

Comment Letter I4

**ATT: PDS PROJECT MANAGER: ASHLEY, GUNGLE RE: COMMENTS ON DRAFT EIR: JACUMBA
SOLAR MAJOR USE PERMIT, PDS 2014-MUP-14-041; PDSS2014-ER-22-001
EIR COMMENTS RE: HYDROLOGY AND OTHER KEY WATER ISSUES**

The Comments about Hydrology and water cover the EIR sections found in 3.1.4 –“ Hydrology and Water Quality” and “Water Issues” found in EIR Chapter 1 – “Project Description, Location and Environmental Setting”.

The Comments shown here are organized in the major sections as follows:

- **JCSD AUTHORIZED GEOGRAPHICAL COVERAGE AND OTHER LEGAL ISSUES**
- **DROUGHT ISSUES**
- **GOVERNORS DROUGHT WATER REDUCTION AND MANDATES**
- **SUMMARY OF PROJECT GROUNDWATER EXTRACTION AND KEY WATER ISSUES**
- **OTHER HYDROLOGY AND WATER ISSUES**

JCSD AUTHORIZED GEOGRAPHICAL COVERAGE AND OTHER LEGAL ISSUES

Nextera, the EIR applicant, proposes to secure most of its construction and operational water for Jacumba Solar from The Jacumba Community Service District (JCSD). Nextera and their Consultant have even proposed in the EIR, to use JCSD’s Park Well or to assist (probably fund) JCSD in drilling a new well in the Community.

JCSD is a Special District. Special Districts are governmental entities created under a California legislative umbrella law. This law creates local Commissions which in turn authorize and define what individual Special Districts are authorized to do, it also categorize them, defines their boundaries etc. JCSD is administered by “The San Diego local Agency Formation Commission or (LAFCO). Another Special District, (Padre Dam) from whom Nextera intends to buy water, **is authorized to provide water outside the boundaries of their district. JCSD does not have that authority. The following data is taken directly from LAFCO’s authorization for JCSD:**

DISTRICT BACKGROUND

The Jacumba Community Services District (CSD) provides potable water and park and recreation services within the unincorporated east-county community of Jacumba. The Jacumba CSD was formed in 1985 to assume ownership of a private water company. The CSD was also authorized to provide park and recreation services within the district’s approximate 423-acre boundary. The CSD pumps local groundwater from two district-owned wells for distribution to 230 residential connections. The water system includes two treated-water reservoirs with an aggregate capacity of 638,000 gallons. The Jacumba CSD does not receive property tax revenue. Operating costs for water services are funded entirely by water fees. Park and recreation services are provided by community volunteers and funded by donations and volunteer fund-raising efforts. LAFCO approved a sphere-of-influence for the Jacumba CSD in 1985 that is coterminous with the district boundary.

JACUMBA
COMMUNITY SERVICES DISTRICT
DISTRICT CHARACTERISTICS

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I4-1

I4-2

I4-3

Response to Comment Letter I4

**Howard Cook
May 28, 2015**

I4-1

The County acknowledges receipt of Howard Cook’s input and appreciates his comments regarding the potential impacts associated with implementation of the project. This comment is introductory and does not address the adequacy of the DEIR, therefore no further response is required.

I4-2

See Response to Comment C1-4 regarding JCSD’s authority to sell nonpotable water to users outside of the JCSD boundaries.

I4-3

See Response to Comment C1-4 regarding JCSD’s authority to sell nonpotable water to users outside of the JCSD boundaries.

ATT: PDS PROJECT MANAGER: ASHLEY, GUNGLE RE: COMMENTS ON DRAFT EIR: JACUMBA SOLAR MAJOR USE PERMIT, PDS 2014-MUP-14-041; PDSS2014-ER-22-001 EIR COMMENTS RE: HYDROLOGY AND OTHER KEY WATER ISSUES

Principal Act: Government Code § 61000 et seq.
Services: Water
 Park and recreation
Population: 392 (2009 SANDAG)
Connections: 230 residential
District Area: 423.42 acres
Sphere of Influence: Coterminous with District
Sphere Adopted: October 7, 1985
Sphere Affirmed: August 6, 2007
Revenue Sources: Fees, donations
Government: Elected 5-member Board of Directors
Board Meeting: 4th Tuesday: 9:00 a.m. 44605 Old Highway 80 Jacumba, CA

Contact: P.O. Box 425 Jacumba, CA 91934 619/766-4359

View Map: sdlafco.org/Webpages/agency_maps_links.htm

The two most important items pertinent to the Jacumba Solar EIR are the first and last sentences which say: First-"The Jacumba Community Services District (JCSD) provides potable water and park and recreation services within the unincorporated east-county community of Jacumba. "Second-"LAFCO approved a sphere-of-influence for the Jacumba CSD in 1985 that is coterminous with the district boundary."

