

**COUNTY OF SAN DIEGO
BOULEVARD PLANNING GROUP**

*****APPROVED MEETING MINUTES/SUMMARY FOR APRIL 4, 2013*****

MEETING CALLED TO ORDER AT 7:15 PM @ Boulevard Fire Training / Community Room

A. ALL MEMBERS PRESENT 1) Robert Maupin; 2) Melody Ponchot; 3) Chris Noland; 4) Donna Tisdale; 5) vacant; 6) vacant; 7) Jeffrey McKernan: The Chair reminded those present that vacant seats 5 and 6 are open for application to registered voters living within the Boulevard Planning Area

B. PLEDGE OF ALLEGIANCE

C. MINUTES FOR THE MARCH 7, 2013 MEETING WERE APPROVED: M/S: McKernan; Maupin: Approve: Passed 5-0-0

D. PUBLIC COMMUNICATION: No public comments were made on non-agenda items

E. ACTION ITEMS:

1. **PROPOSED FINAL EIR RELEASED FOR WIND ENERGY ORDINANCE & PLAN AMENDMENT. BOARD OF SUPERVISORS HEARING TENTATIVELY SET FOR MAY 8TH:**
 - Issues and options were discussed
 - Rough Draft resolution was distributed and reviewed without objection
 - Jeff McKernan raised numerous non-compliance issues and concerns, also noting that “section 1” in County documents listed a single contact during their information gathering: Endurance Wind
 - The Chair urged critical public participation at May 8th hearing where a decision could be made , or
 - The Board could decide to incorporate the Wind Ordinance into Dianne Jacob’s proposed Comprehensive Renewable Energy Plan
 - Chair asked if a special meeting should be scheduled for Thursday, April 11 to finalize resolution and review additional input from members and public
 - Action 1: M/S: McKernan/Ponchot: Authorize chair to submit detailed comments reflecting group’s position and actions: Passed: 5-0-0.
 - Action 2: M/S: Noland/McKernan: Authorize Chair to schedule a Special Meeting at 7 PM on April 11th to finalize group comments: Passed: 5-0-0.

2. **COMPREHENSIVE RENEWABLE ENERGY PLAN:**
 - Discussion of Supervisor Jacob’s Board letter for April 10th Supervisors’ meeting recommending a more comprehensive plan to explore and maximize opportunities and reduce costs to consumers.
 - Discussion of Supervisor Jacob’s previous request to update the County’s energy strategies and loading order (conservation, efficiency first, then local renewables including DG solar, fuel cells, combined heat and power, ICE Bear, and geothermal pumps that use the earth’s energy.
 - Chair raised need to emphasis that any renewable energy zones should be targeted for the already built environment like industrial, commercial, and government complexes with lots of roof and parking lot space—where the energy can be used on-site and not require extensive and expensive and disruptive new transmission lines.
 - M/S: McKernan/Noland: Support Supervisor Jacob’s comprehensive renewable energy plan recommendations in April 10th Board Letter and incorporation of the Wind Energy Ordinance: Passed: 5-0-0.

3. **LIVE OAK SPRINGS WATER COMPANY: BULK WATER SALES; SOURCE CAPACITY ASSESSMENT & CPUC INVESTIGATION PROCEEDING # I.12-08-004 &:**

