

From: Pinney Caldwell
To: [Harris, Susan](#); [Donna Tisdale](#); [Lorraine Johnson](#)
Subject: Campo Wind with Boulder Brush Facilities -Comment Letter
Date: Monday, February 03, 2020 2:48:16 PM
Attachments: [CAMPO WIND-BOULDER-CALDWELL.pdf](#)

Date: February 3, 2020

To: Susan Harris, San Diego County Planning & Development Services
Susan.Harris@sdcounty.ca.gov

From: Clifford C. Caldwell and Concepcion G. Caldwell

Re: DEIR Comments, Campo Wind with Boulder Brush Facilities Draft Environmental Impact Report (EIR); (PDS2019-MUP-19-002; PDS2019-ER-19-16-001; SCH NO. 2019-029094)

Dear Ms. Harris,

Attached please find a comment letter (dated February 3, 2020) from Clifford C. Caldwell and Concepcion G. Caldwell as part of the comments on the Draft Environmental Impact Report for the Campo Wind Project with Boulder Brush Facilities.

Please enter this letter into the record. We hope to have our concerns heard and responded to.

Please confirm receipt of this letter. If you have any questions about the foregoing, please contact me.

Very truly yours,

Clifford C. Caldwell and Concepcion G. Caldwell

P.S.- Attached you will find a PDF signed copy of the comment letter dated February 3, 2010 (entitled Campo Wind-Boulder-Caldwell.pdf).

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CLIFFORD C. CALDWELL AND CONCEPCION G. CALDWELL
P. O. Box 710
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February 3, 2020

Susan Harris
San Diego County Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Susan.Harris@sdcounty.ca.gov

Re: DEIR Comments, Campo Wind Project with Boulder Brush
Facilities Draft Environmental Impact Report (EIR); PDS2019-
MUP-19-002; PDS2019-ER-19-16-001; SCH NO. 2019-029094

Dear Ms. Harris:

We previously commented (on June 25, 2019) as to the Draft Environmental Impact Statement (EIS) for the Campo Wind Project with Boulder Brush Facilities as filed with the Bureau of Indian Affairs (BIA) and (on June 24, 2019) we previously commented on the Application for a Major Use Permit for the Campo Wind with Boulder Brush Gen-Tie Line, Substation and Switchyard Facilities as filed with the County of San Diego, Planning & Development Services. We would incorporate our previous comments by reference thereto.

We are again commenting in writing as to our concerns about the proposed Campo Wind Project with Boulder Brush Facilities, but this time our comments are directed to the DEIR as prepared by Dudek in December of 2019.

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In reviewing the Draft Environmental Impact Report (DEIR) for the Campo Wind Project with Boulder Brush Facilities as prepared by Dudek in December 2019 (the County of San Diego Planning and Development Services is the lead agency), we would comment as follows:

A. SIGNIFICANT ENVIRONMENT EFFECTS OF THE PROPOSED PROJECT
INVOLVING AESTHETICS

1. WHAT IS THE STANDARD INVOLVED IN PROTECTING THE LOCAL AESTHETICS AND VIEWS?

(a) Quoting from the San Diego County General Plan goals and guidelines for the protection of visual resources (as reflected in 2.1.2.3 of the DEIR pages 2.1-11 and 2.1-12) we find the following (underlining added herein for emphasis):

Policy LU-12-4; Planning for Compatibility. Plan and site infrastructure for public utilities and public facilities in a manner compatible with community character, minimize visual and environmental impacts, and whenever feasible, locate any facilities and supporting infrastructure outside preserve areas.

Policy COS-11.1: Protection of Scenic Resources. Require the protection of scenic highways, corridors, regionally significant scenic vistas, and natural features, including prominent ridgelines, dominant landforms, reservoirs, and scenic landscapes.

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Policy COS-11.7: Underground Utilities. Require new development to place utilities underground and encourage “undergrounding” in existing development to maintain viewsheds, reduce hazards associated with hanging lines and utility poles, and to keep pace with current and future technologies.

Policy COS-13.1: Restrict Light and Glare. Restrict outdoor light and glare from development projects in Semi-Rural and Rural Lands and designated rural communities to retain the quality of night skies by minimizing light pollution.

(b) Quoting from the Mountain Empire Subregional Plan (as reflected in 2.1.2.3 of the DEIR page 2.1-13) we find the following (underlining added herein for emphasis):

Land Use- General Goal (Policy and Recommendations 5): New industrial development should consider all views into the property from public streets, adjacent properties, and residences on nearby Hills.

Conservation- Environmental Resources (Policy and Recommendation 4): The dark night sky is a significant resource for the Subregion and appropriate steps shall be taken to preserve it.

Conservation – Environmental Resources (Policy and Recommendation 6): Development shall not adversely affect the habitat of sensitive plant and wildlife species or those areas of significant scenic value.

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(c) Quoting from the Boulevard Community Plan (as reflected in 2.1.2.3 of the DEIR pages 2.1-13 and 2.1-14) we find the following (underlining added herein for emphasis):

Policy LU 1.1.2: Encourage development to protect the quality and quantity of ground and surface water resources, air quality, dark skies, visual resources and low ambient noise levels, as well as retain and protect the existing natural and historic features characteristic of the community's landscape and natural environment.