A map of the boundaries is located at the link shown above. The boundaries are roughly described by the area east of the two western bridges over the railroad and creek, North to just past the railroad tracks, East to the JVR farm boundary, except that the 50 acres of the farm which belong to Spa are also within the boundary and the District Boundaries mostly extend south to the Mexican Border.

THEREFORE, JCSD'S SPHERE OF INFLUENCE AND THEIR AUTHORIZED SERVICES DO NOT EXTEND TO JACUMBA SOLAR'S LOCATION OR TO THE JACUMBA EIR DEFINED SERVICES. CLEARLY, SELLING JACUMBA SOLAR WATER DOES NOT QUALIFY AS AUTHORIZED WITHIN THE DEFINITION BY LAFCO.

DROUGHT ISSUES

- COMMENT: According to The State Water Control Board, we are in the fourth year of a major Drought. The Board also said that the Drought had a good chance of continuing several more years into the future.
- COMMENT: County Hydrologist Jim Bennett at the Jacumba Sponsor Group meeting of April 28,2015 said that" If the drought lasts several more years, it was likely that JCSD would loose their primary potable water well and that other private wells throughout the back country, would be lost". This prediction was made when San Diego County was rolling out the Jacumba Solar EIR and he was explaining the projects potential impact on Jacumba and the entire East County area if the drought continued.

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Cont.

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I4-4

See Response to Comment C1-4 regarding JCSD's authority to sell nonpotable water to users outside of the JCSD boundaries.

I4-5

The County acknowledges this comment; however it does not address the adequacy of the DEIR, therefore no further response is required. Water supply analysis with respect to implementation of the project is included within Section 3.1.4 of the DEIR. In order to ensure extended drought conditions were analyzed as part of the project's proposal to obtain groundwater from a non-potable well owned and operated by the JCSD, the water supply analysis was based on historical precipitation records from July 1982 through June 2012 to estimate recharge within the groundwater basin. (DEIR, p. 3.1.4-28 to 29.) Using 30 years of historical precipitation data ensures that a reasonably foreseeable drought condition will be evaluated. The period from 1983 to 1990 (seven years) and 1998 to 2004 (six years) were two extended drought periods that were included in the analysis. Based on groundwater levels that have been measured at JCSD Well 4, the historic all time recorded low water level of about 22.5 feet below the top of casing was recorded in September 2005 following six years of drought. As of June 18, 2015, the water level in Well 4 was 10 feet below top of casing which indicate current drought conditions have not impacted water levels in this well as severely as the previous drought from 1998 to 2004 which was included the groundwater analysis for this project.

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- o COMMENT: Given these facts, why are we even talking about risking the future of Jacumba and the rest of East County? **The County should not approve this project**, or at the least, restrict the JCSD outside sale of water (see LAFCO restrictions on outside sales of water in "Problems of Unauthorized Study" Comment letter) at least to a level significantly less than the 40,000 gallons a day sales limitation set in 2013 and 2014. The County's Groundwater Ordinance provides the mechanism for this kind of restriction by the County, especially in view of the increased danger from Jacumba Solar water extractions.

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GOVERNORS DROUGHT PROCLAMATION, WATER REDUCTION, AND MANDATES

Governor Brown on April 1, 2015 and earlier in April 25, 2014 declared "A Continued State of Emergency Due to the ongoing drought" Elements of these decrees are relevant to The Jacumba Solar Project EIR, and are found below:

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- Comment: Given the lack of need for this project in this location as demonstrated in my initial comment letter dated 05/15/2015, this project and its heavy water use do not conform to the Governors proclamation.
- The Governor says: **WHEREAS** California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter ----- and shrinking underground water basins and **WHEREAS** a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and **WHEREAS** new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought. COMMENT: The San Diego County hydrologist on April 28 as shown made dire predictions about Jacumba's and the back country water. PDS has a requirement to protect us from these described situations. **PDS must either reject the project and/or minimize water extraction here in Jacumba.**
- The Governor goes on: IT IS **HEREBY ORDERED THAT:** The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. COMMENT: Except for Reclaimed water, this applies also to all Jacumba water, potable and non-potable. Jacumba in their audited annual CPA report lumps all water revenue together without designation or separation of well sources. COMMENT: The Jacumba Solar EIR defined water usage will push JCSD into an **over use instead of a reduction position. PDS and the JCSD, both governmental entities, should be supporting Governor Browns Order of April 01, 2015, not moving to violate it. In addition Jacumba Solar, in their many EIR uses of water descriptions MAY be planning to violate one or all of the State Water Control Boards limitations on watering landscape and washing down items and surfaces. If not, then County**

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I4-6

See Response to Comment C1-2. Also note that the Proposed Project does not contemplate use of potable water. Potential water sources include either a combination of water from a non-potable groundwater well from JCSD, which has been shown not to be connected to the potable water basin, and recycled water from PDMWD. (DEIR, p. 3.1.4-29.) The project may also be entirely sourced by recycled water from PDMWD. The project would be using water for construction purposes primarily. Minimal operational water is proposed for soil stabilization and potentially panel washing. (DEIR, pp. 3.1.4-26 to 29.)

