

Comment Letter O4

Neufeld, Darin

From: Gungle, Ashley
Sent: Wednesday, May 20, 2015 12:56 PM
To: Neufeld, Darin
Subject: FW: Jacumba Solar MUP and DEIR

From: Dan Silver [mailto:dsilver@a@me.com]
Sent: Wednesday, May 20, 2015 10:11 AM
To: Gungle, Ashley
Cc: Mindy Fogg; Real, Sami; Sibbet, David; Gretler, Darren M
Subject: Jacumba Solar MUP and DEIR

May 20, 2015

Ashley Gungle
 Dept of Planning and Development Services
 5510 Overland Ave Suite 310
 San Diego, CA 92123

RE: Jacumba Solar Major Use Permit and DEIR

Dear Ms Gungle:

Endangered Habitats League (EHL) appreciated the opportunity to comment on this proposed project. As a matter of policy, EHL recommends distributed solar energy, e.g., rooftop solar, as the most environmentally responsible way to develop renewable energy and combat global warming. We take issue with the DEIR's contention that distributed solar is infeasible simply because it is not the applicant's business plan. The large and ongoing use of distributed solar argues in favor of feasibility of this alternative. However, we recognize that utility scale solar remains, in some viewpoints, a legitimate part of the solution. However, if utility-scale solar is installed, it must meet a high bar for least harmful location and prevention of bird collisions.

O4-1

The proposed Jacumba Solar is reasonably located from a reserve design perspective. It is not within a Focused Conservation Area for the draft East County MSCP. Wildlife movement corridors that make use of border fence crossing opportunities are maintained by the site design. Some of the solar panels would be placed on disturbed land and a significant block of open space would be preserved. However, EHL still urges consideration of an environmentally superior alternative that *reduces* on site biological impacts. Use of already disturbed land should be maximized.

O4-2

Finally, reflections that mimic water bodies that attract birds to their deaths, or other lighting or structural features that cause collisions, should be reduced using all state-of-the-art methods. The DEIR inappropriately relegates such impacts to the realm of speculation although the impact is well documented.* *While such collisions are recognized as potentially significant, not all feasible mitigation measure have been required.* We note that various design features are listed on page 2.2-47, e.g., spacing of panels and non-reflective and dark coatings. However, the mitigation measures proposed for collision impacts (MI-WM-5) are limited to electrocution and monitoring, neither of which addresses reducing the impact of the "pseudo-lake" effect. *The design and construction features listed on page 2.2-47 should be incorporated as required mitigation measures.* In addition, the County should exhaustively investigate other mitigations for this impact or retain an outside expert to do so, rather than simply accept the applicant's own conclusions.

O4-3

Response to Comment Letter O4

Endangered Habitats League
 Dan Silver, Executive Director
 May 20, 2015

O4-1 Please refer to Response to Comment O3-24 and O3-26. The County acknowledges the commenter's recommendation for distributed solar energy and that issue is taken with the DEIR's reasoning for rejecting a distributed solar alternative, which can be found in Section 4.2 of the DEIR.

O4-2 Discussion of the Project site design and location relative to biological resources occurs in Chapter 1, Project Description, and Section 2.2, Biological Resources, of the DEIR. The Project maximizes use of disturbed lands, so further reduction in impacts to biological resources requires reducing the Project footprint, such as Alternative 1 (Reduced 15 MW Project Alternative). Additionally, as stated in Section 4.7, pages 4-17 and 4-18, of the DEIR, the No Project Alternative would be the environmentally superior alternative. However, CEQA Guidelines Section 15126.6(e)(2) also states that if the environmentally superior alternative is the "no project" alternative, the DEIR shall also identify an environmentally superior alternative from among the other alternatives. The Reduced 15 MW Project Alternative (Alternative 1) would be the

	<p>environmentally superior alternative from the remaining alternatives. While substantially reduced in severity, impacts to biological resources under this alternative would still be significant, requiring similar mitigation as that described for the Proposed Project. Finally, the 15 MW Project Alternative does not meet Project objective 1 because it fails to develop approximately 20 MW of renewable energy.</p> <p>O4-3 Please refer to Response to Comments O3-6 and 7 for an explanation of why the alleged pseudo lake effect from solar panel is too speculative. Response to Comments O3-6 and 7 specifically addresses how the Project is distinguishable from the Genesis project and the Ivanpah project referenced in the comment. With regards to bird collisions from lighting or other structures, such impacts are mitigated via M-BI-12 (requiring lighting to be shielded to minimize impacts on adjacent native habitats) and M-BI-13 (requiring transmission towers and lines to conform to Avian Power Line Interaction Committee standards.) Finally, to clarify, the County does not simply accept the applicant’s own conclusions. The County independently evaluates information provided by any source, whether it is from the applicant, a community organization, an individual, another public agency, a labor union, or the expert consultants who prepared the EIR.</p>
--	--

Thank you very much for considering our views.

Sincerely,
Dan Silver

* See, e.g., the August 2013 Monthly Compliance Report, Genesis Solar Energy Project, Avian Reporting Data Table and Forms, pp. 1-11 (182-193 of the pdf) (available at: http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-08C/TN200657_20130930T120056_August_2013_Monthly_Compliance_Report.pdf) and Appendix B – Avian and Bat Mortality Solar Farm – of the 2013 Yearly Biological Resources Report for Desert Sunlight (available for download at: <http://www.firstsolar.com/en/about-us/projects/desert-sunlight-solar-farm/biological%20monitoring%20report%20-%20annual/biological%20monitoring%20report%20annual%20report%202013?dl=1>)

Also, see California Energy Commission Report documenting that about 3,500 birds have been killed by the Ivanpah thermal solar generator in one year. This is a different type of facility than the proposed project, of course.
<http://docketpublic.energy.ca.gov/PublicDocuments/07-AFC-05C/TN204258_20150420T145549_Ivanpah_Solar_Electric_Generating_System_Avian_Bat_Monitoring.pdf>
<<http://www.kcet.org/news/define/rewire/solar/solar-plant-likely-killed-3500-birds-in-first-year.html>>

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750
dsilverla@me.com
www.ehleague.org

↑
O4-3
Cont.

↑
O4-4

O4-4

Comment noted. This comment provides a list of attached exhibits which are references cited throughout the comment letter. Individual responses are not provided for each exhibit as they were utilized in support of the detailed comments responded to above.

INTENTIONALLY LEFT BLANK