

**COUNTY OF SAN DIEGO  
BOULEVARD PLANNING GROUP  
\*\*\*MINUTES/SUMMARY\*\*\***

**DATE & TIME:** 7:00 PM, Thursday, June 4<sup>th</sup> 2015

**MEETING LOCATION:** Boulevard Fire Training Room, 39923 Ribbonwood Rd, Boulevard CA 91905 (behind fire Station)

**A. ROLL CALL (Determination of quorum):**

- **Members present:** 1) Robert Maupin; 2) Earl Goodnight; 3) Kevin Keane; 4) Donna Tisdale; 6) Paula Byrd; 7) Ronald Hynum (appointed by BOS on May 12)
- **Absent:** 5) Michele Strand (*excused absence-work related*)

**B. PLEDGE OF ALLEGIANCE:**

**C. MEETING MINUTES/SUMMARY FOR MAY 1ST:**

- Several minor corrections were noted
- ***M/S: Byrd/Maupin: Accept May 1<sup>st</sup> minutes as corrected: Passed: 6-0-0***

**D. PUBLIC COMMUNICATION:**

- Samantha McKernan raised concerns on the current lapse in the County's well monitoring program, especially during our extended drought conditions.
- She called the County to inquire and was informed that budget cuts were involved.
- Andreas Polis went to work for the Army Corps of Engineers and is no longer monitoring wells.
- New monitor, Hugh McManus, is in training and monitoring of Boulevard wells should restart next month or so.
- Chair reported that Jim Bennett said he is still interested in signing up new wells for monitoring.

**E. ACTION ITEMS:**

- **NONE**

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

- *Chair noted the lack of a tape recorder to record meeting due to the Secretary's absence.*
- Historic Sites Board notice received regarding work on the Los Penasquitos Adobe
- Call received from Ben Mills (PDS) informing Chair that no PDS staff would be attending BPG meeting for Chapman Solar—Mills was informed that there were no action items and staff presence was not expected.

**1. REVITALIZATION REPORT:**

- Tammy Daubach apologized over the fact that no one from Boulevard or Jacumba showed up for Supervisor Jacob's Backcountry Revitalization Matrix meeting in Campo, because she had inadvertently advertized the wrong date after the date had been changed.
- Revitalization's Danielle Cook applied for more grants and requested new picnic tables for Boulevard.
- Danielle is owed a big thank you for continuing to include Boulevard in her grant applications.
- EDCO and Fire Safe will hold trash, e-waste, and chipping services on August 29<sup>th</sup> in Campo, September 26<sup>th</sup> in Boulevard, and October 24<sup>th</sup> in Jacumba.
- Tom Fincher is Tammy's project manager with the County on the Boulevard Community Center project.
- Fincher said vector control is currently reviewing the property's squirrel and bat situation.

- County asked for, and Tammy provided, a list of all the services and agencies that would like to use the community building and how many times a month they plan to use it.
- Originally, the old equipment bay was planned for removal.
- Tzu Chi representatives asked that the bay be retained and be repaired.
- The Buddhist Tzu Chi Foundation is 501 (c) 3 non-profit that relies on community volunteers. Mark and Lorrie Ostrander became Tzu Chi volunteers, after working with them on the Shockey Fire relief.
- Leaving the equipment bay in place resolves the need to disturb the bats.
- County Library services will supply high speed internet for the community center's public use computers.
- The Sheriff's Department now plans to remodel their office and stay in the current location.
- There is an opportunity for manure management and composting workshop in our area around October.
- Approximately 30 attendees are needed along with a ranch to host the event.
- Paula Byrd volunteered her ranch and horse manure for the composting workshop and offered to volunteer for Tzu Chi at least once a month as well.

