions from any non-profit.
- Basically, we can oppose the project and the community benefit money can go to the non-profit.
- Project decisions cannot be linked to or based on mitigation benefits.
- Rett Lawrence urged caution before going too far, saying we need to look at SEDC's legal problems that he was aware of. He feels we are heading for a fall.
- Whalen said Geisler had been a whistle blower at SEDC.
- Whalen and Geisler agreed to provide basic strategy , draft bylaws, with list of bullet point options.
- No action taken.

B. TULE WIND : REVIEW AND RESPOND TO REVISED DONATION AGREEMENT; RECONFIRM OPPOSITION TO TULE WIND MUP & GPA:

- Manuel Rivera stepped down and recused himself, disclosing a conflict because the Tule Wind gen-tie line ROW crosses his land. That ROW was arranged prior to his purchase of the property.
- The Chair announced that the Tule Wind MUP Planning Commission hearing is set for Friday, May 18.
- It was also reported that the Tule Wind donation agreements with Mt. Empire Unified School District and Mt. Health Center had been revised to make them neutral instead of the previous quid-pro-quo requirement to support the project in exchange for the money. The MEUSD Board voted to make that change.
- The Mt. Health Tule Wind agreement (non-profit) is confidential.
- The new Tule Wind proposal ,to provide an additional \$20,000 per year to local community, for the life of the project (up to \$600,000), was reviewed and discussed.
- The new benefit is conditioned on Group support and County approval to allow for an overhead 138kV gen-tie line, instead of proposed undergrounding of the line, between BLM land and the new Boulevard Substation.
- There was no support for the new Tule Wind proposal.
- Discussion centered on cumulative visual impacts and fire risk with overhead lines from multiple projects, especially along scenic Historic Route 80.
- When asked directly, Rivera said he preferred underground lines so he would not have to look at them.

ACTION 1: M/S: McKernan/ Lawrence: Deny Tule Wind request to support overhead gen-tie lines (in exchange for new annual community benefit of \$20,000 per year for total of \$600,000), due to fire safety, visual resources, and General Plan compliance for undergrounding utilities for new developments. Passed 5-0-1 (Rivera abstained)

ACTION 2: M/S: Tisdale/Lawrence: Reconfirm opposition to Tule Wind MUP and General Plan Amendment: Passed: 5-0-1 (Rivera abstained)

B. SOITEC 5.4-6.5 MW LANWEST SOLAR LLC MAJOR USE PERMIT (PROJECT #P12-002):

- Jim Whalen reported the County staff toured the site last week to review content of tech reports for validity
- Still addressing our list of concerns/issues/ questions
- Fire planning is underway. This type of project is totally new for fire department.

6. UPDATES / POTENTIAL ACTION ITEMS:

A. REDTAPE TASK FORCE RECOMMENDATIONS:

- Chair reported that on March 29 the Board of Supervisors took action to retain Planning and Sponsor Groups with the major change being a requirement to rotate the Chair every two years.

B. APRIL 5TH PUC PUBLIC HEARINGS ON SDG&E'S REQUEST (A0908020) FOR RATE PAYERS TO COVER WILDFIRE LIABILITIES THAT EXCEED INSURANCE LIMITS:

- Reminder of two public hearings will be held on Thursday, April 5th at 2 & 6 PM at the Al Bahr Shrine Auditorium, 5440 Kearny Mesa Road.

C. SDG&E'S SUNRISE POWERLINK /COMMUNITY UPDATE:

- Cameron Durckel was a no -show.
- Rett Lawrence shared SDG&E's announcement of new mobile command centers reported to cost \$93k each.

D. BOULEVARD /JACUMBA /LA POSTA FIRE SAFE COUNCIL:

- Next Mountain Empire Disaster Preparedness meeting is 1:00 April 10 in Campo.
- Free chipping may be available
- Family night is 6:30 April 30 at Boulevard Fire Training Room
- Greater San Diego Fire Safe Council meeting
- Ecological restoration in Cleveland National Forest
- It was reported that Forest Supervisor, Will Metz, said Chaparral is now at risk due to development and fires
- SDG& E is giving away free trees
- Community sign has been vandalized

E. BOULEVARD /JACUMBA REVITALIZATION REPORT:

- Tuesday, April 9 Mt Empire Collaborative meeting at Campo Community Center
- Lake Jacumba project is "on".
- New Jacumba spa owner is cleaning things up. Drug mess going down.
- Community Garden issues were discussed

- Gordon/Gordy, Greg Lansing's property manager, offered to ask about using Haagan's corner lot for a garden. It already has a well and power.
- It was reported that 3 mountain lions had been killed in the last 30 days on I-8.
- Concerns were raised that the Sunrise Powerlink construction was disrupting wildlife and forcing them out of their normal habitat and into dangerous and fatal situations.