I4-7

The County acknowledges this comment; however it does not address the adequacy of the DEIR, therefore no further response is required. Note the common response WR1 above, the DEIR and the hydrology reports attached as Appendix 3.1.4-3 and 3.1.4-4 provide substantial evidence that JCSD can provide water as contemplated by the Project without significantly affecting groundwater supplies.

I4-8

The drought was an ongoing condition at the time the analysis for the EIR was prepared and at the time the NOP was released. The Governor's executive order (EO B-29-15) has since been released. EO B-29-15 specifically targets reduction in potable water use by 25 percent and imposes other restrictions on the use of potable water. The Proposed Project does not require

	<p>the use of potable water. Water supply analysis with respect to implementation of the project is included within Section 3.1.4 of the DEIR. Potential water sources include either a combination of water from a non-potable groundwater well from JCSD, which has been shown not to be connected to the potable water basin, and recycled water from PDMWD. The project may also be entirely sourced by recycled water from PDMWD. Under either scenario, the use of the non-potable well water from JCSD or non-potable recycled water from PDMWD would not affect abilities to achieve the EO intended water conservation.</p> <p>I4-9 Refer to Response to Comment I4-6 and 8. The Proposed Project would not require the use of potable water. The projected use of the non-potable well water from JCSD or non-potable recycled water from PDMWD would not affect abilities to achieve the EO intended water conservation.</p> <p>I4-10 Refer to Response to Comment I4-8. The Proposed Project would not require the use of potable water. The proposed use of the non-potable well water from JCSD or non-potable recycled water from PDMWD would not affect abilities to achieve Executive Order B-29-15's intended water conservation goals or otherwise violate the executive order. The project does not propose to install landscaping. State Water Resources Control Board Resolution No. 2015-0032</p>
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of San Diego PDS should not be in the position of allowing Jacumba Solar to violate the spirit of the Governors Proclamation and Orders.

- The Governor continues: "The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive". COMMENT: Given that San Diego Lafco specifically restricts JCSD to only providing water sales within its boundaries, PSD and JCSD must not divert that water to Jacumba Solar, since its project is beyond the Districts boundaries. PDS and the County must therefore also reject The Project. The Governor's 2015 Drought order is made to order to keep water away from "illegal diverters and those who are engaging in the wasteful and unreasonable use of water".

SUMMARY OF PROJECT GROUNDWATER EXTRACTION AND KEY WATER ISSUES

- The author in his other 05/15/2015 EIR Comments letter, titled "Background And Summary Of Ethical And Other Problems, pointed out that the two Dudek reports dealing with the Flat Creek Watershed and JCSD Park Well Development did not originate with the JCSD Board, nor did they approve the study or the report. Item C on page 3 of my 05/15/15 EIR Comments said: "Nextera and Dudek evidently believed, that they could essentially make a gift of consulting services and create a 140-page report favorable to their needs". There is also evidence that they believed they could make another gift in advance to help secure approval of their project itself. This second gift is now revealed. JCSD, in there May 26 Meeting Agenda, had an action motion item 9.3, which reads as follows "Approve drilling of a new non-potable well by Dudek behind the Highland Center. This is to be at no cost to JCSD. Water to be sold for Construction Purposes etc." COMMENT: JCSD Board approved and adopted the above agenda item on 05/26/2015. Dudek Consultant Trey Driscoll was present and active at the meeting. This is the second Gift item from Dudek /Nextera to JCSD in advance of any EIR action. Gifts by developers to obtain water from Water Districts (JCSD) and to get EIR approval by the water district should not be allowed by San Diego County. Otherwise, the message to the public is "the San Diego County Planning process including the EIR process is for sale". Minimum punishment to any developer should be project rejection.

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I4-11

I4-12

adopted May 5, 2015 in response to the Executive Order, imposes emergency drought regulations restricting use of potable water for turf irrigation of commercial, industrial and institutional properties, but there are no restrictions on the use of non-potable water as contemplated by the project.

I4-11

Refer to Response to Comment I4-6 through 10. JCSD has the authority to provide construction water to the project. Additionally, the Proposed Project would not make illegal diversions or wasteful and unreasonable use of water.