Policy LU 6.1.2: Encourage commercial, industrial development and large scale energy generation projects to create and maintain adequate buffers between residential areas and incompatible activities that create heavy traffic, noise, infrasonic vibrations, lighting odors, dust and unsightly views and impacts to groundwater quality and quantity.

2. POLICIES IN GENERAL (COUNTY AND LOCAL POLICIES AS REFERENCED BUT "NOT" FOLLOWED IN THE DEIR):

In summary, the various county and local policies referenced in the DEIR speak to encouraging the preservation of scenic views, not just from key observation points, but from adjacent properties and residential areas. This is largely ignored in the DEIR as the report does not speak directly to those policies but references selected key observation points (and other viewpoints in the area) that are miles from the largest and the most unsightly of the proposed project facilities. For example, there is **not one (1)** of the "visual assessment" photos that clearly depicts a large 586-foot-tall wind turbine (or a 150-foot power pole)

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at a distance of less than one (1) mile, much less a number of them at less than that distance.

As part of the “visual assessment” there are Key Observation Points that have been reflected in the report. Of the 12 key observation points reflected in the report four of them (KOP 8, 9, 10 and 11) deal with the area views north of Interstate 8. As reflected at the top of page 2.1-19 the report states that “Although KOP’s were not established on private property, the KOP’s are representative of viewing angles and distances available to viewer groups (including residences) in the project Vicinity.” First, why aren’t the KOP’s established on private property. How better to reflect the true impact of these proposed facilities (i.e. power poles, wind generators, roads, etc.) on the local inhabitants. What about the impacts on local roadways? Are the local roads going to be enlarged and are adjacent property owners going to be dealing with substantial grading on their properties? If you tear up a landowner’s property to enlarge the roads you are certainly impacting the “visuals” on his property.

In addition, the report states that certain ‘gen-tie” poles and lines would be indistinct in views available from the majority of public roads, including Ribbonwood Road and Opalocka Road. Again, we are not told about the “minority” of public roads (i.e. which roads) where the “gen-tie” poles and lines would substantially impact the views. Where are the “visual simulation” photos of those impacted public roads and how many individual inhabitants will have to deal with the impacted views on a daily basis?

What distance do you have to be from a facility (i.e. a power pole, a wind generator, or a new roadway) in order to “not substantially contrast” with the

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traditional theme and style of the Boulevard Community Plan area. Is this a distance of two (2) miles or more? We suppose that at a distance of five (5) miles you might claim that a hundred- and fifty-foot power pole looks insignificant.

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There has been no valid assessment of the views of the numerous individuals in residences bordering Ribbonwood Road and/or located south and south-east of the proposed 150-foot power poles and 586-foot wind generators that will make up a part of the proposed Campo Wind projects! The KOP's are neither representative of viewing angles and/or distances to the proposed wind generators [or to the proposed 150-foot poles that make up part of the project]. At no place in the report are there any worst-case representations of a 586-foot-tall wind generator being viewed from an adjacent owner's property line. It is interesting how locating Key Observation Points miles from proposed improvements improves one's ability to dismiss the effect on local views as not being "potentially significant." Where are the "visual simulation" photos for those local individuals located next to the proposed project? How many local inhabitants will be dealing with these views? Is it one hundred (100) individuals, or one thousand (1,000) individuals, or five thousand (5,000) individuals, or does the project proponent even know or care about the number of individuals effected by these proposed changes? Shouldn't those numbers be reflected somewhere in this report?

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The Mountain Empire Subregional Plan states "New industrial development should consider all views into the property from public streets, adjacent properties, and residences on nearby Hills." Where are these views reflected in the report? Apparently, such views are deemed irrelevant for purposes of this report.

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SUMMARY - It is apparent to anyone (other than a blind individual) that the various huge facilities (generators, power poles, lines, etc.) will be a blight on the local community character and views. In addition, the various beacons (located on said facilities) that will be blinking all night will further destroy the night time visuals and any traditional star gazing activities that are currently available to the local inhabitants. Any statement to the contrary is just untrue!

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The report clearly does not identify the local individuals that will be directly affected by its actions or its project. Nor does the report reflect the number of local inhabitants that will be affected by the project. Have any buffer areas been identified and set up to protect the local inhabitants?

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Again, the “visual simulations” as used in the report would be more reflective of the community impacts if just one (1) of the observation points (and/or one of the visual simulations thereof) reflected a 586-foot-tall generator (or a 110 foot tall pole) from less than a one-mile distance. Let us view reality from the next-door neighbor’s view.

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Of special notice is the Summary about the visual theme and style of the Boulder Brush Facilities (page 21-32) where it is stated that “the Boulder brush Facilities would not substantially detract from or contrast with the existing visual character or quality through conflicts with important visual elements of the Area. Impacts would be **less than significant.**” That statement in the DEIR is at best laughable. Just ask any of the local inhabitants!

