

**COUNTY OF SAN DIEGO  
BOULEVARD PLANNING GROUP  
\*\*\*APPROVED MINUTES/SUMMARY FOR JULY 11, 2013\*\*\***

**MEETING CALLED TO ORDER: 7:05 PM, Thursday, July 11, 2013** *(moved from regular first Thursday that fell on July 4th)*

**A. ROLL CALL:**

- **Members Present:** 1) Robert Maupin; 2) Melody Ponchot; 3) Chris Noland; 4) Donna Tisdale; 7) Jeffrey McKernan
- **Seats 5 & 6 Vacant:** The Chair announced that seats 5 and 6 are open for application to registered voters living within the Boulevard Planning Area and that Nazar Najor had hand-delivered an application at last meeting.

**B. PLEDGE OF ALLEGIANCE:**

**C. MINUTES FOR JUNE 6<sup>th</sup> MEETING:**

- **M/S: Noland/Maupin: Accept as amended: Passed 5-0-0**

**D. PUBLIC COMMUNICATION:**

- None

**E. ACTION ITEMS:**

1. **NAZAR NAJOR'S APPLICATION FOR A SEAT ON THE PLANNING GROUP:**

- Mr. Najor chose not to make a statement regarding his desire to serve the community
- In response to questions asked by Planners Noland and McKernan, Mr. Najor made the following responses:
  - He sees the Planning Group as slow-to-no growth.
  - He would need to look at applications for industrial development to see what they could do for the community.
  - Sunrise Powerlink was delayed by two years but was built anyway, so the community should have supported it to get community benefits from SDG&E.
- Planner Maupin said he was hearing that Mr. Najor was taking the "Bob Filner" approach--to go along with a project for money.
- The Chair stated she could not support Mr. Najor's application based on her knowledge and first hand experiences with him, including recent actions taken against him by the CPUC including the Administrative Law Judge's recent proposed decision to take Live Oak Springs Water into receivership along with the resort and fines of \$1 million or so for misrepresentations during the proceedings.
- Mr. Najor expressed his distrust of the Chair, calling the Chair a liar.
- The Chair reminded Mr. Najor that Planning Group members were elected on platform of keeping the area rural to protect quality of life and the investments of those who choose to actually live here.
- M. Morgan questioned if Mr. Najor's heart was in supporting the community or seeking revenge
- L. Shannon said she supports the Group who works for the majority of the community, but does not support industrialization or those who support industrialization.
- C. Diefenbach asked Mr. Najor if he knew that the governing document to review projects is the community plan and that these projects are not in compliance.
- Planner Ponchot noted that Live Oak Springs had gone downhill since Najor took over.

- There was no support for Mr. Najor's application.
- **Najor's application was rejected unanimously: 5-0-0.**

2. **ADDRESS LACK OF ADEQUATE PUBLIC NOTICE FOR AB900 FAST-TRACKING CERTIFICATION FOR SOITEC'S 80 MW RUGGED SOLAR AND 60 MW TIERRA REAL SOLAR:**

- Chair reported learning about Soitec's AB900 certification for Rugged Solar and Tierra Del Sol Solar (TDS Solar) at CleanTECH's June 25<sup>th</sup> Showcase event held at USD's Joan Kroc Center for Peace and Justice
- She had purchased a \$65 ticket to hear speakers Supervisor Dave Roberts, Soitec's Clark Crawford, and SDG&E's Jim Avery.
- Supervisor Roberts publicly noticed her presence in the audience, alerting others.
- Research showed that Soitec, Whalen, PDS, and the State all failed to notify the Planning Group or the public of the limited comment period.
- Discussion on potential adverse impacts to civil rights, civil liberties, and equal protections under the law related to AB900's streamlined judicial review under CEQA.
- The Chair confirmed with the Governor's Office of Planning and Research (OPR) that the only public notice was posted online on the OPR website: [http://opr.ca.gov/s\\_californiajobs.php](http://opr.ca.gov/s_californiajobs.php)
- AB900 certification by Governor Brown (April ?, 2013--undated) , Air Resources Board (April 16, 2013) Joint Legislative Budget Committee (May 31, 2013)
- San Diego County PDS was notified of Soitec's AB900 application (at meeting on August 23, 2012, via letter dated November 7, 2012; via letter dated February 11, 2013)
- No direct notice or indirect was provided to Planning Group or impacted neighbors
- The only public notice found was posted on Governor's Office of Planning And Research (OPR) website, and confirmed as the 'only' notice via e-mail by OPR Deputy Director, Administration Scott Morgan.
- Discussion of the fact that the Green House Gas Analysis reports for Rugged Solar and TDS Solar were provided for AB900 Certification but not provided to Planning Group for review or comment.
- **M/S: Noland/Maupin: Send letter to Supervisor Jacob and Director Wardlaw expressing displeasure with lack of public notice and ask County Counsel to look into violation of public notice requirements for AB900 certification and Air Board certification; copy project manager and interested parties: Passed: 5-0-0**