I4-12

The County acknowledges this comment; however it does not address the adequacy of the DEIR, therefore no further response is required. The hydrology reports prepared by Dudek and referenced by the commenter were prepared in support of the project, not as a gift to JCSD. The proposed JCSD drilling project in the Flat Creek Watershed is being evaluated by the JCSD to provide a secondary source of water to JCSD and to replace JCSD Wells 1 and 2 that are no longer in use. The JCSD has been studying well replacement in the Flat Creek Watershed since 2006 when the Park Monitoring Well was drilled. The replacement well proposed by JCSD is not related to the Proposed Project and is identified as a cumulative project in the DEIR (p.1-28 Table 1-7). Because the project would potentially take advantage of the available water should it be available at the time of construction, the data

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- If this was not enough gifting by the developer to JCSD, there was discussion at the 05/26/15 JCSD Board meeting about the developer providing other goodies such as a community band shell. A member of the JCSD Board had actually priced one at \$92,000. Further examination of the 05/26/15 JCSD agenda item 9.3 also reveals that in addition to the construction water, the agenda item also enumerates some of the other goodies as follows: "fire protection tanks, landscaping and pools". These gift items were used at the meeting to sell the Jacumba public on supporting the project. NOTE: A COPY OF 05/26/15 JCSD BOARD AGENDA AND THE AUTHORS NOTICE TO THE JCSD BOARD ON WHAT JCSD CAN DO TO AVOID THE APPEARANCE OF IMPROPRIETIES ARE ATTACHED TO THE COVER E-MAIL FOR THIS DOCUMENT.

OTHER HYDROLOGY AND WATER ISSUES

- The EIR makes the claim that the recharge rate for JCSD Well 6 allows for the pumping of a maximum of 100,000 gallons a day. This is highly questionable for these reasons:
 - The recharge rate is based on precipitation averages mostly taken from rain gauges located on the Western side of The Tecate Divide (the higher precipitation side) rather than the Eastern side where JCSD and Jacumba private wells are located.
 - In light of the current 4-year drought, use of average rainfall for the last 10 years is flawed and ignores the drought effect and a more realistic current recharge rate.
 - In 2013 and 2014 (for ECO), a 40,000 limitation was set on Well Six daily pumping. Don't forget that most of the area around the spring and the current JCSD Wells belongs to the Jacumba Spa and this includes the Spa Well itself.
- The Dudek consulting firm presumably prepared the EIR Construction Water Estimates. Dudek is well known for erroneous and under estimated Construction Water Demand. See the Soltec and the ECO Substation construction water estimates. Dudek, or? estimates 58.6 acre-feet for Jacumba Solar construction, of that, only .9 acre-feet are estimated for "other construction needs". This "Other" category includes washing stations, filling water tanks, and weed mitigation. It is the other footnoted items in Table 1-4 that were grossly under estimated in the ECO Project. The footnoted items and other Jacumba Solar EIR MISSING high water usage construction items follow:
 - Concrete prepping and construction for inverter batteries (28 separate concrete foundations or one contiguous foundation for 28 battery enclosures including service aprons) estimated one to two acres.
 - Concrete Water tank foundations and service aprons.
 - Miscellaneous facility foundations and service aprons.

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available for that well was disclosed in the DEIR in Appendix 3.1.4-4. JCSD has paid for services rendered to JCSD pursuant to JCSD's Well Replacement Project, regardless of meeting agenda descriptions on May 26, 2015. See JCSD hearing materials on October 5, 2015.

The County acknowledges this comment; however it does not address the adequacy of the DEIR, therefore no further response is required.

I4-14

Recharge was estimated for the Boundary Creek Watershed, which consist of 12,239 acres and ranges from 4,020 feet above mean sea level (amsl) at its headwaters along the Tecate divide to 2,848 feet amsl at JCSD Well 6. As the Jacumba rain gauge is located at the lowest elevation in the Boundary Creek watershed, it is not representative of precipitation falling at higher elevation. According to the USGS isohyetal map, annual precipitation over the majority of the Boundary Creek watershed is greater than that of Jacumba, averaging 14 inches per year. Mean annual precipitation, as determined from the County of San Diego map entitled "Groundwater Limitations Map" on file with the Clerk of the Board of Supervisors as Document No. 195172, indicates that the Boundary Creek watershed is almost entirely located within a precipitation isohyetal of 12 to 15 inches with a small portion of the watershed located in a precipitation isohyetal of 15 to 18 inches. The Tierra del Sol monitoring station located at 32°39' North latitude,