#### **FIRE SAFE COUNCIL REPORT:**

- Tammy announced the Grand Opening for the new Boulevard Fire Station is set for 11 AM, Friday, June 5<sup>th</sup>.
- Everyone is invited. There will be enough cake for 135 people.
- SRA (fire) fees still need to be paid. You can go to [www.firetaxprotest.org](http://www.firetaxprotest.org) for protest details.
- Protests must be filed annually along with payment. Keep copies of every payment and protest.
- California FAIR plan is supposed to cover fire insurance needs for those who cannot secure fire insurance.
- Go to [www.cafairplan.com](http://www.cafairplan.com) for details. If you already have fire insurance, they recommend you keep it.
- The FAIR plan does not cover any theft or liability which can usually be supplemented with an umbrella policy from another agency.
- East County Magazine's Emergency Alert funding was cut by the Viejas Band. Money is needed to keep the alerts operational. Donations can be made by contacting the editor at 619-698-7617 or e-mail [editor@eastcountymagazine.org](mailto:editor@eastcountymagazine.org).
- Construction on the Border Patrol's new I-8 checkpoint has been delayed until November or December.

#### **2. 2.9MW CHAPMAN SOLAR RANCH, PDS2015-MUP-15-005, LOG NO. PDS2015-ER-15-21-001:**

- The Chair noted that project consultant, Jim Whalen, was not present and had not provided any updates before she left for the meeting.
- Public comment period closed on May 15<sup>th</sup>.
- There was some confusion on whether or not the County held the May 6<sup>th</sup> scoping meeting.
- Tammy Daubach was informed by CalFire that the meeting was cancelled.
- Bob Maupin said the County's meeting actually took place, but only 4-5 people showed up.
- The same company has applied for two solar projects (5MW) in Imperial County- Dixieland East & Dixieland West

#### **3. JACUMBA SOLAR MUP PDS2014 MUP-14-041 DRAFT EIR:**

- The 45-day comment closed on June 1<sup>st</sup>.
- Most public comments shared with the Chair included major groundwater and wildlife concerns and issues with JCSD's controversial approval of those groundwater sales.

4. **STATUS OF LAWSUIT FILED AGAINST THE COUNTY, SUPERVISOR JACOB, DONNA TISDALE, BOULEVARD PLANNING GROUP, AND OTHERS BY VARIOUS ENTITIES RELATED TO DEVELOPER GREGORY LANSING: CASE: 37-2014-00025797 CU-MC-CTL:**
- The Chair reported on the May 29<sup>th</sup> court hearing that she attended.
  - Judge Meyer approved tentative orders awarding over \$71,000 in attorney fees and costs to attorney Doug Simpson who successfully defended Tisdale's Anti-SLAPP motion to dismiss the 10 alleged causes of action, brought against her in her capacity as Chair of the Boulevard Planning Group.
  - Simpson was hired for Tisdale by the County through their planning group indemnification process. Tisdale stated she was indemnified because she was in full compliance with County requirements.
  - Another \$30,000 in fees and costs were awarded to the Volker Law attorneys for Tisdale and her non-profit group, Backcountry Against Dumps, for successfully defending their Anti-SLAPP motion to dismiss 1 cause of action and numerous other allegations filed against her in her capacity as President.
  - An additional \$33,000 in attorney fees and costs was awarded to attorneys who defended Planning Commissioner Michael Beck and three other non-profit groups: EHL, EHC, and POC.
  - Judge Meyer allowed Lansing's attorney to file a 3<sup>rd</sup> Amended Complaint, by June 10<sup>th</sup>, to try to fill in holes in their "takings" and inverse condemnation claims.
  - When asked by Judge Meyer, the County's attorney responded that she knew the record and would definitely be filing a demurrer/opposition.
  - The Court hearing on the 3<sup>rd</sup> Amended Complaint and the County's opposition is currently set for 10:30 AM on Friday, July 24<sup>th</sup>, in Department 61.
5. **COMPREHENSIVE RENEWABLE ENERGY (CREP) POD 13-007:**
- No new meeting date has been announced. It may be held in the late summer or early fall.
6. **ROUGH ACRES RANCH CAMPGROUND/CONFERENCE CENTER: PDS2012-3300-12-021 (MUP): DRAFT EIR IS PENDING:**
- The Chair reported that Project Manager Jim Bennett informed her that the applicants had submitted another 30 day time extension; targeting late June/early July for their first draft of the EIR to be submitted.
  - County staff will review the first Draft before releasing it for public review and comment.
7. **ROUGH ACRES RANCH ROAD - MAJOR GRADING PERMIT PENDING: PDS2011-2700-15622: APPLICANT GREGG HAMANN:**
- No news to report.
8. **TULE WIND'S LEASE APPLICATION WITH STATE LANDS COMMISSION (SLC) FOR WIND TURBINES, ROADS & INFRASTRUCTURE, MAY BE PLACED ON AGENDA BETWEEN JUNE & AUGUST:**
- The hearing could take place at SLC meetings scheduled for June 29<sup>th</sup> or August 19<sup>th</sup>.
  - Commission agendas are posted 10 days prior to hearing dates: <http://scl.ca.gov>.
9. **IBERDROLA'S 200 MW TULE WIND:**
- Unresolved 9<sup>th</sup> Circuit appeals by two non-profits.
  - No project Power Purchase Agreement, or Eagle Take Permits have been reported.
  - BLM extended the NTP by one year only, to 12-31-15.