3. **SIGNS & BANNERS IN RIGHT-OF-WAY:**

- Review and discussion of Department of Public Works' Draft Negative Declaration for proposal to amend County Zoning Ordinance and County Code to allow placement of four major sign types within right of way, subject to limitations and requirements: Community Identification Signs, Directionally Way finding Signs, Temporary Community Event Banners and Neighborhood and Business Watch Program Signs.
- DPW Contact: Gail Jugella 858-694-3911
- Comment deadline is 4:00PM August 1 by e-mail: [Gail.Jurgella@sdcounty.ca.gov](mailto:Gail.Jurgella@sdcounty.ca.gov) .
- Project documents are posted here: <http://www.sdcounty.ca.gov/dpw/environment/envrnsvcs.html>.
- There was no opposition
- **No action taken**

4. **PARK LANDS DEDICATION ORDINANCE PROJECT PRIORITY LIST:**

- Boulevard's previous PLDO lists were reviewed and discussed

- Other communities routinely receive funds that could come to Boulevard
- It was agreed that we have limited options and need County input to help with potential recreation PLDO eligible projects.
- County Contact: Sean O'Neill: 858-966-1355; [sean.o'neill@sdcounty.ca.gov](mailto:sean.o'neill@sdcounty.ca.gov)
- **M/S: McKernan/Maupin: Request Park & Rec staff to attend Boulevard meeting to discuss future community use of current Boulevard Fire/Sheriff Dept property when the new Fire/Sheriff facility is built across the street: Passed 5-0-0**

**F. GROUP BUSINESS: Announcements; correspondence; discussion items; project updates**

1. **Border Patrol:** No report
2. **Revitalization:** Tammy Daubach gave the report: New amateur radio club;; next meeting at Jacumba Library on August 6<sup>th</sup> @6:30; Aug 20<sup>th</sup> Back to School supplies; July 20<sup>th</sup> Campo Band Star Gazing event; SANDAG update; Manzanita Diner has new management with offers to provide space for certain community meetings for free
3. **Fire Safe Council:** Tammy Daubach gave the report: Next meeting July 29<sup>th</sup> @6:30 at White Star Fire Station on TDS; Fire Safe speakers are available; Awards received; Clearance extended; Community Fire Protection Plan Update meeting July 28<sup>th</sup> @ Manzanita Diner ; New website for alerts: [www.nixle.com](http://www.nixle.com).
4. **AT&T MOBILITY / RUIZ CELL TOWER MUP APPLICATION 3300-12-017:**
  - Approved by Planning Commission despite opposition from Group and several neighbors.
5. **WIND ENERGY ORDINANCE & BOULEVARD COMMUNITY PLAN AMENDMENT:**
  - CEQA LAWSUIT FILED AGAINST BOARD OF SUPERVISORS MAY 15<sup>TH</sup> APPROVALS
  - County documents and maps are posted here: <http://www.sdcounty.ca.gov/pds/advance/POD10007FEIR.html>;
  - CEQA lawsuit is posted here: <http://www.sandiegoreader.com/documents/2013/jun/18/lawsuit-over-wind-turbines-backcountry/>
6. **PROGRAMMATIC EIR FOR 4 SOITEC SOLAR PROJECTS: 168.5 MW OF CONCENTRATING PV SOLAR (7,290 tracking CPV modules @1,200 sq ft each) TOTALING 1,473 ACRES: REVISED DOCUMENTS:**
  - Consultant Jim Whalen was out of town and not able to attend
  - Planner Maupin reported Dudek is monitoring the wells of participating TDS Solar neighbors again, including his wells.
  - Maupin reported that his pasture well level dropped from 25' to 40' during the period of Dudek testing and his request for a copy of the gathered well information / graph was not successful.
7. **ROUGH ACRES RANCH CAMPGROUND/CONFERENCE CENTER/ROCKCRUSHING: MUP #11-002; 3300-12-020(P12-020),3300-12-021(P-12-021); REVISED DOCUMENTS RECEIVED:**
  - Consultant Jim Whalen not present
  - No new information
8. **ROUGH ACRES RANCH ROAD MAJOR GRADING PERMIT: PDS2011-2700-15622: APPLICANT GREGG HAMANN: CONSIDER ENDORSING CHAIR'S COMMENTS:**
  - Consultant Jim Whalen not present
  - L. Shannon reported getting more information from DPW but they did not appreciate her recommendation to name it "Cemetery Road" to demonstrate the destruction these projects will cause.
9. **LIVE OAK SPRINGS BULK WATER SALES; SOURCE CAPACITY ASSESSMENT; CPUC INVESTIGATION PROCEEDING # I.12-08-004:**
  - Nazar Najor said he is waiting for County's response to Dudek's source capacity assessment but they are not responding to phone calls or e-mails.