116°19' West longitude, and an elevation of 4,000 feet is situated along the ridgeline atop the Tecate divide on the western boundary of the Boundary Creek watershed. Using the precipitation data available from 1971 to 2014 for the Tierra del Sol rain gauge, average annual precipitation is approximately 10.82 inches. The data from the Tierra del Sol rain gauge actually under reports the quantity of precipitation falling on the Boundary Creek Watershed when compared USGS and County isohyetal maps. Thus, the recharge analysis is conservative for determining whether the project meets the County's significance thresholds. Average rainfall records used to support the groundwater supply analysis were for the period from July 1982 through June 2012; that is 30 years, not 10 years (DEIR, p. 3.1.4-28.). The state experienced droughts during that period and the analysis therefore does contemplate the effects of drought. The period from 1983 to 1990 (seven years) and 1998 to 2004 (six years) were two extended drought periods that were included in the analysis. JCSD intends to make up to 100,000 gallons per day available for Project use from Well 6. This is approximately 11.6 percent of the tested production capacity of Well 6. The County has included conditions of the MUP that give enforcement ability to the County to protect the groundwater resource including limits on the total acre feet, gallons per day pumping, and monitoring of groundwater levels.

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- Drainage ditch concrete linings, including preparation, estimated several miles.
 - Concrete ditch and barrier around the 100 + acres project perimeter, required to protect solar farm from water and animals.
 - Concrete Culverts for interior and exterior roads over ditches.
 - Concrete entrances to facility and to connect with main existing entrance road.
 - Concrete fence post foundations. And fence construction around the 100 + acres project.
 - A 110 by 215 foot collector substation concrete foundation and its construction
 - Another major construction water user is the 1500 - 2000 foot gen 138KV tie line to the ECO substation. The foundations for the ECO tie lines proved to be heavy water users at ECO.
 - Water used for prepping and rolling the estimated 4 miles of non-paved interior and exterior roads
- Continued Construction Water estimates. The Eco Substation Project, which is next to the proposed Jacumba Solar Project, had an original construction water estimate of 30 million gallons. This original estimate was made by Dudek, its subcontractor, the PUC and San Diego County. This was later increased to fifty million gallons and as shown below in the official 10/01/2013 SDG&E change order (Project Refinement Request Form) it was increased to a total of over 90 million Gallons (an over three times increase over the original construction water estimate). **Based on this actual experience 3 times increase, the major water missing construction items, The applicant's need to minimize estimated water use due to the scarcity of area water resources. The 20% larger Jacumba Solar footprint than the ECO Substation, The unusual soil and moisture problems as described below by the ECO contractors mid way into the project indicate that a more accurate Jacumba Solar Construction water estimate is double the size of the current EIR estimate, i.e. 40 million gallons.** The actual ECO construction experience relative to construction water estimates and actual usage is provided without change (except for emphasis) from the actual 10/01/2013 SDG&E Change Order mentioned above, it is highly informative and helps substantiate doubling the EIR construction water estimate: *This MPR request has been prepared as a result of the necessity to increase the Project's overall construction water usage in order to continue to meet soil compaction standards and dust control requirements associated with the Project's Mitigation Monitoring, Compliance, and Reporting Program. The conditions at the ECO Substation site, which is currently under construction, have differed from what was originally anticipated, resulting in a higher Project demand for construction water. Based on the geotechnical report, the contractor estimated that remedial removal and recompaction of alluvial soil at the ECO Substation site was expected to reach a maximum depth of 10 feet. However, during mass-grading of the ECO Substation site, remedial removal and recompaction of alluvium in excess of 20 feet*

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I4-15

The project's assumptions regarding construction water demands contemplate all of the applicable components that require water listed in this comment. Of those listed by the commenter some significant ones are not part of the Proposed Project implementation, specifically drainage ditch concrete linings are not proposed and concrete ditch and barrier around the perimeter is not proposed. Also, to clarify there is only one paved entrance driveway, which runs a short distance (approximately 150 feet) from the existing paved East County Substation (ECO Substation) road to the facility entrance. This road would be paved with asphalt rather than concrete construction. Each of the other items listed by the commenter have been included in the water usage estimates developed by the project engineering team. Water supply analysis with respect to implementation of the project is included within Section 3.1.4 of the DEIR.

I4-16

See Response to Comment O3-2. Substantial evidence supports the construction water estimates disclosed in the DEIR and represent reliable projections of the project's construction water demand. The County acknowledges the comment that San Diego Gas & Electric (SDG&E), the applicant for the ECO Substation, requested more water than was originally estimated in its Final EIR/Final Environmental Impact Statement (FEIR/FEIS). The County disagrees with implications that the applicants and/or its consultants