- Nazar Najor and Trey Driscoll from Dudek were present for Live Oak Springs Water Company (LOSWC).
- The Chair noted and apologized for the late notice given to Mr. Najor, and reported that numerous and ongoing complaints and requests for help have been received from residents regarding unauthorized bulk water sales for large-scale projects, cumulative adverse impacts to private wells, water district wells, overall water resources, service reliability, and oak tree mortality, poor service and maintenance
- Najor provided handouts and stated his case with Mr. Driscoll responding to some questions.
- The Chair had Public Records Act response documents, in hand, provided by DEH, by Albert Schiff with CPUC DWA, and documents downloaded from the CPUC proceedings page for this subject.
 - CPUC Division of Water Audits Oll proceeding # **1.12-08-004** is to consider receivership and new owners for LOSWC.
 - Current CPUC and DEH joint agreement and requirement for a Source Capacity Study (SCS) prior to bulk water sale authorization based on sustainability and public health and safety.
 - CPUC Notice of Violation, dated 3-21-13, notifying LOSWC that unauthorized bulk water sales to SDG&E's contractor put them in violation of the current suspension and are subject to fines.
 - County DEH and CPUC agree that they have a right to require source capacity studies for wells for bulk water sales.
 - Dudek's draft Source Capacity Study (SCS) has been rejected by the County as inadequate with questions on actual well logs and production rates.
- Trey Driscoll confirmed that in addition to working on Live Oak Springs he is working on Soitec Solar's Tierra Del Sol and Rugged Solar projects for the applicant.
- Bob Maupin has some issues and complaints with Dudek work on his well for Tierra Del Sol Solar studies.
- Najor reported taking the County to Court and winning. He has federal case against 9 County employees.
- He alleged that LOSWC is the only company that has to do a SCS which is prejudicial and that the County went to CPUC, bypassing required MOU coordination.
- Najor reported requesting a CPUC hearing and alleged that the County brought false information to that 2-day hearing with the CPUC's Administrative Law Judge.
- Najor said he has no problem with requests to document water resources but he needs to file for almost 50% rate increase to cover SCS costs and loss of bulk water sales income.
- LOSWC had a \$15,000 loss last year.
- The Chair questioned the viability of a rate increase due to pending CPUC receivership decisions.
- Najor reported already spending \$25,000 on SCS that shows he can sell 80,000 gallons per day, but the County is doing everything it can to block his sales so he will lose the Beta contract for ECO Substation.
- SDG&E pays 3 times what Live Oak Springs ratepayers pay. He wants SCS testing completed to coincide with SDG&E restart of ECO Substation construction in June so he can re-start those bulk water sales.
- Nazar also stated that the County asked LOSWC to cut the lines that service the fire departments like the 50 water trucks filled allowed up for free for the Shockey Fire.
- Chair recommended sending a letter to Supervisor Jacob and DEH relaying community concerns with ongoing issues with Live Oak Springs Water Company and opposition to bulk water sales that place water customers, adjacent private well owners and water sensitive oak trees and habitat at risk.
- Najor requested that the Group support bulk water sales of any test water produced during 10-day well production tests for the Source Capacity Study so that water would not be wasted and funds could be put back into the water district. He was selling 30,000 gallons per day that would have to be dumped.
- Jeff McKernan thought Najor's request was reasonable—during testing only.
- Chris Noland, a geologist, asked about the 10-day test instead of usual 72-hour test.
- Trey Driscoll said California regulations Section 64554 requires 10-day test for source capacity study and they are working with Peter Neubauer and Kevin Heaton at DEH.
- Driscoll said they will pump at full capacity for 10 days. 3 wells produce roughly 55 gpm, 30 gpm and less than 5 gpm. Transducers will electronically monitor water levels, including threshold levels.
- Nazar reported SDG&E conducted positive 1993 capacity study.

- Chair noted that the validity of those well production rates had been questioned by the County and others and that 1993 was one of several wet El Nino years with high rainfall and groundwater levels.
- Noland asked if LOSWC water wells were potable or non-potable and stated that the usual dumping of test water onto the ground or into stream beds requires additional time consuming and potentially costly and problematic permits.
- Driscoll said the 30 gpm well (#1) was non-potable with low level bacteria.
- ***M/S: Noland/ McKernan: Support Source Capacity Study (SCS) and the sale of bulk water produced during the during the duration of well tests for that SCS; Passed 5-0-0***

4. **REPAIR OF HISTORIC DEPRESSION ERA WPA ROCK WORK ON TIERRA DEL SOL ROAD:**

- Chair reported no action was needed because DPW had responded to repair requests in record time.
- Additional WPA rock work will be repaired soon.

F. GROUP BUSINESS: Announcements; Correspondence Received; discussion items; project updates:

1. Border Patrol: No BP presence due to other obligations

2. Revitalization: Tammy Daubach gave report:

- Hosted Border Patrol Community Watch meeting on March 17th
- BP funding will be cut so they are doubling up. Smugglers are testing the waters.
- April 2nd Revitalization meeting raised concerns with lack of participation from Boulevard. Need direction, input, and support from residents for Boulevard projects.
- Supervisor Dianne Jacob's Revitalization meeting will be from 9:30-11:30 AM on April 12th at Campo Community Center.
- April 30th revitalization fund raising meeting at 6:30 PM at Jacumba Library.
- May events include Jacumba Jazz Festival and Campo Round-Up.?
- Cherry Diefenbach is writing a book on history of Boulevard / Jacumba. Proceeds will benefit the Women's Club. Cherry needs pictures, documents and knowledge of local history. Contact Cherry: 619-473-9900 or csdiefenbach@sbcglobal.net
- Jacumba Hikers/Walkers has new schedule posted

3. Fire Safe Council: Tammy Daubach gave report

- \$26,000 received from SDG&E for ECO Substation mitigation. Line route keeps changing. Waiting to learn which direction those new lines will going so those impacted homeowners get first chance at fire suppression efforts.
- Tule Wind and Energia Sierra Juarez funds are pending.
- Chief Francois reported new fire department plans had been accidentally done in residential and are going back to the drawing board. No progress until 2014. Joint fire/sheriff use being discussed.
- Mountain Empire Disaster meeting will be April 9th at Campo Community Center @ 1PM.
- Next Revitalization meeting on April 29th @ 6:30 PM at Jacumba Fire Department

4. Other: none

5. **IBERDROLA'S 200 MW TULE WIND RECORD OF DECISION AMENDED:**

- BLM Record of Decision (ROD) was amended to allow overhead instead of underground gen-tie line to avoid cultural resources

- Whalen said SB33 will be vehicle to fund undergrounding of utilities so we should support it.
- Chris Noland said it is just another vehicle to give more dollars to developers.
- BIA ROD pending for Ewiiapaayp turbines
- State Lands Commission decision also pending.