- Tule Wind is currently working with County staff on compliance with MUP conditions.

10. **TULE WIND PHASE II:**

- USFWS rejected Tule Wind's Eagle Take Permit application; data/permit work continues.
- An unresolved lawsuit was filed by a non-profit group in September 2014, challenging the Bureau of Indian Affairs' 2013 approval of 20 turbines on Ewiiapaayp tribal lands for Tule II:  
[http://protectourcommunities.org/wp-content/uploads/2014/09/TuleWindII\\_Complaint\\_9-24-14.pdf](http://protectourcommunities.org/wp-content/uploads/2014/09/TuleWindII_Complaint_9-24-14.pdf)

11. **APPEAL OF WIND ENERGY ORDINANCE AND PLAN AMENDMENT:** Case No. 37-2013-00052926-CU-TT-CTL.

- The County's response brief was filed on March 17<sup>th</sup> and Appellant's Reply brief was filed on April 6<sup>th</sup>. No hearing date has been set, yet.

12. **COMPLAINT AGAINST SOITEC SOLAR'S FINAL PROGRAMATIC EIR APPROVED FOR THE 765 ACRE RUGGED SOLAR AND 420 ACRE TIERRA DEL SOL SOLAR PROJECTS BY THE BOARD OF SUPERVISORS ON FEBRUARY 4<sup>TH</sup>:**

- Civ. No. 37-2015-00007420-CU-WM-CTL was filed by a non-profit group on March 4<sup>th</sup> in San Diego Superior Court, challenging the County's approval of Soitec's Boulevard projects.
- Petitioners' Opening Trial Brief was filed on May 4<sup>th</sup> in their Environmental Leadership CEQA challenge.
- Soitec's Environmental Leadership certification, by Governor Brown, fast-tracks any litigation.
- A Court hearing is currently set for 9AM, Thursday, June 25<sup>th</sup>, with Judge Joel Wohlfeil in Department C-73.
- Soitec's May 21 press release states that, "Today, Soitec sells its solar system business to ConcenSolar, including all technology assets, manufacturing operations in Freiburg, Germany and San Diego, U.S.A. Soitec shall retain for future disposal certain other assets, including the ownership interests in certain solar power plants. Soitec will continue to develop and bring to the market, based on its existing industrial capacity, a four-junction solar cell (or "Smart Cell™") characterized by its world record efficiency."
- The current fate of Soitec's Rugged Solar and Tierra Del Sol Solar projects are unclear.

13. **DESERT RENEWABLE ENERGY CONSERVATION PLAN (DRECP):**

- Nothing new since the March 10<sup>th</sup> Press Release announcing a new phased approach.

**G. MEETING ADJOURNED AT 7:35 PM / NEXT REGULAR MEETING IS THURSDAY, JULY 2ND, AT THE BOULEVARD FIRE TRAINING ROOM:**

Minutes approved by Group on 7-2-15

Michele Strand, Secretary: \_\_\_\_\_



For More information contact Donna Tisdale, Chair at 619-766-4170 or [tisdale.donna@gmail.com](mailto:tisdale.donna@gmail.com); current and past meeting agendas and approved minutes are posted on the County website @ <http://www.sandiegocounty.gov/content/sdc/pds/Groups/Boulevard.html>

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