	<p>have repeated assumptions made for the ECO Substation project FEIR/FEIS regarding soil depth and soil moisture content in water demand calculations for the Proposed Project. Comments received characterized all areas within the Proposed Project boundaries as requiring the same level and intensity of mass grading and construction activity as the ECO Substation Project which is not accurate. The ECO Substation Project included two stepped substation pads-each of which requires large flat areas-over an approximately 100-acre site whose preexisting elevation varies by about 150 feet from top to bottom. Besides needing to be flat and requiring extensive constructed slopes around and between the pads, seismic design and geotechnical requirements dictated that these areas be over-excavated and re-compacted by a thick layer of engineered, moisture conditioned fill. The extent and magnitude of grading and foundation preparation on the ECO Substation Project is order of magnitudes greater that what would be required for the Proposed Project on a per acre basis. Earthwork on the ECO Substation site was estimated at 1.228 million cubic yards, whereas earthwork on the Proposed Project is estimated at 180,000 cubic yards.</p> <p>The water demand factors for the Proposed Project are based on site-specific geotechnical information and empirical (i.e., “real world”) observations of water use for similar past projects. Furthermore, no response is</p>
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	<p>required for comments that seek to discredit the applicants or its consultants based on issues or events unrelated to the Proposed Project, unsupported assertions, or without specific reference to the facts, arguments, or analysis methodologies used in the DEIR. Indeed, the County is aware that changes in water demand estimated at the ECO Substation was the result of a change in that project, not a mis-estimate of the ECO Substation project that was properly escribed and analyzed in the ECO Substation EIR. Changes to the ECO Substation Project were subsequently analyzed by the CPUC, which has jurisdiction over that project</p> <p>The key consideration under CEQA concerns whether a project’s groundwater use would result in exceedance of County significance thresholds for groundwater and whether demand could feasibly be met by on-site groundwater wells and off-site sources, including small community water districts and/or larger municipal water districts. Section 3.1.4 of the DEIR demonstrates that JCSD and PDMWD have sufficient water supplies to serve the project. The County notes, however, that under CEQA, the DEIR is a planning-level document intended to disclose the potential environmental effects of the Proposed Project based on a project description that must contain a general description of the projects’ technical, economic, and environmental characteristics (CEQA Guidelines Section 15124(c)). Site grading, drainage,</p>
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in depth across most of the site was necessary to reach the formational, hard pan soils under the 230/138 kilovolt (kV) and 500 kV pad areas. The deeper than expected alluvial removal also triggered the need to construct a buttress slope outside of the grading limits on the south side of 500 kV pad to accommodate proper compaction of the soils within the grading limits. In addition, the moisture content of the in-situ soils were lower than anticipated, resulting in higher water usage for re-compaction and dust control. The anticipated amount of water to provide the optimum moisture content for compaction prior to the start of construction was estimated at 30 gallons per cubic yard, based on a typical project at this elevation with similar soils and climate, but the actual water required to achieve the optimum moisture content for compaction has been approximately 45 gallons per cubic yard. In total, SDG&E's construction contractor now estimates handling approximately 50 percent more material than was originally planned in order to complete grading at the ECO Substation site. These differing site conditions will result in the use of approximately 50 to 55 million gallons of water during mass grading of the ECO Substation site alone. Accordingly, an increase in the water needed to complete construction of the ECO Substation along with the other Project components is necessary. SDG&E's construction contractor estimates that approximately 40 to 45 million additional gallons of water will be needed to complete construction of the ECO Substation following mass grading. At the end of August 2013, the Project had used approximately 42 million gallons of water. Therefore, approximately 40 million gallons of water, in addition to the 50 million gallons already approved through the January 2013 Construction Water Supply Plan, will be needed to complete construction of the Project.

- This conservative doubling (40 million gallons over 6-8 months) for the proposed Jacumba Solar construction water, impacts the already stressed fully documented impact on Jacumba's water resources. It greatly increases the chance of well collapse, it increases the risk of collapse of the towns Jacumba Spa well, impacting the towns biggest employer, risk of losing wildlife habitat at Jacumba Lake, Severe loss of property values, impact to the numerous nearby small ranches and farms that rely on groundwater wells, impact to the entire Boundary Creek aquifer stretching up to and including Boulevard are also among the many other severe impacts. **Hevl PDS, San Diego County Supervisors, other stakeholders, and regulators: REJECT THIS JACUMBA SOLAR PROJECT.**
- There is another confusing and dangerous (for Jacumba citizens) multiple Jacumba Solar construction and operational water supply solutions laid out in the EIR. The JCSD Board has serially put all of these multiple solutions in play. These multiple solutions are:
 - Extract 100,000 gallons of water every day for six to eight months from JCSD "Well Six", which is roughly within 100 feet of the primary town drinking water "Well Four" and the vital Spa hot mineral water well.

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civil, electrical, architectural and other engineering plans progressively evolve from conceptual or preliminary phase to final designs and construction plans—concurrently with and following the preparation and certification of a project's EIR. It is a normal and expected part of the planning process for design details to be subject to change. It is beyond the scope of CEQA to provide extensive detail that can only be precisely known when final engineering and grading plans are completed and approved by the County's building officials. Rather, the environmental analysis must be based on reasonable assumptions and a planning "envelope" (i.e., range of possibilities) that account for uncertainties associated with the project.