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B. FIRE PROTECTION PLANS AND THE INHERENT RISKS OF FIRE

1. Section 2.9.1 (entitled “Existing Conditions”) and section 2.9.1.1 (entitled “Regional Overview”) on pages 2.9-1 and 2.9-2 of the draft environmental impact report state as follows (underlining added herein for emphasis):

“The Project consists of both the Campo Wind Facilities that would be located on land within the Campo Bank of Diegueno Mission Indians Reservation (Reservation) Boundary under the jurisdiction of the Bureau of Indian Affairs (BIA) and the Boulder Brush Facilities that would be located on adjacent private lands within the Boulder Brush Boundary under the land use jurisdiction of the County of San Diego (County). The Campo Wind Facilities would be located within the approximately 2,200-acre Campo Corridor inside the Reservation Boundary while the Boulder Brush Facilities would be located within the approximately 320-acre Boulder Brush Corridor inside the Boulder Brush Boundary. Collectively, the Campo Corridor and the Boulder Brush Corridor comprise the approximately 2,520-acre Project Site. The Project Area includes the land within the Reservation Boundary and the Boulder Brush Boundary.
..... “

“Although the County as Lead Agency in analyzing the Project as a whole, the County’s land use jurisdiction is limited to the Boulder Brush Facilities. The BIA has jurisdiction over the Campo Wind Facilities and has prepared an Environmental Impact Statement (EIS) to evaluate potential impacts of the Project under the National Environmental Policy Act (NEPA) (BIA 2019). This analysis adopts and incorporates by reference the EIS “

2. Who has the authority / responsibility to enforce the numerous mitigation measures, codes, plans and rule proposed as part of the report?

The section of the Draft Environmental Impact Report (on page 2.9-10) begins by indicating that a number of agencies have jurisdiction over the proposed projects and provide rules, codes, laws, and regulations that involve provisions for fire protection, such as the Federal Energy Regulatory Commission, the National Fire Protection Association Codes, Standards Practices and Guides, National Electric Safety Code 2017, North American Electric Reliability Corporation Standards, Institute of Electrical and Electronics Engineers Standard 516-2009, Federal Wildland Fire Management Policy, National Fire Plan, International Fire Code, California Fire Code, California Health and Safety Code, Title 14 Division 1.5 of the California Code of Regulations, California Public Utilities Commission General Order 95: Rules for Overhead Transmission Line Construction, California Public Utilities Code Section 1708.5 (a referenced SDG&E petition to possibly amend General Order 95), California Department of Forestry and Fire Protection, Public Resource Code 4291, 4292, 4293 (code sections within CAL FIRE jurisdiction), Public Resources Code, Division 4, Chapter 6 (including Section 4427, 4428, 4431, 4442), California Code of Regulations (CCR) Title 14 Division 1.5, Section 1252, 1253 and 1254), County of San Diego General Plan (Policy LU-6.10, Policy S-3.1, 3.3, 3.4, 3.5, 3.6, 3.7, 4.2, 6.1, 6.3, 6.4, 6.5, County of San Diego Code of Regulatory Ordinances, Title 6, Division 8, Chapter 4: Removal of Combustible Vegetation and other Flammable Material Ordinance (Ordinance No. 9633, Section 68.401-68.406), County of San Diego Code of Regulatory Ordinances, Sections 96.1.005 and 96.1.202 (Removal of Fire Hazards), Section 96.1.4703 (preparation and submission of a Fire

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Protection Plan as part of the approval process), County of San Diego Consolidated Fire Code County of San Diego Multi-Jurisdictional Hazard Mitigation Plan, Operational Area Emergency Operations Plan, San Diego Fire Chiefs Association Defensible Space Memorandum of Understanding, Tribal Regulations, Campo Band of Mission Indians Land Use Code/Plan.

The Draft Environmental Impact Report (EIR) spends over 14 pages talking about all of the various plans, rules, codes, laws, and regulations that have been adopted by various jurisdictions. With so many various plans, rules, codes, laws and regulations it is hard to believe that any area of California [including San Diego County] would ever suffer from "any type of fire". The report would lead us to believe that the existence of all these "enforcement provisions" will guaranty our safety in the future and protect us from catastrophic fires.

The reality is that the more rules and regulations and the more likely it is that they won't be enforced by anyone having jurisdiction over the projects. Therefore, who has the responsibility to enforce all the applicable laws and regulations related to "fire protection"?

3. In reviewing the report we have two initial questions that are of great consequence to the inhabitants of the Boulevard area:

First- Does the County of San Diego have jurisdiction over the Boulder Brush Facilities and the Campo Wind Facilities so as to enforce the myriad of fire control provisions (i.e. the State, Federal, Reservation, and County fire provisions) stated above?

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Second- Is the County of San Diego going to be overseeing and enforcing the
aforementioned fire control provisions both on and off of the Campo
Reservation?

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SIMPLY STATED: WE DON'T BELIEVE THE COUNTY HAS THE
NECESSARY JURISDICTIONAL CONTROL IN ORDER TO OVERSEE AND
ENFORCE THE STATE, FEDERAL AND/OR COUNTY FIRE CONTROL
PROVISIONS OVER THE CAMPO RESERVATION! THEN WHO DO WE
RELY ON TO PROTECT US FROM FIRE?

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In fact, one of the report's disclaimers as to the County's jurisdiction in this
matter was quoted above and states as follows:

"Although the County as Lead Agency is analyzing the Project as a whole, the
County's land use jurisdiction is limited to the Boulder Brush Facilities." (See
the second paragraph on page 29-2 (section 2.9.1.2) of the EIR.