- Najor reported filing an appeal to CPUC on Proposed Decision.
- CPUC Assigned Administrative Law Judge's Proposed Decision dated May 14, 2013 is posted here: <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M064/K723/64723607.PDF>.
- All CPUC proceeding documents are posted here including Nazar Najor's filings for Live Oak Springs Water Company and his June 13<sup>th</sup> appeal: <http://delaps1.cpuc.ca.gov/CPUCProceedingLookup/f?p=401:56:184981512850101::NO>

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

- The Chair and Planner Maupin reported on June 29<sup>th</sup> meeting held at the fire training room requested by Sol Orchard's President, Jeff Brothers.
- Brothers indicated that their Boulevard solar project was at a point where they are trying to decide to move forward—or not.
- Brothers' claims that the energy will serve local load was challenged by pointing out 50 MW Kumeyaay Wind and estimated community energy use of less than 3-5 MW.
- Tisdale and Maupin reported encouraging Brothers to drop the larger project located on undeveloped chaparral covered land, with known cultural resources, adjacent to sensitive receptors, and to find a better location for smaller point-of-use project like the new Border Patrol solar parking shade and recommended he approach the Golden Acorn Casino.
- Brothers said Sol Orchard would make a decision in the next 2 weeks or so and report back.

**11. INVENERGY'S 160-250MW SHU'LUUK WIND & SOLAR FINAL EIS IS PENDING PUBLIC RELEASE:**

- Between 160MW and 250MW, using 54 to 85 wind turbines (2-3 MW each and up to 515' tall) and 310 acres for 40 MW solar project. Study area spans 4,739 acres, about 1/3 of Campo tribal lands both north DEIS documents, maps, are posted here: [www.shuluukwind.com](http://www.shuluukwind.com)
- The Chair reported information from sources on the Campo Reservation confirming a June tribal vote rejecting the lease with Invenergy, reportedly based on adverse impacts, inadequate economic benefits.
- Allegations were also received that the vote was technically invalid due to lack of adequate notice and lack of the required quorum.
- Another vote is expected with pressure from project supporters to approve Invenergy's lease.

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

- Contact CPUC Public Advisor at [public.advisor.la@cpuc.ca.gov](mailto:public.advisor.la@cpuc.ca.gov) or 866-849-8390: SDG&E's application and related documents are posted here: <http://www.sdge.com/regulatory-filing/3968/sdge%E2%80%99s-application-permit-construct-tl-6931-fire-hardeningwind-interconnect>

**13. IBERDROLA'S 200 MW TULE WIND:**

- Golden Eagle expert, Dave Bittner's sentencing hearing scheduled for July 11<sup>th</sup> was postponed.
- Permits from the Bureau of Indian Affairs and State Lands Commission are still pending.
- A complaint for injunctive and declaratory relief was filed against BLM approvals in US District Court by non-profit groups in March: <http://eastcountymagazine.org/print/12724>. Tule Wind Map: <http://tulewindecmp.com/Figure2-ProjectLocation.pdf>.

**14. PROPOSED BOULEVARD /JACUMBA HISTORIC DISTRICT:**

- 501 c 3 is being formed

**15. SDG&E's NEW 85-ACRE ECO SUBSTATION, 13 MILES OF NEW TRANSMISSION LINE, AND NEW LARGER BOULEVARD SUBSTATION:**


- Construction is currently underway in Jacumba and getting started in Jewel Valley
- Water truck traffic, Green House Gas impacts, and water source concerns were discussed
- CPUC Construction Mitigation & Monitoring documents and reports:  
<http://www.cpuc.ca.gov/environment/info/dudek/ecosub/MMCRP.htm>:
- Contacts during construction: [ecosub@dudek.com](mailto:ecosub@dudek.com); (800) 371-8854.

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

- No new information
- Vestas 3.3MW turbines purchased.
- Import capacity of 1,250 MW.
- Approved by the CPUC, BLM and DOE. Litigation filed against federal approval on 12-26-12:  
<http://esjprojecteis.org/>

**G. MEETING ADJOURNED AT 9:05 PM / NEXT MEETING SET FOR AUGUST 1:**

Minutes Approved by Group on: 8-1-13

Submitted by: 

For more information contact Donna Tisdale, Chair at 619-766-4170 or [tisdale.donna@gmail.com](mailto: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>