Please refer to response to comments C1-4 through C1-6. The Groundwater Resources Investigation Reports prepared for the Boundary Creek and Flat Creek Watersheds indicated that groundwater production for construction of the Proposed Project from the two basins of 59 acre-feet and 100 acre-feet, respectively for a total of 159 acre-feet would not have a significant impact to local groundwater resources. Groundwater Monitoring and Mitigation Plans have been prepared with water level thresholds to protect groundwater users in the basins. Any excess water requirements would be served by PDMWD's recycled water supply.

ATT: PDS PROJECT MANAGER: ASHLEY, GUNGLE RE: COMMENTS ON DRAFT EIR: JACUMBA SOLAR MAJOR USE PERMIT, PDS 2014-MUP-14-041; PDSS2014-ER-22-001
EIR COMMENTS RE: HYDROLOGY AND OTHER KEY WATER ISSUES

- Supplement Jacumba Solar needs by trucking in reclaimed water from Padre Dam, likely not available.
- Use the inactive "Park monitoring well" with harm full chemicals to replace or supplement "Well Six for Jacumba Solar needs.
- Use the "Park well" as a backup for the town's potable water supply.
- Drill a new well close to the existing inactive "Park Well" for Jacumba Solar Construction needs, other construction projects, and JCSD Potable Water backup needs. To be funded by Dudek /Nextera.

I am concerned that the County has let all of these solutions stay in the EIR. It is difficult to make comments about all of them, if they are all in play. The worst scenario would be to let Nextera choose the best one for there needs, with little regard for its effect on Jacumba and its neighbors many of whom have their own wells and are not in the JCSD District.

This comment document, as well as my other documents, have commented about various aspects of all the solutions. One question is who will make the decision? JCSD seems to have settled on the new to be drilled well. See the adopted motion 9.3 passed on 05/26/2015 to let Dudek/Nextera drill the well. My problem is that JCSD is slated to receive monetary benefit from the applicant as previously described. This should be rejected out of hand as previously recommended. The other problem is how do you know the water quality, output gallonage and other unknowns in advance? If the project is approved, what is the adopted water solution?

5/28/15 BY HOWARD W COOK

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Cont.