4. Review of the various "fire protection" laws and regulations reflected in the
report and its analysis.

The "Analysis of Project Effects and Determination as to Significance" begins on
paragraph 2.9.3 on page 2.9-24 of the EIR dealing with "Wildfire Risk":

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Quoting from section 2.9.1.2 (entitled "Fire Hazard Severity Zones") on pages
2.9-2 and 2.9.3 of the report it states as follows (underlining and bold characters
added herein for emphasis):

“The Project Site is located in a High to Very High Fire Hazard Severity Zone, as statutorily designated by the California Department of Forestry and Fire Protection (CAL FIRE) (CAL FIRE 2007)(Figure 2.9-1, Fire Hazard Severity Zones in Project Area). The Project Site is located in an area with historically fire-adapted vegetation communities, including chaparral, scrub and oak woodlands, which are vegetation communities that experience occasional wildfire and can burn in an extreme manner under the occasional severe fire weather (dry and windy) conditions that occur in the area. Based on the region’s fuels, fire history, and expected fire behavior, severe fires may occur, with moderate-to severe-intensity fire expected to occur in the Project Area. The rocky terrain and more open fuel beds at the Project Site result in the anticipated moderate-intensity fire behavior. “

“The Project Area has a long history of wildfires. As identified in an annual report produced by CAL FIRE, San Diego County is consistently listed among the top-five counties in the state for both number of acres burned and dollar value of fire damage” “the threat of a wildfire is always present and is influenced by weather conditions throughout the year.”

Speaking of weather conditions throughout the year, will the Campo Wind Project and/or the Boulder Brush Facilities (i.e. the Project) be shut down during any “Red Flag Warning Periods” or during any other periods of dangerously high winds or high fire conditions? If not, why? Does it have to do with “profits”.

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The draft report goes on to say how the Campo Reservation Fire Protection District (CRFPD), the San Diego County Fire Authority (SDCFA), and CAL FIRE share fire protection responsibilities in the project area and provide significant firefighting resources through their mutual aid agreements.

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5. Risks Related to Boulder Brush and Campo Wind Facilities (themselves).

Section 2.9 (Pages 2.9-28 and 2.9-29) speaks to the construction, operation and decommissioning of the Boulder Brush and Campo Wind Facilities. Simply stated the section states that because the Boulevard Fire Station is approximately 12.2 minutes travel time away from the area, the impacts to emergency response and evacuation plans relating to the “electrical facilities” themselves would be **less than significant**.

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In other words, since the local fire agency can get to the Boulder Brush and Campo Wind Facilities within 20 minutes, there is no problem, they can service both of those facilities and safely convoy the people in those facilities from those sites to safe zones away from the threat (see page 2.9-32). In addition, remember that things are good because “The Boulder Brush Facilities would comply with the County’s Consolidated Fire Code, as applicable, and would provide additional measures that enhance fire safety and protection” (see 2.9-31). “Therefore, construction and implementation of the Campo Wind Facilities would not impair an adopted emergency response and emergency evacuation plan” (see 2.9-29). However, notwithstanding all this “good speak language (i.e. unsubstantiated conclusions)” that talks about protecting the project’s workers, this section does “not” speak to the additional risk to the surrounding Campo residents or to their evacuation.

6. Potentially Significant Impacts to Others (2.9-33 and 2.9-35)

The EIR then goes on to state that although they would comply with all applicable fire codes and provide project design features for fire suppression, including lightning suppression the project (both Campo Wind Facilities and Boulder Brush Facilities) is located in a Very High Fire Hazard Severity Zone and as such, they would have a **potentially significant impact** regarding wildfire hazards.

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Eventually the truth slips out in section 2.9.4 (entitled "Cumulative Impact Analysis" on pages 2.9-38, 2.9-39, 2.9-40 and 2.9-41 which state as follows (underlining and bold characters added herein for emphasis):

a. Emergency Response/ Evacuation Plans (2.9.4 on page 2.9-38)

"The Project and other projects may have a cumulative impact on the ability of local agencies to protect residents, workers and structures from wildfires. These facilities and other development in the cumulative study area would increase the population and/or activities and ignition sources in the Boulevard/Jacumba area, which may increase the chances of a wildfire and increase the number of people and structures exposed to risk of loss, injury, or death."

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b. Wildfire Risk (page 2.9-39)

"Once construction is complete, the Project would introduce potential ignition sources that do not currently exist on the Project Site. Equipment on the Project Site that may be ignition sources during operation include the wind turbines, transformers located within the fenced boundary of both collector and high-voltage substations, the switchyard, electric collection

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and transmission lines, vehicles, and gas-or electric-powered small hand tools. **This equipment represents a risk of sparking or igniting nearby fuels, particularly with off-sight flammable vegetation and during high wind conditions.**

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c. Conclusion of Potentially Significant Impact (DEIR page 2.9-40)

“While the Project **would comply** with all applicable fire codes and provide design features for fire suppression, the Project, and cumulative projects would be located in a Very High Fire Hazzard Severity Zone, as statutorily designated by CAL FIRE, and additional measures are warranted to mitigate the potential for wildfire. As such, the Project would result in a **potentially significant cumulative impact (Impact C-WF-3/C-WF-C)** regarding wildfire risk.”