F. WIND ENERGY ORDINANCE & PLAN AMENDMENT DEIR:

- Planning Commission hearing set for 9 AM April 13, comments due by close of business on April 3.

G. VERIZON'S WHITESTAR COMPLAINT/MUP :

- Report on March 9 Planning Commission action approving the MUP. Nothing new from the engineer.

H. SOITEC'S 20 MW LANEAST LLC :

- Groundwater is higher than expected /emerges
- Meets ACOE and County wetland definitions
- ACOE requires 3 out of 3 definitions
- County only requires 1 of 3 definitions

I. SOITEC'S 80 MW RUGGED SOLAR LLC MUP (MAP) 3992-1108:

- 30 days until formal MUP submission. No big surprises
- SDG&E plans to be at Rough Acres Ranch
- County lost all of groundwater lawsuit in court last week can no longer regulate groundwater.
- Whalen agreed to find and send groundwater court case/ ruling to Chair
- Whalen responded to Chair's question on Thibodeau MET application that the 30' Meteorological test tower was no longer planned for that property and would likely be installed at different location in Tierra Del Sol area.
- County will not allow Soitec to co-locate new MET with Jewel Valley MET on Lansing's Empire Ranch land near Tierra Del Sol Road.
- Whalen asked if Group would appeal new MET tower, stating it was futile and will cost the County \$10,000.

J. SOITEC'S 45-60 MW TIERRA DEL SOL (TDS) SOLAR FARM LLC: MUP Pre-App. 3992: 11-022:

- Jim Whalen stated the TDS solar project is at the end of the Soitec line.
- Technical studies are just starting
- Questions were asked about TDS solar connecting to new SDG&E substation planned for Jewel Valley area.
- Whalen said he was not aware of a Jewel Valley substation proposal responding that the PUC ALJ for ECO Substation had selected SWPL/ Jewel Valley route undergrounding for the new ECO Substation transmission line to Boulevard.

K. AMONIX JACUMBA SOLAR POWER : Major Use Permit (MPA) 11-1014:

- It was reported that Bill Pape had stated that Amonix had withdrawn their project, but no one had heard or seen any evidence of that withdrawal.

L. BP SOLAR NORTH AMERICA LLC: 20 MW JACUMBA SOLAR / MAJOR USE PRE-APP 3992-11-023:

- Nothing new.

M. ECO SUBSTATION / TULE WIND/ ESJ FEIR/EIS (CPUC APP A.09.08.003):

- The PUC Assigned Administrative Law Judge's Proposed Interim Decision to certify the FEIR/EIS was released March 19

N. SOLFOCUS SOLAR PROJECT APPLICATIONS FOR BOULEVARD/CRESTWOOD:

- Boulevard / Crestwood locations not yet disclosed despite CPUC approval of SDG&E Power Purchase Agreement that discloses a new \$13 million cap on network upgrade costs that can be passed on to rate payers.
- 450 MW \$1.5 B SolFocus project was recently announced outside of Tecate, on the Baja California side of the border.

O. CAMPO NATION/INVENERGY/SDG&E'S 160-250 MW SHU'LUUK WIND PROJECT

- The Chair reported that an Invenergy rep informed her that the DEIS should be released this summer.

P. ENEL'S 158 MW JEWEL VALLEY WIND & 10 MW SOLAR:

- Nothing new to report

Q. ROUGH ACRES RANCH CAMPGROUND MUP CASE #3992-11-002; MCCAIN VALLEY ROAD: APN #'S 611-060-03; 611-070-01; 611-070-03 AND 611-030-01 KIVA #11-0138043;

- Concerns were raised again with the placing campers / families in such close proximity to inmates at the McCain Valley conservation prison camp.
- A CDCR employee was present. They were asked did confirm that McCain camp has housed violent felons, homicides had been committed there, and drug drop-offs had also occurred. In their opinion, it was not a good place for a family campground.
- CDCR is also changing the point requirements that will allow more violent prisoners to be housed there.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS:

- No formal action can be taken on items that are not on the agenda. Public comment, or other agenda items, may be taken out of order upon request

8. MEETING ADJOURNED AT 9:30 pm.

Minutes approved by group on: 5-3-12

For more info contact: Donna Tisdale, Chair: 619-766-4170 or tisdale.donna@gmail.com