6. **PROGRAMMATIC EIR FOR 4 SOITEC SOLAR PROJECTS TOTALING 1,473 ACRES AND 168.5 MW OF CONCENTRATING PV SOLAR: ACT ON FORMAL GROUP ENDORSEMENT OF COMMENTS FILED BY THE CHAIR IN JANUARY:**

- Consultant Jim Whalen was present for developers.
- EIR resubmitted and is in drafting with Dudek
- Whalen responded to what he meant by his statement that *the difference between daytime and nighttime operations is that at nighttime, the energy goes to ground (comments on June 2012 minutes)*, by saying that grounding limits expense.
- Whalen responded to what he meant by *his "after abatement" comment in his Backcountry Messenger piece on Boulevard and PR statement on SB33* by saying he would need to see his full article to remember.

7. **ROUGH ACRES RANCH CAMPGROUND/CONFERENCE CENTER/ROCKCRUSHING: MUP #11-002; 3300-12-020(P12-020),3300-12-021(P-12-021):**

- Whalen was present for developers and land owners
- They expect to file resubmittal documents in late April
- Marie Morgan asked when rock crushing will start
- Whalen said the new (Rough Acres Ranch) road is not approved yet but will be first road used for rock crushing operations.
- Rock can be used for Tule Wind, Soitec, and other projects
- Linda Shannon asked about trail access through Rough Acres Ranch to BLM lands, like they have had for the last 20 years.
- Whalen said there may be a trail map.

8. **INVENERGY'S 160-250MW SHU'LUUK WIND & SOLAR DEIS:**

- No real news available

9. **SOL ORCHARD BOULEVARD SOLAR MAJOR USE PERMIT APPLICATION (P12-025) FOR 108 ACRES SOUTH OF OLD 80 AND EAST OF TULE JIM ROAD:**

- No real news available

10. **SDG&E's APPLICATION PERMIT TO CONSTRUCT TRANSMISSION LINE 6931: FIRE HARDENING /SHU'LUUK WIND INTERCONNECTION PROJECT: CPUC APPLICATION NO. 12-12-007:**

- No date set yet for CPUC pre-hearing conference with assigned Administrative Law Judge, SDG&E, and interveners

11. **POTENTIAL BOULEVARD /JACUMBA HISTORIC DISTRICT:**

- 501 c 3 is pending

- Tammy reported memo was found that reported Corrections Department was having trouble finding inmates to fight fires due to prison release. May sell McCain Conservation Camp to County.

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

- Nothing new-likely waiting for wind ordinance decision
- Persistent rumors that Enel has dropped out of Jewel Valley Wind project.

13. **SDG&E's NEW 85-ACRE ECO SUBSTATION, 13 MILES OF TRANSMISSION LINE, AND NEW EXPANDED BOULEVARD SUBSTATION:** Approved by the CPUC and BLM. Construction currently underway:

http://docs.cpuc.ca.gov/PUBLISHED/FINAL_DECISION/169646-07.htm.

- Substation footprint cleared of vegetation, reportedly to keep birds from nesting there.
- Live Oak Springs Water Company violation suspended unauthorized bulk water sales to SDG&E's ECO Substation's contractor and
- Construction was reportedly halted due to loss of water earlier than planned stop for nesting season.
- Jacumba Water District reportedly has installed meters in the warm-water wells that contractors are using and monitoring water depth
- Jacumba water district pipes were vandalized after new spa owner was forced to remove illegal bath tubs.

14. **SEMPRA'S CROSS-BORDER TRANSMISSION LINE WILL CONNECT THEIR ENERGIA SIERRA JUAREZ WIND PROJECT WITH SDG&E'S ECO-SUBSTATION:**

- Nothing new to report

G. MEETING ADJOURNED. NEXT MEETING SET FOR MAY 2, 2013:

Approved by Group as amended on June 6, 2013: M/S: Noland/Maupin: 5-0-0

Submitted by Donna Tisdale, Chair: 

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

Boulevard Planning Group Minutes & Agendas are posted on the County's website:

<http://www.sdcounty.ca.gov/pds/Groups/Boulevard.html>