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d. Infrastructure Contribution to Increased Wildfire Risk. (DEIR pages 2.9-40 and 2.9-41)

“As previously described, the Project and other projects may have a cumulative impact on the ability of local agencies to protect residents, O&M employees, and structures from wildfires. These facilities and other development in the study area would increase the population and/or facilities and ignition sources in the Boulevard area, which may increase the chances of a wildfire and increase the number of people and structures exposed to risk of loss, injury, or death. The Project along with other solar and/or wind projects in the greater Boulevard region represent an increase in potential service demand along with challenges regarding rescue or firefighting within or adjacent to electrical facilities.”

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“However, because of the high wildfire risk location, installation of Project infrastructure would result in a **potentially significant cumulative impact**

(Impact C-WF-4/C-WF-D) related to infrastructure contribution to increased wildfire risks.”

- e. The report goes on to state in section 2.9.5 (page 2.9-43) under the heading Wildfire Risk that:

“While the Project would comply with all applicable fire codes and provide project design features for fire suppression, the Project would be located in a Very High Fire Hazard Severity Zone, as statutorily designated by CAL FIRE, and additional measures are warranted to mitigate the potential for increased wildfire risk. As such, the Project would result in a **potentially significant impact (Impact WF-1/WF-A)** regarding wildfire hazards.”

The report also goes on to reference “potentially significant impacts” regarding wildfire hazards for the Boulder Brush Facilities and the Campo Wind Facilities (as well as the Project) on page 2.9-43 of the report.

Although, the draft report indicates that fires can be a tremendous hazard in the area, it does little to discuss the manner in which the additional fire risks are to be handled, nor to really define the risks to the local inhabitants from the projects insertion of a number of potential “ignition sources” into the local community.

If you surround the local residential areas with electrical generation and transmission equipment, then clearly you are increasing the likelihood of local fires. The use of the language in the report that it “may increase the chances of a wildfire and increase the number of people and structures exposed to risk of loss, injury, or death” is just a misstatement of fact (i.e. happy speech) as it

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clearly “will” increases the risk of “loss, injury, or death”. One only has to go to other California wind facilities to hear about fires and other events involving the collapse of turbines and/or their related fan structures.

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There are enhanced fire risks that arise in the proposed project area when you envelope the local community and the surrounding areas with “power poles, electric transmission lines, electrical facilities, substations, etc.” The only question is: How does the project intend to deal with the effect of all these ignition sources it is inserting into the local community? The inherent risks of fire associated with the electrical generation of power and the attendant use of transmission lines to move the generated power have not been directly addressed or questioned as part of the draft Environmental Impact Statement.

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The response to the increased fire risks pointed out in the draft Environmental Impact Statement appears to be that we have a number of agencies that can respond and provide fire protection. It is equivalent to dropping matches throughout the local community and then stating that “all is good (i.e. happy speak)” because we will have additional fire protection plans, including additional rules, placards, signs, signage, equipment parking areas, fire watches, no smoking rules, additional maintenance, training, reporting of fires on site, parking rules, driving rules, and other items that will ensure that everyone will be committed to conduct operations safely to eliminate the risk of fire.

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f. Let’s see what the San Diego Gas & Electric Company and its experts think about Wildfire Risk!

If one doubts the serious risk of fire you need only read the filing in April of 2019 before the Public Utilities Commission of the State of California reflecting the direct

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Testimony of Don Widjaja on behalf of San Diego Gas & Electric Company. Mr. Widjaja is the Director of Financial Planning and Regulatory Accounts for SDG&E and has been part of its Risk Management Department. In his testimony Mr. Widjaja speaks about California state law and the strict liability standard for property damage cause by utility facilities. He speaks to the problem of catastrophic wildfires and the "frequency and magnitude of catastrophic wildfires in California" (*see page DW-3 of his prepared testimony). He talks about Pacific Gas & Electric and a Cal fire News Release on June 8, 2018 in which its investigators announced that 12 wildfires across several Northern California counties were cause by PG&E's equipment (*see page DW-6 of his prepared testimony). The prepared testimony also talks about the "Camp Fire", PG&E's announcement that it might not have sufficient insurance to cover potential liability, and that PG&E announced its intent to file for Chapter 11 bankruptcy (*see page DW-7 of his prepared testimony).

Don Widjaja's testimony also pointed out that in October 2017 Northern California experienced more than 170 wildfires burning at least 245,000 acres (*see page DW-6 of his prepared testimony). He also states on page DW-8 and DW-9 of his testimony as follows:

"I do not expect that the frequency or destruction cause by catastrophic wildfires will lessen anytime soon. Five of the top 10 (and eight of the top 20) most destructive wildfires in California history, as measured by Cal Fire, occurred in 2017 and 2019. With climate change and prolonged periods of drought, the risk of wildfires is, if anything, increasing. Former Governor Jerry Brown appropriately called the increased occurrence of catastrophic wildfires in California the "new normal.""

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Who is listening to Don Widjaja and San Diego Gas & Electric? Ask Ry Rivard who in an article on June 10, 2019 references SDG&E's director of financial planning Don Widjaja's statements in written testimony to the California Public Utilities Commission as follows:

"His remarks are part of an astonishing series of regulatory filings in which SDG&E said it is almost certain to cause or contribute to a catastrophic fire sometime in the next 20 years."