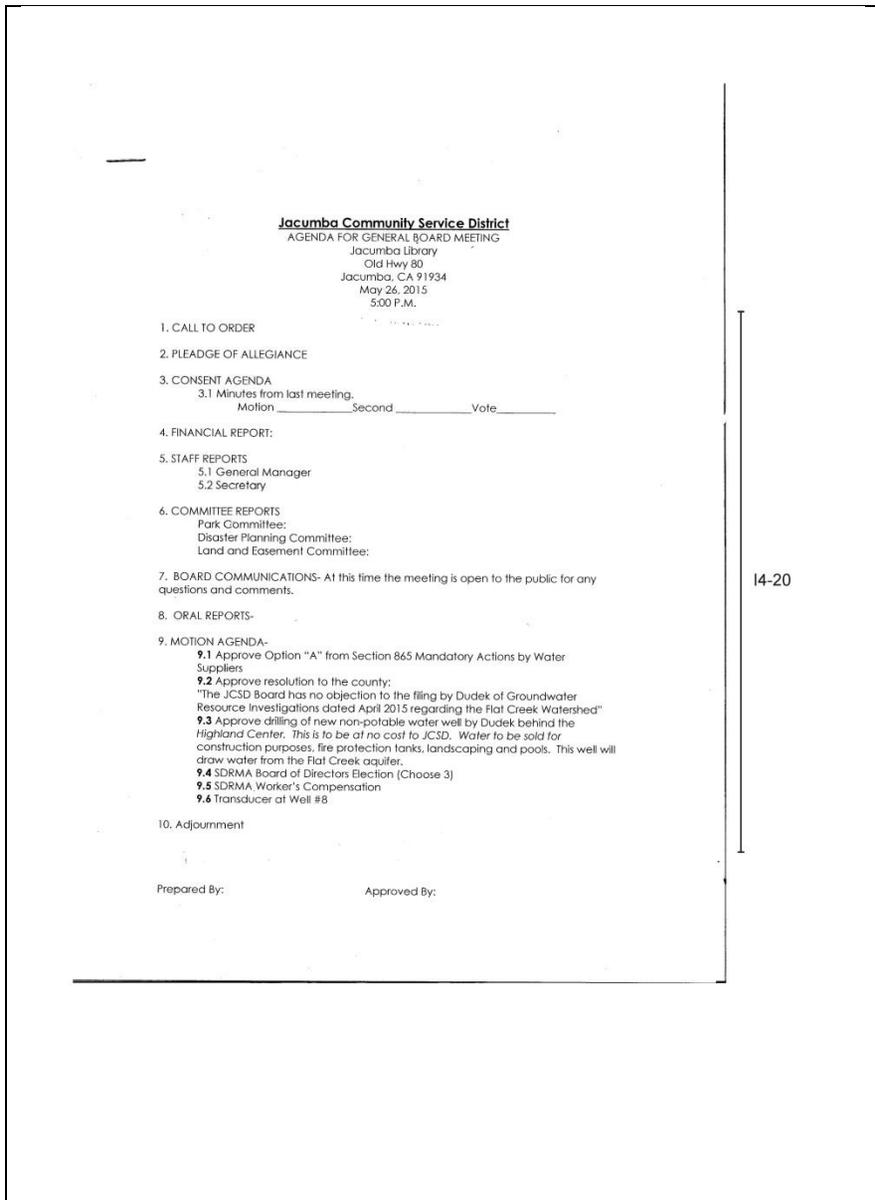
I4-19

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100,000 gallons of non-potable water can be drawn from Well 6 without significant impacts to groundwater storage or well interference, including with regard to Well Four which provides JCSD's potable water supply. See DEIR Section 3.1.4.3.4 and JCSD Groundwater Report for analysis. PDMWD has recycled water available to serve the Project's demands, and the impacts associated with delivering such water by truck are analyzed in the DEIR. (See DEIR, p. 3.1.4-27, DEIR pp. 3.1.1-19 [air quality], 3.1.3-13 [GHG], 3.1.7-12-13 [traffic].) Any improvements to the Park Well or Highland Center Well are not required as a direct or indirect result of the Project and therefore are not contemplated as part of the Project, but are discussed as a potential cumulative project. (DEIR, Table 1-7 and Appendix 3.1.4-4) As discussed in the Flat Creek Ground Water, the Park Well has elevated levels of VOCs and hydrocarbons which would have to be treated prior to use. (Flat Creek Groundwater Report, ES 1-2.) (See also, common response WR1 and responses to comments C1-4 through 7.)

I4-19

The County acknowledges this comment; however it does not address the adequacy of the DEIR, therefore no further response is required.



I4-20

This comment refers to a copy of the JCSD agenda from May 26, 2015. The County acknowledges this comment; however it does not address the adequacy of the DEIR, therefore no further response is required. The JCSD board packet from its October 5, 2015 hearing on its Replacement Well Project indicates JCSD is paying for services rendered to JCSD for JCSD's implementation of its Replacement Well Project

H COOK LEGAL & FIDUCIARY COMMENTS TO JCSD BOARD RE: 05-26-15 MEETING,
BOARD MEMBERS MAY WANT TO CONSIDER OR RECONSIDER VOTES

- A. RE: MINUTES : Change H Cook questions two and three answers to "No". This is what Des replied and if current answers for 2 and 3 continues to say "we did not need to authorize", JCSD Board may have a "Brown Act "violation, see Ca Govt. code 5493.c(1) which says: "**No legislative body shall take action by secret ballot, whether preliminary or final**"
- B. Re: Agenda motion item 9.3 : Approve drilling of new non-potable water well by Dudek etc-----
- See attached two "LAFCO" documents attached District Background and JCSD Sphere of Influence Map. They say: "JCSD (is authorized) to provide potable water and park and recreational services" this is all that's authorized, i.e. Non-potable water is not authorized by LAFCO. The last paragraph under Background says: "LAFCO approved a sphere-of-influence for the Jacumba CSD in 1985 that is coterminous with the district boundary". See the second document "Sphere of influence map". **These two pages by LAFCO provide that JCSD is not allowed to sell non-potable construction water and also cannot provide water to entities outside the District boundaries (Sphere of Influence).**
 - The motion also says: That the drilling is by Dudek and that "This is to be at no cost to JCSD". **The legal problem is that this motion sets the JCSD Board up for soliciting/ receiving a gift of a well and drilling from Dudek/Nextera in return for approving and selling and arranging to sell water and to letting them have access to a well on JCSD property for Jacumba Solar construction water.**

I4-21

I4-22

I4-23

5/26/15 BY HOWARD W COOK

- I4-21** This comment refers to minutes regarding questions by H. Cook and potential Brown Act violations. The County acknowledges this comment; however it does not address the adequacy of the DEIR, therefore no further response is required.
- I4-22** See Response to Comment C1-4.
- I4-23** The County acknowledges this comment; however it does not address the adequacy of the DEIR, therefore no further response is required. JCSD actions approving its Replacement Well Project on October 5, 2015 indicate JCSD is paying for services rendered to JCSD for its Replacement Well Project.