7. Our Promises will Save you Language; Therefore, We Are Good with Putting You All at Risk!

IN ESSENCE THE PROJECT PROPONENT STATES THEY WILL IMPLEMENT SPECIAL RULES AND PROMISES THAT WILL BE FOLLOWED TO SAVE THE PROJECT AND THE LOCAL COMMUNITY AND ITS INHABITANTS, THEIR PROPERTIES, ANIMALS, ETC.! THIS IS THE SHORT SUMMARY OF THE PROMISES MADE IN SECTION 2.9.6 ON PAGES 2.9-45 THROUGH 2.9-53 !!

In summary, "not to worry" if we set the area on fire, we have the assets in place that will save the "day". They affirm that these new rules, regulations, etc. will ABSOLUTELY be followed. This section and the language provided therein is simply a number of "fantasy" statements that fail to address the additional risks to the local inhabitants and the local community. We like the fact that they will be posting "NO SMOKING" signs for their employees. This is especially encouraging. Remember the statements of San Diego Gas & Electric staff before the Public Utilities Commission of the State of California.

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8. How do you “mitigate” the increased risks of fire to the local populace and the local area?

If a major fire is caused by the proposed electrical facilities, then there is a large likelihood of substantial destruction, injuries and death. How do you deal with (i.e. mitigate) these risks and what groups or entities are going to be responsible for the “resulting monetary damages” if such an event occurs; or, in the alternative, does the project proponent intend that the local community be burdened with such risks? In analyzing the situation, we need to recognize the attendant problems.

FIRST- How do you protect a property and its occupants from a fire?

In the backcountry there is always the problem of notifying the local populace of rapidly moving fires and providing them with an opportunity (i.e. by giving them time and a clear avenue of escape) to avoid such fires.

You must first provide them with appropriate “notice” in the case of a fire. Do you contact them by phone? *Who are these individuals?* How do you identify them? Where are they located? What if their phone is not working? Do you send officers to tell them to get out? What if they and their properties are inaccessible due to a fast-moving fire situation? What if these individuals are physically unable to move quickly? Do you install large “sirens” within the community in order to alert people so they can run for their lives? These backcountry areas often have limited access, sometimes being serviced by a single dirt road that might take them to a narrow two-way access road. How do you get them and possibly their animals out of harm’s way? Do you build additional access routes over which they might be able to escape the flames? Do you provide them areas to shelter in place?

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Again, the theory behind giving people “notice” of a fire assumes that there is sufficient oversight of the potential fire area in order to discover the fire and give timely “notice” of an advancing fire. Upon being given “notice” of an advancing fire, the local populace will need “sufficient time” to flee the area. In addition, they will need a safe place to go once they flee from a fire.

The problem with the concept of timely “notice” is that the project proponent proposes to build these facilities throughout or adjacent to the areas in which many local inhabitants and their animals reside. The close proximity of the proposed facilities clearly reduces the time available to discover a fire and to give notice of the same.

SECOND- Once someone escapes a fire, do you have a safe place for them to remain?

Do you direct people to stay at the local fire station, or another safe locations, assuming they are able to escape a fire? If a fire consumes their properties, where do we expect the local people and their animals to go?

THIRD- In the event a fire consumes a person’s properties (i.e. lands, structures, improvements, animals, etc.) how do we expect the local property owners to protect themselves from such losses?

The normal way of protecting yourself from fire losses is the acquisition of “fire insurance” that reimburses you in the event of such a loss. Are the fire insurance companies going to deem the local area to be a “low fire risk” or “high fire risk” area? As we know, the very act of encroaching on the local community and

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surrounding areas with “power poles, electric transmission lines, electrical facilities, etc.” **increases the *inherent risk of fire***. This increased risk of fire can very well result in increases to the costs of “fire insurance”, assuming the insurance companies are even willing to underwrite the risks of a fire in the local community.

FOURTH- In the event that fires caused by these proposed facilities consume a person’s property, their animals and/or the individuals themselves, who will be held responsible for making such individuals or their heirs whole.

Currently, the law provides for a form of “strict liability” if the operator’s electrical facilities are the cause of the fire. The use of the term “inverse condemnation” is often used when referring to this situation. The first problem is “proving” that the local electrical facilities are responsible for causing the fire. Even if you can prove they caused the fire, then you are left with litigating against the owner/operator, which is not the best solution. However, for this solution to be effective, you need to have the money to undertake litigation and you need a solvent owner/operator, not a bankrupt owner/operator. Even if this solution were feasible, there are other potential problems looming.

As quoted in the Article by Iulia Gheorghiu published September 4, 2018 at utilitydrive.com, it was stated as follows:

“In July, Brown put forward a proposal regarding how the state handles wildfire liability for utilities, which would have marked a major victory for Pacific Gas & Electric (PG&E) and other California investor-owned utilities (IOUs). PG&E had already raised the potential for bankruptcy earlier this summer based on its potential liability stemming from the

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deadly 2017 wildfires.

Finally legislators had abandoned one of the most controversial portions of Brown's proposal: changing utility fire liability rules and the state's interpretation of "inverse condemnation."

California courts use a "strict liability" interpretation of the doctrine that holds utilities accountable for wildfires caused by their equipment, even if a company is not found negligent. Despite the change, opponents continued to view the vehicle for Brown's proposal, SB 901, as a "bailout" for utilities.

Although efforts to address inverse condemnation with respect to utility wildfire liability seem to have failed this legislative session, it does appear that many California lawmakers still want to limit the level of potential utility wildfire exposure" Paul Patterson, a financial analyst in the energy sector at Glenrock Associates, wrote Utility Dive via email. "However, the level of such exposure could also in large part, be left up to the California Public Utilities Commission," or CPUC."

In other words, once the project is approved and the likelihood of local fires is substantially increased, will the state laws be changed to further jeopardize the local community through higher insurance costs and higher risks of fire to their property and to their person?

To further affirm the continuing possibility of changes in California law we would refer you to the fact that in July 2019 Governor Gavin Newson signed a bill into law creating a new multi-billion-dollar wildfire fund (AB 1054) to help California's electricity producers that are held liable for wildfire damage linked

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to their equipment. This clearly reflects the continuing problem that California has with wildfires and is a recognition that wildfires will continue to be a problem in the county and in the state. It is a recognition that notwithstanding the continuing implementation of new fire prevention laws and regulations as the proponents say will clearly be followed (i.e. happy speak) there will be a continuing problem with fires for years to come.

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In order to mitigate these risks, the BIA, the owner/operators and/or the related purveyors of these electrical generation facilities **should** be required to indemnify the local Boulevard community for any fire damages resulting from such facilities? If they are unable to indemnify the homeowners, then the county **should** be responsible for such losses. This is one way to prevent local property owners from being put at further risk of loss due to the local energy/electrical projects entered into to benefit the County and the rest of the state.

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It appears that the proponents of these projects would have the burdens and risks of fires placed upon the local homeowners and property owners. These individuals who make up the Boulevard Community did not choose to move next to these fire hazards. The proponents seem to be asking the county for the right to put local properties, homes and lives at risk for the sake of their "investments". If a few locals have to die in the process, then it's just their own problem for getting in the way! Since the County cannot guaranty us protection from fire, proponents of the projects simply say in a general statement, that the local fire response will be able to protect you.

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Are the insurance companies going to deem the local areas to be "low risk" or "high fire risk" areas and who is going to pay the increased costs of fire insurance.

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If fire insurance becomes an unreasonable cost to the local residents, then will they be helped by the BIA or the County to insure against such losses or are they simply supposed to bear the resulting losses from any fires.

Recently, the California legislature was attempting to reduce the fire liability of the states utilities suppliers arguing that they should be supported if they took reasonable steps to mitigate any fires. This is in opposition to the historical position of holding them strictly liable for any fire damages that they cause. This proposed reduction in the utility supplier's liability would be to simply "transfer the risk" to the local populace. As quoted in the Article by Iulia Gheorghiu published September 4, 2018, it is stated as follows (underlining added for emphasis):

"In July, Brown put forward a proposal regarding how the state handles wildfire liability for utilities, which would have marked a major victory for Pacific Gas & Electric (PG&E) and other California investor-owned utilities (IOUs). PG&E had already raised the potential for bankruptcy earlier this summer based on its potential liability stemming from the deadly 2017 wildfires.

Two weeks ago, legislators had abandoned one of the most controversial portions of Brown's proposal: changing utility fire liability rules and the state's interpretation of "inverse condemnation." California courts use a "strict liability" interpretation of the doctrine that holds utilities accountable for wildfires caused by their equipment, even if a company is not found negligent. Despite the change, opponents continued to view the vehicle for Brown's proposal, SB 901, as a "bailout" for utilities.

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Although efforts to address inverse condemnation with respect to utility wildfire liability seem to have failed this legislative session, it does appear that many California lawmakers still want to limit the level of potential utility wildfire exposure," Paul Patterson, a financial analyst in the energy sector at Glenrock Associates, wrote Utility Dive via email. "However, the level of such exposure could also in large part, be left up to the California Public Utilities Commission," or CPUC."

Every day seems to show us additional problems with the California utility companies. On Sunday, February 2, 2020 on page A12 the headline in the San Diego Union read "PG&E Pledges to Shake Up Board in Effort to Placate California". The article spoke about Governor Newsom leveraging the Board of Directors of PG&E to replace board members as the utility manages its way through its second bankruptcy in less than 20 years.

In other words, if the projects are approved and the likelihood of local fires is substantially increased, will the laws be changed to further jeopardize the local community through higher insurance costs and higher risks of fire to their property and to their person?

In order to mitigate the risks will the BIA, the County, the project proponent and the related purveyors of these electrical generation facilities agree to be "strictly liable" for fire damages to the local community of Boulevard, or will the projects neighbors be put at further risk of loss as part of these new projects"?

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C. SHORT- AND LONG-TERM EFFECTS ON WATER RESOURCES

The draft Environmental Impact Statement fails to address the effects of short- and long-term interruption to the local water tables cause by the proposed project:

As pertains to the use of water by this project, we understand that the project may use as much as 123 acre-feet of water (on reservation) plus 50-acre feet of water on private lands off the reservation. The draft report points out that during construction of the San Diego Gas & Electric Company East County Substation Project the water use was 36.4 acre-feet over 4 months that resulted in a decline in water levels of up to 110 feet when pumps were running and 30 to 50 feet when pumps were shut off. (*See Section 3.1.5.1 page 3 of the Draft Environmental Impact Statement -entitled Groundwater Resources).

Is this what we are being led to expect? The comment under the title "Groundwater Resources in Section 3.1.5- page 37 of the report states that:

"off site well interference (i.e. off-site from a particular development or property) would be a significant impact if, after a 5-year projection of drawdown, the results indicate a decrease in water level of 20 feet or more in said off-site wells (County of San Diego 2007c).

As detailed in Appendix J-1 of this EIR, based on the short-term drawdown analysis, the total estimated drawdown at the nearest Off-Reservation well, after 5 years with 1 year of construction pumping and 4 years of O&M pumping ranged from 13 to 31 feet."

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The comment is similar to that in the draft environmental impact statement referenced by the BIA for this same Campo Wind Facilities that said by the end of the 5-year post-construction period (for the San Diego Gas & Electric Company East County Substation Project) groundwater had recovered to near pre-construction levels.

We assume that type of language is inserted to assure everyone that notwithstanding the potential strain on local water resources that five (5) years or more after the proposed Campo Wind Facilities and Boulder Brush Facilities project is completed water levels should return to pre-construction levels. But this does not take into consideration any additional projects in the future and their accumulated water demands on the area? Is the project proponent going to warrant that there will not be any further demands by additional projects down the line?

But as stated in the report the Campo Environmental Protection Agency routinely monitors groundwater well levels on the Reservation and their procedures for the Project will ensure that declines in groundwater levels On-Reservation wells would remain at less than 20 feet. Whether you estimate a 20-foot drop or a 31-foot drop in local water levels it is clearly not reassuring to local residents. Do they really claim that no more than a 20 foot drop in On-Reservation water will always protect you from a greater drop in Off-Reservation water? If only life were that easy to quantify! Especially if you have large oak trees that were stressed for a number of years by drought and have been attacked by beetles. We would point out that even six (6) months without the higher water table could be a sufficient period of time to result in a tree's demise. A twenty (20) foot, or more, change in the water table may not mean

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much to the those drafting this report, but it can be life or death for a 150-year-old oak tree struggling to survive. Multiply this factor by sixty (60) or seventy (70) trees for some of us.

Is it the intent of the project to reimburse the neighboring land owners for lost trees if they die for lack of water? We assume *not!*

Can we really assume that the local rainfall pattern would continue unabated in the short term (i.e. 5 years) or might we be looking at a statistically decreased rainfall pattern?

As local residents we object to the idea that the purveyors of this project feel it sufficient that "maybe" in five years our surrounding water table will drop no more than 20 feet.

In addition, what will the diversion of the local water resources to benefit this project do to the surrounding areas, if it increases the "risk of fire" due to the reduction of water resources and the stressing of the local trees and vegetation?

D. SHORT- AND LONG-TERM EFFECTS ON LOCAL PROPERTY VALUES

One of the interesting facets of the scoping process undertaken by the County of San Diego is the County's (including the County staff's) steadfast refusal to discuss the cumulative effects these various projects are having on the underlying property values in the community.

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The scoping process discusses taking away our beautiful neighboring views (both during the day and at night), the detrimental effects on the local environment and the wildlife populations, the detrimental effects on local water resources, the detrimental effects on local trees and vegetation, the detrimental effects caused by increased noise and infrasound, the detrimental effects on the health of local inhabitants (both physical and mental), and the detrimental effects of increased fire risks that endanger both the local inhabitants' lives and their properties; *but God forbid, do not discuss the destruction of local property values resulting from all of these cumulative detrimental effects.*

As the County chooses to ignore these cost factors on the local community, the real detrimental effect is to the local community's belief that the system is supposed to be fair. What they are left with is the local "rage" engendered by the process and the continuing efforts of their own local government to "destroy" their beautiful community and the underlying values of their homes and properties.

Therefore, we would suggest that an analysis of the obvious depression of local property values caused by these projects might be appropriate. At the same time, you could devise a method of making the local inhabitants whole, rather than simply continuing to "take" from them!

E. PROBLEM ISSUES WITH DEIR THAT THIS COMMENT LETTER HAS NOT YET ADDRESSED

In addition to the above comments, there are a number of problems with the Draft Environmental Impact Report that we would point out. These issues, include (but not by way of limitation) some of the following:

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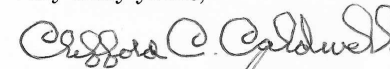

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- (a) Cumulative Impacts of other projects that are in the local area. For example, the additional impacts caused by the Torrey Wind Project.
- (b) Noise and infrasound impacts from the facilities on neighboring areas, individuals, animals, pets, and noise sensitive species such as bats and birds (and the problems of masking noise on these animals).
- (c) The death of birds, bats and other animal species arising from the projects.
- (d) Impacts on the health of local inhabitants, animals and wildlife species.
- (e) Impacts to local wetlands, sensitive plants, vegetation, and its effect on nesting patterns of birds.
- (f) Impacts from the introduction of thousands of vehicle trips through our neighborhoods.
- (g) Problems of road widening and the effect of heavy equipment and water trucks on the roads and traffic patterns.

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If you have any questions as to the contents of this letter, please contact us at your convenience.

Very truly yours,



Clifford C. Caldwell
Concepcion G. Caldwell